

III. Political and Security Questions¹

A. DISARMAMENT

1. Regulation, Limitation and Balanced Reduction of All Armed Forces and All Armaments

The item "Regulation, limitation and balanced reduction of all armed forces and all armaments" was placed on the agenda of the sixth session of the General Assembly at the joint request of France, the United Kingdom and the United States (A/1943). The explanatory memorandum accompanying the request referred briefly to the manner in which the problems of the regulation of armaments and the international control of atomic energy had been dealt with in the United Nations in previous years. It also referred to a joint statement issued by the Governments of France, the United Kingdom and the United States on 7 November 1951.

This statement, a copy of which was attached to the memorandum, declared the intention of the three Governments to submit proposals to the current Assembly session for proceeding with the regulation, limitation and balanced reduction of all armed forces and all armaments including atomic weapons. It expressed the determination of the three Powers to continue their efforts to develop their strength for the security of the free world and their belief that, if all governments sincerely joined in the co-operative and effective regulation and limitation of armed forces and armaments, it would greatly reduce the danger of war and enhance world security.

It outlined the main elements of the tripartite proposal, stating, among other things, that the first and indispensable step was disclosure and verification. This, it stated, must be on a continuing basis and reveal in successive stages all armed forces—including para-military, security and police forces—and all armaments, including atomic. It must also provide for effective international inspection to verify the adequacy and accuracy of the information.

The three Governments also believed that a workable programme should include criteria ac-

ording to which the size of all armed forces would be limited, the portion of national production which could be used for military purposes would be restricted, and mutually agreed national military programmes would be arrived at within the prescribed limits and restrictions. The United Nations plan for the international control of atomic energy and the prohibition of atomic weapons should continue to serve as the basis for the atomic energy aspects of any general programme, unless and until a better and more effective plan could be devised.

The three Governments considered that discussion of the programme should begin forthwith, but that a general programme could not be put into effect while United Nations forces were resisting aggression in Korea. Concurrently with the coming into effect of the programme, the major political issues dividing the world could and must be settled, it was stated.

The main elements of the programme were further described by the United States representative at the 335th plenary meeting of the General Assembly on 8 November.

At the following plenary meeting of the General Assembly, the representative of the USSR submitted alternative proposals (A/1944) under the title "Measures to combat the threat of a new world war and to strengthen peace and friendship among nations"² which would, among other things: (1) condemn participation in the "Atlantic bloc" and the establishment by certain States, -and primarily by the United States, of bases in foreign territories; (2) deem essential the withdrawal of troops from Korea and a cease-fire there; (3) call for a five-Power peace pact to which other States might adhere; and (4) provide for the calling of a world disarmament conference before 1 June 1952.

¹ For Security Council's discussions of the Anglo-Iranian Oil Company Case, see under Legal Questions.

² For an account of consideration of this item by the First Committee and the Assembly in plenary meeting, see pp. 177-82.

2. Report of the Committee of Twelve

On 23 October the Committee of Twelve, established by resolution 496(V) of 13 December 1950, submitted its report (A/1922).

The Committee, consisting of the members of the Security Council as of 1 January 1951, together with Canada, had been established to consider and report to the sixth session of the Assembly on ways and means whereby the work of the Atomic Energy Commission and the Commission for Conventional Armaments might be co-ordinated and on the advisability of their functions being merged and placed under a new and consolidated disarmament commission.

The report recommended that the General Assembly should establish a new commission, to be known as the Commission for the Control of Armaments and Armed Forces, which should be under and report to the Security Council. This Commission should carry forward the tasks currently assigned to the Atomic Energy Commission and the Commission for Conventional Armaments which, it proposed, should be dissolved.

3. Consideration by the first Committee

The General Assembly referred the tripartite proposal, the report of the Committee of Twelve (A/1922) and the USSR proposals to the First Committee.

The Committee considered the tripartite proposal and the report of the Committee of Twelve concurrently at 24 meetings between 19 November and 19 December 1951. The general debate on the items took place from the 447th to 460th meetings from 19-30 November.

The discussion in the Committee was based on a joint draft resolution (A/C.1/667) submitted by France, the United Kingdom and the United States, and on USSR amendments (A/C.1/668) to the joint draft.

An Indian draft resolution (A/C.1/669) recommended the establishment of a United Nations Fund for Reconstruction and Development and, further, that each Member send to the Secretary-General before 31 March 1952 a scheme setting forth the principles and the scale on which it would be prepared progressively to reduce its armaments and to contribute to the fund. The draft resolution was later withdrawn, since a similar resolution with wider provisions had been adopted in the Second Committee.³

a. JOINT DRAFT RESOLUTION

The joint draft resolution (A/C.1/667) read as follows:

"The General Assembly,

"Desiring to lift from the peoples of the world the burden of increasing armaments and the fear of war, and to liberate new energies and resources for positive programmes of reconstruction and development,

"Believing that the necessary means to this end is the development by the United Nations of comprehensive and co-ordinated plans, under international control, for the regulation, limitation and balanced reduction to levels adequate for defence but not for aggression of all armed forces and all armaments, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only,

"Recognizing that a genuine system for disarmament must include all kinds of armed forces and armaments, must be accepted by all nations having substantial armed forces, and must include safeguards that will ensure the compliance of all such nations,

"Noting the report (A/1922) of the Committee of Twelve established by resolution 496 (V), and especially its recommendation that the General Assembly establish a new commission to carry forward the tasks originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments,

"1. Establishes under the Security Council a commission for the regulation, limitation and balanced reduction of all armed forces and all armaments to be known as the Disarmament Commission. This commission shall have the same membership as the Atomic Energy Commission and the Commission for Conventional Armaments, and shall function under the rules of procedure of the Atomic Energy Commission with such modifications as the Commission shall deem necessary;

"2. Dissolves the Atomic Energy Commission and recommends to the Security Council that it dissolve the Commission for Conventional Armaments;

"3. Directs the Disarmament Commission to prepare proposals to be embodied in a draft treaty (or treaties) for the regulation, limitation and balanced reduction of all armed forces and all armaments. The Commission shall be guided by the following principles:

(a) It is a primary objective of the United Nations to bring about the limitation and balanced reduction of all armed forces and all armaments to levels adequate for defence but not for aggression and to achieve effective international control to ensure the prohibition of atomic weapons;

(b) In a system of guaranteed disarmament there must be progressive disclosure and verification on a continuing basis of all armed forces—including paramilitary, security and police forces—and all armaments, including atomic;

(c) Such verification must be based on effective international inspection to ensure the adequacy and accuracy of the information disclosed;

(d) In formulating the proposals for the draft treaty (or treaties) referred to above, while not pre-

³ See pp. 387-91.

judging any other plan that may be put forward, the United Nations plan for the international control of atomic energy and the prohibition of atomic weapons should continue to serve as the basis for the control of atomic energy unless and until a better or no less effective system can be devised;

"(e) There must be an adequate system of safeguards to ensure observance of the disarmament programme, so as to provide for the prompt detection of violations while at the same time causing the minimum degree of interference in the internal life of each country;

"(f) The treaty (or treaties) should be open to all States for adherence and must be ratified by at least those States whose military resources are so substantial that their absence from the programme would endanger it;

"4. Directs the Commission, in preparing the proposals referred to in paragraph 3 above, to consider from the outset plans for progressive and continuing disclosure and verification, the implementation of which is recognized as a first and indispensable step in carrying out the disarmament programme envisaged in the present resolution;

"5. Directs the Commission, in working out plans for the regulation, limitation, and balanced reduction of all armed forces and all armaments,

"(a) To seek to formulate criteria of general application, which can be simply and clearly stated;

"(b) To formulate for each State, taking into account the agreed criteria, proposals for over-all limits and restrictions on all armed forces and all armaments;

"(c) To consider methods according to which States can agree among themselves, under the auspices of the Commission, concerning the allocation within their respective national military establishments of the permitted national armed forces and armaments;

"6. Directs the Commission to commence its work not later than thirty days from the adoption of this resolution and to report periodically, for information, to the Security Council and to the General Assembly, or to the Members of the United Nations when the General Assembly is not in session;

7. Declares that a conference of all States should be convened to consider the proposals for a draft treaty (or treaties) prepared by the Commission as soon as the work of the Commission shall have progressed to a point where in the judgment of the Commission any part of its programme is ready for submission to governments;

"8. Requests the Secretary-General to convene such a conference when so advised by the Commission;

"9. Requests the Secretary-General to furnish such experts, staff, and facilities as the Commission may consider necessary for the effective accomplishment of the purposes of the present resolution."

b. USSR AMENDMENTS

The USSR amendments (A/C.1/668) read as follows:

"1. Replace the second and third paragraphs of the preamble by the following text:

'Recognizing as a primary and most important task the unconditional prohibition of the production of atomic weapons and the establishment of strict inter-

national control over the enforcement of this prohibition and also the reduction by one-third of the other types of armaments and armed forces of the five Powers: the United States of America, the United Kingdom, France, China and the Union of Soviet Socialist Republics, within one year of the adoption of the relevant decision by the General Assembly and on the basis of the level of armaments and armed forces at the time the aforesaid decision is taken,

'Noting that these measures will serve the purpose of strengthening the peace and security of nations and contribute to lightening the heavy economic burden borne by the peoples of the various countries as a result of the ever-increasing expenditure on armaments and re-armament,

'Convinced that if all governments sincerely combine their efforts in order to co-operate in an effective and substantial limitation of armed forces and of armaments and also in an immediate and unconditional prohibition of the production of atomic weapons and the establishment of strict international control over the enforcement of this prohibition, the danger of war will be considerably averted and the security of all nations strengthened.'

2. Word the fourth paragraph of the preamble as follows:

'Noting the recommendation of the Committee of Twelve established by resolution 496 (V) that the General Assembly should establish a new commission to carry on the task originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments.'

"3. Insert the following as paragraph 1 of the operative part:

'The General Assembly, recognizing the use of atomic weapons as an instrument of aggression and mass destruction of peoples to be contrary to the honour and the conscience of nations and incompatible with membership of the United Nations, hereby declares an unconditional ban on atomic weapons and the establishment of strict international control over the enforcement of this ban.

'The General Assembly instructs the Commission on Atomic Energy and Conventional Armaments to draw up, and to submit for the consideration of the Security Council by 1 February 1952, a draft convention providing for measures to ensure the implementation of the General Assembly's decisions relating to the prohibition of atomic weapons, the cessation of their production, the use, solely for civilian purposes, of the atomic bombs already produced and the establishment of strict international control over the implementation of the said convention.'

"4. Word the first sentence of paragraph 1 of the operative part of the draft resolution as follows and insert it after the new paragraph 1 given above:

'The General Assembly shall set up under the Security Council an Atomic Energy and Conventional Armaments Commission'.

"5. Insert a new paragraph 3 after paragraph 2 of the draft resolution, reading as follows:

'The General Assembly recognizes that any sincere plan for a substantial reduction of all armed forces and armaments must include the establishment, within the framework of the Security Council, of an international control organ, which shall be responsible for control of

the production of all types of armaments and armed forces and for control of the enforcement of the prohibition of atomic weapons, so that such prohibition is carried out very accurately and conscientiously, and that this international organ must disclose information on all armed forces, including semi-military, security and police forces, and all armaments, including atomic weapons, provision also being made for effective international inspection, to be carried out in accordance with the decisions of the aforesaid international control organ.'

"6. Replace paragraph 3 of the draft resolution by the following paragraph 4:

'The draft convention shall provide that the aforesaid international control organ be entrusted with control of the prohibition of atomic weapons, and shall define its composition, rights and duties.

The international organ responsible for control of the prohibition of atomic weapons shall, immediately after the conclusion of the aforesaid convention, carry out an inspection of all establishments for the production and storing of atomic weapons in order to see that the convention for the prohibition of atomic weapons is being enforced.'

"7. After the above paragraph, insert the following paragraph in the draft resolution:

'Recommends the permanent members of the Security Council—the United States of America, the United Kingdom, France, China, and the Union of Soviet Socialist Republics—to reduce the armaments and armed forces at their disposal at the time when this decision is adopted by one third within one year, from the date of adoption of this decision.

'Deems it essential for the governments of States Members of the United Nations and also States which are not at present members of the Organization to submit to the international control organ forthwith, and in any case not later than one month after the adoption by the General Assembly of the decisions for the prohibition of atomic weapons and the reduction of armaments and armed forces, complete information regarding the state of their armed forces and all types of armaments, including atomic weapons, at the time of acceptance of the said provisions.'

"8. Delete paragraph 4 of the draft resolution.

"9. Replace paragraph 5 of the draft resolution by the following paragraph:

'The General Assembly considers it essential to instruct the Joint Atomic Energy and Conventional Armaments Commission to prepare within a period of three months and submit for the consideration of the Security Council practical proposals for the application of this decision.'

"10. Delete paragraph 6 of the draft resolution.

"11. Replace paragraph 7 of the draft resolution by the following:

'The General Assembly invites the governments of all States, both Members of the United Nations and States not at present members of the United Nations, to examine at a world conference the question of a substantial reduction of armed forces and armaments and also of practical measures for the prohibition of atomic weapons and the establishment of international control over the enforcement of such prohibition.

'Recommends that the said world conference be convened at the earliest possible moment and in any case not later than 1 June 1952.'

"12. Delete paragraph 8 of the draft resolution."

c. GENERAL DISCUSSION OF THE THREE-POWER DRAFT AND AMENDMENTS

In support of the three-Power proposals, the United States representative said that, if accepted, they could lead to a solution of the great questions dividing the East and the West. The proposals, he explained, contained four main elements: (1) an international inventory and check of armaments and armed forces through a process of disclosure and verification on a continuing basis; (2) disarmament to agreed levels; (3) the prohibition of atomic weapons; and (4) the creation of safeguards.

Verification, he considered, was more important than disclosure, since the unverified statements of any nation could not be relied on and an international inspection staff would be required. Some matters were more secret than others and therefore it was proposed to proceed by stages, disclosing and verifying matters, to begin with, in those areas where there was the least danger to national security in order that international confidence might be developed. After there was evidence that the system was working, it could be extended to more secret matters. The initial disclosures, for example, could concern all types of armed forces, including para-military forces, police and organized reserves together with conventional armaments. At the same time certain matters relating to atomic energy could be disclosed and verified, beginning in the less secret areas, with raw materials, continuing with the processing plants, and then proceeding to the more secret fields until all secret weapons including atomic weapons, had been disclosed and verified. The provision for disclosure of atomic information, he said, represented a change in the position of the United States, made in the hope that it would enable the United Nations to make progress.

Regarding the allegation that the proposal to proceed by stages was a trick to enable the United States to avoid revealing any secrets, he said that the plan could include a provision that progress from one stage to another should not be subject to a political decision but should be an administrative matter in the control of the commission. There could also be a provision that the commission should not be controlled by any nation. An

international inspection staff, he said, would have to be organized, with powers not merely to verify statements but to examine, without limitations, all facts.

It was suggested that forces should be restricted to those adequate for defence, so as to avoid the possibility that large nations might build up their forces to such an extent that other nations would become afraid and in turn increase their forces, thus setting a spiral in motion. The problem, therefore, was to find criteria, particularly for the larger nations. One criterion, the United States representative suggested, might be related to population, but criteria of that nature would not alone solve the problem, as had been proved by the defeat of the limitations on the German army in the Versailles Treaty through the creation of reserves. Another criterion might be related to national production by placing a ceiling on monetary expenditures or on the use of vital materials, such as steel. The problem in that case was to avoid interference with normal industry.

Referring to the problem of the use of the permitted manpower and materials, the United States representative said that nations should submit information on what they proposed to do with their resources and other nations should be able to raise objections to those programmes. The commission should not only scrutinize the proposals but inspect their implementation.

As regards the problem of the control of atomic energy, the representative of the United States reviewed previous statements of policy to show that prohibition of the atomic weapon had been an objective of the United States as well as of other Western Powers. He referred to a statement made on 15 November 1945 by the Prime Ministers of Canada and the United Kingdom and the President of the United States which gave as an objective of the proposed United Nations Atomic Energy Commission the formulation of proposals for the elimination of atomic weapons from national armaments. That part of the statement, he said, was later subscribed to by Marshal Stalin.

The United States representative added that in June 1946, when presenting the United States plan on atomic energy to the United Nations, Mr. Baruch had stated that when an adequate system had been agreed upon and put into effect, the manufacture of atomic weapons should cease and existing stocks should be disposed of.

On 2 July 1946 it had further been proposed in a United States memorandum that it should be

specified by treaty when and under what conditions the manufacture, possession and use of atomic weapons should be outlawed, he said. Shortly thereafter, the United States had proposed to establish an international atomic development authority with prohibition of atomic weapons as one of its objectives. He drew attention to a statement in the records of the Atomic Energy Commission that the treaty should provide for the prohibition of atomic weapons and the disposition of nuclear fuel, to show that, from the outset, the proposals of the United States and the plan of the United Nations had provided for prohibition; the three-Power proposals made the same provision.

Regarding safeguards, the representative of the United States said that they must apply to all nations and must be backed up by international inspection, carried out through and by the United Nations. There must be a close connexion between a reduction of tensions in the world and a reduction of armaments. No plan, he said, could be put into effect while fighting continued in Korea.

The representative of France stated that the three-Power draft resolution aimed at the removal of the burden of increasing armaments and the reduction of the risk of war by persuading every country to forgo, by contract with other countries, forces which would enable it to commit aggression, and to maintain only such forces as were vitally necessary for its defence. It also aimed at a system of collective security under which international order would be safeguarded by the United Nations in such a manner as to enable each country to maintain only those forces required for internal policing and those which might need to be placed at the disposal of the United Nations to constitute an international police force.

The USSR proposal for a one-third reduction of armaments and armed forces would not, he thought, remove mistrust, since States would immediately begin wondering about the totals to which the reduction would apply. A system of inspection, impartial by virtue of its being international, was evidently required, he said.

The representative of France stressed the importance of the proposal that disclosure and verification would extend to the atomic realm as to all others. He also emphasized that the joint draft resolution provided that the United Nations plan should continue to serve as the basis for the control of atomic energy unless and until a better or

no less effective system could be devised. Thus, the joint proposal would not in any way imply rejection of new formulae.

The representative of the United Kingdom drew attention to a number of points on which it seemed possible to reach an agreement with the Soviet Union. They included: the dissolution of the Atomic Energy Commission and the Commission for Conventional Armaments and the establishment of a new commission under the authority of the Security Council combining the functions of both; disclosure and verification of all types of weapons, including the atomic; the establishment of safeguards to ensure strict observance of the disarmament programmes; the prohibition of the atomic weapon and the use of atomic energy for purely civilian purposes; and the convening of a world conference on disarmament.

There was, however, disagreement as to the sequence in which the various measures should be put into effect. The order suggested by the representative of the USSR was, the representative of the United Kingdom stated, as follows: after a convention for the prohibition of the atomic weapons, the five Great Powers would be invited to reduce their armaments and their armed forces by one third; following the adoption of those decisions by the General Assembly, all States would be called upon to submit information on their armed forces; finally, the Assembly would recommend the establishment of an international control organ whose duties would include verification of the information submitted. He considered that the sequence suggested in the three-Power draft resolution was preferable. The USSR proposals, he said, would involve calling for the destruction of existing stocks of atomic bombs before the establishment of any organ capable of ensuring that their destruction was real and complete. The differences between the USSR and the Western Powers on this question, though fundamental, were not really insurmountable, he considered.

Introducing his amendments (A/C.1/668) to the joint draft resolution, at the 453rd meeting on 24 November, the representative of the USSR stated that the foreign policy pursued by the three Powers was one of increasing armaments and forming aggressive blocs. The joint draft resolution was an attempt to conceal their warlike purposes; for example, he stated, the proposal for a Middle East Command was an attempt to establish new bases and enlarge forces in the Middle East for aggression against the Soviet Union and

not for alleged defensive purposes. New facts concerning the aggressive policies of the "North Atlantic bloc" continued to emerge: other obvious cases were Korea, Indochina and, most recently, the conduct of the British troops in the Suez Canal zone.

The three-Power proposals, he said, were made to hinge on preliminary conditions, like the end of the war in Korea and a general abatement of tension in international relations; but it was the United States which was responsible for the growing tension at numerous points all around the globe, including Germany, Trieste, the Middle East, Korea and China.

The basic difference between the USSR proposals and the three-Power draft resolution, he stated, was that the joint draft resolution made no provision for the prohibition of atomic weapons. The United States had always opposed any proposals for destroying stocks of atomic bombs. The system of stages envisaged by the Baruch plan would allow the prohibition of the atomic bomb to be postponed forever. According to the Baruch plan, also, the production of atomic energy would be placed exclusively within the ownership of the international control organ, but the international character of such an organ might well be unsatisfactory.

The tripartite proposals could not serve their ostensible objective, for they made no provision for a truly international system of control over the fulfilment of the prohibition of the atomic weapons. The USSR amendment, however, provided concrete proposals relating to the immediate reduction of armaments and armed forces and the prohibition of atomic weapons.

During the course of his statement, the representative of the Soviet Union asked the sponsors of the three-Power draft resolution six questions relating to the proposals. He stated that affirmative answers to those clear questions would provide the most effective evidence of readiness to prohibit the atomic bomb.

On behalf of the sponsors, the representative of the United Kingdom gave replies to these questions at the 457th meeting on 28 November. The questions and answers were as follows:

Question 1: Would the three Powers agree that the General Assembly should declare itself in favour of an unconditional prohibition of the atomic weapon and the establishment of strict international control over the enforcement of that prohibition?

Answer: The adoption of the three-Power draft resolution by the General Assembly would clearly be a declaration in favour of the unconditional prohibition

of atomic weapons enforced by strict international control.

If the nations of the world were to proceed seriously to the task of disarmament they must not only make promises and enter into treaties, but must also ensure that all nations and all peoples would know that what was being promised was actually being carried out.

Question 2: Would they agree that the General Assembly should instruct the Atomic Energy Commission and the Commission for Conventional Armaments to draw up and submit to the Security Council, not later than 1 February 1952, an appropriate draft convention on that subject?

Answer: The three Powers had included in their proposed resolution instructions to the new commission to start work promptly on proposals for a draft treaty or treaties.

If the Soviet Union was genuinely prepared to move forward on the basis of the United Nations plan for atomic energy, or some no less effective plan, there was no reason why there should be any long delay. However, the suggested date of 1 February 1952 appeared unrealistic because it was not practical.

Question 3: Would they agree that the draft convention should provide for measures which would ensure the implementation of the General Assembly decisions on the prohibition of the atomic weapon, the cessation of its production and the utilization of atomic energy for civilian purposes only, and should provide for the establishment of strict international control over the implementation of the convention?

Answer: The tripartite proposals went further. The three Powers agreed that the manufacture, possession and use of atomic weapons would be prohibited; that, to ensure such prohibition, and the use of atomic energy for peaceful purposes only, an international control organ would take charge of all stocks of fissionable material and all facilities for its manufacture; that, moreover, there would be continuous inspection.

The United Nations had repeatedly recognized that prohibition could only be made effective by such measures of control.

Question 4: Would they agree that the General Assembly should recognize that any sincere plan for a substantial reduction of all armed forces and armaments must include the establishment, within the framework of the Security Council, of an international organ of control?

Answer: The three Powers agreed that the General Assembly should recognize that any sincere plan for the substantial reduction of all armed forces and armaments must include the establishment of an international organ of control.

Whether the international control organ would be within the framework of the Security Council would depend on the terms of the treaty which established it and defined its functions and powers and its relationship to the United Nations.

If by the phrase "within the framework of the Security Council" the USSR representative had in mind a plan under which the whole operation of the control system could be paralyzed by the veto, that would, of course, be unacceptable.

Question 5: Would they agree that that international control organ should be responsible for control of the

reduction of all types of armaments and armed forces, and for control of the enforcement of the prohibition of all kinds of atomic weapons, so that such prohibition should be carried out meticulously and in good faith; that that international control organ should obtain information on all armed forces, including para-military forces, security and police forces; that it should obtain and disclose information on all arms, including atomic weapons; and that effective international inspection should be envisaged under the instructions of the above-mentioned international control organ?

Answer: The international control organ which would be established under the tripartite plan would certainly do all the things which the USSR representative suggested in his question.

Question 6: Would they agree that the international control organ for the prohibition of atomic weapons should carry out, immediately after the conclusion of the convention for the prohibition of the atomic weapon, an inspection of all establishments for the production and stockpiling of atomic weapons for the purpose of ensuring compliance with the above-mentioned convention?

Answer: The three Powers proposed that the control organ, immediately after the conclusion of a convention or treaty, would proceed with the inspection and verification on a continuing basis of all aspects of atomic energy, as well as all armaments and armed forces, in accordance with the successive stages agreed upon in the convention or treaty.

As had already been stated, however, in the answer to question 3, such inspection and verification would not of themselves be sufficient to ensure the prohibition of atomic weapons.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR held that the three-Power draft resolution was not aimed at the prohibition of atomic weapons and that it provided for no concrete measures for disarmament. The disclosure and verification of all military data, which was the most important element of the draft resolution, could, they felt, be made to serve purposes other than the reduction of armaments. They shared the view of the USSR representative that the military preparations of the United States, the armaments race, the formation of aggressive blocs like the North Atlantic Treaty Organization, the establishment of military bases on the territory of other countries and, finally, the recent promulgation of the Mutual Security Act were proofs of the chronic hostility of the United States towards the Soviet Union and the peoples' democracies. They held that the three-Power draft resolution could be acceptable only if the USSR amendments were accepted.

A number of representatives, among them those of Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Cuba, the Dominican Republic, Ecuador, Greece, the Netherlands, New Zealand,

Turkey, the Union of South Africa and Venezuela, expressed agreement with the principles of the three-Power draft resolution, stating that it was a wise, practical and sincere effort to stop the armaments race and to remove the threat of war. However, some representatives felt that the adoption of the draft resolution by the majority without some preliminary agreement between the Great Powers would not be enough. They considered that the positions of the Western Powers and the Soviet Union were drawing closer together on the problem of disarmament, and, therefore, holding that a system of disarmament was impossible without agreement between those Powers, they appealed for efforts to reach such agreement in order to save peace and civilisation.

d. APPOINTMENT AND REPORT OF SUB-COMMITTEE OF THE FOUR POWERS

A draft resolution (A/C.1/670) was submitted jointly by Iraq, Pakistan and Syria calling for the establishment of a sub-committee consisting of the President of the General Assembly as Chairman and the representatives of France, the USSR, the United Kingdom and the United States, with a view to formulating agreed proposals concerning the control and reduction of armed forces and armaments and the abolition of atomic and other weapons of mass destruction.

There was general agreement in the Committee on the draft resolution. During the course of the debate, several amendments were offered and later withdrawn. The sponsors accepted a Norwegian amendment (A/C.1/672) as modified by Lebanon (A/C.1/674). It provided that proposals to the First Committee should be recommended by the sub-committee, which should take into consideration the three-Power draft resolution, the USSR amendments, the First Committee's debates and any new proposals made by any of its members during its deliberations. The Norwegian amendment further provided that the sub-committee should be directed to report to the First Committee by 10 December, a proposal which had also been suggested by Chile and Lebanon.

On 30 November at the 461st meeting, the Committee unanimously adopted the amended draft resolution (A/C.1/675), which read:

"The Political and Security Committee of the General Assembly,

"Noting the draft resolution submitted by the delegations of France, United Kingdom and United States on "Regulation, limitation and balanced reduction of all armed forces and armaments", (document A/C.1/667 dated 19 November 1951),

"Noting the amendments to the afore-mentioned draft resolution proposed by the delegation of the Union of Soviet Socialist Republics (document A/C.1/668 dated 24 November 1951),

"Noting the universal desire for peace, for the regulation, limitation and balanced reduction of all armed forces and all armaments, and for the abolition of atomic and other weapons of mass destruction,

"Noting with concern the divergence of views as to the best procedure for attaining this objective,

"Recognizing that no agreement on regulation, limitation and reduction of arms and armed forces is possible without the fullest co-operation and support of France, Union of Soviet Socialist Republics, United Kingdom and United States,

"Resolves to establish a sub-committee consisting of

(i) the President of the General Assembly as Chairman; and

(ii) the representatives of France, Union of Soviet Socialist Republics, United Kingdom and United States, with a view to formulating proposals which it could agree to recommend to the First Committee. In its work the sub-committee shall take into consideration the draft resolution submitted by the delegations of France, the United Kingdom and the United States (document A/C.1/667), the amendments to that draft resolution proposed by the delegation of the Union of Soviet Socialist Republics (document A/C.1/668), and the debates in the First Committee on the items under discussion, as well as any new proposals made by any of its members during the course of its deliberations,

"Directs the sub-committee to make a report to the First Committee by 10th December 1951,

"Resolves to suspend discussion on items 16 and 66 of the agenda until the report of the sub-committee is received,

Urges upon all concerned to give their fullest co-operation and support to the sub-committee, so that through the reduction and limitation of armaments and the abolition of weapons of mass destruction the fear of war may be dispelled, and the hope of providing a better life for the average man may be restored to anxious humanity,

"Requests the Secretary-General to furnish such expert staff and facilities as the sub-committee may find necessary for carrying out its task."

The Sub-Committee appointed by the First Committee held ten closed meetings. On 10 December 1951, the President of the General Assembly, as Chairman of the Sub-Committee, forwarded to the Chairman of the First Committee a memorandum (A/C.1/677), unanimously approved by the members of the Sub-Committee which, it was stated, was to be regarded as the Sub-Committee's report.

The memorandum stated that while discussions in the Sub-Committee had revealed continued divergence of opinion on certain fundamental points between France, the United Kingdom and the United States, on the one hand, and the USSR, on the other, they had also revealed a number of

points of importance on which there appeared to be either agreement or possibility of agreement. The areas of agreement or possible agreement related to the establishment of a commission, some of the tasks for the commission and some of the general objectives, while the areas of disagreement related mainly to the specific means for attaining the general objectives and the principles to guide the commission.

(1) Areas of Agreement and Possible Agreement

The four Powers had agreed to the establishment of a new commission to replace the Atomic Energy Commission and the Commission for Conventional Armaments. They had agreed that it should be called the "Atomic Energy and Conventional Armaments Commission" and that it should be under the Security Council. There was also agreement on its membership and rules of procedure.

There was some agreement on the functions of the new commission—to prepare proposals or measures to be embodied in a draft treaty or treaties (conventions) and intended to achieve "the universal desire for peace, for the regulation, limitation and balanced reduction of all armed forces and all armaments, and for the abolition of atomic and other weapons of mass destruction." The USSR, the memorandum stated, preferred to define those objectives as the prohibition of atomic weapons, the effective (strict) international control of atomic energy and its use for peaceful (civilian) purposes only, and the limitation and reduction of armaments and armed forces. Grave differences existed as to the principles and methods according to which those tasks should be executed. During the discussions, nevertheless, opinions had been expressed on the possibility of embarking on a common course to solve the problems posed by those questions.

All the four Powers agreed that all armed forces, including para-military, security and police-forces, and all armaments, including atomic, should be included in the commission's terms of reference.

There was agreement also that there should be full disclosure of information regarding all armaments and all armed forces. While there were some differences regarding the publication of the information disclosed, it was stated that it did not appear that those differences could not be solved, and that they might well be left to the commission. However, the USSR, which favoured the simultaneous disclosure of information on both

atomic and non-atomic weapons within one month, was absolutely opposed to the whole concept of "progressive" disclosure or disclosure by stages. France, the United Kingdom and the United States maintained that disclosure should be both progressive and on a continuing basis.

While all four Powers agreed on the necessity of verification and inspection, the USSR objected to inspection on a continuing basis on the ground that the permanent presence at establishments of inspectors or controllers would hinder efficient operation and was incompatible with sovereignty. It held that effective international inspections should be carried out in accordance with decisions of the international control organ, provision being made for control to include also verification of the information submitted. The commission should, further, be entrusted with the task of working out all details and procedures in the draft convention, the USSR representative stated.

The meaning attributed by the three Powers to the phrase "inspection on a continuing basis" was that the entire inspection process, whether in the disclosure and verification aspect or in the control aspect, must function continuously once it had been established and must not be limited to a single operation of inspection or verification. It would not necessarily require, they maintained, the permanent stationing of inspectors at all plants. The three Powers also submitted that inspection should be possible at any time whether or not there was reason to suspect violations. In their view, the control of atomic energy could not be ensured if it were dependent on inspection alone.

All four Powers appeared to agree that the control organ should decide the times and places of inspection and that a majority decision by the control organ in that regard would be binding on all, with no right of veto.

All Powers were agreed on the necessity for safeguards. The USSR considered that the control organ would have the right to carry out special investigations when suspicions of a breach of the convention on the prohibition of atomic weapons arose.

The three Powers pointed out that the safeguards they had in mind were more extensive than special investigations alone, and furthermore, that those safeguards would apply to conventional armaments as well as to atomic weapons. The USSR stated that that formula would involve inspection on a permanent basis, to which the USSR objected, although it did not object to the appli-

cation of such safeguards to the reduction of conventional armaments.

The USSR proposed that the commission should submit its draft convention and its other proposals to the Security Council; the three Powers proposed that it should report periodically not only to the Council but also to the General Assembly or its Members. The USSR stated that in the commission the USSR would be bound only by majority decisions which it accepted, and that the principle of unanimity would obviously also continue in the Security Council. However, since the convention would, ultimately, require agreement for its ratification, the question was of no major practical importance.

On the question of the proposed draft convention or treaty, the three Powers proposed that the commission begin work within 30 days of the adoption of the resolution by the Assembly and submit its draft treaty to a world conference when any part of its programme was ready for submission to governments. The USSR, on the other hand, proposed that the commission should submit its draft treaty or convention to the Security Council by 1 February 1952. The memorandum stated that it appeared from the discussion that the USSR preferred a time limit for the submission of the draft treaty or convention but was prepared to adjust its suggested time-table if agreement could be reached on major points. The USSR further proposed that the Assembly should instruct the commission to prepare within three months and submit for the consideration of the Security Council practical proposals for the application of the Assembly's decisions.

There was agreement as to the convening of a world conference of all States Members as well as non-members. However, there were differences of opinion regarding the method and time of convening the conference. The three-Power proposal rendered the matter dependent on the commission's decision, while the USSR amendment provided for convening it as soon as possible and not later than 1 June 1952.

Some differences of opinion developed over the formulation in the three-Power draft resolution of the proposition that the treaty must be ratified by all nations having "substantial" armed forces. The USSR objected to the word "substantial" as being too vague and therefore capable of causing subsequent disagreement. All four Powers, however, agreed on the principle that the treaty or convention must be ratified by every country whose armed forces were so important that its

failure to ratify would make it unsafe for other countries to be bound.

(2) Areas of Disagreement

Serious and fundamental divergence of views was expressed on the specific means for attaining the general objectives of the two proposals and the principles to be established for the guidance of the commission, the memorandum stated. The USSR, for example, was opposed to the three-Power formulation of balanced reduction to levels adequate for defence but not for aggression, on the ground that the levels envisaged might mean an increase of armaments rather than a reduction, and that that was not a concrete proposal for the reduction of armaments.

The three-Power proposal to achieve effective international control to ensure the prohibition of atomic weapons was opposed by the USSR on the ground that it did not provide for immediate and unconditional prohibition of atomic weapons, that it put control before prohibition, and that unless there was prior prohibition there would be nothing to control.

Other USSR objections concerned: the proposal to use as a basis the United Nations plan for the international control of atomic energy; the system of stages of disclosure proposed by the three Powers; and the directives to be given to the commission.

The United Nations plan for the international control of atomic energy which the three Powers wished to retain as a basis for the commission to work on was, it was stated, unacceptable to the USSR for the many reasons which it had repeatedly advanced, but chiefly because it would infringe on the sovereignty of nations, would set up a monopolistic trust under the United States, and would indefinitely postpone the prohibition of the atomic weapon.

The USSR proposed that the system of control should be implemented by an international control organ responsible for control of the enforcement of the prohibition of atomic weapons, provision also being made for effective international inspection to be carried out in accordance with the decisions of the control organ.

The USSR was also absolutely opposed to the concept of disclosure of information by stages, as contained in the three-Power proposal, on the ground that this would only result in the indefinite postponement of disclosure of information on the most destructive and dangerous arms, such as the atomic weapon.

The USSR was also opposed to the directives to be given to the commission, as set out in the tripartite proposal, concerning: (1) the formulation of criteria; (2) proposals for the over-all limits on armed forces and armaments; and (3) the allocation of armaments and armed forces within national military establishments. The three Powers maintained that it was necessary to give the commission directives for working out its plans. The USSR stated that it had no objection to the commission's being given directives, but proposed that it should be instructed to prepare and submit to the Security Council within three months practical proposals for implementing the Assembly resolution.

Similarly, the three Powers could not accept the USSR proposals, contained in its amendments to the joint draft resolution (A/C.1/668), that the General Assembly should immediately and simultaneously declare the unconditional prohibition of the production of atomic weapons and the establishment of strict international control over the enforcement of that prohibition, and should recommend to the Great Powers that they reduce their existing armaments and armed forces by one third within one year.

That was opposed on the ground that, until a system of control was in operation, the prohibition would be unenforceable and illusory, and that the mere declaration of control would have little value unless there were prior agreement on the precise nature of the control and unless the control system was actually put into operation. As regards the one-third reduction of arms, the three Powers stated that the reduction by a fraction arbitrarily fixed, would preserve or possibly even intensify, the present imbalance between them and the USSR. Moreover, they held, the measure of the necessary balanced reduction could be determined only on the basis of verified information as to the existing state of armaments.

The memorandum concluded by stating that, despite the disagreements which existed on a number of matters of major importance in the two proposals, it seemed clear that there was some agreement on a number of aspects. The discussions in the Sub-Committee, it was stated, appeared to have helped to widen the areas of agreement on some points.

e. PROPOSALS PRESENTED TO THE FIRST COMMITTEE

The First Committee resumed its discussions of the question at its 463rd meeting on 11 Decem-

ber, when the President of the Assembly introduced the report of the Sub-Committee. At the 466th meeting on 14 December, France, the United Kingdom and the United States submitted a revision of the tripartite draft resolution (A/C.1/667/Rev.1) containing modifications and adjustments consequent upon the discussions in the Committee and in the Sub-Committee.

The United States representative pointed out a number of changes which had been made to meet the point of view of the USSR. These included:

(1) insertion of a statement that the new commission was to prepare proposals relating to the prohibition of atomic weapons and the control of atomic energy; (2) insertion of a statement that all proposals which might be put forward would be considered; (3) explicit provision for the establishment of a control organ; and (4) omission of references to criteria and the setting of a date for the commission to report.

The USSR on 11 December had submitted revised amendments (A/C.1/668/Rev.1) to the original tripartite draft resolution (A/C.1/667). They provided that the control to be exercised by the proposed international control organ should also include the verification of the information submitted concerning armaments and armed forces. They also proposed to amend the wording with regard to the control organ to state that it should "elicit" rather than "disclose" this information.

The USSR now submitted a further revision (A/C.1/668/Rev.2) of its amendments so as to make them apply to the revised tripartite draft resolution. The new revised amendments differed from the previous revision in:

(1) omitting the amendment to the final paragraph of the preamble, since the USSR amendment on that point had been accepted; (2) omitting the proposal to reword the first sentence of the first operative paragraph since the point regarding the commission being set up under the Security Council had been accepted; and (3) proposing the deletion of the new fourth paragraph of the revised draft referring to the formulation of plans by the commission for the establishment of an international control organ.

Amendments to the revised joint draft resolution were also submitted by Lebanon (A/C.1/678), Yugoslavia (A/C.679), Egypt (A/C.1/681), Peru (A/C.1/682) and Czechoslovakia (A/C.1/683).

The first paragraph of the Lebanese amendment proposed to insert a new first paragraph to the preamble to indicate that the Assembly was motivated by "anxiety at the general lack of confidence plaguing the world and leading to the burden of increasing armaments and the fear of war."

This amendment was accepted by the sponsors and incorporated in the revised draft resolution.

The second paragraph of the Lebanese amendment would make consequential changes in the former first paragraph of the preamble. The third sought to add to the former second paragraph a phrase to the effect that due account should be taken of the role of collective defence; it was subsequently withdrawn. The fourth proposed to call the new commission "Disarmament Commission".

The Yugoslav amendment proposed to clarify the wording of the paragraph asking the commission to determine over-all limits on national armaments. It suggested that States should agree "by negotiation", and that their agreement should concern not only allocation of permitted national forces and armaments, but also the determination of over-all limits and restrictions. This amendment was also accepted by the three Powers.

The sponsors also accepted the Peruvian amendment to add in the preamble and in the third paragraph of the operative part a phrase extending the text to include the elimination of all major weapons adaptable to mass destruction.

The Egyptian amendment sought: (1) to add a paragraph to the preamble to state that the unconditional prohibition of the use of atomic weapons and all other weapons of mass destruction was a most important objective; and (2) to insert a new first paragraph in the operative part calling on the Sixth Committee to study that prohibition with the object of preparing a draft treaty before the end of the session.

The Czechoslovak amendments sought to delete the preamble of the tripartite draft, with the exception of the paragraph taking note of the recommendations of the Committee of Twelve. It would also delete the operative part, with the exception of the paragraphs providing for the setting up of the new commission and the dissolution of the Atomic Energy Commission and the Commission for Conventional Armaments. It would add a new paragraph to provide for the transmission of the tripartite draft resolution and the USSR amendments to the proposed commission for its consideration.

At the 468th meeting of the Committee on 17 December, Poland submitted a draft resolution (A/C.1/680) which provided, *inter alia*, that the Assembly, noting the memorandum of the Sub-Committee 18 (A/C.1/677), should establish under the Security Council an Atomic Energy and Conventional Armaments Commission, with the same membership as the Atomic Energy Commission and the Commission for Conventional Armaments, which would be dissolved; and should transmit to the proposed commission for its consideration the tripartite draft resolution (A/C.1/667/Rev.1) and the USSR amendments thereto (A/C.1/668/Rev.1).

f. RENEWED DISCUSSION BY THE FIRST COMMITTEE

Commenting on the work of the Sub-Committee, the representative of the United Kingdom stated that its discussions had revealed three fundamental points of difference. The first was the

USSR proposal for the unconditional prohibition of atomic weapons and the simultaneous institution of strict international control of atomic energy to ensure that prohibition, and the rejection by the Soviet Union of the conception of stages put forward in the tripartite draft resolution. However, it was stated, the USSR proposals also involved a succession of stages to achieve the desired result, and it was clear that, in the period between the declaration of the prohibition of the atomic weapon and the establishment and entry into operation of an international control organ, the security of the world, as far as atomic weapons were concerned, would be guaranteed only by promises of governments. In view of the lack of mutual confidence between the Great Powers such a situation was unacceptable to the three Western Powers.

The second point of difference was that the USSR separated atomic weapons from conventional armaments which was unjustified because the devastation caused by conventional weapons could be as great as that caused by atomic attack. Therefore, it was argued, both should be subject to control and should be dealt with together, the only difference being that the control of atomic weapons should lead to their abolition.

The third point was the USSR proposal to reduce armaments by one third. So long as it was not known from what strength the Great Powers were reducing, the proposal was arbitrary and not a contribution to peace. It would ensure to the USSR the continuance of its supremacy in conventional armaments, thus exaggerating the existing state of disequilibrium and accentuating insecurity. The secrecy surrounding the armed forces of the USSR was itself a cause of the existing tension, the representative of the United Kingdom stated.

The representative of the USSR stated that the main task was to overcome divergencies and if the Sub-Committee had failed in that task the proposed commission should undertake it. Efforts to overcome those differences should also be made by the First Committee, the General Assembly and the United Nations as a whole. The most important problems, he stated, were the prohibition of atomic weapons, the establishment of an international control system and the reduction of armaments.

He agreed that it was true, as the United Kingdom representative had stated, that there would have to be an interval between the prohibition of atomic weapons and the establishment of inter-

national control. But, in case a convention prohibiting the atomic weapon was signed and ratified, the first consequence would be the obligation of ratifying Powers immediately to cease production of the atomic weapons and to convert for civilian purposes those already made. Under the Baruch plan, however, the USSR representative continued, the convention would still not be in force even after ratification until the system of control came into operation.

The USSR, he said, proposed a clear and unambiguous solution: to prohibit the atomic weapon. Two countries had that weapon, the United States and the USSR. The USSR, he declared, obligated itself to be bound by the prohibition. Others preferred the United States plan because they were convinced that it would never lead to the prohibition of the atomic bomb and because they needed time to accumulate stockpiles. The USSR could also increase its stockpile, but it did not wish to do so because it had no aggressive designs.

The approach to the question of the prohibition and control of the atomic weapon adopted by the three Powers was erroneous, the USSR representative said. A way out of the vicious circle which it created was to be found only in a General Assembly declaration unconditionally banning the atomic weapon and setting up a twelve-Power commission. That commission, he said, should supersede the previous ones and should draw up a convention containing measures to ensure the implementation of prohibition.

The USSR representative stated that, contrary to what had been said by the United Kingdom representative, the USSR plan did not contemplate any stages which, by their nature, subjected the transition from one task or problem to another to a number of prerequisites and previous conditions. The passage from one stage to another under the Baruch plan, on the other hand, would be made dependent on the discretion and arbitrary decision of those in control of the control organ.

On the question of conventional armaments, the representative of the USSR said he could not accept the argument that reduction by one third, as proposed by the USSR, would not contribute to peace unless the existing and resulting strengths of the five Powers were accurately known. The three Powers, it was stated, had offered a system of levels, the principles of which they had been unable to indicate. Such a system, he added, might lead not to a reduction but actually to an increase in some cases. The USSR position was that, if

agreement could be reached on a reduction by one third, all data on all armaments would be put at the disposal of those participating in the agreement.

Regarding the proposed world conference, the representative of the USSR stated that the three Powers wished only to make a declaration in favour of the conference but would set no time limits. Rather, they advocated leaving the matter to the new commission whenever it might decide that parts of its plan were ready for submission to governments. That showed their lack of interest in the early reduction of armaments.

The discussion, the representative of France regretted, had been dominated by distrust which derived from the political and military activities of the Soviet Union and might even be increased by the present Soviet attitude on basic principles which had remained unchanged in the Sub-Committee. The USSR, it was stated, was attempting to put an end to the superiority of the three Powers in one field of armaments while retaining its own superiority in another field. That was the meaning of the demand for the immediate prohibition of the atomic weapon.

Further, the USSR in insisting on simultaneous decisions on prohibition and control, was confusing the taking of decisions with actual results. Under the USSR plan, there would be immediate prohibition, but control would be established only after a certain period of time had elapsed.

Another contradiction in the USSR position, he continued, was to be found in the assertion that it would be easy to agree on control by 1 February 1952 and that the three Powers would postpone prohibition indefinitely under their plan by not agreeing on control. The attitude of the three Powers, he explained, was that a certain amount of time was required to reach agreement and that neither could it be achieved at once nor should it be postponed indefinitely. As regards the USSR proposal for the one-third reduction of armaments by the Great Powers, the representative of France expressed a point of view similar to that expressed by the United Kingdom representative. He concluded by agreeing with the USSR representative's suggestion that the new commission should try to solve those questions which the Sub-Committee had been unable to solve.

A number of representatives, among them those of Belgium, Bolivia, Brazil, New Zealand, Peru, the Philippines and Yugoslavia, made statements in support of the three-Power draft resolu-

tion and opposing the USSR amendments. They held, broadly speaking, that a mere declaration by the Assembly would be insufficient to achieve the unconditional prohibition of the atomic weapon advocated by the USSR, unless means to implement it were already in existence. Prohibition, it was stated, could not be separated from control which, in turn, could not be separated from verification; all three had been provided for in the joint draft resolution. The basic problem was to set up a supra-national authority which would make the prohibition really effective. The USSR, it was stated, called for unconditional prohibition but withheld unconditional international co-operation which was necessary for the achievement of that prohibition. The representative of the Philippines considered that the prohibition of the atom bomb was not of extreme urgency since the dreadfulness of the weapon, to some extent, carried its own prohibition. What was really urgent was the formulation of effective machinery for control.

As regards the USSR proposal for the reduction of arms by one third, those representatives were united in the view that such a reduction was mechanical and had no reference to the present size and quantities of armed forces and armaments. It would therefore be of no value in reducing present fears and tensions.

The representative of Egypt stated that, although the three-Power proposal was generally constructive, it failed to deal adequately with the question of atomic weapons, which had to be dealt with if world tensions were to be reduced. He suggested, therefore, that, as an interim measure, a distinction should be made between the production of atomic weapons and their actual use. In view of the considerable success of humanitarian conventions which were enforced by moral sanctions alone, a solution of the problem might be sought along those lines. The question, therefore, he suggested should be referred to the Sixth (Legal) Committee for a study of the legal and technical aspects of the question with a view to producing a draft convention during the Assembly's current session. It was also necessary to reach a definition of weapons of mass destruction, he added. Later, the Egyptian suggestion was presented in the form of an amendment to the three-Power draft resolution (see above).

The representative of Poland stated that it would be wrong for the First Committee and for the Assembly to adopt a resolution on disarmament which was not supported by all the Great Powers. Although the United States representative

had said that adoption of the three-Power draft resolution would not prejudice the work of the new commission, it might be used by some delegations to give a certain orientation to the commission's work. That was why Poland had submitted a draft resolution which would provide that all controversial questions should be submitted to the commission, i.e., both the three-Power draft resolution and the USSR amendments.

The Polish draft resolution was supported by the representative of Burma, who stated that the agreement in the Sub-Committee that a commission should be established had been stultified by the failure to agree on its terms of reference. In the circumstances, there was a danger that any attempt to predetermine the commission's mandate would result in its being stillborn, and his delegation would therefore abstain from voting both on the three-Power draft resolution and the USSR amendments to it.

The Polish draft resolution was also supported by the USSR representative, who stated that the proceedings of the Sub-Committee had shown that a thorough consideration of such important questions as the reduction of armaments and the prohibition of atomic weapons had yielded substantial and positive results. It was therefore necessary to proceed along those lines with a view to reaching agreed decisions. He thought that the Polish draft resolution, if adopted, would help the new commission to contribute effectively to the development of international peace and security.

Replying to the statements made in support of the Polish draft resolution, the representative of the United Kingdom stated that its only advantage seemed to be that the First Committee would be saved the necessity of taking an awkward decision but would leave matters in a neutral form. It would mean that the Committee had failed to take any decision on the USSR proposal that there should be unconditional prohibition of the atomic bomb without the prior establishment of any control system. The situation would be similar in regard to all other questions raised in the two proposals. It would also mean abandoning the areas of agreement reached by the Sub-Committee. The Committee, he urged, should express an opinion on fundamental matters.

The representative of Iraq asked the four Powers whether they wished to work for an agreed solution or to adopt an ideal resolution with no practical results. It seemed to him that these were the only alternatives.

In reply, the representative of the United States said that the objectives sought by France, the United Kingdom and the United States were clear. They wanted an international system which would include the regulation and reduction of all armed forces and armaments of all types of all nations with substantial military forces; which would both prohibit and actually secure the abolition of the use of atomic weapons; and which would include such safeguards that it could be put into effect with security for all nations involved. International security was not a problem for four or five Powers only, although some might be asked to make greater contributions than others. Furthermore, he continued, the three Powers sought a practical solution which would lead to some agreement from which could be expected a general reduction of the world tension, rather than a merely theoretical result in the Assembly. The three-Power proposals, he said, were not ends in themselves, but opened up a great opportunity of moving towards peace and co-operation.

The representative of the USSR stated that his delegation's support of the Polish draft resolution had answered by implication the Iraqi representative's question. That proposal was based on belief in the existence of further opportunities toward future agreement, as the discussions in the Sub-Committee had helped to widen the areas of agreement on some points.

The representative of Iraq then addressed a further question to the representative of the USSR: should the USSR amendments be rejected and the tripartite draft resolution be adopted, would the USSR be willing to co-operate?

The representative of the USSR replied that whenever the USSR objected to a proposal, the objection meant that the USSR delegation was not prepared to accept that proposal as a basis for future work. That did not mean, however, that the USSR would not participate in the work of the proposed commission or any other committee. Naturally, however, disagreement could be eliminated more easily if the proposed commission were to have an entirely free hand and was not beset with obstacles.

g. ACTION TAKEN BY THE COMMITTEE

At the 471st meeting of the Committee on 19 December 1951, the revised tripartite draft resolution (A/C.1/667/Rev.1) the amendments proposed to it and the Polish draft resolution (A/

C.1/680) were put to the vote, paragraph by paragraph, with the following results:

The second paragraph of the Lebanese amendment (A/C.1/678) was adopted by 27 votes to none, with 27 abstentions, and the fourth paragraph, to change the name of the commission to the Disarmament Commission, by 13 votes to 12, with 13 abstentions.

The first part of the Egyptian amendment (A/C.1/681) was rejected by 35 votes to 14, with 5 abstentions. The second part was withdrawn, but was immediately reintroduced by Poland and was rejected by 39 votes to 9, with 9 abstentions.

All the Czechoslovak amendments (A/C.1/683) were rejected, by votes ranging from 34 to 5, with 10 abstentions, to 42 to 5, with 10 abstentions.

All the USSR revised amendments (A/C.1/668/Rev.1) were rejected, by votes ranging from 40 to 5, with 12 abstentions, to 36 to 7, with 15 abstentions.

All paragraphs of the three-Power draft resolution were adopted separately in votes ranging from 50 to none, with 7 abstentions, to 43 to 5, with 8 abstentions (for details of voting see A/2025), and the draft resolution as a whole was adopted by a roll-call vote of 44 to 5, with 10 abstentions.

The Polish draft resolution was rejected by a vote of 38 to 6, with 10 abstentions.

4. Consideration by the General Assembly in Plenary Session

The report of the First Committee (A/2025) containing the draft resolution adopted by it was placed before the General Assembly at its 358th meeting on 11 January 1952, when the amendments proposed in the First Committee by Czechoslovakia and the USSR were reintroduced. Since the USSR informed the President that it would not insist on a vote being taken on its amendments, the President announced that he would consider them as having been withdrawn. The Czechoslovak amendments were then put to the vote and were rejected in votes ranging from 42 to 5, with 8 abstentions, to 41 to 6, with 8 abstentions.

At the request of Yugoslavia, paragraph 3(c) of the operative part of the draft resolution was voted on separately; it was adopted by 32 votes to 5, with 9 abstentions. The draft resolution as a

whole was adopted by 42 votes to 5, with 7 abstentions.

In explanation of his vote, the representative of Egypt stated that he, as several other Asian and Arab representatives, had felt that, since the atom bomb was a weapon which could not be classed as defensive, means should have been found of outlawing it. Their main objection to the tripartite draft resolution had been that, under its terms, the prohibition of the atom bomb and other weapons of mass destruction was a distant objective. On the other hand, they had also felt unable to vote for the USSR amendments because the proposal for one-third reduction on the basis of conventional armaments would not radically change the present situation and would not diminish the risk of war.

The representative of India stated that, although India had been in favour of some of the paragraphs of the draft resolution adopted by the First Committee, it had abstained on the proposal as a whole because it considered that a necessary precedent for the success of any plan of disarmament was that the Powers which possessed the largest armaments must first agree on fundamentals. Those differences had not been resolved. A similar point of view was expressed by the representatives of Argentina and Indonesia.

The representative of Afghanistan stated that, although he had abstained during the voting in the First Committee, he had voted for the draft resolution in the Assembly because, though far from perfect, the resolution marked a step forward in the absence of anything better.

The representatives of France, the United Kingdom and the United States explained that they had voted for the resolution because it marked a significant step towards peace in that the new Commission would be an international agency for planning disarmament. The new Commission, it was stated, was required to begin work within 30 days and to submit a report by 1 June 1952, which signified the urgency which was attached to its work.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR stated, among other things, that the resolution adopted by the General Assembly was unsatisfactory and unlikely to yield positive results. It did not take a single step toward the true limitation of armaments and armed forces, the prohibition of atomic weapons or the international control of atomic energy. Only the adoption of the USSR amendments would have made the resolu-

tion capable of solving the relevant problems and ending the armaments race. Regarding the amendments which the USSR had not pressed in the plenary session, the representative of the Soviet Union stated that a number of the USSR proposals, considerably modified, would be submitted to the First Committee in connexion with the item proposed by the USSR, "Measures to combat the threat of a new world war and to strengthen peace and friendship among the nations".⁴

The resolution (502 (VI)) adopted by the General Assembly at its 358th plenary meeting on 11 January 1952 read:

"The General Assembly,

"Moved by anxiety at the general lack of confidence plaguing the world and leading to the burden of increasing armaments and the fear of war,

"Desiring to lift from the peoples of the world this burden and this fear, and thus to liberate new energies and resources for positive programmes of reconstruction and development,

"Reaffirming its desire that the United Nations develop an effective collective security system to maintain the peace and that the armed forces and armaments of the world be progressively reduced in accordance with the Purposes and Principles of the Charter,

"Believing that a necessary means to this end is the development by the United Nations of comprehensive and co-ordinated plans, under international control, for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for the effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only,

"Recognizing that a genuine system for disarmament must include all kinds of armed forces and armaments, must be accepted by all nations whose military resources are such that their failure to accept would endanger the system, and must include safeguards that will ensure the compliance of all such nations,

"Noting the recommendation of the Committee of Twelve established by resolution 496 (V) that the General Assembly should establish a new commission to carry forward the tasks originally assigned to the Atomic Energy Commission and the Commission for Conventional Armaments,

"1. Establishes under the Security Council a Disarmament Commission. This Commission shall have the same membership as the Atomic Energy Commission and the Commission for Conventional Armaments, and shall function under the rules of procedure of the Atomic Energy Commission with such modifications as the Commission shall deem necessary;

"2. Dissolves the Atomic Energy Commission and recommends to the Security Council that it dissolve the Commission for Conventional Armaments;

"3. Directs the Disarmament Commission to prepare proposals to be embodied in a draft treaty (or treaties)

⁴ See p. 177. Certain proposals contained in the USSR draft resolution (A/C.1/698) submitted in connexion with this item were referred to the Disarmament Commission.

for the regulation, limitation and balanced reduction of all armed forces and all armaments, for the elimination of all major weapons adaptable to mass destruction, and for effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only. The Commission shall be guided by the following principles:

"(a) In a system of guaranteed disarmament there must be progressive disclosure and verification on a continuing basis of all armed forces—including paramilitary, security and police forces—and all armaments including atomic;

"(b) Such verification must be based on effective international inspection to ensure the adequacy and accuracy of the information disclosed; this inspection to be carried out in accordance with the decisions of the international control organ (or organs) to be established;

"(c) The Commission shall be ready to consider any proposals or plans for control that may be put forward involving either conventional armaments or atomic energy. Unless a better or no less effective system is devised, the United Nations plan for the international control of atomic energy and the prohibition of atomic weapons should continue to serve as the basis for the international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only;

"(d) There must be an adequate system of safeguards to ensure observance of the disarmament programme, so as to provide for the prompt detection of violations while at the same time causing the minimum degree of interference in the internal life of each country;

"(e) The treaty (or treaties) shall specifically be open to all States for signature and ratification or adherence. The treaty (or treaties) shall provide what States must become parties thereto before the treaty (or treaties) shall enter into force;

"4. Directs the Commission, when preparing the proposals referred to in the preceding paragraph, to formulate plans for the establishment, within the framework of the Security Council, of an international control organ (or organs) to ensure the implementation of the treaty (or treaties). The functions and powers of the control

organ (or organs) shall be defined in the treaty which establishes it;

"5. Directs the Commission, in preparing the proposals referred to in paragraph 3 above, to consider from the outset plans for progressive and continuing disclosure and verification, the implementation of which is recognized as a first and indispensable step in carrying out the disarmament programme envisaged in the present resolution;

"6. Directs the Commission, in working out plans for the regulation, limitation and balanced reduction of all armed forces and all armaments:

"(a) To determine how over-all limits and restrictions on all armed forces and all armaments can be calculated and fixed;

"(b) To consider methods according to which States can agree by negotiation among themselves, under the auspices of the Commission, concerning the determination of the over-all limits and restrictions referred to in sub-paragraph (a) above and the allocation within their respective national military establishments of the permitted national armed forces and armaments;

"7. Directs the Commission to commence its work not later than thirty days from the adoption of the present resolution and to report periodically, for information, to the Security Council and to the General Assembly, or to the Members of the United Nations when the General Assembly is not in session. The Commission shall submit its first report not later than 1 June 1952;

"8. Declares that a conference of all States should be convened to consider the proposals for a draft treaty (or treaties) prepared by the Commission as soon as the work of the Commission shall have progressed to a point where in the judgment of the Commission any part of its programme is ready for submission to governments;

"9. Requests the Secretary-General to convene such a conference when so advised by the Commission;

"10. Requests the Secretary-General to furnish such experts, staff and facilities as the Commission may consider necessary for the effective accomplishment of the purposes of the present resolution."

B. MEASURES TO COMBAT THE THREAT OF A NEW WORLD WAR AND TO STRENGTHEN PEACE AND FRIENDSHIP AMONG NATIONS

The USSR, on 8 November 1951, requested that its draft resolution (A/1944) entitled "Measures to combat the threat of a new world war and to strengthen peace and friendship among the nations" be placed on the General Assembly's agenda. The draft was also presented orally on that day to the 336th plenary meeting of the Assembly. In an explanatory memorandum of 9 November 1951 (A/1947), the USSR stated that it was necessary to take every possible measure to combat the threat of a new world war, which, it was stated, was being prepared in certain coun-

tries, particularly in the United States and the United Kingdom, as well as in France and in other States belonging to the "aggressive Atlantic bloc". A revised text of the USSR draft (A/1962) was presented orally at the 348th plenary meeting on 16 November 1951.

The question was considered by the First Committee at its 487th to 493rd meetings, inclusive, from 12-17 January 1952.

At the Committee's 487th meeting, the USSR submitted a new revision of its draft resolution (A/C.1/698). Five paragraphs of the draft (para-

graphs 3 to 7) concerned atomic and conventional armaments. They provided that the Assembly would:

(1) state that the use of atomic weapons as weapons of aggression and of mass destruction was incompatible with membership of the United Nations, and accordingly, proclaim the unconditional prohibition of atomic weapons and the establishment of strict international control over its enforcement, the prohibition and the control to be put into effect simultaneously, and instruct the Disarmament Commission to submit to the Security Council, not later than 1 June 1952, a draft convention providing measures to ensure the implementation of the prohibition of atomic weapons, the cessation of their production and the use of already manufactured atomic bombs exclusively for civilian purposes, and the establishment of strict international control over the observance of the proposed convention;

(2) recommend that the permanent members of the Security Council reduce their armaments and armed forces by one third within one year;

(3) recommend that all States forthwith, and in any case not later than one month after the adoption of the prohibition of atomic weapons and the one-third reduction of the armaments and armed forces of the permanent members, submit complete official data on all armaments, armed forces and atomic weapons and on military bases in foreign territories;

(4) recommend the establishment of an international control organ within the framework of the Security Council to supervise the implementation of the decisions on the prohibition of atomic weapons and the reduction of armaments and armed forces, and to verify the data submitted by States on their armaments and armed forces—an appropriate system of guarantees being assured by granting to the organ the right to conduct inspection on a continuing basis, but it should not be entitled to interfere in the domestic affairs of States;

(5) recommend that a world conference should be convened not later than 15 July 1952 of all States, Members and non-members, to consider a substantial reduction of armed forces and armaments and practical measures for prohibiting atomic weapons and establishing international control over such prohibition.

The remaining provisions of the draft (A/C.1/698) called on the Assembly to:

(1) declare participation in the aggressive "Atlantic bloc" and the creation of military, naval and air bases in foreign territories, primarily by the United States, incompatible with membership in the United Nations;

(2) recognize it to be essential: (a) that military operations in Korea cease immediately, an armistice be concluded, and the forces be withdrawn from the 38th parallel within ten days, and (b) that all foreign troops and volunteers be withdrawn from Korea within three months; and

(3) request the five permanent members of the Security Council to conclude a peace pact and invite all other peace-loving States to join the pact.

At the next meeting the representatives of France, the United Kingdom and the United States submitted a draft resolution under which the General Assembly would refer to the Dis-

armament Commission the proposals contained in paragraphs 3 to 7 of the USSR draft resolution (A/C.1/698) concerning atomic and conventional armaments.

The representative of the USSR stated that the USSR draft resolution consisted of a system of closely connected, rather than individual, measures to meet the recent deterioration in the economic and political situation. The main reason for the worsening situation was, he alleged, the aggressive policy of the "Atlantic bloc" headed by the United States. The past months had been marked by a new gigantic increase in the production of armaments and in the armed forces of the United States, and in building by the United States of military bases all over the globe. President Truman had admitted, he asserted, that the United States armed forces had been increased in 1951 alone by more than one million and now amounted to three and a half million apart from the two million in the reserve and the National Guard. The United States, he said, had thus embarked on the preparation for another war; it was no secret that these activities were directed against the Soviet Union and the peoples' democracies.

He stated that the economic and foreign policy of the United States was based on the theory that an expansion of armaments industries would lead to prosperity but facts demonstrated to the contrary. The increase in war production had led to civilian shortages, inflation, higher taxes, and consequently to the deterioration of the population's standard of living and the curtailment of welfare programmes. The "Atlantic bloc" Governments were beset by economic difficulties and their peoples with destitution, he said.

The basic doctrine of the foreign policy of the United States, he considered, was that situations of strength should be created. Thus, when the United States expressed a willingness to assume responsibilities in an area of the world, this had taken the form of the threat and the use of armed forces in that area, being a prelude to military occupation, as demonstrated in Korea and the Far East. Organizations such as the Western union in Europe, the Organization of American States, and the various agreements in the Mediterranean, in Scandinavia and South-East Asia were all, he stated, connected with the objectives of the North Atlantic Treaty Organization (NATO), which was the instrument of the United States for attaining world hegemony. The foreign policy of the nations of the "Atlantic bloc", which was based on rearmament and the atomic weapon, had noth-

ing in common with the objectives of the United Nations.

An early armistice in Korea was a major condition for the removal of the threat of a new war and the re-establishment of peace and security among the nations. However, no progress had been made in the negotiations.⁵ The USSR representative said that the reasonable proposals by the representatives of the Democratic People's Republic of Korea and by the Chinese volunteers for a cease-fire and an immediate end of all military action, for the creation of a demilitarized zone to be evacuated by the belligerents and for the withdrawal of all foreign troops from Korea had been bitterly opposed by the United States Command. Meanwhile the United States had made unreasonable proposals regarding the exchange of prisoners and the question of military airfields which hampered the negotiations. This, he considered, proved how unjust was the removal on an earlier occasion of the question of the independence of Korea from the agenda of the First Committee.

General Assembly resolution 502 (VI),⁶ on the reduction of armaments and armed forces, did not, he said, mention the military bases established the world over by the United States, including a ring of secret airfields around the USSR, although the purpose of those bases in the United Kingdom and Greenland was to permit atomic bombs to be dropped on the USSR. It was necessary to deal with that situation as well as with the reduction of armaments and armed forces in order to reduce tensions and lead to the settlement of existing problems and to co-operation among the nations. The USSR proposals for the reduction by one third in the armed forces and armaments of the Great Powers had been criticized because, it was argued, the USSR would retain its position of superiority. But the USSR enjoyed no such superiority, for, while it had demobilized 33 age classes since the end of the Second World War, the United States Army had been actually increased and already exceeded five million men.

The representative of the USSR noted that his Government had modified its proposal on the control of atomic energy to provide for unconditional prohibition of atomic weapons and the establishment of strict international control over the enforcement of the prohibition, it being understood that the prohibition and the international control would be put into effect simultaneously. Furthermore, his Government was prepared to grant the control organ the right to

conduct inspection on a continuing basis, though it would not be entitled to interfere in the domestic affairs of States.

The representatives of France, the United Kingdom, and the United States indicated their readiness to consider any new proposals by the USSR to break the deadlock over the atomic energy and armaments issues, but questioned the usefulness of having the Assembly reconsider matters on which decisions had already been taken at that very session. They stated that the proposals for simultaneous decisions to outlaw the atom bomb and institute a control mechanism might be a sign of progress. This of itself, however, would not resolve the differences on an effective international control of atomic energy, as the Assembly itself had acknowledged in 1948 when it rejected a similar proposal by the USSR as the solution to the problem of control. Furthermore, they stated, the USSR's proposals were not clear, making it all the more appropriate to refer the proposals on atomic energy and armaments, as a whole, to the newly-established Disarmament Commission.

These representatives opposed any discussion of a political settlement in Korea at that time, stating that it might jeopardize the negotiations in progress for an armistice. They stressed that the North Atlantic Treaty was wholly consistent with the provisions of the Charter on self-defence through regional agencies and arrangements.

The representative of the United States said that the North Atlantic Treaty was purely defensive; its aim was to prevent a third world war. The USSR Government, if peace was, in fact, its objective, had nothing to fear from such an organization. The military bases which the Soviet draft resolution proposed to condemn had, he said, been arranged for through agreements freely negotiated by the United States with the States concerned in conformity with Article 51 of the Charter. As regards the USSR proposals, he stated that, although they now accorded the control organs the powers of inspection, the proviso relating to non-interference in domestic affairs of States wiped out the significance of the powers. The Assembly, he stated, had given its opinion at earlier sessions that the proposal for a one-third reduction in armaments would have the effect of increasing the disequilibrium of forces. On the matter of supplying information on armaments and armed forces, it had declared that the only possible procedure

⁵ See pp. 241-47.

⁶ See pp. 176-77.

would be for the Disarmament Commission to devise a system for the gradual disclosure of information, subject to the control of international inspectors. Such an inspection force could not begin to operate within a month, as proposed by the USSR. As regards the proposal for a five-Power peace pact, the United Nations was not a five-Power pact but a sixty-Power pact; what the world needed was not new peace pacts, he stated, but respect for agreements already concluded and, above all, for the Charter of the United Nations.

Referring to the defence preparations which, he said, the United States had been forced to undertake, the decision to switch to a defence economy had been taken very reluctantly to meet the threat which concerned all save a small group of the Members of the United Nations. The United States sought first, he stated, to end the hostilities in Korea, and second, to eliminate the obstacles which those hostilities presented to the endeavour to promote the United Nations objectives of the independence and unification of Korea.

The representative of the United Kingdom agreed with the representative of the USSR that the defence programme had caused the Western Powers economic difficulties. The fact that they were prepared to bear such a burden, however, he said, was evidence of the value they placed on their freedom and of their determination not to be mopped up one by one by any aggressor. The cause of their efforts, he stated, was the armaments, the propaganda and the foreign policy of the USSR, and, in particular, its aiding and abetting of aggression in Korea. The Western Powers were determined to rearm in order to speak to the USSR on the basis of equality. As regards military bases, he stated that the British people did not regard as derogatory to their independence the granting of such facilities to the United States Air Force to assist in their defence. Furthermore, it had never been disputed that all such bases would come within the purview of any system of international inspection, disclosure and verification.

The representative of France stated that the arguments of the USSR representative could not convince him that a defensive agreement within the framework of the Charter was contrary to the Charter. No argument had proved that to establish military, air and naval bases on the territory of States signatories of a treaty in order to enforce that treaty was an infringement of the Charter. The proposal by the Soviet Union for a five-Power peace pact, he stated, would continue in vain un-

less the USSR demonstrated by deeds its readiness to co-operate with others. After all, it was stated, the Charter constituted a peace pact to which all nations should accede. The points relating to disarmament revealed apparently some rapprochement between the diverging viewpoints; it would be best to have these matters discussed by the Disarmament Commission.

The representatives of the following Governments spoke in support of the three-Power draft resolution (A/C.1/699) in preference to the USSR draft (A/C.1/698): Australia, Belgium, Bolivia, Brazil, Canada, China, the Dominican Republic, Ecuador, Haiti, the Netherlands, New Zealand, Norway, Peru, the Philippines, Sweden, Turkey, Uruguay.

Several representatives, among them those of Australia, Belgium, Brazil, China, the Philippines and Yugoslavia, stated that some of the proposals by the USSR had been submitted by its representatives on previous occasions and had been rejected by the Assembly, and wondered whether it would be useful to reconsider them. Among these was the proposal for the one-third reduction in armaments and armed forces. The representatives of Ecuador, the Netherlands and Norway stated that such an arrangement would give the Soviet Union an unfair advantage because of the greater size of its armed forces.

The representatives of Belgium, China, the Netherlands, Norway, Peru, the Philippines and Turkey considered that the North Atlantic Treaty was wholly within the framework of the Charter. The representative of Norway stated that the Treaty was based on the undisputed right of self-defence under international law which had been reaffirmed in Article 51 of the Charter; the Treaty, he stated, was one of the main stabilizing forces in the world.

The representatives of China and Norway questioned the need for a five-Power peace pact since, for the Members of the United Nations, the Charter itself was a peace pact. The representative of Egypt, while believing a peace pact might be superfluous, felt that no opportunity for strengthening peace should be lost and therefore supported the USSR proposal on that point.

Several representatives, including those of Australia, Brazil, China, the Netherlands, Norway and Peru, considered it would be unwise to initiate negotiations in the Assembly on a political settlement in Korea, since they might complicate the negotiations then in progress for an armistice. The representatives of Australia, Bolivia, Haiti and

Peru suggested that it was within the power of the USSR to bring about an armistice in Korea and to restore peace in the area through its influence on the North Korean and the Peking Chinese Governments.

The representative of Belgium stated that the fundamental cause of international tension was to be found in the alarming expansion of the USSR in the previous ten years.

The representatives of the Dominican Republic and the Philippines stated they had made available military bases to the United States in their countries to further their own national security.

The representative of Egypt observed that the creation of military bases upon foreign territory could only result from an express agreement, freely entered into between the States requiring them and those upon whose territory they were established. He believed that the real source of the Korean conflict was the existence of foreign interests in Korea and the consequent infringements which had occurred ever since 1945.

The representatives of India and Indonesia explained that they would abstain from voting on the draft resolutions since the Great Powers were divided in their support of them.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR spoke in support of the USSR draft resolution (A/C.1/698). They stated that the North Atlantic Treaty was inconsistent with the provisions of the Charter, and that it reflected the aggressive foreign policies of the United States, the objective of the pact being to prepare for a new war. The effort to have the USSR's proposal transferred to the Disarmament Commission instead of to consider it in the Assembly was being made in order to bury the proposal.

The representative of the Byelorussian SSR stated that the United States did not desire a settlement in Korea and continually stalled the negotiations. The adoption of the USSR proposal would lead to a solution of the problem of a peaceful settlement in Korea and elsewhere.

The representative of Poland stated that the main cause of tension was to be found in the preparations for an aggressive and imperialistic war against the USSR and the countries of the peoples' democracies, and that the United States was conducting propaganda on an unprecedented scale to that end. The building of a ring of bases by the United States for the purpose of aggression against the USSR and other countries, he stated,

was likewise obviously incompatible with the Charter.

The representative of Czechoslovakia stated that, from the very beginning, the USSR had, time after time, submitted practical proposals for the prohibition of the atomic weapon and for control over the enforcement of the prohibition. Its proposals had been systematically sabotaged by the Western Powers.

In reply to questions put by the representative of Canada, the representative of the Soviet Union stated that the USSR proposals envisaged that the control organ for inspection would be a permanent and not a temporary body, having power of inspection on a continuing basis. Strict international control would include a system of measures, according to which inspection of atomic energy establishments would include the auditing of accounts and the checking of stocks of atomic raw materials. In addition the control organ would collect data on the production of atomic energy and on the finished product and carry out inspections in case of violation of the prohibition of the atomic weapon. The representative of the USSR also stated that representatives who found the current proposals on simultaneous prohibition and control of atomic weapons identical with those made in 1948 and 1949 forgot that, at that time, the USSR delegation had proposed that two conventions should be signed simultaneously: one on the prohibition of atomic weapons, the other on the creation of an international control system. The current proposals stipulated that the General Assembly should proclaim without delay the prohibition of atomic weapons and that, in order to allay suspicion in the minds of those who genuinely wished atomic weapons to be prohibited, that proclamation should take effect simultaneously with the entry into force of the international control system.

The sponsors of the three-Power draft resolution accepted a Bolivian amendment (A/C.1/700) to have the General Assembly also transmit to the Disarmament Commission for its information the records of the First Committee regarding the item.

The Committee decided, by 45 votes to 5, with 10 abstentions, to vote first on the tripartite draft resolution (A/C.1/699) as amended. It adopted the draft by 53 votes to 5, with 2 abstentions. The Committee then decided that no vote should be taken on paragraphs 3 to 7 of the USSR draft resolution (A/C.1/698). It voted on the remaining parts of the USSR draft by paragraphs, rejecting all paragraphs, in votes ranging from 35

to 11, with 13 abstentions, to 46 to 5, with 7 abstentions.

The Assembly considered the report of the First Committee (A/2067) at its 363rd plenary meeting on 19 January 1952. The representative of the USSR resubmitted the draft resolution (A/2068) which had been rejected by the Committee. The representatives of France, Israel, Haiti, the Philippines, the United Kingdom, the United States and Yugoslavia spoke in support of the draft resolution recommended by the Committee (A/2067). The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR, and the USSR spoke in support of the USSR draft (A/2068).

The Assembly adopted the draft resolution recommended by the First Committee by 40 votes to 5, with 3 abstentions. The President ruled that, in view of that vote, no vote was needed on paragraphs 3 to 7 of the USSR draft resolution (A/2068). The Assembly then voted on the re-

maintaining part of the USSR draft by paragraphs, rejecting all paragraphs, in votes ranging from 31 to 11, with 11 abstentions, to 45 to 5, with 6 abstentions.

The resolution adopted by the Assembly (504-(VI)) read:

"The General Assembly,

"Recalling its resolution 502 (VI) adopted at its 358th plenary meeting on 11 January 1952, which established a Disarmament Commission and authorized it to consider all proposals designed to achieve the regulation, limitation and balanced reduction of all armed forces and all armaments, including effective international control of atomic energy to ensure the prohibition of atomic weapons,

"1. Decides to refer to the Disarmament Commission the proposals contained in paragraph 3 to 7 inclusive of document A/C.1/698, together with any other proposals which may be made during the present session of the General Assembly on matters falling within the terms of reference of the Disarmament Commission;

"2. Decides also to transmit to the Disarmament Commission for its information the records of the meetings of the First Committee at which this item was discussed."

C. METHODS TO MAINTAIN AND STRENGTHEN INTERNATIONAL PEACE AND SECURITY

The Collective Measures Committee⁷ submitted a report (A/1891) on its first year of activities to the Assembly's sixth session, as prescribed by the "Uniting for peace" resolution of 3 November 1950 (377(V)).⁸ The Assembly had instructed the Committee to study and report on methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of collective self-defence and regional arrangements (Articles 51 and 52).

1. Report of the Collective Measures Committee

The Committee reported that it had met for the first time on 5 March 1951, elected João Carlos Muniz (Brazil) as Chairman, and established several working groups to consider phases of the subject. These concerned essentially the preparedness of States, and the techniques, machinery and procedures for the co-ordination of national and international action involving collective measures.

The report discussed the political, economic and financial, and military collective measures which might be taken for the restoration of international peace and security.

It recommended certain "guiding principles" for consideration by the Security Council or the General Assembly and by States whenever the application of collective measures was required. These principles included, *inter alia*:

(1) States should give fullest possible support to United Nations collective measures; (2) maximum support should also be sought from other international bodies and arrangements to which States belonged; (3) political measures, since they represented the moral judgment of the United Nations, might be useful as a warning signal; (4) economic and financial measures should be equitably shared as far as possible among the co-operating States; (5) in the application of economic and financial measures undertaken by the United Nations, there was an area in which the United Nations should assume responsibility for co-ordination, and an appropriate body should be established for the purpose; (6) the immediate objective of the United Nations collective military measures would be to aid the victim of aggression in defence of its territorial integrity or political independence; (7) whenever collective action was taken, a State or group of States should be designated by the United Nations as an executive military authority responsible for the co-ordination and strategic direction and control of military operations within the framework of the objectives and general policies of the United Nations; (8) that authority should develop procedures for consultation on a regular basis with

⁷ For members of the Committee, see p. 34.

⁸ See Y.U.N., 1950, pp. 193-95.

participating States to ensure joint consideration of matters of common interest; and (9) when the United Nations undertook collective military measures, it should recognize its humanitarian responsibility for the provision of relief and refugee assistance.

The report included among its annexes:

(1) a tabular summary of replies received from a number of Member States in response to the invitation, contained in the "Uniting for peace" resolution, (377 A (V)) that Member States should inform the Collective Measures Committee of the measures taken in order to arrange for the maintenance of elements within their national armed forces for service as a United Nations unit or units; (2) an annex entitled Korean background; and (3) a study regarding the nature and general functions of the panel of military experts provided for in the "Uniting for peace" resolution.

The Committee recommended that, in order to carry out its task, further study was needed in regard both to economic and financial, and to military collective measures.

2. Consideration of the Report by the General Assembly

The Assembly included in its agenda the item: "Methods which might be used to maintain and strengthen international peace and security in accordance with the purposes and principles of the Charter: report of the Collective Measures Committee", and referred it to the First Committee, which considered the item at its 462nd meeting on 3 December 1951 and at its 477th to 486th meetings, inclusive, from 3-9 January 1952.

On 3 December 1951, the Chairman of the Collective Measures Committee introduced the report to the First Committee, and noted that studies had been made on the assumption that the Collective Measures Committee was not called upon to replace by a new system the one contemplated under the Charter. The Committee had proposed only to place means of maintaining international peace and security at the disposal of the United Nations pending the conclusion of agreements under the terms of Article 43. He observed, also, that the collective security system which the United Nations was endeavouring to establish presupposed the existence of a method of peaceful settlement of disputes, making peaceful political, social and economic development possible.

a. DISCUSSION BY THE FIRST COMMITTEE

The representatives of the following Members spoke in full support of the course advocated by the Collective Measures Committee: Australia,

Belgium, Brazil, Canada, China, France, Greece, Haiti, Israel, the Netherlands, New Zealand, Pakistan, Peru, Turkey, the United Kingdom, the United States and Yugoslavia.

The representative of the United Kingdom believed that the report gave practical expression to the principle of voluntary responses to an emergency.

The representative of the United States observed that the report was based on the principle that the more effectively the Members of the United Nations were organized to maintain international peace and security, the less likely it was that world peace would be challenged. The report, he said, was directed not towards the creation of alliances against any State or group of States but to the organization of peace and law. It was important for States to recognize their responsibility to be in a position of readiness to contribute to, collective action. He believed that the principle of the mutually-supporting relationship between the United Nations and other international arrangements or agencies to which Member States belonged would bolster the United Nations system. He suggested that, until universality of membership in the United Nations was achieved, States not yet Members could at least be invited to associate themselves with the Organization in contributing to collective measures undertaken under the Charter.

The representative of Belgium noted that the report in no way intended to define the obligations to maintain international peace which might devolve upon Member States, or to question their freedom of judgment.

Several representatives, including those of Argentina, Australia, Chile, France, Iraq, Israel, Lebanon, the Netherlands, Pakistan, Peru, Syria, the United States and Yugoslavia, noted that circumstances had dictated the role being given to the General Assembly as an instrument of collective security, since the Security Council had failed to function in the way envisaged at San Francisco. Several representatives also noted the influence of developments in Korea on the arrangements being made.

The representatives of Chile, Ecuador, Egypt, Iraq, Lebanon, Mexico, Peru, Syria and Venezuela, while supporting the work of the Collective Measures Committee, sought clarification of some of the principles being advocated.

The representatives of Chile, Ecuador, Haiti, Lebanon, Mexico, Peru, Syria and Venezuela were among those who stressed the importance of re-

gional arrangements and agencies in the system of collective security. The representative of Venezuela stated that the failure of the League of Nations in the field of collective security had been due primarily to its overlooking the fact that the geographical position of a victim of aggression implied duties for its immediate neighbours, and also the primary need for States situated in other areas not to weaken themselves if they were to avoid exposing themselves to possible aggression. The representative of Chile observed that the undertakings of the American republics obliged them to devote their attention in the first place to the defence of the American continent. The representative of Syria stated that his own country and the other Arab States were firmly attached to the principle of regional collective security under the Pact of the Arab League and also to the principle of collective security under the Charter of the United Nations.

The representative of Peru considered that the report, which dealt with very complicated matters, did not require blanket approval. He would prefer that provision be made for an executive military authority consisting of several participating States rather than of an individual State. He noted that constitutions could not readily be changed to meet some of the requirements specified in the report.

The representative of Lebanon observed that his Government could not participate in a system of collective security to which any State which had not been recognized by Lebanon was a party.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR criticized the report of the Collective Measures Committee and opposed its findings.

The representative of the USSR stated that the report disregarded the principles and purposes of the Charter. The Committee had proposed establishing an executive military authority which could be any State, even if it was not in the operational area, provided that it was furnishing forces. That was the reason why the United States wished to have its forces included in various groups, no matter how distant geographically, in order to gain control under the terms of that proposal. Such recommendations were contrary to the Charter, which provided for the Military Staff Committee under the Security Council to be the controlling organ. Moreover, under the Charter, enforcement measures could be taken only with the approval of all the permanent members of the Security Council. That procedure offered a guarantee that there would be no reckless decisions which might lead

to another world war; the extension of the functions of the Security Council to the General Assembly would, it was maintained, eliminate that guarantee.

It had been claimed that the provision of forces to the General Assembly would make sure that forces were available before the agreements under Article 43 of the Charter had been concluded. However, the reason why no such agreements existed was that France, the United Kingdom and the United States did not wish to have those agreements, under which the Military Staff Committee and the Security Council could take action; they preferred to work through the General Assembly, which they could control. There was no need to introduce in a different framework measures to combat aggression which were already contained in the Charter.

It was clear, the USSR representative considered, that the report would make the determination of aggression dependent upon the "Atlantic I bloc", headed by the United States.

The representatives of Argentina, India, Indonesia and Sweden voiced reservations on the report.

The representative of Sweden stated that the report of the Collective Measures Committee dealt with situations which might arise either in the Security Council under Articles 41 and 42 of the Charter, relating to enforcement action, or in the General Assembly under resolution 377(V). However, the report failed to bring out clearly that the legal situations in the two cases were different. Members were obliged to abide by decisions of the Security Council but could themselves decide upon their participation in the recommendations of the General Assembly. The lesser States would not assume prior commitments to participate in collective measures which had been decided upon only by a majority. He stated that the Swedish Government had no objections to the technical conclusions of the Collective Measures Committee, but reserved the right to define its position after further examination of the report.

The representative of Argentina observed that the report placed too much emphasis on enforcement action and military sanctions, which, despite worthy intentions, might increase tension.

The representative of Indonesia hoped that the Security Council would be the body to decide whether a threat of aggression or breach of the peace had been committed, since that would indicate agreement between the Great Powers. If the question had to be referred to the Assembly, it

would be a sign of division between the Great Powers and the world situation would be dangerous. He noted that the report was not a political proposal calling upon the General Assembly to act; it showed the need for further study of the matter, and therefore the Committee's work should continue. Its conclusions should be of assistance to the Security Council.

b. DRAFT RESOLUTIONS SUBMITTED IN THE FIRST COMMITTEE

Two draft resolutions were submitted to the Committee: one jointly by Australia, Belgium, Brazil, Canada, France, the Philippines, Turkey, the United Kingdom, the United States, Venezuela and Yugoslavia (A/C.1/676), and the other by the USSR (A/C.1/688).

(1) Joint Eleven-Power Draft Resolution and Amendments

The joint draft resolution (A/C.1/676) would have the Assembly:

(a) note the report of the Collective Measures Committee and approve its conclusions; (b) recommend to Member States that they: (i) take the necessary action to maintain in their national armed forces elements for service as United Nations units; (ii) take the necessary steps in accordance with their constitutional processes to provide assistance and facilities for United Nations forces engaged in collective measures; (iii) examine their legislation and administrative regulations to ensure that they can promptly and effectively carry out collective measures in accordance with their constitutional processes; (iv) continue to survey their resources in order to determine the nature and scope of the assistance they may be in a position to render; (v) seek, in addition to their individual participation in the collective security system of the United Nations, within such international bodies or arrangements to which they belong, to obtain maximum support for United Nations collective measures; (c) invite non-member States to consider by which means they can contribute effectively to collective measures undertaken by the United Nations; (d) request the Secretary-General to appoint the members of the panel of military experts to offer technical advice to Members on preparing their contributions of units for prompt service with the United Nations; (e) direct the Collective Measures Committee to continue its studies for another year and report thereon to the Security Council and the General Assembly at its seventh session.

The following amendments to the joint eleven-Power draft resolution (A/C.1/676) were submitted:

(a) Colombia, Chile and Mexico proposed (A/C.1/689): (i) that greater cognizance be taken in the preamble of the importance of regional and collective self-defence arrangements; (ii) that the conclusions in the Committee's report be noted rather than approved; (iii) that the provisions concerning the contributions of Members assure that these be made without prejudice

to the internal security of Members and within what, in their judgment, was their capacity; and (iv) that Member States determine, in the light of their legislation, appropriate steps for carrying out effectively United Nations collective measures in accordance with their constitutional rules, rather than that they examine their legislation and administrative regulations to ensure that they could carry out United Nations collective measures.

(b) Afghanistan, Egypt, Iran, Iraq, Lebanon, Saudi Arabia and Yemen proposed (A/C.1/690) to include a provision recognizing that nothing in the resolution should be construed to permit any measures to be taken in any State without its consent.

(c) Chile and Colombia proposed (A/C.1/692) altering the provision on regional arrangements to specify only that Members would contribute to United Nations collective measures directly as well as through regional agencies and arrangements, rather than to refer to the possibility of direct contributions, as well.

(d) Guatemala proposed (A/C.1/695) that Member States should maintain special United Nations elements within their own forces only to the extent to which, in their judgment, their capacity would permit them.

The eleven sponsors of the joint draft resolution thereafter submitted successive revised drafts (A/C.1/676/Rev.1 and A/C.1/694 and Rev.1) largely incorporating the amendments submitted by the Colombia, Chile and Mexico (A/C.1/689) and the one submitted by Afghanistan, Egypt, Iran, Iraq, Lebanon, Saudi Arabia and Yemen (A/C.1/690); whereupon the sponsors of the amendments withdrew the portions which had been incorporated in the new draft.

The Committee rejected the following amendments:

(a) the portion of the amendment by Colombia, Chile and Mexico (A/C.1/689) proposing that the preamble be rephrased to give greater emphasis to regional arrangements and agencies (by 24 votes to 13, with 17 abstentions);

(b) the proposal by Chile and Colombia (A/C.1/692) on the contributions of Members to collective measures predominantly through regional arrangements and agencies (by 34 votes to 6, with 17 abstentions);

(c) the portion of the proposal by the USSR (A/C.1/688), submitted as an amendment to the joint draft resolution, calling for the abolition of the Collective Measures Committee (by 52 votes to 5, with 2 abstentions).

The Committee adopted the following amendments:

(a) the portion of the amendment by Colombia, Chile and Mexico on the legislative and constitutional arrangements for carrying out United Nations collective measures (by 39 votes to 5, with 13 abstentions);

(b) the proposal by Guatemala (A/C.1/695) concerning the nature of the obligation to maintain forces for contributions to collective measures by the United Nations (by 33 votes to 7, with 18 abstentions).

The Committee adopted the eleven-Power joint draft resolution, as amended, first in parts, in votes varying from 52 to none, with 6 abstentions,

to 44 to 9, with 2 abstentions. It adopted the draft resolution, as a whole, by 51 votes to 5, with 3 abstentions.

(2) USSR Draft Resolution

This draft resolution (A/C.1/688) proposed:

(a) that the Collective Measures Committee be abolished; and (b) that a periodic meeting of the Security Council be convened, to be attended by the Foreign Ministers of members of the Council as provided for by Article 28 of the Charter. That meeting, it was proposed, would consider measures to remove the current international tension and would examine, in the first place, the measures which the Council might take to bring the armistice negotiations in Korea to a successful conclusion.⁹

The following amendments to the USSR draft resolution were submitted:

(a) Egypt, Iran, Iraq, Lebanon, Saudi Arabia, Syria and Yemen proposed (A/C.1/691) the deletion of the provision calling for the abolition of the Collective Measures Committee. Since the amendment to the eleven-Power draft resolution, which proposed the abolition of the Collective Measures Committee, had been rejected previously, the Chairman considered the matter had been voted on, and did not submit the amendment to the vote.

(b) Brazil, France, the United Kingdom and the United States proposed (A/C.1/693) the deletion of the words "without delay" in the recommendation that the Security Council call a periodic meeting under Article 28 of the Charter, and the insertion of a provision that the meeting should be called when it would usefully serve to remove international tension. The amendment would also delete the last part of the Soviet draft resolution referring to the armistice negotiations in Korea.

During the debates, the representatives of Czechoslovakia, Poland, the Byelorussian SSR and the Ukrainian SSR spoke in support of the USSR draft resolution. The representative of the USSR urged that a periodic meeting would play a considerable role in leading to a settlement of all outstanding issues. He asserted that the negotiations in Korea had been going on for six months, without very considerable progress. The draft would, he stated, invite the Council to consider the question of the methods which could be selected by the United Nations in order to assist the successful conclusion of those negotiations, and provide additional assistance to break the deadlock in Korea; it would not be an alternative to the Panmunjom conversations, which should continue.

The representative of the United Kingdom did not believe that any useful purpose would be served at that stage by referring the negotiations in Korea to the Security Council. The difficulties in the negotiations were of a kind which could

best be settled between commanders in the field. If the purpose of the proposal was to bring the armistice negotiations into a body where the veto of the Soviet Union could prevent any decision, it was all the more to be opposed. He agreed that the Security Council should bear in mind the advisability of holding a meeting under Article 28 when it appeared expedient, but at present, he stated, such a meeting would only provide another platform for abuse by the Soviet Union.

The representative of the United States said that everyone knew that the Security Council could not perform its functions as long as the USSR made no effort to reach unanimity with the other permanent members and exercised without restraint its power of veto. The members of the Security Council, he observed, could call a periodic meeting whenever they believed that their deliberations might be helped by one. He referred to the fact that the Secretary-General, in his annual report (A/1844/Add.1), had said that he had not pressed the suggestion for periodic meetings in his 20-year programme for peace in the belief that aggression in Korea should first be ended and that the proposal should then be considered in the light of prevailing conditions.

The representatives of Egypt, Iraq, Lebanon, Pakistan and Syria voiced their support of that portion of the USSR draft which proposed convening the Security Council in special session. The representative of Canada stated that, although he was not opposed to such a session, he thought the decision rested with the Security Council itself.

The amendment of Brazil, France, the United Kingdom and the United States (A/C.1/693) was adopted in a series of votes by paragraphs, ranging from 32 votes to 6, with 18 abstentions, to 43 votes to 5, with 8 abstentions. The draft resolution, as amended, was adopted by 50 votes to none, with 8 abstentions.

c. CONSIDERATION BY THE GENERAL ASSEMBLY IN PLENARY SESSION

The Assembly considered the report of the First Committee (A/2049) at its 359th plenary meeting on 12 January 1952, including the two draft resolutions which had been adopted: A, on the report of the Collective Measures Committee; and B, on the special meetings of the Security Council. The USSR submitted a draft resolution (A/2050) calling for the abolition of the Collective Measures Committee.

⁹ For discussion on the Korean question, see p. 207ff.

The representatives of Bolivia, Brazil, France, Haiti, Mexico, the Philippines, the United States and Yemen spoke in support of draft resolution A.

The representative of the United States said that the draft, like the "Uniting for peace" resolution (377(V)), recognized the authority of the General Assembly and the obligations of individual Members under the Charter to take action to maintain peace and security when the Security Council failed to act because of the veto. He observed that the provisions on the supporting relationship between the United Nations and other international arrangements and agencies added to the strength of the United Nations system of collective security. His Government, he stated, regarded its participation in the North Atlantic Treaty Organization and in the Organization of American States as giving added strength and support to the United Nations system and to the principles of the Charter. By relating all such arrangements expressly to the universal collective security system, as draft resolution A proposed, it would be ensured that such arrangements would be employed in the service of the principles of the Charter and would not degenerate into mere military alliances involving force or the threat of force for the achievement of narrow purposes inconsistent with the Charter. A programme of collective security was not contradictory but complementary, to a programme of disarmament. It was not intended as a substitute for the pacific settlement of disputes; pacific settlement and collective measures were inseparable parts of security under the Charter. He reaffirmed the opposition of his Government to having the Security Council take up at that time the question of the armistice in Korea. Debate of the political issues involved in the peace settlement, he believed, would not facilitate the settlement of the military issues involved in the armistice currently being negotiated in Korea. His Government, on the other hand, had always been prepared to discuss in the Security Council and in other appropriate forums measures to reduce international tensions.

The representative of Mexico supported draft resolution A, on the understanding that the Organization of American States as a regional body did not thereby incur any new obligation, even of a moral character. In the application of enforcement measures for collective security, his Government recognized the absolute precedence of its regional obligations over commitments possibly arising out of Assembly recommendations.

He believed that the Organization of American States must not lose its authority within the regional sphere, which constituted its own natural field of action and through which it contributed to the security of the whole world.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR spoke in support of the USSR draft resolution (A/2050), also indicating that they would vote for draft resolution B, proposed by the First Committee, but would vote against draft resolution A. The representative of the USSR stated that draft resolution A was not in accordance with the functions, purposes and principles expressed in the Charter. That draft, he observed, followed the lines of the "Uniting for peace" resolution (377(V)), which had been adopted the previous year and remained a document representing a programme not of measures to defend and strengthen peace and prevent aggression, but for the preparation of a new war.

The representative of Czechoslovakia stated that draft resolution A was based on what he termed the illegal resolution 377(V) of the General Assembly, and contained the recommendations of what he, accordingly, considered an illegal body, the Collective Measures Committee. The illegality, he asserted, arose from the fact that, contrary to the provisions of the Charter, resolution 377(V) transferred to the General Assembly jurisdiction which had been given exclusively to the Security Council.

The representative of India stated that his Government had abstained in 1950 in the vote on the "Uniting for peace" resolution. India, he stated, could not agree to the recommendations relating to the maintenance of national units for service under the United Nations upon requisition by the Security Council or the General Assembly; for his Government believed it inopportune to stress the military functions of the United Nations since it gave the impression that the Organization was more concerned with perfecting its enforcement machinery than with promoting international co-operation and mutual goodwill. Furthermore, the Charter gave to the Security Council the power to make decisions on enforcement measures. Since recommendations of the Assembly did not have the same binding force on Member States as decisions by the Council, there would be, his Government believed, a danger of war if those recommendations were carried out by certain Member States and not by others, particularly in opposition to the views of one or more of the Great Powers.

He noted new grounds for hope in the negotiations in progress for an armistice in Korea, and in the recent decision of the Assembly to constitute a Disarmament Commission.

The Assembly adopted draft resolution A by a roll-call vote of 51 to 5, with 3 abstentions, as follows:

In favour: Afghanistan, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, United Kingdom, United States, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR.

Abstaining: Argentina, India, Indonesia.

It next adopted draft resolution B by a roll-call vote of 57 to none, with 2 abstentions as follows:

In favour: Afghanistan, Australia, Belgium, Bolivia, Brazil, Burma, Byelorussian SSR, Canada, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Ukrainian SSR, USSR, United Kingdom, United States, Uruguay, Venezuela, Yemen, Yugoslavia.

Against: None.

Abstaining: Argentina, China.

The President of the Assembly observed that since the Assembly had adopted draft resolution A providing for the continuation of the Collective Measures Committee for a further year, there was no need to vote on the draft resolution submitted by the Soviet Union (A/2049) which recommended the abolition of that Committee. The President's observation was not questioned.

The two resolutions adopted by the Assembly (503 A and B (VI)), at its 359th plenary meeting on 12 January 1952 read:

"The General Assembly,

"Reaffirming that it is one of the foremost Purposes of the United Nations to "take effective collective measures for the prevention and removal of threats to the peace and for the suppression of acts of aggression or other breaches of the peace",

"Recognizing that the establishment of an effective collective security system is in harmony with other United Nations Purposes and Principles as embodied in the Charter, in particular those relating to the pacific

settlement of disputes, which must be fulfilled if an enduring peace is to be secured,

"Reaffirming its desire, as expressed in its resolution 377 A (V) entitled "Uniting for peace", to ensure that the United Nations has at its disposal means for maintaining international peace and security pending the conclusion of agreements provided for in Article 43 of the Charter,

"Recognizing that the ability and readiness of States to contribute armed forces and other assistance and facilities in support of United Nations collective action are essential to an effective security system,

"Having received the report of the Collective Measures Committee rendered in accordance with paragraph 11 of resolution 377 A (V),

"Noting the responses from Member States to its recommendation contained in that resolution that they maintain elements within their national armed forces which could be made available for United Nations service,

"Convinced, moreover, that additional action should be taken by States and further study undertaken by the United Nations for the establishment of an effective system of collective security under the authority of the United Nations,

"Recognizing that regional and collective self-defence arrangements concluded in accordance with the terms of the Charter can and should constitute an important contribution to the universal collective security system of the United Nations,

"Recognizing that United Nations collective action, to be most effective, should be as nearly universal as possible and that in the event of need States not Members of the United Nations should unite their strength with that of the United Nations to maintain international peace and security in accordance with the Purposes and Principles of the Charter,

"1. Takes note of the report of the Collective Measures Committee and of its conclusions and expresses its appreciation of the Committee's constructive work in the study of collective security;

"2. Recommends to Member States that, in accordance with paragraph 8 of resolution 377 A (V), each take such further action as is necessary to maintain within its national armed forces elements so trained, organized and equipped that they could promptly be made available, in accordance with its constitutional processes and to the extent to which in its judgment its capacity permits it to do so, for service as a United Nations unit or units without prejudice to the use of such elements in exercise of the right of individual or collective self-defence recognized in Article 51 of the Charter and without prejudice to internal security;

"3. Recommends to Member States that they take such steps as are necessary to enable them, in accordance with their constitutional processes and to the extent to which in their judgment their capacity permits them to do so, to provide assistance and facilities to United Nations armed forces engaged in collective military measures undertaken by the Security Council or by the General Assembly;

"4. Recommends to Member States that they determine, in the light of their existing legislation, the appropriate steps for carrying out promptly and effectively United Nations collective measures in accordance with their constitutional processes;

"5. Recommends to Member States that they continue the survey of their resources provided for in paragraph 7 of resolution 377 A (V);

"6. Recommends to Members of the United Nations which belong to other international bodies, or which are parties to international arrangements concluded in accordance with the Charter, that, in addition to their individual participation in the collective security system of the United Nations, they seek to obtain, when appropriate, in and through such bodies and arrangements within the constitutional limitations and the other provisions of those bodies and arrangements, all possible support for collective measures undertaken by the United Nations;

"7. Invites States not Members of the United Nations to take note of the report of the Collective Measures Committee and consider ways and means, in the economic as well as in other fields, whereby they could contribute most effectively to collective measures undertaken by the United Nations in accordance with the Purposes and Principles of the Charter;

"8. Requests the Secretary-General to appoint as soon as possible the members of the panel of military experts provided for in paragraph 10 of resolution 377 A (V), to the end that they can be made available on request of States wishing to obtain technical advice regarding the training, organization and equipment of the United Nations units referred to in paragraph 2 above;

"9. Directs the Collective Measures Committee, in consultation with the Secretary-General and with such

States as the Committee finds appropriate, to continue for another year its studies on methods which might be used to maintain and strengthen international peace and security in accordance with the Purposes and Principles of the Charter, taking account of both regional and collective self-defence arrangements, and to report thereon to the Security Council and to the General Assembly before the seventh session of the General Assembly;

"10. Recognizes that nothing in the present resolution shall be construed to permit any measures to be taken in any State without the free and express consent of that State.

B

"The General Assembly,

"Considering that a basic task of the United Nations is to secure and strengthen international peace and security, and bearing in mind that under the Charter the main responsibility for the maintenance of international peace and security has been conferred on the Security Council,

"Recommends that the Security Council, in accordance with Article 28 of the Charter, should convene a periodic meeting to consider what measures might ensure the removal of the tension at present existing in international relations and the establishment of friendly relations between countries whenever such a meeting would usefully serve to remove such tension and establish such friendly relations in furtherance of the Purposes and Principles of the Charter."

D. DEVELOPMENT OF A TWENTY-YEAR PROGRAMME FOR ACHIEVING PEACE THROUGH THE UNITED NATIONS

In resolution 494 (V)¹⁰ of 20 November 1950, the General Assembly requested the appropriate organs of the United Nations to consider those portions of the ten-point memorandum of the Secretary-General for developing a twenty-year peace programme (A/1304) with which they were particularly concerned and to inform the General Assembly at its sixth session, through the Secretary-General, of any progress achieved.

1. Progress Report by the Secretary-General

In accordance with that resolution, the Secretary-General submitted to the Assembly at its sixth session a report (A/1902) on progress achieved since the adoption of the resolution. It noted, *inter alia*, that the question had been considered by the Economic and Social Council, the Trusteeship Council, the International Court of Justice, the International Labour Organisation (ILO) and the United Nations Educational, Scientific and

Cultural Organization (UNESCO), and that reference to the question had also been made in reports of many of the Commissions.

a. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL

At its twelfth session, the Economic and Social Council considered the memorandum of the Secretary-General (A/1304) at its 476th and 477th plenary meetings on 19 and 20 March 1951.

The Council had before it a further memorandum by the Secretary-General (E/1900) quoting the General Assembly resolution and dealing more fully with three points in his programme (the enlargement of the United Nations programme of technical assistance; more vigorous use of the specialized agencies; and wider observance of human rights) which were of special interest to the Council. The Council also had before it a letter from the Secretary-General to the Council of 12 December 1950 (E/1881) and

¹⁰ See Y.U.N., 1950, pp. 214-20.

a joint draft resolution submitted by France and the United Kingdom (E/L.168).

The joint draft resolution would have the Council take note of the memorandum and invite the attention of the competent subsidiary bodies of the Council as well as that of the specialized agencies to the memorandum, with a view to their studying it in the light of General Assembly resolution 494 (V).

Support for the joint draft resolution was expressed in the Council by the representatives of Belgium, Chile, China, France, Peru, the Philippines, the United Kingdom, United States and Uruguay. These representatives, generally speaking, praised the programme outlined in the memorandum and felt that it would be helpful to the Council in the exercise of its functions.

Some representatives, among them those of Czechoslovakia, Poland and the USSR, criticized the memorandum and repeated the stand that they had taken when the matter was discussed at the fifth session of the General Assembly. They felt that the memorandum was not in accordance with the Charter of the United Nations; that undue influence on the United Nations was being exercised by the Western Powers; and that the memorandum was an instrument of the policies of those Powers.

At its 477th plenary meeting on 20 March the Council, by 15 votes to 3, adopted the joint draft resolution with some oral drafting changes (E/L.168/Rev.1), as resolution 358 (XII). It read:

"The Economic and Social Council,

"Having considered the memorandum of the Secretary-General concerning the development of a 20-year programme for achieving peace through the United Nations and bearing upon points 6, 7 and 8 of that programme, being those which fall directly within the Council's competence,

"Noting that the three points mentioned in that document have been directly or indirectly examined at the present session of the Council in relation to various items on its agenda, and that progress has been made on this occasion,

"Reaffirming its constant desire to contribute, within the limits of its competence, to the mobilization of all means at its disposal for developing friendly relations between nations with a view to the maintenance of world peace,

"1. Takes note of the memorandum presented by the Secretary-General; and

"2. Invites the attention of the competent subsidiary bodies of the Council as well as that of the specialized agencies to this memorandum, with a view to their studying it in the light of General Assembly resolution 494 (V) of 20 November 1950."

b. CONSIDERATION BY THE TRUSTEESHIP COUNCIL

The Trusteeship Council considered the question at its eighth session, at its 319th, 320th and 330th meetings, from 5-26 February 1951.

The Council had before it a draft resolution (T/L.122) by the Dominican Republic, in terms of which the Council would offer its co-operation and would request the Administering Authorities of Trust Territories to furnish the Council with information relating to any progress in the Trust Territories in connexion with the purposes of the Assembly's resolution. The representatives of Belgium and Iraq, however, felt that, as the memorandum of the Secretary-General advocated the advancement of dependent, colonial or semi-colonial peoples and also contained suggestions addressed to sovereign Member States, including the Administering Authorities, it was not particularly concerned with Trust Territories and consequently General Assembly resolution 494 (V) did not concern the Trusteeship Council. To meet those points, the representative of the Dominican Republic submitted a revised text (T/L.122/Rev.1—see below) at the 330th meeting of the Council. He stated that his intention in presenting the draft resolution was to give the Council an opportunity of endorsing the principles of the twenty-year programme, which had been approved by the General Assembly.

The representative of Argentina expressed support for the resolution, but the USSR representative reaffirmed the position taken by his delegation at the fifth session of the General Assembly: that the resolution was unacceptable because it made no attempt to deal with the substance of the problems affecting world peace or to establish the framework for settling such problems.

At its 330th meeting on 26 February 1951 the Trusteeship Council, by 11 votes to 1, adopted the revised draft resolution of the Dominican Republic (T/L.122/Rev.1). The resolution (307-(VIII)) read:

"The Trusteeship Council,

"Having considered the text of General Assembly resolution 494 (V) of 20 November 1950 concerning the development of a 20-year programme for achieving peace through the United Nations and the explanatory memorandum submitted by the Secretary-General when he proposed that this item should be placed on the agenda of the fifth regular session of the General Assembly,

"Having considered, in particular, points 6, 7, 8 and 9 of the Secretary-General's memorandum in so far as these points are applicable to Trust Territories,

"Considering that a plan of such scope cannot be carried out except with the whole-hearted co-operation of all peoples and governments, both in public life and in the efforts of the individual, so that the sense of the equality and brotherhood of all human beings may become ever more deeply-rooted in the minds of all men and find expression in positive action,

"Recalling that, in paragraph 2 of the operative part of the said resolution, the General Assembly requests the appropriate organs of the United Nations to give consideration to those portions of the memorandum of the Secretary-General with which they are particularly concerned, and, in paragraph 3, requests these organs to inform the General Assembly at its sixth session, through the Secretary-General, of any progress achieved through such consideration,

"Considering that, without embarking on a study of the other parts of the memorandum, which do not fall within the particular province of the Trusteeship System, the Trusteeship Council may exercise its functions with respect to the furtherance and execution of the purposes set forth in points 6, 7, 8 and 9 of the Secretary-General's memorandum,

"Decides

"To take note of the text of the General Assembly's resolution of 20 November 1950 concerning the development of a 20-year programme for achieving peace through the United Nations, and of the explanatory memorandum submitted by the Secretary-General."

c. CONSIDERATION BY THE INTERNATIONAL COURT OF JUSTICE

In a letter dated 18 June 1951, addressed to the Secretary-General, the President of the International Court of Justice stated that the Court was extremely interested in the resolution adopted by the Assembly and the memorandum transmitted by the Secretary-General. The letter pointed out that the Court had no power to assume jurisdiction on its own initiative; it was called upon to pronounce only in those cases which governments (or the international bodies qualified to request advisory opinions from it) thought fit to submit to it. Thus, the letter stated, the contribution which the Court could make to the development of international law depended on the steps taken by governments and the qualified international bodies. Members of the Court, the letter said, appreciated that part of the memorandum which reminded governments of the resources provided by the Charter of the United Nations and the Statute of the Court for the development of international law through the Court's decisions.

d. CONSIDERATION BY THE GENERAL CONFERENCE OF UNESCO

The General Conference of UNESCO, at its 1951 session in Paris, unanimously adopted a reso-

lution confirming its whole-hearted support of the endeavours by the Secretary-General to maintain peace through action by the United Nations under the Charter, and pledged the determination of UNESCO to exert every effort, within its own fields of competence, to contribute to the success of those endeavours. By the same resolution, UNESCO recognized the necessity of concentrating its available resources on tasks of primary importance and significance and reaffirmed its intention to pursue vigorously its efforts to bring about universal respect for and compliance with those articles in the Declaration of Human Rights which concerned it and to continue its active participation in the expanded programme of technical assistance of the United Nations and the specialized agencies.

e. CONSIDERATION BY OTHER BODIES

The report also noted that certain other bodies, including ILO, had taken specific action in the light of the resolutions on the twenty-year programme, and reference to the programme had been made in reports of many of the Commissions of the Economic and Social Council. The points of the memorandum relating to technical assistance for under-developed countries, the specialized agencies and human rights had provided for the Administrative Committee on Co-ordination a focus for its recommendations on economic and social activities.

f. REVIEW OF PROGRESS ON THE PROGRAMME

In addition to noting the above action, the report by the Secretary-General (A/1902) reviewed progress achieved since the adoption of resolution 494(V), according to the ten points recommended in the programme:

(1) Periodic meetings of the Security Council

The report stated that although the Security Council had not yet considered the suggestion, it was hoped that the Council would recognize the desirability of periodic and regular meetings to provide a means for consultation on outstanding issues and to develop a basis of agreement between nations.

- (2) Control of atomic energy and
- (3) Control of Armaments

Recalling General Assembly resolution 496(V)¹¹ which established a Committee of Twelve to report to the Assembly's sixth session on

¹¹ See Y.U.N., 1950, p. 419.

the question of merging the Atomic Energy Commission and the Commission for Conventional Armaments, the report stated that, whatever the final disposition by the Assembly of the report of that Committee,¹² negotiations might be immediately instituted which might open the way to agreement to bring the armaments race under control.

(4) Strengthening of the United Nations Collective Security System

The report stated that today, more than ever before, the existence of strong forces available to the Organization to ensure compliance with its decisions would increase the likelihood that peaceful settlements can be achieved. By 1 October 1951, a total of 37 replies had been received in response to the invitation to Member States, contained in the Assembly's "Uniting for peace" resolution¹³ to inform the United Nations of measures taken to maintain within their national armed forces elements for service as United Nations units. Only four of the replies were negative and five simply acknowledgements. The affirmative responses expressed the determination of the majority of Member States to make collective security work. The report further expressed the view that the steps already taken and in course of being taken represented considerable progress toward the objectives of collective security.

(5) Universality of Membership

On this subject, the report urged that the independent nations now outside the organization be admitted to membership and stated that such action would increase its effectiveness as a centre for harmonizing differences between nations.

It recalled that, on 4 December 1950, the General Assembly adopted a resolution requesting the Security Council to keep under consideration applications for membership in the United Nations¹⁴, most of which had been pending for four or five years, and it expressed the hope that action would be taken by the Council on this question in the light of the decisions of the Assembly.

(6) Technical Assistance and Economic Development

The report drew attention to the importance of improving living standards, to enable fundamental freedoms to be enjoyed and to reduce some of the basic causes of unrest and instability endangering the peace. It expressed the view that the expanded programme of technical assistance should be "vig-

orously pursued and further enlarged". It noted progress in economic development and recalled the adoption by the Economic and Social Council, at its thirteenth session in August 1951, of a comprehensive resolution¹⁵ containing recommendations addressed both to developed and under-developed countries with a view to increasing the flow of capital from both public and private sources.

(7) More Vigorous Use of the Specialized Agencies

The report noted that the long-term programmes of the specialized agencies would minimize the economic and social causes of war. The Economic and Social Council, in response to General Assembly resolution 494(V), had, at its twelfth session, adopted resolution 358(XII)¹⁶ by which it invited the attention of the competent subsidiary bodies of the Council, as well as that of the specialized agencies, to the memorandum of the Secretary-General (A/1304). Greater support of the specialized agencies, the report stated, would assist in the creation of conditions more conducive to peace and would be of benefit to governments. Support from governments was required, the report continued, not only for the work of existing specialized agencies but for the completion of the United Nations network of international economic and social agencies.

(8) Wider Observance of Human Rights

The report expressed the view that the greater the observance of human rights and fundamental freedoms, the less the likelihood of aggression on the part of any nation. During the last year, it stated, the European Convention for the Protection of Human Rights, drafted under the auspices of the Council for Europe, had been signed. The Commission on Human Rights had carried out some important revisions in the draft Covenant on Human Rights. International instruments drafted during the last year (including the Convention relating to the Status of Refugees, the draft Convention on Freedom of Information and the draft Convention on Political Rights for Women reflected a growing recognition that the promotion and protection of human rights was in many instances to be achieved through international co-operation.

¹² See p. 162.

¹³ See Y.U.N., 1950, pp. 193-95.

¹⁴ See Y.U.N., 1950, p. 143.

¹⁵ See pp. 385-87.

¹⁶ See p. 190.

(9) Advancement of Dependent, Colonial or Semi-Colonial Peoples

The report stated that the United Nations has an obligation to assist in all practical ways in the fulfilment of the needs of millions of people who do not enjoy self-government and independence. In many parts of the colonial world, it was stated, there was dissatisfaction at the rate of progress in the advancement of non-self-governing peoples toward self-government or independence, though substantial progress had been made in some Territories. The progress report noted that this part of the memorandum had been drawn to the attention of the Trusteeship Council, which had taken note of it (see above) without making any recommendations.

(10) Development of International Law

The report stated that peace is conceivable only if the nations of the world accept the principle that they will be governed by law and that the progressive development of international law was more essential than ever before. It gave as examples of specific steps to be taken in the development of international law the ratification of the Convention on Genocide, the greater use of the International Court of Justice and the systematic development and codification of international law. The report recalled that the Convention on Genocide had entered into force on 12 January 1951. It also noted that the contribution of the International Court of Justice to the development of international law was circumscribed by the extent to which States referred contentious cases to it and competent international organizations requested advisory opinions.

2. Consideration of the Report by the General Assembly

The report was considered by the General Assembly at its 367th and 368th plenary meetings on 31 January 1952.

The Assembly also had before it a nine-Power joint draft resolution (A/2095), submitted by

Canada, Chile, Colombia, Haiti, Lebanon, Pakistan, the Philippines, Sweden and Yugoslavia. This joint draft resolution, in recalling resolution 494 (V) and taking note of the report of the Secretary-General (A/1902), would request the appropriate organs of the United Nations to continue to give consideration to those portions of the memorandum of the Secretary-General with which they were particularly concerned, and to inform the General Assembly, at its seventh session, of the results of such consideration.

During the discussion, the efforts of the Secretary-General in promoting the cause of peace were praised, and support for the joint draft resolution was expressed by a number of representatives, among them those of France, Indonesia, Mexico, the Netherlands, Norway, the United Kingdom and the United States. Other representatives, however, including those of Czechoslovakia, Poland and the USSR, opposed the joint draft resolution on the ground that neither the progress report, nor the programme contained any proposal leading toward a true strengthening of peace and security and that they merely defended the aggressive plans of the Western Powers.

At its 368th plenary meeting on 31 January, the General Assembly adopted the joint draft resolution (A/2095), by 45 votes to 5. The resolution (608(VI)) read:

"The General Assembly,

"Recalling its resolution 494 (V) of 20 November 1950,

"Taking note of the progress report by the Secretary-General regarding the "Memorandum of points for consideration in the development of a twenty-year programme for achieving peace through the United Nations" submitted by the Secretary-General to the General Assembly at its fifth session,

"1. Requests the appropriate organs of the United Nations to continue to give consideration to those portions of the memorandum of the Secretary-General with which they are particularly concerned;

"2. Requests these organs to inform the General Assembly at its seventh session, through the Secretary-General, of any progress achieved through such consideration."

E. ADMISSION OF NEW MEMBERS

1. Consideration by the General Assembly at its Sixth Session

On 24 September 1951, Peru requested (A/1887/Rev.1) the inclusion in the agenda of the sixth session of the General Assembly of an item entitled "Admission of new Members: right of candidate States to present proof of the conditions required Article 4 of the Charter¹⁷".

On 6 October 1951, El Salvador, Guatemala and Honduras requested (A/1899) the inclusion in the agenda of the item "Admission of new Members". They forwarded an explanatory memorandum (A/1906) which stated that the three countries, and indeed the great majority of Members of the United Nations, remained convinced that the Organization should do its utmost to admit to membership all peace-loving States which accepted the obligations contained in the Charter and, in the judgment of the Organization, were able and willing to carry out these obligations, and which had repeatedly expressed the desire to join the world organization. They declared that it was clear from the fact that the General Assembly had recommended to each Member of the Organization, in voting on the admission of new Members, to act in accordance with the advisory opinion of 28 May 1948 of the International Court of Justice and had requested the Security Council to continue consideration of the applications for admission of various States, that the Assembly did not consider as resolved the problem created by the attitude of permanent members of the Security Council who made their consent to the admission of applicant States subject to conditions completely foreign to the Organization.

The three Governments concerned would, it was stated, submit to the sixth session of the Assembly a concrete proposal designed to help reach a solution. They were particularly interested in the admission of Italy, both because of its racial and cultural links with Central America and because of the similarity of political and social viewpoints.

On 11 October 1951, Nicaragua associated itself (A/1907) with the proposal made by El Salvador, Guatemala and Honduras.

The General Assembly, at its 341st plenary meeting on 13 November 1951, on the recommendation (A/1950) of the General Committee,

decided to include the two items under the title "Admission of New Members, including the right of candidate States to present proof of the conditions required under Article 4 of the Charter." At its 342nd meeting on the same day, the Assembly referred the item to the First Committee, which considered it at its 494th to 501st meetings from 18-25 January, and at its 506th meeting on 29 January 1952.

a. DISCUSSION BY THE FIRST COMMITTEE

Discussion in the First Committee centred on the principle of universality of membership, the use of the veto, and the attempt to break the deadlock existing on this question.

A number of representatives, including those of Australia, China, Colombia, the Dominican Republic, Egypt, Greece, India, Iran, Iraq, the Netherlands, Nicaragua, the Philippines, Saudi Arabia, Syria, and the United States, stated that all States which fulfilled the conditions of Article 4 of the Charter should be admitted to the United Nations in order to give the Organization the universal character which it had been designed to have; States not fulfilling the conditions should not be admitted.

The representative of Guatemala believed that the aim of the United Nations should be universality, but that that universality should be rational and not mechanical. In the opinion of the representative of the United Kingdom, universality, although clearly one of the aims of the United Nations, did not constitute an immediate aim laid down by the Charter. The representative of Czechoslovakia argued that the universality of the United Nations could not be achieved so long as the "Anglo-American majority" pursued its discriminatory policy, justified by fictitious arguments. The representative of Ecuador considered that, where any doubt existed as to the qualifications of a State applying for membership, it

¹⁷ Article 4 states:

"1. Membership in the United Nations is open to all other peace-loving States which accept the obligations contained in the present Charter and, in the judgment of the Organization, are able and willing to carry out these obligations.

"2. The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council."

should be given the benefit of the doubt, since its admission might possibly lead to a change in its policy.

A number of representatives, including those of Argentina, Australia, Cuba, Greece, Nicaragua and Peru, felt that the right of veto should not apply to the admission of new Members. They argued that the veto was indisputably a privilege, and it was a universally accepted rule of law that the interpretation of any privilege must be restrictive. The representative of China also stated that the right of veto was abused in this regard.

The representative of Iraq declared that, according to Article 4 of the Charter, there could be no question as to the General Assembly's power to take decisions. The powers usurped by the Security Council were based on the abuse of the veto, which was itself incompatible with the spirit of the Charter. He believed that the veto should not be applied when the principle of the universality of the United Nations was at stake.

The representative of the United States stated that the United States had never vetoed an application for admission and would never do so.

The representative of Yugoslavia said that a new effort should be made to break the deadlock in the United Nations on the question of admitting new Members. The problem, he argued, was political in its origin and in its effects; it could not be solved on a juridical, but only on a political, basis. The political solution must be the admission of the applicant States as a group, he said, and noted that an increasing number of representatives appeared to share that view.

The representative of the USSR, supported by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, stated that the United States and the United Kingdom were responsible for the existing deadlock because they had discriminated against certain applicant States. Those representatives argued that the United Kingdom and the United States had taken up the unacceptable position: that only States within their political and economic sphere of influence or belonging to the aggressive "Atlantic bloc" were eligible for admission. Great harm, they said, had been done to the United Nations by that attitude. In particular, the refusal to accept the applications of Albania, Bulgaria, Hungary, the Mongolian People's Republic and Romania was unwarranted, and constituted an act of discrimination and an infringement of the Peace Treaties concluded with Bulgaria, Hungary and Romania. The United States had no real de-

sire to see independent countries admitted to the United Nations. It had, therefore, exerted pressure to secure the rejection of a USSR proposal for the simultaneous admission of thirteen applicant States. Criticism of that attitude had been steadily growing, they said.

The representative of the United Kingdom rejected the USSR representative's suggestion that the United States and the United Kingdom were responsible for the existing deadlock. The United Kingdom, he said, had confined itself to withholding its support from those of the applicants which it had considered did not fulfil the conditions prescribed in Article 4 of the Charter. It had, moreover, been supported in that attitude by a large-majority, both in the Security Council and in the General Assembly. It was, on the contrary, the exercise of the veto by the USSR, even against those applicants which it did not profess to regard as not fulfilling the conditions prescribed in Article 4, which had been responsible for the deadlock.

The principle of the Charter, said the representative of the United States, was that each applicant State should be examined on its merits. The qualifications required by Article 4 were simple but basic. The United States attitude was that if the States sponsored by the USSR so acted as to show a desire for friendly relations, they might achieve the support of a majority in the Security Council and the General Assembly. The United States policy was not to frustrate the will of the Organization by opposing an application that had sufficient support. The use of the veto by the USSR, he said, reflected its normal policy of contempt for the views of other States.

b. RESOLUTIONS AND AMENDMENTS SUBMITTED IN THE FIRST COMMITTEE

Discussion in the First Committee, in the beginning, centred on two draft resolutions; one (A/C.1/702/Rev.1)¹⁸ submitted by Peru and the other (A/C.1/703) by the USSR.

(1) Peruvian Draft Resolution

The Peruvian draft (A/C.1/702/Rev.1), submitted at the 494th meeting on 18 January 1952.

¹⁸ In its original form, which was not discussed by the Committee, the draft resolution (A/C.1/702) had provided for inviting all States "applying for membership" rather than all States "which have applied or may apply for membership".

consisted of seven paragraphs, according to which the Assembly would:

(1) state that the Charter provides that membership is open to all States not original Members of the United Nations and that this universality is subject only to the conditions that they be peace-loving and accept the obligations contained in the Charter and, in the judgment of the Organization, are able and willing to carry out these obligations;

(2) state that the United Nations, in deciding whether or not an applicant State is qualified for membership, should consider such facts as: the maintenance of friendly relations with other States, the fulfilment of international obligations and the record of a State's willingness and desire to submit international claims or controversy to pacific means of settlement by international law;

(3) state that, according to the advisory opinion of the International Court of Justice of 28 May 1948, a Member of the United Nations voting on the application of a State for membership is not juridically entitled to make its consent to admission dependent on conditions outside the scope of Article 4 of the Charter;

(4) state that it is not possible to deny to States candidates for membership the right to present proofs on facts such as those recited in the first paragraph ((1) above);

(5) declare that the judgment of the United Nations on the admission of new Members should be based exclusively on the juridical conditions contained in Article 4 of the Charter;

(6) invite all States which have applied or may apply for membership to present to the Security Council and to the General Assembly, pursuant to the procedures established by their respective rules of procedure, all appropriate evidence relating to their qualifications under Article 4 of the Charter; and

(7) recommend that the Security Council reconsider all pending applications for membership as well as future applications in the light of such facts as States applicants may present, and that it base its action exclusively on the conditions contained in the Charter and on facts establishing those conditions.

The representative of Peru stated that the crisis which the United Nations had experienced in the question of the admission of new Members was undoubtedly due to disagreement between the Great Powers. One fifth of the nations of the world, including many which had made particularly important contributions to civilization, were not Members of the United Nations and, as a result, the United Nations was not a universal body. Without that universality, the United Nations could not create the balance which should exist between it and the international community. If this balance were not achieved the United Na-

tions would be imperfect and, at most, would represent an alliance between opposing blocs. The conditions laid down in Article 4 of the Charter governing the admission of new Members were not intended to restrict the principle of universality, but merely to provide certain guarantees. The Security Council was not entitled to exclude a State a priori, since this would be inconsistent with the aim of universality. Evidence, he said, should be submitted by the States applying for admission in support of the facts which would justify their admission.

A number of representatives, including those of Australia, Belgium, Chile, China, Colombia, Cuba, the Dominican Republic, France, Iran, the Netherlands, the United Kingdom and the United States, supported the Peruvian draft either wholeheartedly or in principle.

The representatives of Colombia and Cuba, while stating that the Peruvian draft was a step in the right direction, declared that it was not a final solution to the problem. The General Assembly, the representative of Colombia argued, should not be bound by an unfavourable decision of the Security Council. The draft, the representative of Cuba noted, did not eliminate the right of veto of the permanent members of the Council.

The Peruvian proposal, said the representative of the United States, would enable candidates to speak for themselves and enable the Members to arrive at a judgment.

The representatives of Belgium, El Salvador, Greece and Syria, among others, criticized that part of the Peruvian proposal concerning the submission of evidence. Such a procedure, they felt, might embarrass either the United Nations or the applicant State, and it did not provide any guarantee of admission.

The representatives of Australia, France, the Netherlands and the United Kingdom, among others, preferred the omission of the word "juridical" in the fifth paragraph of the Peruvian draft. They did not feel that the admission of new Members had to be based exclusively on the juridical conditions set forth in Article 4 of the Charter; political considerations should also be taken into account.

The representative of Norway doubted whether the Peruvian draft would make it possible to find a solution to the problem, for the only basis on which universality of membership could be achieved was agreement among the five permanent members of the Security Council.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR opposed the Peruvian draft as being inconsistent with the Charter. They argued that there was no provision in the Charter, in the provisional rules of procedure of the Security Council or in the Assembly's rules of procedure, that a State should submit documents in support of its qualifications as a Member of the United Nations. None of the States recently admitted had been asked to present proofs of its qualifications. The Charter had made no such demand and it would have been contrary to the letter and the spirit of Article 4 of the Charter if the General Assembly had arrogated to itself any such right. The submission of the Peruvian draft, they argued, was a new attempt to violate the Charter, particularly in regard to the principle of the unanimity of the Great Powers, which was one of the safeguards of international peace and security. It was proposed to discriminate between States on the basis of a criterion of "maturity", which was merely a pretext for eliminating the undesirable. The demand that a State should prove the maintenance of friendly relations with other States was, in fact, merely a new method of eliminating candidates who did not support the United States, these representatives stated. It was intended to make way for the admission to the United Nations of certain States which enjoyed the support of the United States and, at the same time, to prevent the admission of Albania, the People's Republic of Mongolia, Bulgaria, Romania and Hungary. The Peruvian proposal, they said, was an attempt to exercise pressure on the Security Council, and its adoption would complicate the question of the admission of new Members. It would aggravate international tension by making relations between States more difficult, they said.

(a) ARGENTINIAN AMENDMENT

At the 496th meeting on 22 January, Argentina submitted an amendment (A/C.1/704) to the Peruvian draft resolution.

It suggested the addition of a paragraph, whereby the General Assembly would decide that, on receipt of evidence referred to in the Peruvian draft, and not later than 15 March 1952, the Assembly would be convened in special session with a view to solving satisfactorily the problem of the admission of new Members.

In submitting this amendment, the representative of Argentina said that his Government interpreted Article 4 of the Charter as meaning that the recommendation of the Security Council did

not necessarily imply a favourable opinion. The Peruvian draft, he submitted, was a serious attempt to solve the question of the admission of new Members. A decision, however, should be adopted at the earliest possible date, and therefore Argentina suggested convening a special session of the Assembly.

The representatives of Australia, Brazil, Denmark, Egypt, France, Mexico, Pakistan, Sweden and the United States, among others, opposed the Argentinian amendment to the Peruvian draft. They disagreed with the Argentinian assumption that the General Assembly was empowered to decide on applications for admission regardless of whether or not there was a recommendation from the Security Council. They also considered it impracticable to convene a special session of the General Assembly before 15 March 1952.

The representative of the USSR also stated that he would vote against the Argentinian amendment to the Peruvian draft, since the modified text of the USSR draft resolution (see below) would allow the Security Council to report to the General Assembly at its current session and there would thus be no need to convene a special session.

(b) JOINT FIVE-POWER AMENDMENT

At the 496th meeting, Chile, Colombia, El Salvador, Guatemala and Honduras jointly submitted an amendment (A/C.1/706) to the Peruvian draft resolution. It would:

(1) substitute for paragraphs 2 to 6 a paragraph recalling the advisory opinion of the International Court of Justice of 28 May 1948 and General Assembly resolutions 197 B (III) of 8 December 1948 and 296 K (IV) of 22 November 1949; and (2) substitute for paragraph 7 of the draft a paragraph recommending that the Security Council consider all pending applications for membership.

With respect to this amendment, the representative of Guatemala, one of the sponsors, stated that it was intended to remove certain superfluous elements which obscured the Peruvian draft. Thus, the question of the admission of new Members had ceased to be an exclusively legal question; it had become political in character. It was not lack of evidence that was preventing the admission of certain candidates. Consequently the presentation of proofs, suggested in the Peruvian draft, did not seem to be decisive and might even make the solution of the problem more difficult.

The five-Power amendment was supported by the representatives of Denmark, Iraq and Sweden. It was opposed by the representative of France,

who stated that it would remove all substance from the Peruvian draft, and by the representative of the USSR because it referred to the Court's advisory opinion and certain Assembly resolutions which the USSR was unable to accept and because it provided for consideration of the admission of South Korea (the Republic of Korea).

(c) LEBANESE-SYRIAN AMENDMENT

At the 497th meeting on 22 January, Lebanon and Syria submitted an amendment (A/C.1/707) to the Peruvian draft resolution. The amendment sought to:

(1) delete the word "juridical" in paragraph 5; (2) delete paragraph 6; (3) alter the wording of paragraph 7 to recommend that the Council "take into account" facts presented by applicants, rather than consider the applications in the light of those facts and (4) add a paragraph requesting the permanent members of the Security Council to confer soon with a view to helping the Council to arrive at positive recommendations in regard to the pending applications for membership.

The representatives of Iraq, Mexico, Norway and Pakistan, among others, supported the joint Lebanese-Syrian amendment (A/C.1/707), in particular that part which would request the permanent members of the Security Council to consult together on the question of applications for membership. Without such joint action, they felt, the matter could not have a satisfactory solution, and the Powers which had the right of veto also had the obligation to seek agreement.

(2) Revised Peruvian Draft Resolution

At the 498th meeting of the First Committee on 23 January, a second revised text (A/C.1/702/-Rev.2) of the Peruvian draft resolution was introduced, and at the 500th meeting on 24 January, a third revision (A/C.1/702/Rev.3) was circulated. The representative of Peru stated that he had incorporated in the latest text the substance of various suggestions and amendments proposed during the course of the debate on the item, particularly those of Lebanon and Syria (A/C.1/707) and of Chile, Colombia, El Salvador, Guatemala and Honduras (A/C.1/706). Both the joint amendment (A/C.1/707) and the five-Power amendment (A/C.1/706) were therefore withdrawn by their respective sponsors.

The representative of Peru withdrew from his revised draft (A/C.1/702/Rev.3) the paragraph concerning the submission, by applicant States, of appropriate evidence relating to their qualifications under Article 4 of the Charter. He also agreed, at the suggestion of the representative of

Lebanon, to add that the Security Council should take into account "evidence" as well as "facts" presented by applicant States.

Among the representatives who spoke in support of the revised Peruvian draft (A/C.1/702/-Rev.3) were those of Australia, Bolivia, Brazil, China, Costa Rica, Ecuador, Haiti, India, the Netherlands, Nicaragua, the Philippines, the United States and Venezuela. The revised draft, they said, had the advantage of presenting objective criteria. Its adoption would not introduce a change in the practice followed by the General Assembly in its relations with the Security Council as regards the admission of new Members, nor would it bind the Security Council. It would constitute a simple recommendation supplementary to the earlier recommendations contained in previous General Assembly resolutions.

The representatives of, Czechoslovakia, Poland, Sweden and the USSR, among others, opposed the revised draft. The representative of Sweden thought that some of the solutions recommended in the revised draft could not easily be reconciled with the provisions of the Charter, and might even offend the national sentiments of countries whose applications had been under consideration for so long. The other three representatives argued that the revised draft was contrary to the spirit and letter of the Charter and that its adoption would deal another blow to the principle of unanimity.

At the 501st meeting of the First Committee on 25 January, the representative of Argentina withdrew his amendment (A/C.1/704) to the Peruvian draft resolution. He also withdrew an oral proposal, made at the 500th meeting on 24 January, for the establishment of a sub-committee to reconcile conflicting views regarding the various proposals made on the subject.

The revised draft resolution of Peru (A/C.1/702/Rev.3), as modified by the oral amendment of Lebanon and with paragraph 7 (the paragraph referring to presentation of evidence by applicant States) deleted and the subsequent paragraphs renumbered, was put to the vote at the 501st meeting, first by parts, and then as a whole. The votes on the separate parts ranged from 51 to none, with 7 abstentions, to 30 to 12, with 15 abstentions. The draft resolution, as a whole, was adopted by 36 votes to 9, with 12 abstentions.

(3) USSR Draft Resolution

The USSR draft resolution (A/C.1/703), submitted at the 495th meeting of the Committee on 21 January, proposed that the General Assembly

recommend that the Security Council reconsider the applications of Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon and Nepal, as well as consider the application of Libya for membership in the United Nations.

In submitting his draft resolution, the USSR representative argued that the Peruvian draft deviated from the Charter; the Peruvian representative was interpreting the principle of the universality of the United Nations in such a way as to make it operate only in favour of the States which had the support of the United States. The Charter provided, in unequivocal terms, that in the absence of a Security Council recommendation the decision to admit a new Member could not be taken by the General Assembly, and an opinion to the same effect had been expressed by the International Court of Justice.

The salient fact remained, he said, that the United States and the United Kingdom were pursuing a policy of favouring some applicants for membership and rejecting others. In insisting that all the applicants listed in its draft resolution should be admitted simultaneously, the USSR delegation was acting in complete accordance with the Charter and was defending the principle that the provisions of Article 4 should be applied to all candidates. The USSR delegation, he said, urged the admission of all the candidates and would use its right of veto to defend the States which were victims of a policy of discrimination.

The representatives of the Byelorussian SSR, Czechoslovakia, Egypt, India, Poland, Sweden and the Ukrainian SSR, among others, spoke in support of the USSR draft. They considered that it offered the United Nations a way of breaking the deadlock which had existed for several years over the admission of new Members.

The representative of Denmark stated that he would vote for the USSR draft, but he dissociated his delegation from the arguments presented by the USSR in its favour.

The representative of Yugoslavia declared that he would support any proposal which recommended that the Security Council should vote for the applicant States as a group. Although Yugoslavia recognized that all of the States desiring admission did not fulfil to the same extent the conditions required under Article 4 of the Charter and, in particular, that some of its neighbours did not show any ardent desire for peace or any consistent respect for their international obligations, it would

not oppose their admission. Yugoslavia would adopt that attitude not only to facilitate the collective solution which it advocated, but also because it felt that such a course would make it easier to establish normal relations with the States in question and would thus serve the cause of peace and security in that part of the world. **Only** such a solution, the representative of Yugoslavia said, would contribute to the universality which the United Nations should achieve if it did not wish to see its possibilities for action seriously impaired.

The representatives of China, Costa Rica, Nicaragua, the Philippines, the United States and Venezuela, among others, opposed the USSR proposal. They declared that it made the admission of new Members dependent on conditions other than those stipulated in the Charter. Each applicant, they said, should be considered separately. To vote for a number of States en bloc would be to act in contravention of the Charter, the provisional rules of procedure of the Security Council, and the advisory opinion of the International Court of Justice, as well as the resolutions of the General Assembly. Moreover, they said, when the proteges of the USSR had been admitted, it could not be foreseen what new synthetic States would be brought forward by the USSR for admission when other qualified States applied in the future. The General Assembly, they submitted, should not succumb to blackmail because of a feeling of frustration. Certain States, in their opinion, such as Albania, Bulgaria, Hungary, Outer Mongolia and Romania, failed, by their own actions, to meet the simple requirements of membership. Furthermore, the USSR draft resolution would restrict the consideration of the Security Council to those applications which it listed. As the list omitted, among others, the Republic of Korea, whose application was supported by the majority of both the Security Council and the General Assembly, they could not vote for the USSR draft.

The representatives of Australia, the Netherlands and the United Kingdom also considered the USSR draft unsatisfactory. The representatives of the Netherlands and the United Kingdom declared they would vote against it if it implied that the Security Council would accept en bloc all the States mentioned. The representative of the United Kingdom went on to explain that as his Government did not consider that the USSR draft thus prejudged the attitude which the members of the Security Council might adopt, he would abstain.

The representatives of Australia and the Netherlands stated that the USSR draft was incomplete, as it omitted such applicants as the Republic of Korea and Vietnam, and, moreover, it was superfluous, since the Peruvian draft, if adopted, dealt with all the applicants. Under those conditions, the two representatives declared their intention of abstaining on the USSR draft.

The representative of Ecuador, France, and Pakistan said they would abstain from voting on the USSR draft. The representative of France considered it superfluous, and the representative of Pakistan said that he would have preferred that the Assembly's recommendation should cover all pending applications.

Argentina, at the 496th meeting, submitted an amendment (A/C.1/705) to modify the USSR draft by: (a) inserting a paragraph to note the increasing sentiment in favour of the universality of the United Nations, membership in which was open to all peace-loving States which accepted the obligations contained in the Charter and, in the judgment of the Organization, were able and willing to carry out those obligation; (b) adding a recommendation that the Security Council report to the General Assembly during the sixth session.

In submitting his amendment, the representative of Argentina said that he considered that the USSR draft offered a means of obtaining a recommendation from the Security Council in respect of all applicants. That method would allow the problem to be resolved in a spirit of conciliation. Nevertheless, the principle of universality, rather than admission by group, he stated, should be pursued. Moreover, a time limit should be fixed so that the problem might be solved during the current Assembly session.

At the 500th meeting of the First Committee on 24 January, the USSR representative accepted the Argentinian amendment to his draft. The representatives of Czechoslovakia and Poland, among others, also supported the Argentinian amendment. Adoption of the USSR proposal, as amended, they said, would guarantee a fair solution of the problem.

The representatives of China and the United States, among others, spoke against the Argentinian amendment. As the amendment did not go to the root of the problem, it would not remedy the evil in the USSR draft, they argued.

The USSR draft (A/C.1/703), as modified by the Argentinian amendment (A/C.1/705), was voted on, first in parts, and then as a whole,

by the First Committee at its 501st meeting on 25 January. The preamble and the first part of the operative paragraph were adopted. The remainder of the operative paragraph, that is, the provision that the Security Council report to the General Assembly during the current regular session, was rejected by 19 votes to 18, with 21 abstentions. The draft resolution, as amended, was adopted as a whole by 21 votes to 12, with 25 abstentions.

(4) Five-Power Draft Resolution

At the 500th meeting on 24 January, a joint draft resolution (A/C.1/708), sponsored by Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua, was circulated. This draft would request the International Court of Justice to give an advisory opinion on:

(a) what rules or criteria are to be followed in interpreting the result of votes in the Security Council on recommendations for the admission of new Members; and (b) whether the negative vote of one of the permanent members can nullify a recommendation for admission which has obtained seven or more votes.

At the 506th meeting on 29 January, the representative of El Salvador explained that the sponsors believed that an opinion of the International Court of Justice on the question indicated in their joint draft (A/C.1/708) would be valuable. However, in view of the fact that the purpose of their draft resolution was not in any way in contradiction with the Peruvian draft resolution, which had already been adopted by the Committee at its 501st meeting on 25 January, they thought it might perhaps be preferable to defer consideration of that question until the seventh session of the General Assembly. They therefore submitted a new draft resolution (A/C.1/716), which provided for a new procedure without changing the substance.

This new draft (A/C.1/716), with oral amendments suggested by the Chairman of the Committee and by the representative of the United States and accepted by the sponsors, proposed that the General Assembly should decide:

(a) to request the Security Council to report to the General Assembly at its seventh session on the status of applications still pending; (b) to direct that the item "Admission of new Members" should be included in the provisional agenda of the Assembly's seventh regular session; and (c) to refer their original draft resolution (A/C.1/708) to the Assembly at that session for consideration under that item.

The representatives of Cuba, Peru, Syria and the United States spoke in support of the new draft. The new draft, they said, provided that the matter should be considered in all its aspects at the Assembly's seventh session and would thus

allow representatives time to study the problem as a whole.

The representative of Australia doubted whether the new draft was necessary, as the two draft resolutions already adopted by the First Committee on the subject (see above) obliged the Security Council to submit a report. He also felt some doubt as to the advisability of asking the International Court of Justice for an advisory opinion on the questions as proposed in the original draft resolution (A/C.1/708). Both he and the representative of Poland considered that it would be enough, for the time being, to take note of that proposal.

The USSR representative opposed the new draft resolution (A/C.1/716). He considered the clause requesting the Security Council to report to the General Assembly on the status of pending applications for membership was purposeless, since the Council was bound to consider such applications and, in pursuance of its rules of procedure, to submit a report to the Assembly. Furthermore, there was no justification for the clause referring to the request for an advisory opinion of the Court, as the Security Council's voting procedure was laid down in the Charter. For six years the Council had agreed that the question of the admission of new Members was one of substance which therefore required a favourable vote of at least seven members, including the five permanent members. Moreover, the Court had already stated that if an application for membership did not receive seven votes or if a permanent member voted against an applicant State, it could not be said that the Council had made a recommendation in accordance with Article 4 of the Charter. It was not within the competence of the Court to interpret the Charter, since it had been decided at San Francisco that each principal organ of the United Nations would itself interpret the provisions of the Charter applying to it. Lastly, the Court could give an advisory opinion on legal questions only. As the discussions which had taken place in the First Committee on the Peruvian draft resolution had proved that the question was a political one, there were no grounds for asking the Court for an opinion. The representatives of the Byelorussian SSR, Czechoslovakia and Poland supported the USSR stand.

The First Committee, at its 506th meeting on 29 January, voted on the new five-Power draft (A/C.1/716) as amended. The second paragraph of the preamble was adopted by 35 votes to 6, with 15 abstentions, and the remainder of the

draft by 41 votes to 6, with 11 abstentions. The draft resolution as a whole was adopted by 41 votes to 6, with 11 abstentions.

c. RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

The report of the First Committee (A/2100), containing the text of the three draft resolutions recommended for adoption by the General Assembly, was considered by the Assembly at its 369th and 370th plenary meetings on 1 February 1952.

The representatives of Colombia, Greece, Haiti, Peru, the Philippines and the United States opposed the second draft resolution, which had originally been sponsored by the USSR. They maintained that it was redundant and superfluous, and, in fact, was contradictory to the first draft resolution which had already been adopted by the Assembly. The second draft, they said, illogically excluded the Republic of Korea; it proposed the admission en bloc of fourteen States—such a proposal was contrary to the Charter; and it recommended the admission of certain States which, in their opinion, were not qualified for membership.

The representative of the United Kingdom, explaining his abstention on the second draft, declared that, on the face of it, this draft recommended that the Security Council should reconsider the applications of a certain number of States. It did not say that the Council must reconsider all these applications favourably. Equally, it did not say that the vote in the Council must be taken on all these States together, that is to say, that there must be a recommendation by the Security Council for their admission en bloc. To that extent, the draft resolution was quite harmless. In any case, his abstention should make it clear that the United Kingdom was not in any way committed to supporting any similar USSR draft resolution that might be presented to the Security Council.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR, explained their vote against the first draft resolution, in favour of the second and against the third (which was originally sponsored by Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua). These representatives maintained that the first draft represented an attempt to justify the United States policy of discrimination against the peoples' democracies and of favouritism towards countries agreeable to the United

States. The second draft, in their opinion, opened the way to a speedy solution of the problem of the admission of new Members. The third draft, they argued, was contrary to the Charter, because it, *inter alia*, proposed the consideration at the seventh session of the Assembly of the question of appealing to the International Court of Justice for an advisory opinion on the voting procedure of the Security Council, a matter which lay outside the Court's jurisdiction.

The representative of Iraq declared that he would vote affirmatively for all three draft resolutions. The representative of Argentina said that he would abstain on draft resolutions one and three and would vote in favour of the second draft resolution.

The first draft resolution, originally sponsored by the representative of Peru, was adopted by 43 votes to 8, with 7 abstentions, at the 369th plenary meeting, as resolution 506 A (VI).

The Assembly, at its 370th plenary meeting on 1 February, decided, by 29 votes to 21, with 5 abstentions, that the adoption of the second draft resolution required a two-thirds majority of the Members present and voting. It then took a roll-call vote, the result being 22 votes in favour of the draft, 21 against, and 16 abstentions, as follows:

In favour: Afghanistan, Argentina, Burma, Byelorussian SSR, Czechoslovakia, Denmark, Egypt, Ethiopia, India, Indonesia, Iraq, Israel, Lebanon, Norway, Poland, Saudi Arabia, Sweden, Syria, Ukrainian SSR, USSR, Yemen, Yugoslavia.

Against: Bolivia, Brazil, China, Colombia, Costa Rica, Cuba, El Salvador, Greece, Haiti, Honduras, Luxembourg, Netherlands, Nicaragua, Panama, Paraguay, Peru, Philippines, Thailand, Turkey, United States, Venezuela.

Abstaining: Australia, Belgium, Canada, Chile, Dominican Republic, Ecuador, France, Guatemala, Iceland, Iran, Liberia, Mexico, New Zealand, Pakistan, United Kingdom, Uruguay.

The draft resolution was not adopted, as it failed to obtain the required two-thirds majority.

The third draft resolution was adopted at the 370th plenary meeting, by 36 votes to 5, with 14 abstentions, as resolution 506 B (VI).

The two resolutions adopted (506 A and B (VI)) read:

A

"The General Assembly,

"Considering that the Charter of the United Nations provides that membership is open to all States not original Members of the Organization and that this universality is subject only to the conditions that they be peace-loving and accept the obligations contained in

the Charter and, in the judgment of the Organization, are able and willing to carry out these obligations,

"Considering that the judgment of the Organization that they are willing and able to carry out these obligations and are otherwise qualified for membership ought to be based on facts such as: the maintenance of friendly relations with other States, the fulfilment of international obligations and the record of a State's willingness and present disposition to submit international claims or controversies to pacific means of settlement established by international law,

"Considering that, according to the advisory opinion of the International Court of Justice of 28 May 1948, a Member of the United Nations voting on the application of a State for membership in the United Nations is not juridically entitled to make its consent to admission dependent on conditions not expressly provided by paragraph 1 of Article 4 of the Charter; and that this opinion excludes the possibility that, consistently with the letter and spirit of the Charter, Members can base their votes on motives which are outside the scope of Article 4 of the Charter,

"Considering that, not only for these reasons but also according to principles of international justice, it is not possible to deny to States candidates for membership in the United Nations the right to present proofs on facts such as those recited in the first paragraph of the preamble,

"Recalling and reaffirming General Assembly resolutions 197 B (III) of 8 December 1948 and 296 K (IV) of 22 November 1949,

"1. Declares that the judgment of the United Nations on the admission of new Members ought to be based exclusively on the conditions contained in Article 4 of the Charter;

"2. Recommends that the Security Council reconsider all pending applications for the admission of new Members; that in this reconsideration, as well as in the consideration of all future applications, the members of the Council take into account such facts and evidence as States applicants for membership may present; and that the Security Council base its action exclusively on the conditions contained in the Charter and on the facts establishing the existence of these conditions;

"3. Requests the permanent members of the Security Council to confer with one another soon with a view to assisting the Council to come to positive recommendations in regard to the pending applications for membership."

B

"The General Assembly,

"Having regard to the importance of the admission of new Members from the point of view of the achievement of the purposes of the United Nations,

"Desiring that the draft resolution submitted by the delegations of Costa Rica, El Salvador, Guatemala, Honduras and Nicaragua [A/C.1/708] requesting the International Court of Justice to give a further advisory opinion on the matter should be fully considered in all its aspects,

"Decides

"1. To request the Security Council to report to the General Assembly at its seventh session on the status of applications still pending;

"2. To direct that the item "Admission of new Members" shall be included in the provisional agenda of the General Assembly at its next regular session;

"3. To refer the draft resolution submitted by the delegations mentioned above and contained in document A/C.1/708 to the General Assembly at its next regular session for consideration under that item."

2. Consideration by the Security Council

On 10 December 1951, the Secretary-General transmitted (S/2435) to the Security Council the text of resolution 550(VI)¹⁹ on the question of the full participation of Italy in the work of the Trusteeship Council, adopted by the Assembly on 7 December 1951. This recommended that the Council give urgent consideration to the resolution with a view to recommending the immediate admission of Italy to membership in the United Nations.

The Security Council considered the question at its 568th, 569th and 573rd meetings held on 18 and 19 December 1951 and 6 February 1952.

The provisional agenda of the Security Council's 568th meeting on 18 December consisted of: (1) adoption of the agenda; (2) the Secretary-General's letter (S/2435) transmitting the text of Assembly resolution 550(VI) concerning the admission of Italy; and (3) a letter from the Secretary-General (S/1936), dated 6 December 1950, transmitting the text of Assembly resolution 495(V)²⁰, adopted on 4 December 1950 concerning the admission of new Members.

The President of the Council stated that the order of the provisional agenda was due to the urgent nature of resolution 550(VI); resolution 490(V) made no mention of urgency.

The representative of the USSR considered that items 2 and 3 of the provisional agenda should be reversed and submitted a formal, oral motion to that effect. Resolution 495(V) had been adopted a year earlier than resolution 550(VI) and should therefore be dealt with first. He pointed out that if the Council dealt with item 3 first, it would also be referring to a question included in item 2, namely, the admission of Italy to membership in the United Nations.

Further, if the Council considered item 3 first and decided to admit all the thirteen States which had submitted applications for admission to the United Nations, that is, Albania, Austria, Bulgaria, Ceylon, Finland, Hungary, Ireland, Italy, Jordan, the Mongolian People's Republic, Nepal, Portugal and Romania, then it would solve more rapidly the problem of the admission of Italy. In that way

both urgency and justice would be respected. But if the Council considered the question of the admission of Italy first, reached no agreement, and took no decision, the matter would not have been expedited at all. The whole problem of the admission of new Members to the United Nations was a very important one, he said, although owing to the policy of discrimination and favouritism practised by the United States, with the support of the United Kingdom, it had not so far been solved. The fact that Italy was the Administering Authority for a Trust Territory did not mean that some special priority had to be given to the study of its admission to membership, he maintained.

The representatives of Brazil, China, Ecuador, France, the Netherlands, Turkey, the United Kingdom and the United States opposed the USSR proposal to consider item 3 of the provisional agenda first. They argued that the special question of Italy ought to be given priority over the general question of the admission of new Members. The admission of Italy to membership in the United Nations was submitted by the General Assembly as an urgent question. Italy, they said, was a special case since the United Nations had charged it with special responsibilities as the Administering Authority of Somaliland. They felt, in general, that Italy could not execute its duties completely and fully without having all the rights of a Member of the United Nations. Item 3, they said, having been left unconsidered for over a year, could not now become so urgent that it should be given priority over item 2. It was pointed out that resolution 495(V) referred not to all pending thirteen applications for membership in the United Nations, but only to nine and that, even there, the only request which had been made to the Council had been that it should keep those nine applications under consideration. It was further argued that the application of one single State should not be related to the applications of other States. In reply to the representative of the USSR, the representative of the United States declared that his Government warmly supported the admission of applicants which met the requirements of Article 4 of the Charter.

The representatives of India and Yugoslavia stated that the admission of Italy was, undoubtedly, a matter of urgency, but that was not to say that the admission of other applicants was not

¹⁹ See p. 92.

²⁰ See Y.U.N., 1950, p. 413.

also a matter of urgency. Some had been waiting for years through no fault of their own, and the longer they were kept waiting the more urgent became the question of their admission. Those representatives suggested that there be one item on the Council agenda, namely, the admission of new Members, with a sub-paragraph (a) and a sub-paragraph (b) referring to the documents relating to the general question of the admission of new Members. Both questions should be discussed. Each representative could present his arguments in favour of what he thought the Security Council should do in the matter generally and the votes taken would decide the action to be taken. They submitted a formal, oral proposal to that effect. The proposal was rejected by 6 votes to 3 (India, the USSR and Yugoslavia), with 2 abstentions (China and Ecuador).

The USSR proposal was rejected by 7 votes to 1 (USSR), with 3 abstentions (Ecuador, India and Yugoslavia).

At the request of the USSR representative, the adoption of the provisional agenda was then put to a vote, and was adopted by 8 votes to 1 (USSR), with 2 abstentions (India and Yugoslavia).

At the 569th meeting of the Security Council on 19 December 1951, the representative of France introduced a draft resolution (S/2443) which would have the Council, *inter alia*, note that Italy was a peace-loving State and consequently recommend its admission to membership in the United Nations.

At the same meeting, the representative of the USSR submitted a draft resolution (S/2449) which would have the Council recommend the admission to membership in the United Nations of Albania, the Mongolian People's Republic, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon and Nepal. At the 573rd meeting on 6 February 1952, the USSR representative submitted a revised version (S/2449/Rev.1) of his original draft. The revised version added Libya to the list of States enumerated in the original draft, and provided that the Council should recommend that the Assembly admit the fourteen States "simultaneously" to membership in the United Nations.

Introducing his resolution, the representative of France stated that apart from the intrinsic merits of Italy's candidature, there were other reasons rendering Italian membership essential. Italy, though not a Member of the United Nations, had been entrusted with the task of an Administering

Authority, which involved several responsibilities on behalf of all Members of the United Nations. It was obvious that, in assigning this task, the United Nations implicitly recognized that Italy fulfilled the conditions required by the Charter.

The representatives of Brazil, Chile,²¹ China, Ecuador, Greece,²¹ India, the Netherlands, Turkey, the United Kingdom and the United States supported the French proposal. They considered that Italy should be admitted to the United Nations because it qualified under Article 4 of the Charter as a peace-loving State which accepted the obligations contained in the Charter and was able and willing to carry out those obligations. That should be the only criterion used by the Council in determining whether or not a State should be admitted to membership, they argued.

Moreover, Italy's case was a special one, they said, since the United Nations had made it responsible for the administration of Somaliland. Italy was carrying out that task on behalf of the United Nations, and in order to discharge its functions properly, it should be admitted to the Organization.

These representatives stated that the United Nations had repeatedly and in various ways expressed its wish that Italy should be admitted to the Organization, but that one vote had paralysed the wish expressed by 90 per cent of the Members of the Organization. On four occasions in the Security Council, at the 190th meeting on 21 August 1947, at the 206th meeting on 1 October 1947, at the 279th meeting on 10 April 1948, and at the 443rd meeting on 13 September 1949, the negative vote of the USSR prevented the large majority of Council members from recommending the admission of Italy to membership. The General Assembly, for its part, had repeatedly stated its opinion that Italy was a peace-loving State within the meaning of Article 4 of the Charter and that it was able and willing to carry out the obligations of the Charter. Thus, in resolutions 113(II) of 17 November 1947, 197(III) of 8 December 1948 and 296(IV) of 22 November 1949, the General Assembly determined that Italy should be admitted to membership and requested the Security Council to reconsider the application of Italy in the light of that determination. In resolution 495(V) of 4 December 1950, the General Assembly recalled its resolution 296(IV) and requested the Council, *inter alia*, to keep the application of Italy under consideration.

²¹ Chile and Greece became members of the Council on 1 January 1952.

These representatives were in favour of separate consideration of applications for membership. To admit all applicant States en bloc, they said, would be contrary to the advisory opinion of the International Court of Justice of 28 May 1948, which had declared that a Member of the Organization could not, while it recognized the conditions set forth in Article 4 to be fulfilled by the State concerned, subject its affirmative vote to the additional condition that other States be admitted to membership in the United Nations together with that State.

The representative of the USSR stated that the General Assembly resolution 550(VI)²² of 7 December 1951 showed that attempts were still being made to depart from the normal procedure provided for in the Charter and in the rules of procedure for the consideration of the question of the admission of new Members. The object and purpose of this resolution was to prevent the whole question from being considered on the basis of justice and impartiality.

It was characteristic that the resolution had been submitted in the Fourth Committee of the General Assembly although, as was well known, that Committee had nothing to do with the admission of new Members. The purpose of the resolution was to justify the contention that only the application of Italy should be considered in the light of the argument that Italy was responsible for the administration of the Trust Territory of Somaliland. The admission of a new Member, however, was not governed by the consideration that a given State was an Administering Authority responsible for the administration of a particular Trust Territory; it was possible for a State to administer a Trust Territory without being a Member of the United Nations. The General Assembly, the USSR representative said, could not dictate to the Security Council.

In considering the question of Italy's admission to membership, it had to be remembered that the question formed part of the general question of the admission of new Members. The Security Council had considered applications not only from Italy, but also from twelve other States, several of which—for example, Bulgaria, Hungary, Romania and Finland—were during the war, and had been since the conclusion of peace treaties with them, in exactly the same position as Italy as regards their admission to membership. Those States were just as entitled as Italy at the present time to be Members of the United Nations. Justice demanded that the Council give immediate and thorough

consideration to this question of the admission of new Members in all its aspects and decide how the whole question might be dealt with without discrimination against certain countries or favouritism towards others. The Soviet proposal to admit all fourteen States to membership at one time had been opposed on the ground that it was necessary to decide on each candidature on its merits. Such an objection, the USSR representative stated, was only a convenient disguise for the application by the Anglo-American bloc of a policy of discrimination against a number of States, especially those States the domestic system of which did not please the ruling circles of the United States and the United Kingdom. This was not a valid basis of objection to the admission of those States, as the Charter did not provide that all States should necessarily have the same social and political structure as the United States in order to be admitted to membership in the United Nations.

The USSR, its representative stated, had never objected to the admission of Italy to membership in the United Nations on an equal footing with other States qualified for admission. He maintained that Italy's non-admission was due to the fault of the United States, the United Kingdom and France, whose attitude was at variance with the principle of the equality of States.

The representatives of Brazil, Chile, France and Greece opposed the USSR proposal. The representatives of Brazil and Chile considered that its adoption would undermine the very foundation of the Charter and might open the way to endless abuses. In their opinion, the USSR proposal was based on a false conception of universality, which did not take into consideration the conditions set forth in Article 4 of the Charter. It placed the question of admission exclusively on the basis of power politics. Furthermore, the list of candidates in the Soviet draft did not include all the applicant States and therefore constituted discrimination. The representative of Chile declared that, while he would not vote for the USSR draft resolution, he would be prepared to take part on some later occasion in the discussion of all pending applications, including those enumerated in the USSR draft. The representative of France said that the USSR draft resolution would create a dangerous precedent which might be invoked in the future for the wholesale and indiscriminate admission of candidates linked together in a purely artificial and arbitrary manner.

²² See p. 92.

The representative of the United Kingdom stated that his Government attached great importance to broadening the basis of the United Nations. A country like Ceylon, for instance, which was member of the Commonwealth and was, in his view, incontestably qualified for admission, should no longer be debarred from membership of the Organization. He also had in mind many applicant States from Europe, such as Ireland and Portugal, which, he said, certainly ought to be Members of the United Nations. In his view, the United Nations should include countries with different ideologies and different systems of government since the greatest value of the United Nations was that it should be a meeting place in which views could be exchanged and the differences between countries, however serious they might be, could be hammered out and, if possible, reconciled. However, he could not accept the extreme thesis of universality; namely that an applicant had only to be a State in order to secure more-or-less automatic admission to the United Nations. The Council could not disregard Article 4 of the Charter, and must, therefore, in accordance with the opinion of the International Court of Justice, be satisfied that each applicant met the conditions laid down in that Article. On the other hand, since he felt that it was both important and urgent that the existing deadlock on the question should be broken and that the basis of the United Nations should, as far as possible, be broadened, he would not vote against the USSR draft resolution but would abstain.

Both proposals were voted upon by the Security Council at its 573rd meeting on 6 February 1952. The French draft resolution (S/2443) received 10 votes in favour and 1 against (USSR). As a negative vote was cast by a permanent member, the draft resolution was not adopted.

The USSR draft resolution (S/2449/Rev.1) was rejected by 6 votes to 2 (Pakistan and the USSR), with 3 abstentions (Chile, France and the United Kingdom).

The representatives of France, the United Kingdom and the United States regretted that the USSR had again used its veto to prevent Italy from becoming a member of the United Nations, despite the facts that it was a country whose qualifications for membership were incontestable and that the great majority of Members of the Organization whole-heartedly supported its admission.

The representatives of France, Turkey and the United States said that the USSR was linking

Italy's admission to conditions inconsistent with the Charter. They objected to the attempt to make the admission of one State a matter of bargaining for the admission of other States.

The United States representative called attention to the omission from the USSR list of applicants, which it was proposed to admit, of the Republic of Korea. The United States Government, he said, imposed no conditions upon the admission of Members other than the conditions imposed by the Charter. He stated that Libya—the new State which was in a very special sense the creation of the United Nations—had been subjected to the same treatment as Italy by reason of the USSR position, since the USSR had announced that it would veto the application of Libya unless it was bracketed with other States and made part of a general membership deal.

The representative of the USSR stated that Romania, Bulgaria, Hungary and Finland, as well as Italy, had fought on the side of the Allies towards the end of the Second World War. In the Peace Treaties with Bulgaria, Hungary, Romania and Italy the Allied and Associated Powers had promised to support their applications to become Members of the United Nations. That involved identical obligations on the part of the Allied and Associated Powers. The Soviet Union was against discrimination.

The USSR representative said that the participation of Italy and Portugal in the Atlantic bloc was at variance with the requirements made upon a State desirous of becoming a Member of the United Nations, but the USSR was prepared to withdraw serious objections which it had against a number of States. The USSR draft resolution was based on the principle of treating all fourteen States equally and of recommending all these States for admission to the United Nations.

In reply to various points raised by the United States representative, the USSR representative said, *inter alia*, that the USSR, in compliance with the General Assembly resolution regarding Libya, submitted its draft resolution to admit Libya, along with all the other States, to membership in the United Nations. The United States in voting against that draft was violating the Assembly resolution. With regard to Korea, the USSR was in favour of the admission to the United Nations of the People's Democratic Republic of Korea, but, the USSR representative stated, was against admission of the puppet Government which the United States had set up in southern Korea.

F. THE QUESTION OF KOREA²³

1. Intervention of the Central People's Government of the People's Republic of China in Korea²⁴

By its resolution 384(V) of 14 December 1950, the General Assembly asked its President to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea could be arranged and to make recommendations to the General Assembly as soon as possible. The President, accordingly, constituted a group consisting of the representatives of Canada and India and himself.

a. CONSIDERATION BY THE FIRST COMMITTEE DURING 1951

(1) First Report of the Cease-fire Group

After several attempts to consult with the Central People's Government of the People's Republic of China on the question had failed, the Cease-Fire Group, on 2 January, reported (A/C.1/643) that failure to the General Assembly and the Group's consequent inability to make any recommendations in regard to the cease-fire for the time being.²⁵

The report of the Cease-Fire Group (A/C.1/643) was considered by the General Assembly's First Committee at its 419th to 421st meetings²⁶ on 3, 5 and 8 January 1951.

The representative of India, in presenting the report, emphasized that, even though the attempt at negotiations had failed, the Committee should continue to explore every honourable means of avoiding the dangers of a new world war.

The representative of the USSR stated that the intention of the "Anglo-American bloc", which had caused the Cease-Fire Group to be established, was to enable American armed forces to continue their aggression in Korea. The absence of peaceful intentions among the ruling circles of the United States, he asserted, was shown by recent events such as the proclamation of a state of emergency in the United States; economic mobilization; intensification of the armaments race and war hysteria throughout the country; the aggressive Brussels "plot" designed to force the Western European allies of the United States to throw all their resources into war preparations; the aggressive statements of President Truman and the United States Secretary of State; and the intensifi-

cation of a hostile policy towards the People's Republic of China, in particular the declaration of an economic blockade of China. Other evidence of United States hostility toward China, he stated, was provided by United States support of the "reactionary clique of Chiang Kai-Shek;" prevention of the admission of the People's Republic of China to the United Nations; seizure of the island of Taiwan; the carrying out of systematic aerial bombing of Chinese territory; and the rejection of the proposals made by the USSR and the People's Republic of China for the peaceful settlement of the Korean question. This evidence, the USSR representative held, fully justified the position taken up by the Central People's Government of the People's Republic of China in its telegram of 22 December.²⁷

The representative of the United States said that the Chinese Communist regime, by rejecting any cease-fire proposals, had closed a channel for peaceful settlement; however, the United States Government, in accordance with the Principles and Purposes of the Charter, was always ready to engage in discussions with that regime at an appropriate time. By demonstrating that the free world would not voluntarily reward aggression or stand aside in the face of it, confidence could be maintained and strength built to deter future aggression. By keeping the door open for negotiation of an honourable settlement, it would be made clear that the United Nations was determined to exhaust the possibilities of peaceful settlement.

²³ For previous consideration of this question in the United Nations see Y.U.N., 1950, pp. 220-301.

²⁴ For an account of the discussion of this agenda item during the part of the Assembly's fifth session held in 1950, see Y.U.N., 1950, pp. 244-51.

²⁵ For details of the efforts made by the Group, see Y.U.N., 1950, pp. 250-51.

²⁶ At its 420th meeting on 5 January, the Committee rejected, by 36 votes to 5, with 13 abstentions, a USSR proposal that the First Committee should officially view a documentary film on Korea sponsored by the USSR delegation.

²⁷ See Y.U.N., 1950, p. 521. This telegram stated, *inter alia*, that, as a basis for a peaceful settlement, all foreign troops must be withdrawn from Korea; Korea's domestic affairs must be settled by the Korean people themselves; the American forces must be withdrawn from Taiwan; and the representative of the Chinese People's Republic must obtain a legitimate status in the United Nations. It advised the Arab and Asian nations, if they desired peace, to free themselves from United States pressure, not to make use of the Cease-Fire Group and to abandon the idea of a cease-fire first and negotiations afterwards.

The representative of Israel suggested that a peaceful settlement of the Korean question and of all issues affecting the peace in the Far East might be reached in the following stages:

- (1) An immediate and unconditional cease-fire;
- (2) An affirmation by all governments concerned that they accepted the objectives of the United Nations in Korea;
- (3) The participation of representatives of States bordering on Korea in the work of the United Nations agencies working for the reunification and rehabilitation of Korea and in the supervision of elections;
- (4) An agreement for the progressive withdrawal of non-Korean forces from Korea within a defined period, in circumstances which would genuinely leave the Korean people free to determine their own future;
- (5) The initiation of projects for the rehabilitation and reconstruction of Korea under United Nations auspices;
- (6) A guarantee by the United Nations (to which the People's Republic of China would be invited to subscribe) that the independence of Korea would be respected by all States;
- (7) A declaration that, on acceptance by all parties concerned of the above recommendations, consideration should be given, as a matter of urgency, to all questions affecting the relations of the People's Republic of China with the United Nations.

Explaining his proposal, the representative of Israel stated that it differed from the draft resolution (A/C.1/642)²⁸ proposed by the Asian and Arab delegations in two respects: first, it adhered more closely to the chronological order of the stages proposed; secondly, all the questions were to be dealt with in a single resolution. He thought that an unconditional cease-fire, which was designed to become permanent and not a mere truce, was an indispensable prelude to a peaceful settlement of the Korean question as a whole.

The Central People's Government of the People's Republic of China, he continued, was opposed to a cease-fire being considered first. But, he maintained, it would be impossible to negotiate while hostilities were in progress. Even the USSR draft resolution (A/C.1/640),²⁹ submitted in the Committee on 2 October 1950, clearly laid down that the cessation of hostilities was the first stage in any peaceful settlement.

The representative of Israel was convinced that a final attempt should be made before the Committee considered more drastic measures. If, he stated, the Assembly were to set forth in a document the principles he had outlined, it would have expressed a policy so clear and so difficult to reject that, in case of failure, it would be easy to name the party responsible for the failure.

The representative of China stated that the Chinese Communist regime had rejected the cease-fire proposals, not for the reasons stated in its reply but because of the determination of world communism to annex Korea. He suggested that the Chinese Communist Government should be condemned by the United Nations and that it should be punished through diplomatic, economic and military sanctions. The United Nations should, further, restate its objectives in Korea, declaring at the same time that it did not want any special political, economic or military advantage in Korea, and that it would not tolerate any such special advantage accruing to any State.

The representative of the United Kingdom agreed with the suggestion of the representative of Israel that the United Nations should endeavour to operate in stages. He shared the view that, should a break in the negotiations occur, it had to be made clear that the fault did not lie with the United Nations, whose objective was not to attack China but simply to demonstrate the futility of aggression.

The representative of the USSR stated that the Israel representative's suggestions belonged to the same category as the proposal of the thirteen Powers which had been adopted by the General Assembly in resolution 384(V). Such proposals, he considered, only complicated the matter and produced a standing threat to peace and security.

(2) Supplementary Report of the Cease-Fire Group

On 11 January 1951, the Cease-Fire Group submitted a supplementary report (A/C.1/645) suggesting a five-point programme aimed at achieving by stages a cease-fire in Korea, the establishment of a free and united Korea, and a settlement of the Far Eastern problems. The programme suggested was as follows:

"1. In order to prevent needless destruction of life and property, and while other steps are being taken to restore peace, a cease-fire should be immediately arranged. Such an arrangement should contain adequate safeguards

²⁸ This draft resolution by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen, submitted on 12 December, had proposed the appointment of a committee to make recommendations for a peaceful settlement of the existing issues in accordance with the Principles and Purposes of the Charter. This draft resolution was still before the Committee in 1951, see below, p. 216.

²⁹ This draft resolution had recommended that all foreign troops should be withdrawn from Korea and that the decision of the Korean question should be entrusted to the Korean people themselves. It was still before the First Committee in 1951, see below, p. 216.

for ensuring that it will not be used as a screen for mounting a new offensive.

"2. If and when a cease-fire occurs in Korea, either as a result of a formal arrangement or, indeed, as a result of a lull in hostilities pending some such arrangement, advantage should be taken of it to pursue consideration of further steps to be taken for the restoration of peace.

"3. To permit the carrying out of the General Assembly resolution that Korea should be a unified, independent, democratic, sovereign State with a constitution and a government based on free popular elections, all non-Korean armed forces will be withdrawn, by appropriate stages, from Korea, and appropriate arrangements, in accordance with United Nations principles, will be made for the Korean people to express their own free will in respect of their future government.

"4. Pending the completion of the steps referred to in the preceding paragraph, appropriate interim arrangements, in accordance with United Nations principles, will be made for the administration of Korea and the maintenance of peace and security there.

"5. As soon as agreement has been reached on a cease-fire, the General Assembly shall set up an appropriate body which shall include representatives of the Governments of the United Kingdom, the United States of America, the Union of Soviet Socialist Republics, and the People's Republic of China with a view to the achievement of a settlement, in conformity with existing international obligations and the provisions of the United Nations Charter, of Far Eastern problems, including, among others, those of Formosa (Taiwan) and of representation of China in the United Nations."

The Committee considered the supplementary report of the Cease-Fire Group at its 422nd to 425th meetings, from 11-13 January.

At the 423rd meeting on 12 January, the representative of Israel submitted a draft resolution (A/C.1/647) which would incorporate the principles proposed by the Cease-Fire Group and would request the Secretary-General to transmit the principles to the Central People's Government of the People's Republic of China and invite that Government to send its observations as soon as possible.

Two amendments were proposed to the Israel draft resolution:

(i) An amendment by El Salvador (A/C.1/649), which would provide for the withdrawal of all foreign volunteers from Korea in addition to the withdrawal of all non-Korean armed forces mentioned in paragraph 3 of the five principles (see above). It also proposed that all armed forces of North Korea should be withdrawn to the north of the 38th parallel and that all armed forces of South Korea should be withdrawn to the south of that line. The amendment further proposed the addition of Brazil as one of the States that would participate in the negotiations referred to in paragraph 5 of the principles. From the same paragraph, the amendments would also delete the reference to international

obligations and to the provisions of the United Nations Charter.

(ii) An amendment by China (A/C.1/648), which would provide for the withdrawal of all North Korean forces from South Korea and would substitute, in paragraph 5 of the principles, the words "the Republic of China" for the words "the People's Republic of China."

During the discussions on the supplementary report of the Cease-Fire Group (A/C.1/645), a majority of representatives, including those of Australia, Canada, Egypt, France, Greece, Israel, Norway, the Netherlands, Syria, the Union of South Africa, the United Kingdom and the United States, supported the principles enunciated in the supplementary report of the Cease-Fire Group and advocated their approval by the Committee.

They considered, broadly speaking, that the attitude adopted by the United Nations from the beginning of the conflict was not to refuse to consider honourable means of solving the problems, while resisting aggression with armed force. The principles stated by the Group, as well as the plan submitted by the representative of Israel, appeared to provide a method of peaceful negotiations in conformity with the Principles of the Charter. The supplementary report of the Group, these representatives considered, expressed very clearly the general objectives of the United Nations in regard to Korea and related matters, and the stages by which they could be progressively achieved. They thought there was no reasonable ground on which these principles could be rejected by the People's Republic of China if its aim was, as professed, the achievement of a peaceful settlement of the Korean conflict. The representative of Korea, who had been invited to participate without vote during the Committee's discussion of the question, while expressing appreciation of the Group's sincere efforts, felt concerned that the re-establishment of the 38th parallel was being considered. This, he said, would constitute a betrayal of age-long Korean unity and would defeat the United Nations programme. He was also opposed to the withdrawal of the United Nations forces from Korea on the ground that this would leave 30 million Koreans at the mercy of their enemy. He called on the Assembly to declare the Chinese Communists aggressors.

The representative of the Philippines considered that paragraph 5 of the Group's supplementary report constituted a retreat from the position taken by the Security Council in its resolution of 27 June and by the General Assembly in its resolutions 376(V) of 7 October and 384(V) of 14

December 1950.³⁰ The Committee, he felt, should approve a resolution embodying the first four paragraphs of the supplementary report and if the Chinese Communists rejected it, the Assembly should label them as aggressors and take collective measures.

The representative of El Salvador considered that the General Assembly was now in an embarrassing situation in which it did not know whether or not to condemn the aggression of Communist China. An act of aggression, however, must be condemned whenever it occurred, he stated; condemnation of the aggressor would in no way prevent subsequent negotiations for the restoration of peace.

The representative of El Salvador, as well as the representatives of Chile, China, Cuba, the Dominican Republic, Greece and Panama, objected to the membership of the body contemplated in paragraph 5 of the supplementary report. The representative of El Salvador considered that the United States was in a minority on that body, so far as the question of Taiwan (Formosa) and the representation of China in the United Nations were concerned, and suggested the addition of three more representatives who would represent the view shared by the United States and by the majority of Members of the United Nations. The representative of China stated that the exclusion of Nationalist China from the proposed international conference would imply a judgment on the issues involved, particularly on the issues of Taiwan and the representation of China in the United Nations; accordingly he had proposed an amendment (A/C.1/648) to the Israel draft resolution (see above).

The representatives of Iraq, Lebanon and Saudi Arabia opposed the draft resolution submitted by Israel. The representative of Iraq stated that, while he supported the principles submitted by the Cease-Fire Group, he did so on the understanding that they were for the guidance of the Committee and not for communication to the People's Republic of China. The communication of that report would, he stated, mean that the United Nations was prepared to bargain on principles. Moreover, he felt that it would be advisable to ask an accredited representative of the People's Republic of China to come to Lake Success to discuss the question. The representative of Lebanon stated that the Israel draft resolution had merely copied the principles of the supplementary report with the added provision that the Secretary-General should transmit those principles to the Govern-

ment of the People's Republic of China. He considered that a more careful study of the supplementary report was required. The representative of Saudi Arabia stated that, while approving some of the principles enumerated in the supplementary report, he was opposed to embodying them in a final resolution. That, he felt, might endanger the prosecution of further negotiations.

The representative of the USSR, supported by the representative of Poland, stated that paragraph 3 of the supplementary report would permit the United States forces to remain in Korea as long as they wished. Cases of "withdrawals by appropriate stages" had lasted for scores of years. The conclusion of peace treaties had been deliberately delayed to allow United States forces to remain in the territories of a number of States. The same conclusion, he said, applied to paragraph 4 of the report, which would enable the "United States Command" in Korea to invoke the pretext of the maintenance of peace and security in order to keep its troops there as long as it deemed fit. He therefore could not support the proposals of the Cease-Fire Group.

At the 425th meeting of the Committee, the representative of Israel withdrew his draft resolution in favour of a draft resolution submitted by Norway (A/C.1/650), which would request the Secretary-General to transmit the principles approved by the Committee to the People's Republic of China and invite its Government to inform him whether it accepted those principles as a basis for the peaceful settlement of the Korean and other Far Eastern problems.

The representative of Norway accepted oral amendments proposed by Lebanon to request the President of the General Assembly, rather than the Secretary-General, to transmit the principles. The amendments also provided that the President should inform the First Committee of the reply of the People's Republic of China so that the Committee might be convened to consider it.

³⁰ See Y.U.N., 1950, pp. 223-24, 265-66, and 250. The Security Council's resolution of 27 June 1950 recommended that Members of the United Nations furnish to the Republic of Korea the assistance necessary to repel the armed attack upon the Republic of Korea by forces from North Korea and restore international peace and security in the area. General Assembly resolution 376(V), among other things, made recommendations with a view to the establishment of a unified, independent and democratic Government of Korea; established UNCURK; and made recommendations concerning Korean relief and rehabilitation. General Assembly resolution 384 (V) provided for the establishment of the Cease-Fire Group.

The representatives of Lebanon and Norway accepted further oral amendments suggested by Chile, according to which the Chairman of the First Committee rather than the President of the Assembly should be invited to transmit the principles and convene the Committee when a reply was received.

At the same meeting the representative of Mexico, speaking on a point of order, stated that although the supplementary report had received general approval and praise, the Committee as a body had not given its opinion on the substance of its proposals. He therefore requested the Chairman to ask the Committee either to approve or disapprove the five basic principles contained in the report. Moreover, the representative of Mexico felt, the opinions of the various members could not be expressed by amendments since that would turn the First Committee into a drafting committee, a task which had been entrusted to the Group itself. Finally, the representative of Mexico proposed that the Chairman should ask the Committee if it accepted, as an organic whole, the five principles submitted to it by the Cease-Fire Group, on the understanding that, if those principles were approved as a whole, it would not be necessary to vote on any of the amendments to them.

The representatives of China and El Salvador opposed the Mexican proposal on the ground that it would deprive members of the right of proposing amendments, a method which would run counter to the rules of procedure. The representative of China insisted that his amendments be put to the vote by roll-call. The representative of El Salvador asked for a roll-call vote on paragraphs 3 and 5 of the report, stating that he would vote against them.

The Chairman, agreeing with the Mexican proposal, stated that it would be irregular for the Committee to embark upon the consideration of other proposals before having first taken a decision on the supplementary report as a whole. Accordingly, he ruled that the conclusions of the report be submitted to the vote.

On a challenge by the representative of El Salvador, the Chairman's ruling was sustained by 42 votes to 4, with 9 abstentions.

The conclusions in the supplementary report were put to the vote, and were approved by the Committee by 50 votes to 7, with 1 abstention.

The Committee adopted the Norwegian draft resolution (A/C.1/650), as amended, by 45 votes

to 5, with 8 abstentions. By this resolution, the Committee invited the Chairman of the First Committee, through the Secretary-General, to transmit the principles approved by it on 13 January 1951 to the Central People's Government of the People's Republic of China, inviting them to inform him whether they accepted these principles as a basis for the peaceful settlement of the Korean and other Far Eastern problems. The First Committee, the resolution provided, would be convened to consider the reply.

(3) Reply from the Government of the People's Republic of China

In its reply (A/C.1/653), dated 17 January 1951, regarding the five principles approved by the First Committee on 13 January, the Central People's Government of the People's Republic of China stated that it had always maintained, and still maintained, that a quick termination of the hostilities in Korea should be sought by negotiations among the various countries concerned.

The programme proposed under the five principles, it was stated, still envisaged that a cease-fire in Korea would be arranged first and negotiations among the countries concerned would be conducted afterwards. If, the reply continued, the cease-fire came into effect without negotiations having been conducted first, it was possible that endless discussions might ensue without any problem being solved. In addition to this fundamental point, the other principles, it was maintained, were not clearly defined; for instance, it was not stated clearly whether the so-called existing international obligations referred to in the First Committee's communication were the Cairo and Potsdam declarations. This ambiguity, the reply stressed, might be utilized to defend the position of the United States aggression in Korea, Taiwan and the Far East.

The People's Republic of China submitted the following counter-proposals:

"A. Negotiations should be held among the countries concerned on the basis of agreement to the withdrawal of all foreign troops from Korea and the settlement of Korean domestic affairs by the Korean people themselves, in order to put an end to the hostilities in Korea at an early date;

"B. The subject matter of the negotiations must include the withdrawal of United States armed forces from Taiwan and the Taiwan Straits and Far Eastern related problems;

"C. The countries to participate in the negotiations should be the following seven countries: The People's Republic of China, the Soviet Union, the United Kingdom, the United States of America, France, India and

Egypt, and the rightful place of the Central People's Government of the People's Republic of China in the United Nations should be established as from the beginning of the seven-nation conference;

"D. The seven-nation conference should be held in China at a place to be selected."

The reply of the Central People's Government of the People's Republic of China was considered by the First Committee at its 426th to 430th meetings, from 18-30 January 1951. Much of the discussion was concerned with a draft resolution submitted by the United States (A/C.1/654) and a draft resolution submitted by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen (A/C.1/642/Rev.1). (See below for both drafts).

On 22 January the representative of India read to the Committee the text of a communication which the Indian Ambassador in Peiping had received from the Ministry of Foreign Affairs of the People's Republic of China in reply to a request for clarification of certain points contained in its reply of 17 January (A/C.1/653).

The communication, he said, had stated:

"I. If the principle that all foreign troops should be withdrawn from Korea were accepted and put into practice, the Central People's Government of the People's Republic of China would assume the responsibility of advising the Chinese volunteers to return to China.

"II. Measures for the conclusion of the war in Korea and the peaceful solution of the Korean problem could be carried out in two stages:

"First: A cease-fire for a limited period could be agreed upon at the first meeting of the Seven-Nation Conference and put into effect so that negotiations could proceed further.

"Second: In order that the war in Korea might be brought to an end completely and peace in the Far East assured, all conditions for the conclusion of hostilities would have to be discussed in connexion with the political problems, in order to reach agreement on the following points:

"Steps and measures for the withdrawal of all foreign troops from Korea; proposals to the Korean people on the steps and measures to effect the settlement of the internal affairs of Korea by the Korean people themselves; withdrawal of United States armed forces from Taiwan and the Straits of Taiwan in accordance with the Cairo and Potsdam declarations; other Far Eastern problems.

"III. The definite affirmation of the legitimate status of the People's Republic of China in the United Nations had to be ensured."

During the debate, the majority of representatives, including those of Australia, Belgium, Bolivia, Brazil, Chile, China, Colombia, Cuba, Denmark, the Dominican Republic, Ecuador, El Salvador, France, Greece, Haiti, Honduras, Ice-

land, Panama, Peru, the Philippines, Thailand, Turkey, the United States and Venezuela, expressed the view that the response of the Chinese People's Republic to repeated efforts for negotiations for a peaceful settlement in Korea was completely negative. In approving the principles proposed by the Cease-Fire Group, the Committee, these representatives felt, had made important concessions which were, however, in accordance with the principles of the Charter regarding the pacific settlement of disputes. That willingness to negotiate did not mean that the United Nations was prepared, a priori, to give its agreement to unreasonable claims.

The determination of the Peking Government to continue military operations against the United Nations, they stated, compelled the First Committee to ensure respect for those principles of the Charter according to which the Security Council had acted in June 1950. Measures to ensure respect for those principles should include joint action by the United Nations and should make the most effective use of the collective resources at its disposal. Referring to the reply of the Chinese People's Republic, those representatives stated that it was tantamount to a demand that the United Nations repudiate its principles. To accept those counter-proposals would constitute an implicit declaration that neither North Korea nor Communist China had been guilty of aggression and that the Security Council and the General Assembly had been mistaken in defending the Republic of Korea; that the half million Chinese troops in Korea were volunteers; that international law authorized the aggressive use of such volunteers; and that the United States had attacked Korea and had invaded Taiwan. Between the principles of the Charter and aggression, those representatives said, there was no neutrality; one was either for or against the Charter. A position of neutrality, it was emphasized, would only undermine the principle of collective security.

Those representatives considered that the further communication from Peking, read to the Committee by the representative of India, was unsatisfactory. Paragraph II conveyed the impression that a temporary cease-fire would come into force only after the proposed seven-nations conference had been convened. Yet, when that paragraph was examined in the light of paragraph I, the impression was that a cease-fire for a limited time would be accepted only after the United Nations had begun the withdrawal of its armed forces. Only then, would the Peking Government

agree to advise its volunteers to return home. With regard to the last paragraph, it was argued, its aim was not merely to secure the undertaking that the question of China's representation would be discussed in the United Nations but also to secure agreement on the principle of the admission of the Peking regime. Since the seven-nations conference would be unable to give such an assurance, Peking Government's proposal amounted, in fact, to a demand for admission even before the negotiations had begun.

The representative of the United States said that the facts concerning the aggression in Korea on 25 June 1950 were unchallengeable and had been established by the United Nations Commission on Korea. That aggression, he stated, had been committed with the encouragement, participation and support of the authorities in both Peking and Moscow, which had furnished manpower and supplies.

By sending its armed forces into Korea, the Peking regime had committed a special offence, the United States representative said. The pretence that those forces were volunteers was an affront to the United Nations. Facing such a situation, the United Nations must oppose aggression, not reward it. The fact that United Nations forces were in Korea to repel aggression and to restore peace was, he stated, fundamental to the situation. United Nations forces should, therefore, leave Korea when those missions were accomplished. General Assembly resolution 376(V) of 7 October 1950 set forth conditions for the withdrawal of United Nations forces, and he urged the Committee to restudy that resolution with particular reference to United Nations objectives in Korea. The United States Government was ready to enter any discussions for the solution of Far Eastern questions, but it could not commit itself in advance.

Since all efforts of the Committee and its members to bring about peace with justice in Korea had been flatly rejected by the Peking regime, its so-called counter-proposals (A/C.1/653) being totally unacceptable, the United States had introduced its draft resolution providing for further steps (see below).

Analysing the reply of the Chinese People's Republic, the representative of the United States noted that the communication referred to a cease-fire for a limited time. He wondered if that meant that the negotiations might be interrupted at any time by a new attack from the Chinese Commu-

nists. He pointed out that the five principles approved by the Committee contemplated the immediate arrangement of a cease-fire to continue in effect until superseded by further steps approved by the United Nations. Also, the reply did not accept the principle that all non-Korean troops should be withdrawn by appropriate stages from Korea. The United States representative considered that the phrasing of the reply made it clear that the United Nations forces were to be treated as having less right in Korea than the forces of the aggressors, and that the Central People's Government would not "advise" its troops to go home until the withdrawal of United Nations forces had begun. Further, the limited cease-fire was not to be arranged in advance, but was to be negotiated while hostilities were still in progress. The Central People's Government had agreed to the later negotiations only in terms which prejudged the outcome to conform to that Government's desires.

Finally, he said, the reply of the Peking Government had given the United Nations an ultimatum. It must agree to accept, as the representatives of China, a Government which was currently an aggressor. The decision on the question of the representation of China in the United Nations was, he said, one to be made by the United Nations in a sober and just manner, taking into account all the relevant circumstances, including the current behaviour of the Peking regime. No government, he said, could gain entry into the United Nations by force of bayonets. The questions of Taiwan, of Chinese representation, and other Far Eastern problems must be solved in accordance with the Charter and not by blackmail.

As to the latest communication from Peking, disclosed by the representative of India, the representative of the United States considered that it had not changed the situation very much. The Peking Government, if it had reconsidered its reply of 17 January and had wished to make another communication to the United Nations, knew very well that there were simple means of doing so. The latest communication seemed designed to confuse the United Nations, to divide its Members and to becloud the issue.

The representative of the United Kingdom, referring to the clarification received from Peking, said that it contained three important features: (a) It made clear that the Peking Government did not entirely reject the principle of cease-fire for a limited period to be agreed upon as the first

step; the length of the period should at least be discussed, however, and it would make a difference whether the Peking Government suggested six weeks or one week; (b) it had been made reasonably clear that the withdrawal of foreign troops from Korea was meant to apply to the so-called Chinese volunteers also; (c) it was also evident now that the principles on which the internal affairs of Korea were to be settled by the Korean people would be a matter for discussion at an eventual conference, whereas previously it had seemed that the Peking Government's intention was to leave that question entirely to the Koreans.

Another point of great importance had been the question of whether the Peking Government expected its claim to represent China in the United Nations to be satisfied before discussions had actually begun. In that connexion, the United Kingdom representative reminded the Committee that China was already a Member of the United Nations; there was therefore no question of admitting the Peking Government to the United Nations. The Peking Government regarded itself as representing China, and the United Kingdom believed that it was right. The question at issue was not the admission of China to membership but the right of the Peking Government to be represented as the Government of China. That, he stated, was not a question of morals or behaviour but of facts. If that simple truth were accepted, a great deal of unnecessary controversy might be avoided.

The United Kingdom had, from the outset, deplored the acts of the Peking Government, and would leave nothing undone to put an end to any aggressive ambitions that that Government might cherish. The United Kingdom felt, however, that the way of peace and negotiations was better than the method of penalties. In view of the importance of the decision to be made, it considered that it would be wise—even essential—for the United Nations to continue its efforts to probe the intentions of the Peking Government.

As to the future of Korea, the United Kingdom supported the objectives endorsed by the General Assembly, but it was difficult to see how these objectives could be achieved without the co-operation of Korea's most contiguous neighbour.

The representative of Canada considered that, in view of the reply of the Central People's Government of the People's Republic of China, the First Committee should give its attention to the

preparation of a definite plan for a negotiated settlement which would, on the one hand, lead to the fulfilment of the objectives of the United Nations in Korea and, on the other, to a settlement of outstanding issues in the Far East. He suggested that the plan should be along the following lines:

(a) A conference should be convened at Lake Success or New Delhi within a week or ten days, at the latest, of the decision to hold it. The States taking part in the conference might be the United States, the United Kingdom, France, the People's Republic of China, the USSR, India and Egypt.

(b) The first task of the conference would be to refer to a special cease-fire committee the responsibility for arranging a cease-fire agreement on the basis of the plan mentioned in the report of the Cease-Fire Group of 11 January. The special committee would be composed of the representatives of the United States, the People's Republic of China, the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) and any of the representatives whom the special committee might unanimously decide to associate with its work. The cease-fire arrangement should be concluded before the conference began to consider any other item on the agenda.

(c) After completion of the arrangements for a cease-fire, the conference would consider the peaceful settlement of the Korean problem on the basis of the principles stated in paragraphs 2 and 3 of the statement of principles of 11 January. Those negotiations would cover the withdrawal of all non-Korean forces from Korea, including, in particular, all Chinese armed forces and nationals.

(d) The conference would then proceed to consider other Far Eastern problems. The first question to be considered would be the Peking Government's request for the affirmation of the "legitimate status" of the People's Republic of China in the United Nations. The conference would express its point of view on the question but would not be entitled to take a decision on it.

(e) In the discussion of Far Eastern problems, any government especially concerned with a particular problem should be invited to participate in the discussion of its particular problem.

(f) If the First Committee were to adopt the plan, the People's Republic of China should be immediately informed and asked to reply within 48 hours of the receipt of the plan.

The representative of Canada suggested that if the Peking Government rejected this plan then the Committee might declare that Government guilty of aggression. Actually, it had been with a view to ascertain whether the procedure he had outlined was worth considering that the Prime Minister of Canada had suggested to the Prime Minister of India at the recent meeting of Commonwealth Prime Ministers in London that certain questions should be addressed to the Peking

Government in an effort to clear up certain ambiguities in Peking's reply of 17 January. The Government of Canada expressed its thanks to the Government of India for its co-operation.

The representatives of Czechoslovakia, Poland and the USSR expressed the view that the United States policy was pushing the United Nations to disaster. Many delegations, however, it was stated, realized this and recognized the need for a peaceful settlement. The representatives of Czechoslovakia, Poland and the USSR endorsed the proposals of the Central People's Government of the People's Republic of China as presented in the message of January 17. These proposals, they said, were directed towards the speediest settlement of the Korean and other Far Eastern problems.

(4) Draft Resolutions and Amendments before the Committee

The Committee had before it three draft resolutions pending since December 1950:

(a) A draft resolution by Cuba, Ecuador, France, Norway, the United Kingdom and the United States (A/C.1/638), which, *inter alia*, would call upon all States and authorities to prevent their nationals or units of their armed forces from giving assistance to the North Korean authorities and to cause the immediate withdrawal from Korea of their nationals. It would affirm that United Nations policy was to hold the Chinese frontier with Korea inviolate and to protect legitimate Chinese and Korean interests in the frontier zone.

This draft resolution was withdrawn at the 438th meeting on 30 January. It was not discussed during the First Committee's debates in 1951.

(b) A draft resolution by the USSR (A/C.1/640), which would recommend that all foreign troops be withdrawn from Korea and that decision on the Korean question should be entrusted to the Korean people themselves.

The USSR representative stated at the Committee's 438th meeting on 30 January that he would not insist on a vote on this draft resolution at the present stage. The resolution was accordingly not voted upon; it was not discussed during the consideration of the reply of the People's Republic of China.

(c) A draft resolution by Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen (A/C.1/642). In its original form, this draft resolution would have stated that the situation in the Far East was likely to endanger the maintenance of peace and security and would therefore have recommended the establishment of a committee to meet as soon as possible and make recommendations for the peaceful settlement of existing issues.

During the discussion on the reply of the People's Republic of China of 17 January, a revised text of this draft resolution (A/C.1/642/Rev.1)

was submitted at the 431st meeting on 25 January.

It provided, *inter alia*, that representatives of France, the United Kingdom, the United States, the USSR, Egypt and India and the Central People's Government of the People's Republic of China should meet as soon as possible for the purpose of securing all necessary elucidations and amplifications of the reply of the People's Republic of China, and for the purpose of making any incidental or consequential arrangements towards a peaceful settlement of the Korean and other Far Eastern problems. The first meeting of the above representatives was to be held on a date and at a place to be fixed by the President of the General Assembly.

The USSR submitted amendments (A/C.1/655) to the revised twelve-Power draft resolution which proposed: (a) deletion of the heading "Intervention of the Central People's Government of the People's Republic of China in Korea" and (b) proposed that the President of the General Assembly should call the proposed meeting "in agreement with the participants".

A second revision of the twelve-Power draft resolution (A/C.1/642/Rev.2) was submitted at the 434th meeting on 29 January. It would add a provision to the effect that the seven Powers participating in the proposed conference should, at the first meeting, agree upon an appropriate cease-fire arrangement and that they would proceed with their further deliberations only after this had been put into effect.

The USSR submitted an amendment (A/C.1/657) to this second revision.

According to the amendment, the representatives of the seven countries, after the cease-fire arrangement had been put into effect, would consider: appropriate arrangements for the withdrawal of all foreign forces from Korea; ways and means to be recommended to the Korean people for the free settlement of the Korean affairs by the Korean people themselves; the question of withdrawal of United States forces from Taiwan and the Straits of Taiwan and questions relating to the Far East. (For discussion on this draft resolution, see below).

A United States draft resolution (A/C.1/654) was submitted during the discussion on the reply of the People's Republic of China at the 428th meeting on 20 January.

According to this draft, the General Assembly would note that the Security Council, because of the lack of unanimity of permanent members, had failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese Communist intervention in Korea; would note further that the Government of the People's Republic of China had rejected all United Nations proposals to bring about a cessation of hostilities in Korea with a view to peaceful settlement, and that its armed forces continued

their invasion of Korea and their large-scale attacks upon United Nations forces there. By the same resolution the Assembly would:

(a) find that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against the United Nations forces there, had itself engaged in aggression;

(b) call upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea;

(c) affirm the determination of the United Nations to continue its action in Korea to meet aggression;

(d) call upon all States and authorities to continue to lend every assistance to the United Nations action in Korea;

(e) call upon all States and authorities to refrain from giving any assistance to the aggressors in Korea;

(f) request a committee, composed of the members of the Collective Measures Committee, as a matter of urgency, to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly;

(g) affirm that it continued to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of the United Nations objectives in Korea by peaceful means; and

(h) request the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end.

The United States accepted an amendment (A/C.1/656) submitted by Lebanon to state that the Peking Government had "not accepted" rather than "rejected" all United Nations proposals and that the ad hoc committee on collective measures contemplated in the draft resolution be authorized to defer its report if the good offices committee reported satisfactory progress.

(5) Discussion of the United States and
Twelve-Power Draft Resolutions

The representatives of Australia, Belgium, Bolivia, Brazil, China, Colombia, Cuba, Denmark, the Dominican Republic, Ecuador, El Salvador, France, Greece, Haiti, Honduras, Iceland, Panama, Peru, the Philippines, Thailand, Turkey and Venezuela expressed support for the United States draft resolution, stating that there was no escape from the conclusion that the Peking Government had itself engaged in aggression in Korea. That fact was known to all, and the time had come when the United Nations should proclaim it, they said. No matter how disagreeable such a statement of fact might appear to some representatives, it was the duty of the United Nations to

make that statement. Since all knew it to be true, such a statement could do no harm to the ultimate purpose of the Organization, they felt, whereas failure to state that fact would merely serve to encourage those who had constantly flouted the United Nations and to damage the confidence of millions in the United Nations and in the principles of collective security for which it stood.

The text of the United States draft resolution, it was stated, was admirably restrained. Under it, the good offices group would be free to carry on its efforts for a settlement, while the committee for the study of additional measures to meet aggression would proceed with its report. Moreover, the General Assembly would itself decide on the desirability of any measures that might be proposed; in any event, the Assembly recommendations would not be binding on any Member States. If the latest communication from the People's Republic of China left room for further elucidation, nothing in the United States draft resolution prevented the Peking Government from further clarifying its intentions.

The representative of the United Kingdom stated that, since his Government deplored the action in Korea of the Peking regime, it was broadly in agreement with the first five paragraphs of the United States draft resolution, although the phrasing might require further consideration. It doubted, however, the wisdom of considering further measures, as provided in the draft, before the intentions of the Peking regime had been fully and exhaustively explored. He added that his Government would not permit the apparent differences in tactics between itself and its friends to develop into a serious rift, but it felt that it was its duty to urge upon the Committee to give careful thought to any steps which might carry the Organization much further along a road on which no Member State was yet prepared to proceed in practice.

The United Kingdom representative agreed with the representative of India that the revised twelve-Power draft resolution should have priority in the vote over the United States draft resolution.

The representative of Canada stated that, if the United States draft were put to the vote before other possibilities had been explored, certain delegations would have difficulties in reaching a decision, for the nature of the decision would imply certain responsibilities and produce certain consequences. The United Nations, he continued, could legitimately pass a moral judgment against the aggressor, but it should not give the impres-

sion that it would immediately thereafter proceed to enforce that judgment, irrespective of the consequences, if it were not prepared to do so.

Canada would have preferred the passage in the United States draft resolution concerning peaceful settlement to be broader in scope. In any case, as the door was not closed to negotiations, it was to be hoped that, whatever happened to the draft resolution, the negotiations would continue—all the more since the statement of principles made by the Committee still stood, and since the Committee was prepared to receive whatever comments Peking might offer.

Meanwhile, he stated, the Canadian delegation would support the United States draft resolution because it stated the fundamental truth about the aggression committed by the Chinese People's Republic in Korea. To abstain on the draft resolution or to oppose it would be, he said, to deny that fact deliberately. The Central People's Government of the People's Republic of China ought to realize that a settlement was impossible if it refused to end its participation in the aggression which began in Korea in June 1950.

The representative of Canada said that the United States draft resolution was not a declaration of war, limited or unlimited, but a firm call to the Peking Government to desist from its participation in aggression, and the draft also contained proposals for peaceful settlement. However, the committee proposed in the penultimate paragraph of the draft resolution would have to appraise the world situation realistically and remember that, although the resources of the free world were growing stronger daily, they were limited at the moment. He considered that the United States draft resolution dealt not with a separate act of aggression but with an old and continuing one and therefore it did not appear that it would confer new powers on the Unified Command. It would be advisable, however, to confirm that interpretation.

The representative of Canada stated that he would vote for the United States draft resolution as a whole, though it contained one or two passages which he could support only with reservations. His delegation also felt that it would be premature and unwise to submit that draft resolution as a whole as long as the possibilities of negotiations were not exhausted. His Government, he said, would reserve its position with regard to any amendments which might be submitted later. If the draft resolution was voted on

paragraph by paragraph, he would reserve his delegation's position on the second paragraph.

The representative of Israel stated that he regarded with deep anxiety the efforts of those who aimed at the adoption of additional measures against China. The United States draft, he said, was inconsistent, because it contemplated conciliation and punishment at the same time. The representative of Israel then put forward the following suggestions:

(a) The Assembly should continue its search for a peaceful settlement not only of the Korean problem but of all Far Eastern questions referred to in the principles adopted by the Committee on January 13. Those principles, he emphasized, remained the policy of the United Nations, irrespective of the reply of the Central People's Government.

(b) The function of good offices should be entrusted not to three individuals but to an organ of the Assembly. A small group might be appointed by the recently formed Peace Observation Commission. That group, for example, might be requested to elucidate the Peking communications and consider the significance to be attributed to the current lull in the fighting. Its main function, however, should be to report on ways and means of putting principles into effect, particularly as regards the cease-fire. It might also make the necessary arrangements for a conference to follow a cease-fire and even for the cease-fire itself.

(c) The consideration of collective measures should be deferred until the results of the efforts made by the good office group became known. In any case, the representative of Israel stated, it would be preferable if the First Committee confined itself at the first stage to the two objectives on which agreement could be readily achieved in the Committee—the declaration that the Chinese Government had committed aggression and the affirmation that the United Nations intended to pursue a Far Eastern peace settlement.

In view of the lack of enthusiasm shown by the United Kingdom, India and other Asian countries, immediate consideration of collective measures would be unwise, the representative of Israel said. The statement that the Central People's Government had rejected United Nations proposals was controversial and should be amended. All that could be said was that the Peking Government had not ceased hostilities.

The representative of India also stated that the United States draft resolution was based on the assumption that the Central People's Government had rejected all United Nations proposals, but this assumption was not correct. The representatives of Burma, Egypt, Indonesia and Syria objected to the third paragraph of the United States draft, which would find the People's Republic of China guilty of aggression, as a result of giving direct aid and assistance to those forces already commit-

ting aggression, and of engaging in hostilities against United Nations forces. They held that this was an over-simplification of issues which extended far beyond a mere finding on whether or not the People's Republic of China had committed aggression. The view that the adoption of the United States draft resolution would still leave the door open for negotiations was characterized by those representatives as unrealistic. A government labelled as an aggressor could not, they held, be expected at the same time to co-operate with those who had condemned it.

The representative of Syria stated that he could not support the United States draft resolution, which he considered useless and impossible to enforce. It was a dangerous proposal, he considered, because, once the Central People's Government of the People's Republic of China had been declared an aggressor, sanctions would have to be imposed upon it and a war begun against China and its allies, which together represented 800 million people. The United States draft resolution, he considered, would, if adopted, destroy any hope of a peaceful settlement.

The representatives of Czechoslovakia, Poland and the USSR opposed the United States draft resolution. They contended that it was a resolution aimed at spreading the war from Korea into China and justifying the aggression already committed against China by the bombardment of Chinese territory and the occupation of Taiwan.

On the basis of certain newspaper articles, speeches, addresses and statements published in the United States, it could be seen what the future course of the United States policy would be, once the ad hoc committee contemplated in the United States draft resolution was established. The United States would then, those representatives considered, submit unacceptable conditions for a peaceful settlement. It would never agree to seating the Central People's Government in the United Nations and would keep Formosa as a strategic base. It would request the participation of the "Kuomintang group" in the discussions on Formosa and of the Syngman Rhee regime in those on the Korean problem. These conditions would not bring about a peaceful solution.

Those representatives stated that a number of delegations had expressed very strong criticism of the United States draft resolution. Even those who had made statements in its favour had really considered the draft resolution to be untimely. From those statements, it should be clear to the United States that its foreign policy was regarded with

suspicion and uneasiness by its own friends. Thus, the representative of Canada had called the submission of that draft resolution at that stage and in that form "premature and unwise". The representative of the United Kingdom had also urged that the possibilities of reaching a settlement by negotiations should first be exhausted. He had even supported the priority of the draft resolution of the twelve Asian countries and his support implied that a conference should take place before a vote could be taken on the United States draft resolution. Thus, it was asserted, many nations were being forced into action against their own interests and while fully conscious of the disastrous consequences of such action.

The United States draft resolution had been submitted without co-sponsors, and only after much pressure and threats had the United States succeeded in obtaining support for that draft resolution, the representatives of Czechoslovakia, Poland and the USSR said. They would therefore vote against the United States draft resolution which, they considered, had not been materially changed by the Lebanese amendments.

The representative of Poland stated that the United States draft resolution came under Chapter VII³¹ of the Charter and should be considered by the Security Council with the participation of the People's Republic of China.

The representative of India stated that the twelve-Power draft resolution had been revised for the second time in view of the clarification received from the Chinese Government, although reference had been made only to the reply of 17 January and not to the latest communication. This was because certain representatives had objected to the Committee taking cognizance of communications made to individual Member Governments. What the draft resolution aimed at was the continuance of negotiations. Indeed, he considered, the present time was more favourable for holding consultations since it appeared from Press reports that there was a lull in the fighting. He wished to point out that the lull might not be without significance. Since the twelve-Power draft resolution was merely a revised version of the draft introduced on 12 December 1950, it should have priority in voting, he argued.

The twelve-Power draft resolution, if adopted, would remove the foundation of the United States

³¹Chapter VII provides for action with respect to threats to the peace, breaches of the peace, and acts of aggression.

draft resolution, because it implied that the Central People's Government had not rejected all the United Nations proposals made up to that time. He stated that the Indian delegation had received many telegrams encouraging its efforts for a peaceful settlement. Adoption of the draft resolution would open the path for a peaceful settlement, he stated, while its rejection would close that path and commit the United Nations to drastic courses, the end of which no one could foresee.

Statements in support of the twelve-Power draft resolution were also made by the representatives of Burma, Egypt, Indonesia and Syria who expressed doubts regarding the usefulness of branding the Chinese People's Republic as an aggressor. They shared the view that the reply of the Peking Government still afforded a chance for an honourable and peaceful settlement and that it was the duty of the United Nations to take advantage of it. There was a growing conviction that the reply of the People's Republic of China regarding a cease-fire and a solution of the Far Eastern problems came closer to the Group's five principles than had originally been thought. In the revised twelve-Power draft resolution, it was argued, the sponsors had given the seven participants in the proposed conference the greatest latitude to enable them to find the most effective procedure for reaching a solution.

The representative of the USSR stated that the twelve-Power draft resolution would be acceptable only if the USSR amendments to the second revision were accepted (see below).

The representative of Poland said that he could support the first revision of the twelve-Power draft resolution with certain reservations but had no instructions from his Government regarding the second revision.

Replying to certain points raised in the debate, the representative of the United States said that the world was awaiting answers to two grave questions: whether the United Nations was capable of pronouncing a moral judgment in accordance with the obvious facts; and whether it was capable of formulating measures and means for taking collective action based on those facts and on that judgment. The United States, he said, opposed any further action which would avoid the long-overdue decision to declare that the Chinese Communists had committed aggression in Korea. For those reasons, he stated, he opposed the twelve-Power draft resolution and would vote against it if it were pressed to a vote. He urged the Committee to consider most seriously the

effect of such a vote on the moral position and prestige of the United Nations. Even if the joint draft resolution were amended to overcome his delegation's objections, which were not unimportant, he would still oppose it for those reasons.

He emphasized that the group to be set up under the last paragraph of the United States draft would be free, immediately the resolution was approved by the Assembly, to use its good offices to attain the objectives of the Asian-Arab group. Referring to statements to the effect that it was not the intention of the United States proposal to give the Unified Command any additional authority which it did not already possess, the representative of the United States confirmed that view. The ad hoc committee to consider additional measures would, of course, he stated, take into account any result which might be achieved by the good offices committee. The report of the ad hoc committee would be fully discussed in the Assembly and it would be for the latter to make the necessary recommendations.

As to the suggestion by Israel for an amendment to the effect that the ad hoc committee would take no action until a further effort toward a peaceful settlement had been tried and had failed, he said that would be the effect of the eighth paragraph of the United States draft. He emphasized that his draft resolution would not slam the door on a peaceful settlement since, under it, the good offices committee would continue its efforts.

In subsequent statements, the representatives of Australia, Belgium, China, Colombia, Iceland, Mexico and the Netherlands expressed support for the United States draft resolution, while opposing the twelve-Power draft on the ground that its aims had been more adequately formulated in the five principles which the Central People's Government of the People's Republic of China had not accepted. It was evident, they said, that all those principles required the cessation of hostilities as a prerequisite measure.

The representative of China considered that the seven-nations conference proposed in that draft resolution would be neither representative of the United Nations nor calculated to serve its interests. The proposal excluded the Republic of China and the Republic of Korea, which had a direct interest in the problems to be discussed, and excluded the Latin American countries, which had a deep interest in all great problems confronting the United Nations. On the other hand, it included the USSR and the Peking regime which

had consistently opposed United Nations efforts and which were, in a way, responsible for the aggression in Korea. It also included India, which worked for the Peking regime, and the United Kingdom, which had urged the acceptance of the right of the Peking regime to represent China in the United Nations. The representative of Australia stated that the twelve-Power draft resolution had omitted to include his country in the proposed conference despite its great interest, in view of its geographical position, in Far Eastern affairs and its contribution to the work of the United Nations. Moreover, the conference would duplicate the work of the good offices committee provided for in the United States draft resolution, he stated.

The representative of Lebanon believed that there was no conflict between the United States proposal and the twelve-Power draft resolution and that he could vote for both with a good conscience. It was his view that it was essential to maintain the prestige of the United Nations and to safeguard the system of collective security set up by it. The United States, the representative of Lebanon argued, was essential to that system and nothing should be done to discourage the people of the United States from taking a vigorous interest in the Organization and in giving it leadership. As regards declaring Communist China an aggressor in Korea, it was the truth and there was no need to suppress that truth. He stated that although he would press for a prior vote on the joint draft resolution, he would also vote for the United States draft resolution if it were put to the vote.

Replying to some of the points raised in the debate, the representative of India said that the twelve-Power draft had been criticized for not stating that the Government of the People's Republic of China had committed an act of aggression. The Government of India, he stressed, on the basis of the most authoritative information at its disposal and the deductions it had drawn from that information, was not convinced that the participation of Chinese forces in the fighting in Korea was due to any aggressive intention. It was more probably due to its fears for the territorial integrity of China. With time and patience it might be possible to dispel those fears and the joint draft resolution, he said, represented an effort to do so.

The majority of the Members of the United Nations, he continued, had considered that the Central People's Government was not the Government of China and had consequently refused it

the right of representation in the United Nations. If, however, that Government had merely the status of a private political organization, he was unable to see how it could be declared an aggressor. The Security Council's resolutions of 25 and 27 June 1950 had not used that term with regard to the North Korean authorities. Lord Perth, formerly Secretary-General of the League of Nations, had expressed the same point of view in a letter published in London in *The Times* on 23 January 1951. In this letter he said that condemnation of the Chinese Communist Government as an aggressor implied its recognition as the Government of China.

Some representatives had contended that the twelve-Power draft resolution was humiliating for the United Nations because it aimed at consultations with the Chinese Government without first condemning it as an aggressor. The United States draft resolution, on the other hand, would, after condemning that Government, request the President of the General Assembly to use his good offices to bring about a peaceful settlement. Good offices necessarily implied negotiations. The representative of India was at a loss to understand why, on the one hand, it should be humiliating to confer with a Government so as to dispel misunderstanding and reach a peaceful settlement, without prejudging the issue of aggression, and, on the other hand, quite proper first to pronounce that Government an aggressor and then to proceed to negotiate with it.

It had been argued that the adoption of the United States draft resolution would not close the door to negotiation. But, the representative of India stated, his Government had been informed on the highest authority that once a resolution condemning the Peking Government was adopted, there would be no longer any hope of negotiation. It must be realized, he observed, that first to condemn and then to propose negotiations would indicate that there was no serious intention either of condemning or negotiating. For that reason, the Indian delegation would strongly urge all Members to support the twelve-Power draft resolution as the best means of avoiding a war that nobody desired, he concluded.

Later in the debate, at the 437th meeting on 30 January, at the request of the Egyptian representative that he give the Committee more details on the information received from Peking, the representative of India stated that on 28 January, the Government of India had received information emanating from the highest sources in Peking that

the proposal made by the twelve Asian countries had been regarded in Peking on 26 January as providing a genuine basis for a peaceful settlement. The date, he stated, might be important from the point of view of judging to which proposal that reference had been made. The Indian Government further understood that the Government of the People's Republic of China would be willing to co-operate in negotiations for a peaceful settlement on the basis of the Asian draft resolution. His Government had also been informed that it was because of the Peking Government's desire for peace, and its regard for those countries in the United Nations which genuinely desired peace, that the Chinese Government had agreed to arrange a cease-fire at the first meeting of the proposed conference. The Government of India had been informed that that was intended on the part of the Chinese Government as a genuine peace effort, and it had been requested to convey that message to all interested countries.

Some representatives explained their votes on the two draft resolutions.

The representative of Canada stated that the Lebanese amendments to the United States draft resolution had removed his doubts about the wisdom of certain provisions of the original draft (on which his previous statement had been based). The finding regarding the Chinese People's Republic having itself engaged in the aggression, contained in the second paragraph, was, he felt, based on facts and could not be rejected without condemning United Nations intervention itself. Nevertheless, he still considered that it was premature and unwise to confront the Committee with a decision on those facts at that particular moment. As he saw it, the methods of peaceful negotiations before condemnation had not been fully exhausted.

The United States draft resolution, the Canadian representative stated, together with the Lebanese amendments, did not close the door to negotiations and the statement of the United States representative (see above) had been frank in agreeing that no additional powers were being conferred on the Unified Command.

Since stronger denunciations had been made of United Nations action in Korea by the Peking Government and others, it could not be validly maintained that a mild condemnation, such as that contained in the United States draft, would prevent subsequent negotiations. He would therefore vote for the United States draft resolution, he stated.

The representative of the United Kingdom observed that great progress had been made in reconciling differences on tactics and that, in view of the two Lebanese amendments, his Government had been able to instruct him to vote for the United States draft. After explaining the effect of those amendments, the United Kingdom representative stated that he hoped and believed that the proposed good offices committee would, in effect, work on the basis of a programme which, if not precisely on the lines of the plan suggested by the representative of Canada (see above), would at any rate be in broad accordance with it. That would be, he said, a more appropriate and promising way of proceeding than the proposal in the twelve-Power draft resolution calling for a seven-Power conference with very loosely defined terms of reference. He considered that the ninth paragraph of the United States draft resolution pointed the way to a negotiated rather than to an enforced settlement.

He interpreted the critical third paragraph of the United States draft resolution as meaning that the Peking Government had participated in the aggression in Korea, which was true. To reject that paragraph, he stated, would be to undermine the whole moral basis of the United Nations. He appealed for the adoption of the United States draft resolution, stating that this would establish the moral ascendancy of the United Nations.

As regards the twelve-Power draft resolution, the representatives of Canada and the United Kingdom stated that they would abstain on it for the following reasons. The draft would set up a seven-Power agency unsatisfactorily composed and constituted for bringing about a cease-fire in Korea. The agency would include a member of the First Committee which had often stated that it would have nothing to do with a cease-fire except on terms which would be completely unacceptable. Terms for a cease-fire must be based on those already submitted by the Cease-Fire Group in Korea and should be negotiated at once by a small group representing the United Nations, the United States and the Peking Government.

Any further communication from Peking, it was said, should be precise and detailed, and should provide for a specific programme to begin on a certain date and to proceed by definite stages. The twelve-Power draft resolution did not include satisfactory provision in that connexion. It gave much room for further lengthy discussions before a cease-fire could take place. It also failed to recognize United Nations resolu-

tions, and in that respect appeared to place the Peking regime and the United Nations on the same moral and political footing.

The representative of El Salvador stated that he would vote for the United States draft resolution because, of all the proposals before the Committee, that was the one which was based on the best and most realistic appreciation of the present situation. He could not support the twelve-Power draft resolution or the USSR amendments to it because, among other things, it proposed a seven-nations conference which did not represent Latin America and included some States which had recognized the so-called People's Republic of China, including some States which had expressed themselves against United States naval protection of Formosa.

The representative of the Union of South Africa stated that, since the United States draft resolution, which he would support, provided for acceptable machinery and indicated ways for achieving a peaceful solution, he would not be able to support the twelve-Power draft resolution. However, in view of the sincerity of the delegations which had submitted it, he would not vote against it, but would abstain.

The representative of Sweden stated that, while fully understanding the motives that inspired the United States draft resolution, his Government strongly doubted whether possible collective action could further a solution of the Korean and other problems through the means mentioned in the last paragraph, namely, through negotiations. The Swedish Government felt that it could not foresee, and was not prepared to take responsibility for the consequences of a decision made in accordance with that draft resolution. He would therefore abstain from voting on the draft resolution, either in parts or as a whole. He would also abstain on the twelve-Power draft resolution which, he considered, did not propose a correct preliminary approach to negotiations.

The representative of Yugoslavia stated that the door for negotiations which had previously appeared to be closed on account of the Peking Government's reply of 17 January, now appeared to be open in view of the clarification received from that Government. He felt that it was the duty of the United Nations to do everything to localize the conflict in Korea. The adoption of the United States draft resolution condemning China, would help, not the United Nations, but those who were attempting to mask the true character of the war in Korea; all the more so as the adoption of the

condemnatory resolution would force the United Nations to apply sanctions against China. He would therefore vote for the twelve-Power draft resolution.

(6) Resolution Adopted by the First Committee

At its 438th meeting on 30 January, the Committee first rejected the USSR amendments (A/C.1/655 and A/C.1/657) to the joint twelve-Power draft resolution A/C.1/642/Rev.2), the votes being respectively 35 to 5, with 18 abstentions, and 42 to 5, with 12 abstentions.

A USSR amendment, submitted orally, to provide that the cease-fire arrangement contemplated in the joint draft resolution would be "provisional" was rejected by 33 votes to 5, with 8 abstentions.

The joint twelve-Power draft resolution was voted on in paragraphs which were all rejected by votes ranging from 27 to 18, with 14 abstentions, to 32 to 14, with 14 abstentions. The draft resolution as a whole was not put to the vote, since no part of it had been adopted.

The United States draft resolution (A/C.1/654) was then put to the vote with the following results:

The Lebanese amendment to paragraph 8 was adopted by 42 votes to 7, with 9 abstentions. The draft resolution was voted on in paragraphs which were adopted in votes ranging from 46 to 5, with 7 abstentions, to 42 to 7, with 10 abstentions. It was adopted as a whole, as amended, by 44 votes to 7, with 8 abstentions.

Saudi Arabia did not participate in the voting.

b. CONSIDERATION BY THE GENERAL ASSEMBLY IN PLENARY SESSION

The report of the First Committee (A/1770) containing the draft resolution was considered by the General Assembly at its 327th plenary meeting on 1 February 1951. It was decided, by 32 votes to 5, not to discuss the report.

In explanation of their votes, the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR stated that they would vote against the draft resolution recommended by the First Committee because the whole sense of that draft resolution was to prevent agreement. The nucleus of that proposal—a false and completely unfounded accusation that the People's Republic of China had committed aggression—was necessary to the United States as a point of departure for the extension of

further aggression both in Korea and against China.

In the First Committee there had been definite opposition to the aggressive course of the ruling circles of the United States; that fact, they maintained, could not be ignored. The attempt of the twelve Powers to find a possibility of a peaceful settlement by negotiations had been unsuccessful because of the crude and open pressure, blackmail and threats against those who intended to support the twelve-Power proposal. Many countries economically or otherwise dependent on the United States had thus been compelled to fall in line, they stated; adoption of the draft resolution would defeat the fundamental principles of the Charter and violate the sovereignty of many nations which had been forced to support it.

The representative of the United Kingdom stated that his Government supported the proposal because it attached primary importance to the work of the good offices committee. It was the United Kingdom's hope that the group would first study the various communications from the Peking Government in order to see what light they shed on the possibilities of peaceful negotiation and what further clarification was required.

The programme outlined by the representative of Canada, he said, also contained many valuable ideas which might form the basis of an eventual settlement. The emphasis, he suggested, should be on peaceful settlement rather than on potential sanctions, which might be dangerous, double-edged or merely useless.

The representative of Syria stated that the means of achieving a peaceful settlement had not been exhausted and that there was still a strong possibility of establishing a cease-fire, even at the first meeting of the seven-nations conference suggested by the twelve Asian Powers. Adoption of the United States proposal, he said, would not end the war, but would be more likely to extend it. Were the war to be extended, the United Nations would have to fight against a population of about 800 millions. He would, he said, abstain in the vote on the draft resolution, but his abstention did not signify approval of the behaviour of the People's Republic of China or opposition to the draft resolution. It only meant that the twelve-Power draft resolution should have been adopted first so as to exhaust the possibilities of peaceful discussion.

The representative of India stated that he would vote against the proposal because it would prolong hostilities in Korea indefinitely and might

expand the conflict into a global war. By combining condemnation and negotiation in one proposal, that proposal lost its moral force and negotiations their best chances of success. So many mistakes had been made against the People's Republic of China in the last twelve months that the resolution did not seem to be quite fair in its condemnation.

The representative of Egypt explained that, although he agreed that it was the duty of the United Nations to set up and maintain, and even to put in action, the system of collective security envisaged by the Charter, he saw no reason to overlook the essential concept of the Charter that peaceful means of resolving questions must first be exhausted. The peaceful means, he considered, had not been exhausted in the present case.

At the request of the representative of Israel, the sixth paragraph of the operative part of the draft resolution of the First Committee was put to the vote separately and was adopted by 43 votes to 7, with 8 abstentions. The remainder of the draft resolution was adopted by 44 votes to 7, with 8 abstentions. The draft resolution as a whole was then voted upon by a roll-call and adopted by 44 votes to 7, with 9 abstentions, as follows:

In favour: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Philippines, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, and Venezuela.

Against: Burma, Byelorussian SSR, Czechoslovakia, India, Poland, Ukrainian SSR and the USSR.

Abstaining: Afghanistan, Egypt, Indonesia, Pakistan, Saudi Arabia, Sweden, Syria, Yemen and Yugoslavia.

On a statement by the representative of Saudi Arabia that he was not participating in the vote, the President ruled that if a delegation did not participate in the vote, it thereby abstained. However, he said that the Saudi Arabian representative's statement that he did not participate in the vote would be recorded.

The resolution (498(V)) adopted by the Assembly at its 327th plenary meeting on 1 February 1951 read:

"The General Assembly,

"Noting that the Security Council, because of lack of unanimity of the permanent members, has failed to exercise its primary responsibility for the maintenance of international peace and security in regard to Chinese Communist intervention in Korea,

"Noting that the Central People's Government of the People's Republic of China has not accepted United Nations proposals to bring about a cessation of hostilities in Korea with a view to peaceful settlement, and that its armed forces continue their invasion of Korea and their large-scale attacks upon United Nations forces there,

"1. Finds that the Central People's Government of the People's Republic of China, by giving direct aid and assistance to those who were already committing aggression in Korea and by engaging in hostilities against United Nations forces there has itself engaged in aggression in Korea;

"2. Calls upon the Central People's Government of the People's Republic of China to cause its forces and nationals in Korea to cease hostilities against the United Nations forces and to withdraw from Korea;

"3. Affirms the determination of the United Nations to continue its action in Korea to meet the aggression;

"4. Calls upon all States and authorities to continue to lend every assistance to the United Nations action in Korea;

"5. Calls upon all States and authorities to refrain from giving any assistance to the aggressors in Korea;

"6. Requests a Committee composed of the members of the Collective Measures Committee as a matter of urgency to consider additional measures to be employed to meet this aggression and to report thereon to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee referred to in the following paragraph reports satisfactory progress in its efforts;

"7. Affirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of United Nations objectives in Korea by peaceful means, and requests the President of the General Assembly to designate forthwith two persons who would meet with him at any suitable opportunity to use their good offices to this end."

On 19 February the President of the Assembly informed (A/1779) Members that Mr. Sven Grafström (Sweden) and Dr. Luís Padilla Nervo (Mexico) had agreed to form with him the Good Offices Committee provided for in resolution 498(V).

In a statement (A/1782) made on 2 February, regarding resolution 498(V), the Minister of Foreign Affairs of the People's Republic of China said, *inter alia*, that the majority of the nations in the United Nations, under the domination and coercion of the United States Government, had rejected the twelve-Power draft resolution and had adopted the United States draft resolution, which slandered China as an aggressor in Korea, in order that the United States might further extend its aggressive war. This, the statement continued, proved clearly to the peace-loving peoples and nations of the world that the United States Government and its accomplices

had blocked the path to a peaceful settlement. It was further stated that the Assembly, encroaching upon the powers of the Security Council, had acted illegally in adopting the resolution without the participation of lawful representatives of the People's Republic of China. Consequently, the resolution must be considered null and void.

2. Additional Measures to be Employed to Meet Aggression in Korea

a. REPORT OF THE ADDITIONAL MEASURES COMMITTEE

The Additional Measures Committee composed of the members of the Collective Measures Committee—Australia, Belgium, Brazil, Burma, Canada, Egypt, France, Mexico, Philippines, Turkey, the United Kingdom, the United States, Venezuela and Yugoslavia—held its first meeting on 16 February 1951, when it was informed that Burma and Yugoslavia would be unable to participate in its work. At the same meeting, the Committee elected the representative of Turkey as its Chairman, the representative of Belgium as Vice-Chairman and the representative of Australia as the rapporteur. It requested the Bureau thus constituted to draft proposals for a programme of work.

On the proposal of the Bureau, a sub-committee of five members was constituted on 8 March to consider practical measures and to study priorities. The sub-committee, consisting of Australia, France, the United Kingdom, the United States and Venezuela, unanimously recommended that, when the Committee pursued the examination of additional measures against the Central People's Government of the People's Republic of China, it should give priority to the study of economic measures. The Committee adopted this recommendation at its third meeting on 3 May 1951. On 14 May it approved a draft resolution by the United States for submission to the General Assembly (see A/1799).

Under the draft resolution, the General Assembly would note, *inter alia*, that the Additional Measures Committee had reported that a number of States had already taken measures designed to deny contributions to the military strength of forces opposing the United Nations in Korea, and that certain economic measures designed further to deny such contributions would support and supplement the military action of the United Nations in Korea and would assist in putting an

end to the aggression. It would recommend that every State should:

(1) Apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition and implements of war, atomic energy materials, petroleum and items useful in the production of arms, ammunition and implements of war;

(2) determine which commodities exported from its territory fell within the embargo, and apply controls to give effect to that embargo;

(3) prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States pursuant to the resolution;

(4) co-operate with other States in carrying out the purposes of this embargo;

(5) report to the Additional Measures Committee, within 30 days, and thereafter at the request of the Committee, on the measures taken in accordance with the resolution.

The draft resolution would further request the Additional Measures Committee to report to the General Assembly, with recommendations on the general effectiveness of the embargo and on the desirability of continuing, extending or relaxing it. It would also request the Committee to continue its consideration of additional measures to be employed to meet the aggression in Korea and to report thereon to the General Assembly, it being understood that the Committee was authorized to defer its report if the Good Offices Committee (constituted under resolution 498-(V)) reported satisfactory progress.

The draft resolution would reaffirm that it continued to be the policy of the United Nations to bring about a cessation of hostilities in Korea and the achievement of United Nations objectives in Korea by peaceful means, and would request the Good Offices Committee to continue its efforts.

In clarification of its recommendations, the Additional Measures Committee noted in particular that circumvention of controls might take place through trans-shipment or re-export of commodities. The primary responsibility for guarding against such circumvention, it stated, must rest with the States in which the goods originated, and this responsibility could be discharged by obtaining assurances about end-use prior to shipment. Other States would be expected to give every assistance to the country of origin in obtaining and checking such assurances; each State should, moreover, avoid any such expansion of its trade with China and North Korea in items embargoed by other States as would nullify or impair the effect of the controls applied by the latter to those items.

b. CONSIDERATION BY THE FIRST COMMITTEE

The report (A/1799) of the Additional Measures Committee containing its draft resolution was considered by the First Committee at its 443rd and 444th meetings on 17 May 1951.

An amendment (A/C.1/662/Rev.1) to the draft resolution recommended by the Additional Measures Committee was submitted jointly by Australia, France, the United Kingdom, the United States and Venezuela. It would add "transportation materials of strategic value" to the proposed embargo list.

At the outset of the debate in the First Committee, the representative of the USSR stated that he could not participate in the discussion of measures such as those proposed. According to Article 24 of the Charter, the Members of the United Nations had placed the primary responsibility for the maintenance of international peace and security on the Security Council, and had agreed that, in carrying out its duties under this responsibility, the Council was acting on their behalf. The measures to be taken by the Council in the accomplishment of that task were stipulated in the Charter, particularly in Chapter VII. The imposition of an embargo was one of the measures covered by that Chapter. Moreover, any action of that kind belonged, according to Article 11, paragraph 2 of the Charter, exclusively within the competence of the Security Council. Consequently, he held, the General Assembly was not entitled to adopt decisions on such questions.

From the very outset of events in Korea, he added, the ruling circles of the United States had taken the path of flagrant violation of the Charter and had done all in their power to prevent a pacific settlement of the Korean question. In order to disguise its aggression, the United States had already foisted upon the United Nations a number of illegal resolutions, he said. By its rude pressure on the members of the "North Atlantic bloc", and on the Latin-American countries, the United States had forced upon the General Assembly the disgraceful resolution of 1 February 1951, branding the People's Republic of China as aggressor. It would be preposterous to assert that the United States, which had seized Chinese territory, namely the island of Taiwan, and which had invaded Korea up to the very frontiers of China, was the party defending itself, and that the Chinese People's Republic, which was defending its frontiers and was trying to regain the island of Taiwan seized by the Americans, was the aggressor. The new draft resolution, in

which the United States called for the imposition of embargo measures against the People's Republic of China, made it evident, in his opinion, that the text was designed to bring about the continuation and the extension of the war in Korea. The ruling circles of the United States continued, in fact, to drag the United Nations with them on a course which involved violation of the Charter and the adoption of illegal measures, the USSR representative said.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR agreed with the representative of the USSR that the question of applying an embargo was exclusively within the competence of the Security Council. They stated that, consequently, they would not participate in the discussion.

The representatives of Australia, Belgium, Brazil, Canada, China, Ecuador, France, Greece, Haiti, Iraq, Israel, Lebanon, Thailand, the Union of South Africa, the United Kingdom, the United States and Venezuela, among others, supported the draft resolution submitted by the Additional Measures Committee. They considered that, because the Chinese Communists and the North Korean authorities were pressing their attacks against the Republic of Korea, it had now become necessary to consider how best to support the United Nations forces fighting in Korea, to help end aggression and to bring about a peaceful settlement. The draft resolution took into account the actual situation in Korea as well as the objectives laid down in General Assembly resolution 498(V) of 1 February. They felt that, had the Chinese Communist Government had any inclination to negotiate, ample opportunity had been given it to make its wishes known. Moreover, opportunities for a peaceful settlement were still clearly available under the present draft resolution. That draft represented, in their view, an implementation and elucidation of the Assembly resolution 498(V), and to support it would be a logical reaffirmation of the stand taken by most Members in support of the Security Council's decision on Korea. The Additional Measures Committee, they felt, should continue to examine the situation in Korea so as to take other appropriate measures if necessary.

Those representatives maintained that the draft resolution submitted by the Additional Measures Committee was not inspired by a spirit of vengeance; it was intended merely to protect the United Nations forces which were resisting aggression in Korea. The measures suggested re-

lated only to supplies of raw materials or of materials of a strategic value which might contribute to an extension of the area of hostilities.

They stressed the fact that adoption of the draft resolution and of the amendment would not only be valuable in itself but also an effective demonstration of United Nations determination to make use of the means available under the Charter to bring the aggression in Korea to an end. There could not be two views as to the principle involved: no Member could object to a resolution requesting it not to give aid to the enemies of the Organization.

Adoption of the draft resolution, those representatives felt, would also give formal recognition to a policy already applied individually by Member Governments, and would provide for the United Nations machinery through which all Governments could work together to make the restrictions more effective.

The representative of India stated that the draft resolution was based on General Assembly resolution 498(V) which the Indian delegation had opposed, and, therefore, it could not vote in favour of this draft resolution. The recommended embargo, he said, had already been applied by the States, so that the adoption of the draft resolution could not mean any reduction in the supplies entering China. On the other hand, he felt, it might create additional obstacles in the way of a peaceful solution of the problem. The proposed embargoes, however, did not concern India which did not send any war materials to foreign countries and did not propose to do so. The Indian delegation, he said, would therefore abstain in the vote.

The representative of Iraq indicated that, though voting for the resolution, his country could not assure co-operation in implementing it with one State in the Middle East because no relations existed between Iraq and that State.

The representative of Syria stated that, consistent with the attitude his country had taken on Assembly resolution 498(V), he would abstain from voting on the draft resolution although his abstention should not be construed to mean that his Government would not comply with the provisions of the resolution. A similar statement was made by the representative of Sweden.

The Committee adopted, by 43 votes to none, with 11 abstentions, the preamble of the draft resolution submitted by the Additional Measures Committee. The joint amendment (A/C.1/662/-

Rev.1) was adopted by 45 votes to none, with 9 abstentions.

The draft resolution as a whole, as amended, was adopted by a roll-call vote of 45 votes to none, with 9 abstentions.

c. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The report (A/1802) of the First Committee containing the draft resolution adopted by it was considered by the General Assembly at its 330th plenary meeting on 18 May 1951.

Explanations of votes similar to those made in the First Committee were also made in the Assembly. At the request of the representative of Yugoslavia, the preamble and the operative part of the draft resolution were voted on separately, the preamble being adopted by 44 votes to none, with 10 abstentions, and the operative part by 46 votes to none, with 8 abstentions.

The draft resolution as a whole was adopted by a roll-call vote of 47 to none, with 8 abstentions, and 5 not participating in the vote. The voting was as follows:

In favour: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela, Yemen and Yugoslavia.

Against: none.

Abstaining: Afghanistan, Burma, Egypt, India, Indonesia, Pakistan, Sweden and Syria.

The Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR did not participate in the voting.

The resolution (500(V)) adopted by the General Assembly at its 330th plenary meeting on 18 May read:

"The General Assembly,

"Noting the report of the Additional Measures Committee dated 14 May 1951,

"Recalling its resolution 498(V) of 1 February 1951,

"Noting that:

"(a) The Additional Measures Committee established by that resolution has considered additional measures to be employed to meet the aggression in Korea,

"(b) The Additional Measures Committee has reported that a number of States have already taken measures designed to deny contributions to the military strength of the forces opposing the United Nations in Korea,

"(c) The Additional Measures Committee has also reported that certain economic measures designed further to deny such contributions would support and supplement the military action of the United Nations in Korea and would assist in putting an end to the aggression,

"1. Recommends that every State:

"(a) Apply an embargo on the shipment to areas under the control of the Central People's Government of the People's Republic of China and of the North Korean authorities of arms, ammunition and implements of war, atomic energy materials, petroleum, transportation materials of strategic value, and items useful in the production of arms, ammunition and implements of war;

"(b) Determine which commodities exported from its territory fall within the embargo, and apply controls to give effect to the embargo;

"(c) Prevent by all means within its jurisdiction the circumvention of controls on shipments applied by other States pursuant to the present resolution;

"(d) Co-operate with other States in carrying out the purposes of this embargo;

"(e) Report to the Additional Measures Committee, within thirty days and thereafter at the request of the Committee, on the measures taken in accordance with the present resolution;

"2. Requests the Additional Measures Committee:

"(a) To report to the General Assembly, with recommendations as appropriate, on the general effectiveness of the embargo and the desirability of continuing, extending or relaxing it;

"(b) To continue its consideration of additional measures to be employed to meet the aggression in Korea, and to report thereon further to the General Assembly, it being understood that the Committee is authorized to defer its report if the Good Offices Committee reports satisfactory progress in its efforts;

"3. Reaffirms that it continues to be the policy of the United Nations to bring about a cessation of hostilities in Korea, and the achievement of United Nations objectives in Korea by peaceful means, and requests the Good Offices Committee to continue its good offices."

d. REPORTS FROM GOVERNMENTS ON ADDITIONAL MEASURES

Reports from Governments on measures taken in accordance with General Assembly resolution 500(V) of 18 May were received and were issued in Assembly documents (A/1841) of 12 July, (A/1841/Add.1) of 25 July, (A/1841/Add.2) of 9 August, (A/1841/Add.3) of 28 September, (A/1841/Add.4) of 23 October, and (A/1841/Add.5) of 12 December 1951. The following Governments of States Members of the United Nations indicated that they had taken action to implement the Assembly resolution: Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Ecuador, El Salvador, Ethiopia, France, Haiti, Honduras, Indonesia, Iran, Iraq, Israel, Luxembourg, Mexico, New Zealand, Norway, Panama, Paraguay, Peru, the Philippines,

Sweden, Thailand, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay, Venezuela, Yemen and Yugoslavia.

The reply from Burma stated that exports from Burma to China during 1950 were only 1.1 per cent of the total value of Burma's exports and did not include items specified in the resolution.

The reply from India stated that the resolution did not apply to India because its trade with China was restricted and excluded articles listed in the resolution.

The reply from Pakistan stated that Pakistan did not export or re-export any of the articles mentioned in the resolution.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR declined to transmit the text of the General Assembly resolution to their Governments on the ground that the adoption of the resolution violated the Charter and that the resolution had been adopted under pressure from the United States and "the aggressor bloc in the United Nations".

Replies were received from non-member States to the following effect:

Albania: The Ministry of Foreign Affairs of Albania stated that it could not bring the Assembly resolution to the notice of its Government on the ground that it was illegal and in contradiction with the Charter.

Austria: The resolution had been brought to the attention of the Government.

Cambodia: Cambodia had no commercial relations with the countries concerned as far as the commodities mentioned in the resolution were concerned.

Finland: The resolution had been immediately brought to the Government's attention.

The Federal Republic of Germany: Any exportation from the Federal Republic to China and North Korea required a special licence which was not granted on any goods which might be used directly or indirectly in the conduct of war or for the manufacture of implements of war or strategic materials.

Hungary: The Hungarian Legation returned the communication regarding the resolution, which it did not desire to forward to its Government.

Italy: Italy had complied with the resolution.

Jordan: The Government had taken note of the resolution.

Laos: The Government of Laos adhered to the resolution.

Romania: The Government of Romania could not take note of the resolution which, it stated, was illegal.

Spain: As a demonstration of international solidarity the Government had passed a decree imposing an embargo as recommended.

Vietnam: The Government supported the resolution and decided to take necessary measures including, particularly, prevention of export of rubber to the areas

concerned directly or indirectly. It would also prohibit the export of rice to those areas.

3. Communications Received by the Security Council Relating to the Korean Question

The representative of the USSR, by a letter dated 9 March 1951 (S/2034), transmitted a report from the Commission of the Central Committee of the United Democratic National Front of Korea charging the United States troops with the perpetration of atrocities at Seoul and Inchon.

The Minister for Foreign Affairs of the People's Democratic Republic of Korea sent the following communications: two cablegrams dated 11 February 1951 (S/2012) and 15 April (S/2092), charging the United Nations forces in Korea with the perpetration of atrocities; a cablegram dated 8 May (S/2142/Rev.2), charging United Nations Forces in Korea with the use of bacteriological weapons; a statement dated 18 May (S/2167/-Rev.1), denying the authenticity of the documentation contained in the special report of the Unified Command, transmitted by the representative of the United States on 2 May (S/2112), to the effect that the attack on the Republic of Korea on 25 June 1950 had been planned in advance by North Korea; a cablegram dated 29 June 1951 (S/2221), charging the Unified Command with the forcible deportation, to the South, of the civilian population of the districts of North Korea occupied by United Nations forces.

The representative of the USSR, in his capacity as President of the Council, submitted two letters, dated 11 June 1951 (S/2203) and 21 June (S/2212), from the Women's International Democratic Federation, transmitting a "Report of the women's international commission for the investigation of atrocities committed by United States strength of its unit operating in Korea.

In a letter dated 15 July (S/2232), the representative of the United States denied the charges contained in this report. He observed that the International Committee of the Red Cross was the proper organization for carrying out investigations regarding such charges.

In a cablegram dated 14 July 1951 (S/2231), the representative of Greece advised the Council that his Government had decided to double the strength of its unit operating in Korea.

In a cablegram dated 11 August 1951 (S/2296), the Minister for Foreign Affairs of the

People's Democratic Republic of Korea charged that United States aircraft had dropped bombs containing poison gas on localities in the People's Republic.

With a letter dated 29 August (S/2317), the representative of the USSR transmitted a letter from the Women's International Democratic Federation requesting that this communication (S/2296) be transmitted to the General Assembly for consideration and that a delegation of the Federation should be admitted to the Assembly during the discussion of that question.

In a letter dated 24 November (S/2418), the representative of the United States charged that a United Nations bomber, which had not returned from a weather reconnaissance flight over the Sea of Japan on 6 November, had been intercepted and attacked by Soviet fighter planes without warning while over international waters.

In a letter, dated 4 December 1951 (S/2430), the representative of the USSR denied those charges, stating that the bomber had violated the USSR frontier and had opened fire on two Soviet Fighter aircraft which had attempted to compel it to land on a Soviet airfield. The fighters had returned the fire and the bomber had flown towards the sea and disappeared.

These communications were not discussed by the Council during 1951.

4. Report of UNCURK

The United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK), which had been established at the Assembly's fifth session (resolution 376(V)), submitted a report³² (A/1881) to the Assembly's sixth session.

The report, covering the period from 7 October 1950-5 September 1951, stated, *inter alia*, that the large-scale intervention of the Chinese Communists in Korea had prevented it from carrying out the fundamental objectives of the Assembly's resolution and had narrowed down the scope of its immediate activities. The Commission had therefore decided to study problems related to its ultimate aims of unification and rehabilitation; to follow current developments in the political and economic life of the country, to consult with the Government of South Korea and with United Nations authorities; and, generally, to support United Nations action in Korea.

Referring to the truce talks at Kaesong,³³ the Commission observed that they had been received with "apprehension" and "widespread disappoint-

ment" by the Government of Korea and that the President and other members of the Government were opposed to any cease-fire without unification and assurance against further aggression. The report referred to a communication received in this connexion from the Korean Minister of Foreign Affairs which enumerated the following points as a basis for a cease-fire:

- (1) Withdrawal of Chinese Communist forces into Manchuria;
- (2) disarming of North Korean Communists;
- (3) United Nations agreement on preventing any third Power from giving any assistance to North Korea;
- (4) full participation of the Republic of Korea in any international conference related to Korea and no consideration of any plan or programme which conflicted with the sovereignty or territorial integrity of Korea.

These points, it was stated, were transmitted to the relevant United Nations organs and to the Secretary-General.

The report stated that, from information gathered by the Commission, it appeared that opinion in the North generally favoured joining the Republic of Korea, but the Commission emphasized that any extension of the Republic's sovereignty should not be an arbitrary act, but should take place with the participation of the people of the North. The report stressed that the Commission would not favour United Nations administration of any territory north of the 38th parallel for any prolonged period.

While regretting that military events had prevented the realization of the United Nations objectives of a unified independent and democratic government in the sovereign State of Korea, it expressed the hope that those aims might be realized in the future.

The Commission found that the Republic had withstood the strain of war remarkably well, that the administrative machinery had not disintegrated, despite difficulties, and that democratic institutions were likely to develop with the cessation of hostilities. Although, it was said, the President was still responsible for the development of executive policies, the influence of the Prime Minister was growing since the appointment to that office of John M. Chang.

The report then dealt with consultations with the Government of South Korea on such matters as treatment of civilian prisoners, police administration and cases of corruption. In those matters the Commission reported many signs of progress and remedy. In the "Kuchang case", in which a

³² For consideration of the report by the Assembly, see section 6 of this chapter.

³³ See pp. 241-47.

large number of villagers in south-western Korea were tried by court martial and executed, the Commission reported that three ministers had resigned, from the Government and that the military officers immediately involved had been relieved of their commands and brought to trial which, it was reported, was still proceeding. There had also been further arrests in that connexion.

As regards conditions in North Korea, the report stated that its information had been drawn from captured official documents, statements of refugees and the Korean Central Year Book, published in February 1950. Another source had been the testimony of persons from all walks of life who had been interviewed by a committee of the Commission. That committee had reported that the persons whom it had interviewed stated that there was no real freedom of the Press, speech or association in North Korea, and that there was official discrimination against those holding religious beliefs and, in some cases, active persecution of Christians. A group of Korean expatriates, described as "Soviet Koreans", who had returned from China and the USSR in 1945, were believed dominant in North Korea today. This group, it was said, included Kim Il Sung, said to be a young Soviet Army Officer who had assumed the name of a famous Korean patriot.

Quoting a description of elections in North Korea by persons who had participated in them, the report stated that the rule was that for each post there should be one candidate named by the leaders of the North Korean Labour (Communist) party for the Democratic Front, and voters, who were convinced that they were being watched, could only signify whether they voted for or against the candidate. The ballot was not secret and voting was, in practice, compulsory.

In a section dealing with economic and social conditions in South Korea, the Commission reported that a large proportion of the country's industrial facilities had been destroyed and that, in the area untouched by war, the Taegu-Masan-Pusan area, they were limited by shortages of electricity and raw materials. On the other hand, it was reported, agriculture had suffered comparatively little damage. The Commission felt that strong government action was needed to check inflation, the magnitude of which was stated to be alarming.

The Commission stated, among other things, that certain basic facts would have to be considered whenever, after the end of hostilities, a political settlement was sought, in order to achieve

the objectives of the United Nations in Korea by peaceful means. Irrespective of whether a political settlement between North and South, making possible the unification of the country as a democratic nation, was a question for the present or the future, the political objective of the United Nations must remain the establishment of a unified, independent and democratic Korea. In the meantime, it was stated, security against continued or renewed aggression must be assured to the Republic of Korea, and support and assistance must be given toward its democratic development and the rebuilding of its economy.

The Commission reported that the primary mission of the United Nations Civil Assistance Command, Korea (UNCACK) was to prevent disease, starvation and unrest among the civilian population in Korea. In April 1951 UNCACK also assumed the additional function of assisting in the short-term economic rehabilitation of the Republic of Korea.

The outstanding achievement of the UNCACK, the report stated, was the prevention of epidemics and disease in the hot summers of 1950 and 1951 and in the extreme cold of the 1950-51 winter; 70 per cent of the population in South Korea had been inoculated against smallpox, typhoid and typhus, and, by 1 August 1951, nearly 12,500,000 refugees and other civilians had been dusted with DDT to prevent typhus. A programme of control of cholera by immunizing the civilian population of port cities was almost completed.

The report stated that besides civilian specialists employed by UNCACK and those recruited by the United Nations Command, specialists were made available by the Secretary-General, several specialized agencies and the League of Red Cross Societies. WHO and IRO furnished 35 health and welfare officers and sanitary engineers; ILO two advisers to the Government of the Republic of Korea.

5. Relief and Rehabilitation of Korea³⁴

a. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS TWELFTH SESSION

In accordance with Economic and Social Council resolution 323(XI), the Secretary-General submitted to the Council at its twelfth session a progress report (E/1913) and a supplementary report (E/1913/Add.1) on assistance rendered to the Unified Command in providing relief to the civilian population in Korea, covering the

³⁴ For steps taken in connexion with Korean relief and rehabilitation in 1950, see Y.U.N., 1950, pp. 266-83.

period from the beginning of the Korean conflict to 16 March 1951.

The reports stated that sixteen requests had been received from the Unified Command up to 7 February 1951 and had been transmitted to those Governments, other than the United States, or to specialized agencies and other organizations which it was considered might be in the best position to contribute toward filling the requests. The United States Government had already furnished a large portion of the most urgently required relief supplies and personnel from its own funds and sources. The reports then listed 31 countries as responding to the requests of the Unified Command with offers amounting to some \$17 million³⁵.

In addition, the reports stated, United Nations subsidiary bodies, specialized agencies and non-governmental organizations had also responded to the appeal for urgent aid for Korea, bringing the total offered to some \$21 million. Among the bodies contributing were: the United Nations International Children's Emergency Fund (UNICEF); the International Labour Organisation (ILO); the League of Red Cross Societies; the American Red Cross Society; the American Friends Service Committee; the Church World Service; the Co-operative for American Remittances to Europe (CARE); the Save the Children Federation; and the National Catholic Welfare Conference.

The reports detailed the role that the specialized agencies and UNICEF were playing in the overall task of Korean relief and reconstruction. It was stated that the ILO had authorized its Director-General to render all appropriate assistance in Korean reconstruction. FAO had assisted the Secretary-General with technical advice on food supplies, while its Forestry and Forest Products Commission for Asia and the Pacific had offered assistance in obtaining timber, firewood and charcoal for relief work in Korea. UNESCO had set aside \$100,000 for planning the reconstruction of Korea's schools and other educational and cultural institutions. WHO had assisted the Secretary-General with technical advice on medical supplies and had placed the procurement branch of its regional office in Washington at his disposal for carrying out purchases. IRO had declared its readiness to offer assistance in terms of medical and other supplies and the loan or recruitment of welfare officers. ITU had offered to assist the Unified Command within the Union's field of competence.³⁶

UNICEF had allocated \$500,000 for Korea in order to provide further UNICEF assistance to Korean mothers and children.

In response to appeals made by the Negotiating Committee set up under General Assembly resolution 410(V) of 1 December 1950, offers were received from 18 countries which totalled approximately \$205 million out of the target of \$250 million envisaged by the Committee. The highest offer, one of \$162.5 million, came from the United States.

The report of the Secretary-General was considered by the Council at its twelfth session, at its 478th plenary meeting on 20 March 1951. The Council had before it a draft resolution by the United Kingdom (E/L.173) which would express appreciation of the contributions already made, note with concern that many Members of the United Nations had not yet offered contributions and express the hope that all Members would find it possible to contribute.

The representative of the United Kingdom stated that the results achieved by the Negotiating Committee, of which he was the Chairman, had fallen short of the Committee's expectations. While some Governments had provided military assistance in Korea and others had contributed to civilian relief, many had made no contribution at all. He felt that all Members of the Organization were in a position to make some contribution and that it was their duty to do so, if only to demonstrate the solidarity of the United Nations and the universality of its appeal.

The representatives of Belgium, Mexico, Pakistan, the Philippines and the United States supported the United Kingdom draft resolution, stating that it was the duty of all those who loved freedom to share in the great humanitarian task of providing relief for the suffering people of Korea.

The representatives of Czechoslovakia, Poland and the USSR maintained that the sufferings of the Korean people had resulted from the aggression committed by the South Korean forces acting under the instructions of the United States, whose aircraft, they stated, had bombed and machine-gunned the peaceful civilian population in Korea. They stated that they could not support the United Kingdom draft resolution because it did not take those facts into account. No relief and rehabilita-

³⁵ For details of contributions as of 15 January 1952, see list on pp. 251-57.

³⁶ For assistance rendered in 1951 by WHO, IRO and other specialized agencies, see under agency concerned.

tion programme could be effective until destruction had ceased and foreign troops had been withdrawn. The best way to help the people of Korea was to end the destructive war, they stated.

The United Kingdom draft resolution was adopted by 15 votes to none, with 3 abstentions.

By this resolution (359(XII)), the Council noted the Secretary-General's report; recognized that widespread suffering and loss of life among the civilian population of Korea from exposure, starvation and disease could not be averted; and that the rehabilitation of the area after the cessation of hostilities could not be assured without generous international assistance. The Council expressed appreciation of the contributions which had already been made by governments, specialized agencies and non-governmental organizations, but noted with concern, however, that many Members of the United Nations had not offered contributions towards the financing of the programme for the relief and rehabilitation of Korea drawn up by the General Assembly. The Council expressed the earnest hope that all Members of the United Nations would find it possible to contribute to this programme, both as a manifestation of United Nations solidarity and because of the urgency and magnitude of the need.

b. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL AT ITS THIRTEENTH SESSION

At the thirteenth session of the Council, the Secretary-General submitted a report (E/2032) covering the period up to 15 June 1951 and a supplementary report (A/2032/Add.1) dated 16 August 1951.

The reports stated that no additional requests had been received from the Unified Command since the Secretary-General's previous reports (see above). A detailed account was given of contributions from various sources to the Korean relief and rehabilitation programme from the beginning of the Korean conflict until 14 August 1951. Total amounts of cash and commodities pledged or contributed by 14 August 1951 was estimated by the Secretary-General at \$23.8 million.

The Secretary-General's report was considered by the Council at its thirteenth session, at its 560th plenary meeting on 20 September, when the representatives of Canada, the Philippines, the United Kingdom, the United States and Uruguay submitted a draft resolution (E/L.290). The draft resolution would take note of the Secretary-

General's report and reaffirm the hope expressed in Council resolution 359(XII) that all Members of the United Nations would find it possible to contribute to the Assembly's programme of Korean relief and rehabilitation.

The representatives of Belgium, Canada, China, Iran, Pakistan, the Philippines, the United Kingdom and the United States expressed sympathy with the sufferings of the Korean people, referred to contributions already made by their countries and confirmed their Governments' intention of making further contributions. It was stated that needs in Korea demanded that further measures be taken and that both Member and non-member States make further contributions to the relief programme.

The representatives of Czechoslovakia, Poland and the USSR maintained that the joint draft resolution before the Council did not envisage any genuine aid programme but was aimed at diverting the attention of the world from the appalling havoc being wrought among the people of Korea by the United States forces, which had destroyed nearly 610,000 buildings in Korea and had killed thousands of civilians.

The representative of Poland referred to the aid that his country's social organizations had provided in Korea. Although supporting the principle of giving aid to Korea, he could not, however, he stated, support the draft resolution before the Council which did not aim at providing real relief to the Korean people.

The joint draft resolution was adopted by the Council by 14 votes to none, with 3 abstentions.

By this resolution (397(XIII)), the Council took note of the report of the Secretary-General, recognized that the relief needs of the civilian population of Korea continued to be great, and reaffirmed the earnest hope expressed in resolution 359(XII), that all Members of the United Nations would find it possible to contribute to the programme for the relief and rehabilitation of Korea drawn up by the General Assembly.

At the 561st meeting of the Council on 20 September, the Agent General of the United Nations Korean Reconstruction Agency (UNKRA) made an oral report before the Council in which he stated that the Korean economy, which had made considerable progress in the five years after the war, had been completely disrupted by the present conflict. Dozens of towns and cities and hundreds of villages had been destroyed. Industry, public transport, electrical facilities and mining and extraction had been partially or completely

damaged. In agriculture, where the damage had been relatively less severe, a large proportion of farm animals had been lost and cultivation of rice had suffered on account of damage done to irrigation facilities. Approximately 5 million people had been driven from their homes in South Korea and several hundred thousand refugees suffering from typhus and starvation had fled from North Korea to the United Nations lines for protection. It was estimated that 100,000 children had been orphaned or separated from their families.

He said that UNKRA, which had been established by the General Assembly at its fifth session,³⁷ had had a limited operational status. According to an agreement reached with the Unified Command on 16 July 1951, the Unified Command was to be responsible for all relief activities and short-term economic aid related to military requirements until military security was re-established. He observed that the Civil Assistance Command had performed a herculean task in this connexion, fending off starvation and preventing epidemics. During the current phase, therefore, the activities of the Agency would be confined to the provision of technical assistance to the Government of the Republic of Korea, the development of long-range reconstruction programmes and the carrying out of any long-range reconstruction projects which could be initiated at that time without interference with military operations. In the meantime, he continued, the Agency was developing plans for implementation of long-range programmes as military conditions permitted. If the work of rehabilitation were to be achieved, however, international assistance substantially in excess of that already pledged would be required, the Agent General concluded.

The Council, in resolution 398(XIII), noted with appreciation the report made by the Agent General of UNKRA.

c. REPORT OF THE AGENT GENERAL OF UNKRA TO THE GENERAL ASSEMBLY

On 3 November 1951, the Agent General of UNKRA submitted a report (A/1935) to the General Assembly at its sixth session. After outlining the activities of UNKRA during the phase pending the establishment of military security (see above), the report pointed out that the Agency was proceeding to develop long-range plans and had arrived at a tentative over-all programme for the first year of full-scale operations. Top priority, the report said, had been accorded

to the basic needs in terms of food, clothing, shelter and medical supplies. The programme also provided, if the full budget proposed for the Agency, namely \$250 million, were subscribed to by governments, for a substantial start towards rehabilitation of the Korean economy. For instance, it was stated, tentative first-year allocations would permit the restoration of war damage in the following proportions: 53 per cent for electric power and public utility installations; 40 per cent for agriculture and forests; 44 per cent for fisheries; 48 per cent for transportation and communications; 18 per cent for industry and mines. Priority would be given to those phases of the economy which would most speedily hasten restoration of over-all productivity, thus lessening inflationary forces.

Plans and programmes, the report added, were being developed in a manner which would enable the Agency to supplement the relief and short-term economic aid programmes of the Unified Command and to be in a position to assume its responsibilities without disruption when the military situation permitted.

The report said that the Agency had already embarked upon a number of technical assistance projects aimed at assisting the Government of the Republic of Korea in various fields, such as public finance, mining, agriculture, fisheries, shipping, public health, education, vocational training and medical rehabilitation. The list was being expanded in response to requests from the Government and in the light of emergent requirements.

The Agent General, the report said, was being assisted in recruitment for the specialist posts by the United Nations Technical Assistance Administration and by the specialized agencies, a number of which had seconded staff members to UNKRA. As rapidly as sites could be procured, the Agency was opening demonstration centres for vocational training and medical rehabilitation with a view to training Korean personnel.

In an addendum to the report (A/1935/Add.1), dated 16 January 1952, the Agent General gave a summary of action taken by his Advisory Committee at its meetings held in Paris in January 1952. The Committee, it was stated, had approved an over-all \$250 million programme presented by the Agent General for the first year of UNKRA's operations. This one-year programme provided for the basic needs of the

³⁷ See Y.U.N., 1950, pp. 280-82.

Korean people and had been divided into specific projects, thus giving it flexibility and making variable timing possible. The Committee also approved the understanding reached between UNKRA and the Unified Command providing for assumption by UNKRA of full operational responsibility for Korean relief and rehabilitation six months after the cessation of hostilities, unless the military situation would not, at that time, permit such a transfer of responsibility. Agreement had, further, been reached with the Unified Command upon the establishment of joint committees to work out programmes. The Advisory Committee noted with satisfaction that such joint bodies were already working in Pusan and Tokyo. The Committee had authorized the expenditure of some \$8 million for projects under discussion with the Unified Command. These projects, if approved by the Unified Command, could be carried out immediately; and would include a number of projects in the educational and economic fields.

6. Consideration by the General Assembly of Items Concerning Korean Independence and Korean Relief and Reconstruction

a. THE PROBLEM OF THE INDEPENDENCE OF KOREA

On 13 November 1951 the General Assembly decided to place on its agenda the item: "The problem of the independence of Korea: report of the United Nations Commission for the Unification and Rehabilitation of Korea".

The question was considered at the 486th meeting of the First Committee on 9 January 1952. The representative of the United States said that he did not believe that the settlement of the military problems at Panmunjom (see below) would be facilitated by a discussion of the political problems relating to Korea. He moved that consideration of the item be postponed, on the understanding that when armistice negotiations were successfully concluded or developments in Korea revealed a need to reconsider the decision, the Committee should resume consideration of the matter.

The motion for postponement was supported by the representatives of Australia, Brazil, the Dominican Republic, France, Greece, the Netherlands, Peru, the Philippines, Syria, the United Kingdom and Uruguay, who felt that, considering

the various sections of the Commission's report, a political discussion at that time would only increase the difficulties of the current negotiations. The consideration of the political aspects of the Korean question, should, it was maintained, be subordinated to the attempt to reach a cease-fire, without which no fruitful examination of the Korean problem could be made.

The representative of Chile stated that he could not support the United States motion for postponement. The General Assembly had requested a report from the Commission and must take a decision on the future of that body. The Panmunjom negotiations were of an exclusively technical and military character and, in his view, did not affect the discussions.

The representatives of Czechoslovakia, Poland and the USSR opposed the motion for postponement, stating, *inter alia*, that the General Assembly should retain its right to contribute to a settlement of the Korean question, on the understanding that there was no intention of transferring the negotiations from Korea. They considered that, while attempting to transfer to the General Assembly powers which belonged exclusively to the Security Council, certain delegations were also trying to weaken powers which originally and properly belonged to the General Assembly. They maintained that the motion for postponement was a manoeuvre to remove the question of the independence of Korea entirely from the Assembly's agenda. Essentially, the military and the political problems were unconnected and, therefore, there was no reason to postpone the political discussion, they stated.

At the same meeting the motion for postponement was adopted by 47 votes to 6, with 3 abstentions.

b. KOREAN RELIEF AND RECONSTRUCTION

At its 342nd plenary meeting on 13 November, the General Assembly decided to refer section I of chapter VII of the report (A/1884) of the Economic and Social Council, dealing with assistance to Korea, and the item "Relief and rehabilitation of Korea: report of the United Nations Agent General for Korea Reconstruction" to the Joint Second and Third Committee. The Joint Committee, at its 57th meeting on 3 December, decided to defer consideration of that section of the Council's report pending consideration of the item relating to the relief and rehabilitation of Korea.

c. JOINT CONSIDERATION OF THE TWO ITEMS

By a letter dated 28 January 1952 (A/C.1/714-A/C.2&3/105), addressed to the Chairmen of the First Committee and the Joint Second and Third Committee, the President of the General Assembly transmitted the text of a draft resolution (A/C.1/713-A/C.2&3/104), submitted jointly by France, the United Kingdom and the United States. The draft would call upon the General Assembly to decide that:

(1) upon notification by the Unified Command to the Security Council of the conclusion of an armistice in Korea, the Secretary-General should convene a special session of the General Assembly at the permanent Headquarters of the United Nations to consider the items dealing with: (a) the problem of the independence of Korea (see above); and (b) the relief and rehabilitation of Korea, or

(2) when other developments in Korea made desirable consideration of those items, the Secretary-General should convene a special session of the General Assembly at the permanent Headquarters of the United Nations.

The joint draft resolution further provided that the General Assembly should request the Negotiating Committee for Extra-Budgetary Funds established at its sixth session³⁸ to undertake negotiations regarding voluntary contributions to the programme of United Nations Korean Reconstruction Agency (UNKRA) for relief and rehabilitation of Korea.

In his letter, the President of the General Assembly expressed the view that the most satisfactory and expeditious arrangement for the consideration of the joint draft resolution would be a joint meeting of the First Committee and the Joint Second and Third Committee. He proposed that such a meeting be held at an early date.

The First Committee and the Joint Second and Third Committee held two meetings on 2 February 1952 (the First Committee's 507th and 508th and the Joint Committee's 67th and 68th), to consider the agenda items and the joint draft resolution.

At the first meeting, the representative of the USSR stated that, under rule 96 of the rules of procedure, the Assembly might set up such Committees as it deemed necessary. Under that rule the Assembly, at the sixth session, had set up only the Joint Second and Third Committee and the Ad Hoc Political Committee; the present merger of three committees was, therefore, irregular, illegal and contrary to the rules of procedure. He proposed that the meeting, bearing this in mind, should resolve that it was not competent to consider the Korean question. The USSR proposal was supported by the representatives of the Byelo-

ussian SSR, Czechoslovakia, Poland and the Ukrainian SSR.

Other representatives, including those of Australia, Belgium, Canada, China, Peru and the United States, argued that there was no legal barrier to several Committees, each competent on a given question, meeting together and presenting a joint report to the General Assembly. The juridical procedure relating to joint meetings was, it was maintained, that any Chairman who believed that the opinion of another Committee would be helpful, would discuss the matter with the Chairman of that Committee and make a request to the President, who would authorize such a meeting without reference to the General Committee. This procedure had been followed, and therefore the meeting was legally constituted.

The representative of the United States observed that by asking the Committees to decide whether or not to proceed with the business before it, the USSR representative had admitted the power of the Committee. The draft resolution, he stated, could have been tabled in the General Assembly without reference to any Committee. Alternatively, it could have been placed before either of the Committees concerned. But there was no rule that prohibited the President from suggesting a procedure that would be expedient and efficient. The Committee, he concluded, was not faced with the question of the application of the rules of procedure, but with an attempt to prevent it from considering the draft resolution.

The USSR proposal was rejected by 40 votes to 5, with 12 abstentions.

The representatives of Australia, Canada, Ecuador, France, Peru, the United Kingdom and the United States expressed the view that the joint draft resolution had been submitted, not to minimize the political importance of the Korean question, but to facilitate the speedy termination of hostilities, a political settlement for the whole of Korea, and re-establishment of the life and economy of Korea. A political discussion at that stage would hinder rather than help the settlement since any premature discussion might, it was stated, upset the armistice negotiations at Panmunjom.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR held that the purpose of the sponsors of the joint draft resolution was to keep the United Nations and its main organs away from a consideration of the Korean problem so as to pre-

³⁸ See pp. 138-39.

vent discussion concerning the activities of the American aggressors in Korea, instead of hampering the negotiations, discussions might result in lending assistance towards a successful conclusion of those negotiations, they felt.

The representative of the USSR therefore submitted an oral proposal to the effect that: (1) the work of the First Committee and General Assembly should continue and (2) that a start should be made immediately in the First Committee with the discussion of the independence of Korea.

A USSR motion to vote first on the USSR proposal was rejected by 44 votes to 5, with 9 abstentions.

The joint draft resolution was adopted by paragraphs in votes varying from 51 to 5, with 2 abstentions, to 52 to none, with 6 abstentions. It was adopted as a whole by a roll-call vote of 51 to 5, with 2 abstentions.

The USSR oral proposal was rejected by 52 votes to 5, with 1 abstention.

The report (A/2114) of the First Committee and the Joint Second and Third Committee was considered by the General Assembly at its 375th plenary meeting on 5 February 1952.

The points of view earlier expressed in the Committee meetings were reiterated by the representatives of Czechoslovakia, Poland and the USSR, on the one hand, and the representatives of the Philippines and the United States, on the other.

The preamble and sections I and II of the draft resolution proposed by the Committee were voted on separately. The preamble was adopted by 45 votes to 5, with 2 abstentions. Section I was adopted by 50 votes to 5, with 2 abstentions. Section II was adopted by 49 votes to none, with 6 abstentions.

A vote was taken by roll call on the draft resolution as a whole, as follows:

In favour: Afghanistan, Argentina, Australia, Belgium, Bolivia, Brazil, Burma, Canada, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, United Kingdom, United States, Uruguay, Venezuela and Yugoslavia.

Against: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, and USSR.

Abstaining: Chile and Yemen.

The resolution as a whole was thus adopted at the General Assembly's 375th plenary meeting

on 7 February 1952, by 51 votes to 5, with 2 abstentions as resolution 507(VI). It read:

"The General Assembly,

"Desiring to facilitate to the greatest possible extent the negotiations in Panmunjon and the conclusion of an armistice in Korea, and

"Wishing to avoid premature consideration of items 17 and 27 of the agenda of the present session,

I

"Decides that:

"(a) Upon notification by the Unified Command to the Security Council of the conclusion of an armistice in Korea, the Secretary-General shall convene a special session of the General Assembly at the Headquarters of the United Nations to consider the above-mentioned items; or

"(b) When other developments in Korea make desirable consideration of the above-mentioned items, the Secretary-General, acting in accordance with Article 20 of the Charter and with the rules of procedure of the General Assembly, shall convene a special session or an emergency special session of the General Assembly at the Headquarters of the United Nations;

II

"Requests the Negotiating Committee for Extra-Budgetary Funds established by General Assembly resolution 571 B (VI) of 7 December 1951 to undertake negotiations regarding voluntary contributions to the programme of the United Nations Korean Reconstruction Agency for the relief and rehabilitation of Korea."

7. Reports of the United Nations Command³⁹

Reports of the United Nations Command operations in Korea were submitted regularly by the representative of the United States to the Security Council, in accordance with the Security Council resolution of 7 July 1950 (S/1588). The following information on the progress of operations is taken from the reports.

a. MILITARY OPERATIONS⁴⁰

(1) Ground Operations

On 1 January 1951, it was stated, the enemy launched a general offensive employing twenty Chinese Communist divisions and on 4 January occupied Seoul.

On 7 January new United Nations defensive positions were established along a line extending north-east from Pyongtaek to Wonju. From Jan-

³⁹ Reports Nos. 13 to 36 of the United Nations Command operations in Korea: S/2021, S/2053, S/2096, S/2107, S/2156, S/2170, S/2204, S/2217, S/2246, S/2265, S/2277, S/2333, S/2377, S/2408, S/2410, S/2412, S/2432, S/2469, S/2507, S/2514, S/2541.

⁴⁰ See map, p. 208.

uary 8 the enemy made strong efforts to drive the United Nations Forces⁴¹ out of the Wonju area, but met stubborn resistance in the form of United Nations counter-attacks and suffered extremely high casualties.

By 28 January, the enemy, unable to continue the general offensive, withdrew to positions about three miles north of Hoengsong. United Nations forces advanced eight to ten miles between 16 and 31 January, twenty to 25 miles along the entire front between 1 and 15 February, and again seven to sixteen miles on a 90-mile front between 16 and 28 February. By 28 February, the United Nations lines were relatively straight and unbroken over the entire front. By this time, also United Nations action had, it was reported, reduced the over-all strength of guerrilla forces in South Korea to about 30,000, representing a decline of about 15 per cent during the first two months of the year.

In March the United Nations Command reported that its strategic plan, involving constant movement to keep the enemy off balance with a corresponding limitation upon his initiative, remained unaltered. The selection of the battle area, it was stated, had forced the enemy to fight far from his base and had permitted greater employment of the seapower of the United Nations Command, which resulted in continuous and exhausting attrition upon both the enemy's manpower and supplies. During the period 1-15 March, the enemy, suffering heavy casualties, conducted vigorous delaying actions, as steady United Nations pressure forced him northward six to eight miles on the central front extending about 70 miles from the Pukhan River area east of Seoul to Hajinbu, near the east coast.

Vigorous United Nations action in this period, it was stated, reduced guerrilla strength in the rear areas. In particular, the large guerrilla force built round the Tenth North Korean Division suffered severe losses between 4 and 7 March, in the area fifteen miles west of Ulchin, near the east coast.

In the latter half of March, the United Nations Command reported, the enemy was driven northward about fifteen miles over the entire front, except in the Seoul area, where the United Nations forces advanced 25 miles. During this period, the depleted Chinese units were replaced by three or four rehabilitated Chinese armies, and the enemy built up a powerful reserve force, including four fresh North Korean Corps totalling twelve divisions, the equivalent of five fresh Chinese armies totalling fifteen divisions and four

Chinese armies recently withdrawn from combat totalling twelve divisions. Enemy forces during this period were estimated by the United Nations Command to total 60 divisions, including reserves.

In the period between 1 and 15 April, the United Nations command reported only sporadic resistance by the enemy until 8 April, when all regular Chinese Communist and North Korean forces to the east of the Imjin River had been driven out of the Republic of Korea. Thereafter, enemy forces on their main line of resistance bitterly contested United Nations advances. In his defensive efforts, the enemy showed increased strength in artillery and mortars. During the period United Nations forces advanced from eight to fifteen miles across the front west of Chongong.

On 11 April 1951, General of the Army Douglas MacArthur relinquished the command of the United Nations forces to General Ridgway.

Front lines at the close of the period ran generally north-east along the Imjin River to Chongong, east to Hwachon and Inje, and thence to Hapchiri on the east coast. During the period guerrilla activity in the United Nations rear areas declined to the lowest point since the outbreak of the Korean conflict, it was stated.

During this period the United Nations Command also noted enemy efforts to renew air attacks against United Nations forces in areas other than north-west Korea. Intelligence reports, it was stated, indicated much air training activity in various areas of China and Manchuria.

For the period 16-30 April, the United Nations Command reported that, following artillery preparation, fresh Chinese troops, massed along the western half of the front, launched initial assaults of a general offensive on the night of 22-23 April, their main effort being concentrated on the 25-mile front between Yonchon and Sachang. Simultaneously, to the west and south-west of this sector, the enemy bridged the Imjin River north-east of Seoul. In the east, he drove a salient five miles deep into United Nations lines east and south-east of Inje.

The United Nations forces made an orderly withdrawal, inflicting maximum casualties on the enemy. In no instance during the period, it was stated, was the enemy able to achieve a significant penetration in force.

By 30 April, ignoring very heavy casualties, the enemy carried an advance up to 35 miles on a

⁴¹ For the armed forces of Member States participating in the action in Korea see list in Annex I to this chapter.

40-mile front from the immediate vicinity of Seoul to the Hangchon area in Central Korea. Smaller gains were made by the enemy east and west of this sector. It was stated that the enemy, during this period, had employed 30 to 44 divisions on the extreme western flanks, including four North Korean divisions, and twelve to fourteen divisions, Chinese and North Korean, on the 50-mile front from Hwachon to the east coast. The total enemy strength at this period was estimated to be 70 divisions.

Front lines at the end of the period ran due east from the Han River, passing three miles north of Seoul, to Munye, and thence north-east through Songdong, Chaun, and Sori to Habong near the east coast.

Enemy guerrilla strength, mainly on the defensive, was estimated at that time to be 12,000.

From 1-15 May, United Nations ground forces carried out aggressive patrol activities designed to gain and maintain contact with the enemy, to determine the enemy's intentions and to inflict the maximum casualties. On the extreme eastern front from Umyang to the coast, United Nations forces advanced five to seven miles against variable resistance. On the western and east-central fronts, enemy covering forces were driven northward five to twelve miles by strong United Nations combat patrols, which employed close air support, artillery and tank fire to inflict heavy enemy casualties.

The line of contact at the close of the period ran generally from Suyuhyon eastward through Uijongbu to Chunchon, and thence north-east through Umyang to Hupchi.

Enemy forces were mainly arrayed on the 55-mile front to the west of Chunchon, totalling, it was estimated, more than 40 divisions. In the central portion of this sector, a dense concentration of seven to nine Chinese Communist Force armies was poised on a 22-mile front about fifteen miles to the north and north-east of Seoul.

During this period, guerrilla resistance was nearly eliminated in the United Nations rear area, it was reported.

The enemy launched the anticipated second phase of his spring offensive on 16 May, committing 21 Chinese Communist Force Divisions on the 75-mile front from Tokohong to Nodong. By 21 May, the attack had generally passed its climax as United Nations forces exacted heavy casualties at a relatively small cost. On 19 May, a counter-attack was launched by forces on the left of the

United Nations line, followed two days later by the counter-attack of the remaining United Nations forces on the right, thus initiating a powerful counter-offensive which, by the end of the month, had thrust the exhausted enemy forces northward fifteen to 30 miles. By the end of May, enemy resistance had stiffened and the opposing forces were arrayed in positions approximating those of 1 January, in the vicinity of the 38th parallel. The enemy suffered extremely heavy casualties, Chinese soldiers surrendering in large numbers for the first time, and lost substantial quantities of weapons and supplies.

The hostile effort was made in two major sectors. Six Chinese divisions attacked on a 25-mile front in the Yongyang-Kapyong sector in the western part of the front. Having penetrated to a line passing about three miles south of Masogu and Munye by 20 May, the enemy drive was contained and then converted into a retreat by counter-attacking United Nations forces. Chinese Communist Force units fought fairly strong delaying actions near Yonyang on 24 and 25 May, and in the Chiam area, about 25 miles north of Munye, from 25-28 May.

The most desperate fighting of the Korean campaign, the United Nations Command said, developed in the east-central part of the front, in the vicinity of Hangyi. On 16 May, six Chinese Communist Force divisions launched a powerful attack against strongly held United Nations lines on a twenty-mile front to the north of that town. Though United Nations units were thrust southwards about twenty miles by 22 May, combat elements equivalent to three enemy divisions were destroyed. The remainder of the attacking force was hurled back eighteen miles to the 38th parallel. By 28 May, the trapped enemy units were attempting to escape past the west end of the Hwachon reservoir.

In an eastward extension of the above action, three enemy divisions made a strong effort on a twelve-mile front from Inje to Nodong, near the coast. In this sector, the enemy scored numerous penetrations in the United Nations lines, forcing a series of withdrawals which carried defending forces about 30 miles southwards. The situation stabilized by 22 May, a few miles to the north of Changdong and Hajinbu. In this action, fighting was particularly intense in the vicinity of Korasan, Changdong and Kusang. However, it was reported, the enemy's losses on other parts of the front completely neutralized this temporary success, and he resisted only moderately as the United Nations

counter-offensive forced him back toward the 38th parallel.

Front lines at the end of May ran generally north-east from Munsan, along the Imjin River to Chongong, thence eastward through Hwachon to Inje, south-east to Sori and north-east to Yongchon.

Between 1 and 15 June, the enemy, depleted by losses suffered in the preceding period which amounted to more than 100,000 casualties and 12,000 prisoners, continued a slow withdrawal under continued United Nations pressure. Offering heavy resistance, the enemy was forced to relinquish the southern reaches of the Kumhwa-Chorwon-Pyongyang triangle by 12 June. Relatively heavy fighting took place along the entire 90-mile front from the vicinity of Yonchon through the Hwachon reservoir area, north-east to Kansong, it was reported.

In the west-central zone, enemy forces resisted stubbornly as United Nations troops drove across the Hanton River toward Chorwon and Kumhwa. By 11 June, United Nations forces controlled both of these vital communications centres; by 13 June they had advanced more than ten miles to the north of Hwachon.

Enemy forces of approximately 80 divisions were now reduced to 70, of which sixteen were seriously depleted. The southern limits of the enemy's Chorwon-Kumhwa-Pyongyang complex were now in United Nations hands, thus depriving the enemy of an excellent communications net in this area. His once-formidable guerrilla force, it was stated, was now reduced to 7,000 and was mainly concerned with its own security.

At the close of this period, front lines ran generally along the Imjin River to Yonchon, thence north-east to Chorwon, eastward through Kumhwa and Yulmok to the vicinity of Sohwa and thence north-east to a point eight miles north of Kansong.

During the period of truce negotiations (see below), little aggressive action took place on either side but the enemy showed increased resistance to United Nations advances.

Front lines at the close of the period were nearly identical with those of 16 June, except on the extreme flanks, where the United Nations forces advanced about four miles. They ran generally north-east of Changdan to Chorwon and Kumhwa, eastward of Songhwangdong and north-east of Pohang.

There was a slight increase in guerrilla activity and a considerable increase in guerrilla contacts

in the Tanyang area of South Central Korea during June. Expanded enemy operations to mark the anniversary of the war, however, failed to materialize on 25 June, although they had been called for repeatedly in North Korean propaganda broadcasts.

(2) Naval Operations

During the year, constant patrol and daily reconnaissance operations by United Nations Naval Forces continued to deny Korean waters to enemy warships and shipping. Surface units provided gunfire support to United Nations ground force units along the east coast of Korea and in the Inchon area. Check minesweeping operations were regularly undertaken along the Korean coasts particularly in those areas in which gunfire-support ships operated. United Nations naval forces continued to cover and protect the constant stream of shipping employed in moving personnel and material to United Nations forces in Korea.

As part of co-ordinated interdiction operations directed against enemy lines of communications, United Nations carrier-based aircraft, in daylight and night attacks, destroyed scores of bridges, attacked tunnels and constantly harassed moving transport.

In July, the surface units pounded enemy railroads, highways and supply concentrations in the Wonsan-Songjin-Chongjin areas. Enemy shore batteries were active in the Wonsan area, but continued efforts of naval gunfire and rocket ships of carrier-based aircraft succeeded in silencing them without material damage to United Nations Command forces.

In October, the United Nations Command reported, United Nations naval units bombarded enemy coastal positions and traffic arteries along the Korean seaboard from the front lines far to the north. On the west coast gun positions within 30 miles of the mouth of the Yalu river were shelled while twenty miles up the Han River concentrations received continuous pounding. On the east coast, surface ships methodically hammered bridges and rail and highway junctions from Kosong north to Chongjin.

Also in October, surface striking forces delivered the heaviest attack of the year on Hungnam harbour. The 36-week-old siege of Wonsan was continued and a task group struck the Kojo area. In spite of increasing return fire from enemy coast artillery, no major casualties or damage to ships was received from this source although the United States destroyer Ernest G. Small was damaged and suffered 27 casualties when she struck

a mine. An enemy jet strafing and bombing attack on the destroyer *Twining* resulted in no damage, but was notable as the first air attack on a naval unit in many months.

(3) Air Operations

Throughout the year, the close support given to ground forces by all elements of United Nations tactical aircraft continued to be a decisive factor in each day's operations. The reports stated that the United Nations continued to retain control of the air despite repeated challenges by an increasing number of enemy Russian-built MIG jet planes. Despite the advantage of the protection north of the Yalu River, the Chinese-North Korean losses were heavy compared to those of the United Nations forces.

One of the largest airborne operations took place on 23 March 1951, when thousands of paratroopers were successfully dropped behind enemy lines fifteen miles south-west of Seoul. The drop included bulky items like jeeps, weapons carriers and howitzers. Evacuation by air of wounded personnel saved countless numbers of soldiers who would have died or been captured. It was reported that soldiers wounded in the field had a better chance of recovery than in any other war because of accessibility by air to major medical installations.

The United Nations Command reported that combat cargo aircraft during the first half of October lifted over 35,000 personnel, evacuated 4,500 sick and wounded personnel, and moved 4,500 tons of freight and supplies. In the latter half of the month, they lifted more than 5,600 tons of cargo and 48,000 personnel, including 6,234 sick and wounded. This average was continued in the later months.

On 9 May a concentrated air attack on enemy installations was delivered by approximately 300 United Nations fighters and bombers, as part of a continuing air campaign to keep enemy-held Korean airfields inoperable.

The employment of a new radar technique permitted close support attacks by medium and light bombers during periods of inclement weather or darkness with an accuracy which compared favourably with that of visual bombing. Night sorties by light bombers and fighters concentrated upon transport attempting to sustain the enemy's drive.

In June, to meet increased enemy air activity, emphasis was placed on counter-air operations. Medium-bomber daylight operations were, therefore, conducted against North Korean airfields to

deny their use to the enemy. This resulted in rendering temporarily unserviceable all but three of the 22 enemy airfields south of the 40th parallel.

An interdiction programme designed to reduce to a minimum the forward flow of enemy supplies, continued to be given a high priority and was carried out on a round-the-clock basis. Hundreds of fighter bombers and light and medium bombers joined in the programme by attacking supply dumps, marshalling yards, vehicle parks, bottlenecked traffic, and rail and highway bridges, as well as rail lines, rolling stock and vehicles.

In December, the United Nations Command reported that the cumulative damage done to the enemy railway lines under the rail interdiction programme undertaken by the air forces exceeded the repair capability of the enemy labour pool. The main enemy line from Pyongyang south to Sariwon was abandoned and the main west coast line from Sinanju to Sukchon was only occasionally serviceable. It was noted, however, that enemy opposition to deep penetration by United Nations Command aircraft was increasing in intensity.

In December, in the area north and west of Pyongyang, large numbers of MIG-15 fighters were seen by the United Nations Command pilots whenever the weather was favourable for flying. During the first half of December, 2,350 enemy jet aircraft were observed, of which United Nations Command fighters shot down 29 and damaged at least 28. The day of heaviest activity was 29 December, when United Nations Command pilots sighted 360 MIG's. Night-flying United Nations Command aircraft were frequently fired upon by Chinese-North Korean night fighters, some of which were reported to be jet types. Observed tactics indicated that ground-controlled radar and searchlights were used in these interceptions.

b. TRUCE NEGOTIATIONS

On 23 June, the permanent representative of the USSR to the United Nations suggested, in the course of a radio broadcast, that, as a first step towards a settlement of the war in Korea, discussions should be started between the belligerents for a cease-fire and an armistice providing for the mutual withdrawal of forces from the 38th parallel.

The report to the Security Council of the United Nations Command for the period 16-30 June, stated that, on the last day of that period,

the United Nations Command repeatedly broadcast to the Commander-in-Chief of Communist forces in Korea a proposal that accredited representatives of each Command meet on the Danish Hospital Ship *Jutlandia* off the coast of Wonsan, for the purpose of negotiating a cease-fire agreement.

On 1 July the Peking radio broadcast a joint message from Generals Kim Il Sung of the North Korean Army and Feng Te-Huai of the Chinese Communist Army that their representatives would meet with the representatives of the Commander-in-Chief of the United Nations Command in Korea for talks concerning a cessation of hostilities. The message proposed that the meeting should be held on 10 July at Kaesong, near the 38th parallel. After further exchange of messages, liaison officers of both sides met on 8 July at Kaesong and discussed arrangements for the first conference of the delegations of both forces to be held on 10 July.

Two meetings were held on 10 and 11 July respectively, the United Nations Command being represented by Vice-Admiral C. Turner Joy, Major-General L. C. Craigie, Major-General Henry I. Hodes, Rear-Admiral Arleigh A. Burke and Major-General Paik Sun Yup and the Chinese-North Korean delegation by General Nam Il, Major-General Lee Sang Jo, Major-General Chang Pyong-San, Lt.-General Tung Hua and Major-General Fang Hsieh.

The two meetings were devoted to the discussion of the agenda presented by each group. In his opening remarks, Admiral Joy stated that the United Nations Command delegation was prepared to do its part in trying to work out an armistice agreement. It was, however, made clear, the United Nations Command stated, that the United Nations Command delegation would not discuss political or economic matters or military matters unrelated to Korea.

At both meetings, Admiral Joy presented a proposal that international newsmen be admitted to the scene of the conference, emphasizing that they would not be admitted to the conference room. After waiting for an answer, Admiral Joy stated, before the close of the second meeting, that the Commander-in-Chief of the United Nations Command intended that twenty newsmen form an integral part of the United Nations Command delegation to all subsequent sessions.

On 12 July the Chinese-North Korean armed guards denied the newsmen access to the conference area. The negotiations were thereafter sus-

pending for two days, at the end of which the Chinese-North Korean leaders agreed to a proposal by the United Nations Command that a neutral zone be established assuring equality of treatment to both delegations, removing restrictions of movements of United Nations Command delegates and couriers and removing armed personnel from the conference site. The talks were resumed on 15 July. Progress in the negotiations was marked on 26 July by joint agreement upon subjects to be included in the formal agenda. The agreed agenda was:

"Item 1. Adoption of the agenda

"Item 2. Fixing a military demarcation line between both sides so as to establish a demilitarized zone as a basic condition for a cessation of hostilities in Korea.

"Item 3. Concrete arrangements for the realization of a cease-fire and armistice, including the composition, authority and functions of a supervising organization for carrying out the terms of a cease-fire and armistice.

"Item 4. Arrangements relating to prisoners of war.

"Item 5. Recommendations to the governments of the countries concerned on both sides."

The substantive discussions began immediately after the adoption of the agenda on 26 July. The Communists maintained their insistence that the 38th parallel should be the line of demarcation of forces during the armistice period. Since the 38th parallel bore only a coincidental relationship to the prevailing position of the ground forces at that time and none at all to the operations of the air and naval forces, the reports stated, the United Nations Command delegation refused to accept that view and made it clear that an armistice must be premised upon the prevailing military situation.

During the next fortnight, the United Nations Command continued to reiterate its refusal to abandon the strong defensive positions it had won by throwing back the invading forces, it was reported. On 4 August, approximately one company of Chinese-North Korean infantry, armed with grenades, mortars and machine-guns in addition to small arms, traversed the neutral zone passing not more than 100 yards from the conference building. Subsequent to the protest by the United Nations Command and suspension of negotiations pending receipt of satisfactory explanation, the action was admitted by the enemy Command to be in violation of their pledge and assurance of 14 July, but the whole matter was dismissed by them as "minor" and "trivial".

On 9 August General Nam Il, through his liaison officer, claimed that the United Nations Command had violated its guarantees by attack-

ing a Chinese North-Korean vehicle plainly marked with white cloth and carrying a white flag. The sole guarantee ever given by the United Nations Command Liaison Officers with regard to aircraft refraining from attack on the Communist delegation's vehicles was, the United Nations Command report stated, contingent upon their being properly marked and upon prior notification being given of the time and route of their movement. The latter specification had not been compiled with and United Nations aircraft did machine-gun the truck. A similar complaint, it was stated, was again made on 14 August, when the Chinese-North Korean Command was informed that the United Nations Command provided no immunity for vehicles unless the time and route of the movement had been communicated to the United Nations Command.

Another charge levelled against the United Nations ground forces was that a contingent had fired into the town of Panmunjom on 7 August from a position 200 yards away. The United Nations Command reported that a thorough investigation, made at the instance of General Van Fleet, proved this to be a pure fabrication—an impossibility considering the relative location of forces on that particular day.

On 16 August the Chinese-North Korean delegation accepted the suggestion of the United Nations Command delegation that a sub-committee of the delegations undertake to resolve the impasse imposed by the enemy's insistence on their one and only proposal for a line of demarcation between opposing forces—the 38th parallel. The hope that the meetings of the sub-committee, held in an informal atmosphere, would encourage the Chinese-North Korean side to explore the means for equitable solutions, was, however, belied by the subsequent conduct of their delegation at six meetings from 17-22 August, it was stated; at these meetings that delegation refused to examine any proposition other than the 38th parallel for the line of demarcation. It appeared to the United Nations Command delegation that the Chinese-North Korean delegation had instructions not to accept any compromise or alternative proposal.

Another charge of the violation of the neutral area was made by the Chinese-North Korean delegation, it was reported, on 19 August when a Chinese lieutenant was killed at a point southwest of Panmunjom. Careful investigation by all echelons of the Command of the units on the front, the United Nations Command stated, showed conclusively that no personnel under

United Nations jurisdiction were involved. The United Nations Command was of the opinion that the group responsible for the incident, reported by witnesses to be in civilian clothing, must have been partisans or irregulars of unknown loyalty.

On 22 August the enemy reported another incident, alleging that Kaesong had been attacked by a plane. Certain pieces of metal and a small crater 24 inches in diameter were pointed out as evidence. The pieces of metal were described by the Chinese-North Korean representatives as remnants of a napalm bomb. Subsequent investigations, the United Nations Command reported, revealed that no United Nations aircraft were anywhere near the Kaesong area at the time of the reported attack and that the pieces of metal could not have been the parts of any of the types of bombs used by the United Nations Command. The charges appeared to the United Nations Command to have been entirely false and the evidence manufactured. The enemy delegation elected to suspend negotiations at delegates' meetings on 22 August.

In its next report, 1-16, September, the United Nations Command said that the Chinese-North Korean Command had intended from the very beginning to use the respite offered by the negotiations for improving their military position for a possible renewal of their aggression with forces rested, reconditioned and better equipped.

On 6 September the United Nations Command proposed that the liaison officers of the two sides meet to discuss the selection of a new site where discussions could be held without actual or artificial interruptions. The enemy delegation refused to accept the suggestion, the report said.

During this period, the United Nations Command admitted that one violation of the neutral zone occurred on 10 September, when a United Nations Command B-26 aircraft, off course through faulty navigation, strafed the neutral zone but did no damage. The plotting by radar of the plane's course, it was stated, coupled with an interrogation of the pilot, led to the conclusion that this plane did violate the neutrality of the zone. The same methods had been employed to prove that other enemy charges of bombing and strafing by United Nations Command aircraft had been false. The regrets of the United Nations Command for this one incident were immediately published and forwarded to the enemy and disciplinary action was initiated against the pilot.

After further exchanges of messages, the United Nations Command proposed on 27 September,

that both delegations should meet as early as possible at a place approximately midway between the battle lines in the vicinity of Songhyon-Ni, and that, upon resumption of meetings at this place, both delegations be prepared to return to the discussion of agenda item 2.

On 3 October 1951 Generals Kim Il Sung and Feng Teh-Huai replied to the United Nations Command proposal that the conference site be changed to Soghyon-Ni. Their reply insisted that Kaesong in enemy-held territory be kept as the conference site. The United Nations Command rejected Kaesong and proposed a site between the battle lines. On 7 October the Chinese-North Korean leaders proposed Panmunjom as a site and further proposed a rectangular neutral zone to include Kaesong and Munsan. Liaison officers met at Panmunjom on 10, 11, 12 and 14 October and, although substantial progress was made, full agreement was not reached.

On 12 October the United Nations Command admitted that United Nations jet aircraft had made two strafing attacks in the Kaesong area on the afternoon of 12 October. On 14 October, in a letter to Generals Kim Il Sung and Peng Teh-Huai, the United Nations Commander-in-Chief stated that these attacks had been made in violation of standing instructions which specifically directed that all units and pilots avoid flying over or attacking the Kaesong area. The United Nations Command accepted responsibility for the violation and reiterated that it would continue to make every effort to prevent recurrence of such incidents.

On 22 October liaison officers of the two sides signed an agreement which specified terms of resumption of armistice negotiations which were subsequently ratified by the two delegations. The agreement, among other things, provided for an area with a radius of 1,000 yards in the vicinity of Panmunjom as the conference site, and for the immunity of that area from hostile acts. It was further provided that no armed personnel of either side would be permitted in the conference site except certain police detachments with small-arms.

The meetings suspended on 22 August were resumed on 25 October. It was agreed to resume sub-delegation meetings for the purpose of discussing agenda item 2, the demilitarized zone.

In the next fortnight no agreement was reached on the item. The fundamental divergence of views between the two delegations, it was stated, was whether the cease-fire portion of the military arm-

istice should be put into effect forthwith or after agreement on other items of the agenda. The Chinese-North Korean delegation held that, as an "act of good faith", the United Nations Command should agree to a de facto cease-fire concurrently with the acceptance of the current line of contact as a basis for a demilitarized zone. The United Nations Command stated that since this position was contrary to the understanding previously reached and confirmed—that hostilities must continue pending agreement on the terms governing an armistice commission—it had refused to agree to the proposal.

The United Nations Command felt that a de facto cessation of hostilities prior to reaching an agreement would jeopardize the United Nations military position and would enable the enemy to augment his ground and air forces in close proximity to the battle line.

An agreement on agenda item 2 was reached on 27 November 1951, fixing a military demarcation line between both sides so as to establish a demilitarized zone as the basic condition for the cessation of hostilities in Korea. The agreement stated:

"1. The principle is accepted that the actual line of contact between both sides (as determined under either paragraph two or three, as appropriate) will be made the military demarcation line and that at the time specified in the signed armistice agreement both sides will withdraw two kilometres from this line so as to establish the demilitarized zone for the duration of the military armistice.

"2. If the military armistice agreement is signed within thirty days after the two delegations approve in the plenary session this agreement and the specific location of the military demarcation line and demilitarized zone determined by the sub-delegations on the basis of the above stated principle and in accordance with the present line of contact (as indicated in the attached map and explanatory note), the military demarcation line and demilitarized zone shall not be changed, regardless of whatever changes may occur in the actual line of contact between both sides.

"3. In view of the fact that hostilities will continue until the signing of the armistice agreement, if the military armistice agreement is not signed within thirty days after the two delegations approve in the plenary session this agreement and the specific location of the military demarcation line and the demilitarized zone as determined in paragraph two above, the sub-delegations shall revise, immediately prior to the signing of the military armistice agreement the above military demarcation line and the demilitarized zone in accordance with the changes which have occurred in the actual line of contact between both sides, so that the revised military demarcation line will coincide exactly with the line of contact between both sides immediately prior to the signing of the military armistice agreement and will constitute the military demarcation line for the duration of the military armistice."

The agreed line of contact, the United Nations Command stated, ran in general from the Sa-Chon River on the west, thence north-east to a point about six miles north of Chorwon, thence generally east to a point north of Kumhwa, thence north-east to Kumsong, thence east to a point north of the Punch Bowl region, thence north-east to a point on the coast at Poeji-Ni.

On 3 December the Chinese-North Korean delegation introduced two proposals:

"(6) In order to ensure the stability of the military armistice so as to facilitate the holding by both sides of a political conference of a higher level, both sides shall undertake not to introduce into Korea any military forces, weapons and ammunition under any pretext.

"(7) In order to supervise the strict implementation of the stipulation of paragraph 6, both sides agree to invite representatives of nations neutral in the Korean war to form a supervisory organ to be responsible for conducting necessary inspection, beyond the Demilitarized Zone, of such ports of entry in the rear as mutually agreed upon by both sides, and to report to the Joint Armistice Commission the result of inspection."

In its report, the United Nations Command stated that proposal (6) would result in the evacuation of United Nations Command forces from Korea by attrition. The United Nations Command held that it had the right to maintain its forces in Korea during the period of the military armistice and pending a settlement at a higher level.

Proposal (7), it was stated, showed the clear enemy intent to confine the activities of the military armistice commission to the militarized zone only.

Comparable United Nations Command proposals were as follows:

"4. A. Both sides shall designate an equal number of members to form a Military Armistice Commission which shall be responsible for supervising the execution of and adherence to the whole armistice agreement. The Military Armistice Commission shall be provided with, and assisted by, observer teams which shall be responsible to, shall report to, and shall be subject to the direction and supervision of the Military Armistice Commission only. The observer teams shall be composed of representatives of nations neutral in the Korean War, such nations to be mutually agreed to by both sides.

"B. Observation outside the Demilitarized Zone shall be performed only by neutral observer teams. Observation within the Demilitarized Zone may be performed by neutral teams, by joint teams selected by the Military Armistice Commission, or by the Military Armistice Commission itself.

"C. Neutral observer teams shall be located at such land, sea, and air ports of entry and communication centres as are mutually agreed to by both sides. These observer teams shall be permitted freedom of movement over principal lines of communication throughout all of Korea and each side shall afford these teams full assistance in the execution of the duties assigned them

by the Armistice Commission. In addition, such periodic aerial reconnaissance and observation and photographic flights as are mutually agreed to by both sides will be performed by neutral teams.

"5. Neither side shall increase the level of military units, military personnel, war equipment, or war material existing in Korea at the time the armistice becomes effective. The rehabilitation, expansion, and improvement of existing airfields and aviation facilities and construction of new airfields and new aviation facilities shall not be permitted."

Toward the close of the period there were four basic points of disagreement concerning agenda item (3):

1. No increase in present strength levels and equipment and stocks versus no introduction of personnel and equipment under any pretext.

2. Rehabilitation of facilities, particularly airfields.

3. Status of offshore islands.

4. Relationship of neutral observer teams to the military armistice commission.

Item 4 of the agenda consisted of "arrangements pertaining to the prisoners of war". From 4-10 December the United Nations Command delegation daily urged that a separate sub-delegation be designated to discuss this item. The suggestion, it was stated, was made by the United Nations Command delegation for the sole purpose of expediting the negotiations and in view of the humanitarian aspects of prisoner-of-war matters. Finally, on 11 December, the Chinese-North Korean side agreed to initiate discussions. The United Nations Command stated that, at the outset of the discussions, it made, and repeated daily, two fundamental and logical proposals: namely, that information on prisoners of war be exchanged and that representatives of the International Committee of the Red Cross be permitted to visit prisoners-of-war camps. Both of the proposals were rejected. The United Nations Command stated that it had long ago agreed to observe the Geneva Conventions relative to prisoners of war and had done so. Names of prisoners of war were also sent to the International Committee of the Red Cross. Representatives of the International Committee of the Red Cross regularly visited United Nations Command prisoner-of-war camps. The enemy so far had refused to exchange information on prisoners.

During the period 16-31 December, agreement was reached on the following three principles for agenda item 3: "Concrete arrangements for carrying out the terms of the cease-fire and armistice".

1. All armed forces under the control of either side including all units and armed personnel of the ground, naval and air forces shall cease all hostilities within 24 hours after the armistice agreement is signed and becomes effective.

2. All armed forces under the control of either side, shall be withdrawn from the demilitarized zone within seventy-two hours after the armistice agreement is signed and becomes effective. Except for such armed forces of a police nature as may be specifically agreed to by both sides, no armed forces of either side shall thereafter enter the demilitarized zone; nor shall the armed forces of either side commit any acts of armed force against the demilitarized zone. Each side shall manage in accordance with the stipulations of the armistice agreement the administrative affairs of the portion of the demilitarized zone lying on its side of the military demarcation line.

3. All armed forces, ground, naval and air, under the control of either side shall be withdrawn, within five days after the armistice agreement is signed and becomes effective, from the rear and coastal islands and waters of the other side, meaning islands which were formerly controlled by the other side and any others specifically and mutually agreed to. If they are not withdrawn within the stated time limit, and there is no mutually agreed and valid reason for delaying the withdrawal, the other side shall have the right to take all necessary action against such armed personnel for the maintenance of security and order.

The major issues which remained to be solved under agenda item 3 were rehabilitation of airfields, aerial observation and aerial photography and rotation and replenishment.

The United Nations Command stated that it had held, from the beginning of the negotiations, that no military advantage should accrue to either side during the period of an armistice. The rehabilitation of airfields in Korea would, it was considered, afford the enemy a tremendous military advantage which was at present denied to him. Mutual air inspection constituted a safeguard for both sides, yet the Chinese-North Korean side rejected it as being unnecessary.

The Chinese-North Korean delegation also opposed unlimited rotation and replenishment. The United Nations Command held that both sides should have the right to replace their personnel on a man-for-man, unit-for-unit basis and their equipment on a piece-for-piece basis. Otherwise, it was thought, attrition would result in a de facto United Nations Command's withdrawal from Korea.

In an earnest endeavour to reach agreement, it was reported, the United Nations Command delegation introduced new proposals making major concessions to the other side, i.e., elimination of aerial observation and provision for the rehabilitation of a reasonable number of airfields for civil operations.

On item 4, (relating to the exchange of prisoners), it insisted on two essential steps prior to reaching an agreement on the exchange of prisoners of war: (1) exchange of prisoners-of-war

data to include numbers, nationality, names and locations of prisoners of war held by both sides; and (2) authority for entry into the enemy prisoner-of-war camps of the delegates of the International Committee of the Red Cross who were immediately available for prisoner-of-war relief work.

On continued pressure from United Nations Command, it was reported, the Chinese-North Korean Command, on 18 December 1951, furnished a list of prisoners of war available for exchange, including 3,198 United States, 1,216 other United Nations Command and 7,142 Republic of Korea prisoners, making a total of 11,556. This total being challenged, the enemy Command agreed to furnish additional information on the whereabouts of approximately 1,000 prisoners, whose names were furnished to them by the United Nations Command and who were not on the enemy lists.

To meet the demands of the United Nations Command that the International Committee of the Red Cross be allowed access to prisoner-of-war camps, the Chinese-North Korean Command agreed, on 24 December, that, as a concession to the United Nations Command, they would have no objection to the formation of joint teams of the International Committee of the Red Cross and the Red Cross organizations of the Democratic People's Republic of Korea and the Chinese People's Republic going to the prisoner-of-war camps of both sides to assist in supervising the prisoners-of-war exchange after the armistice agreement was signed.

The senior delegate of the International Committee of the Red Cross rejected the proposal, as he considered that it would violate the neutral position of the International Committee of the Red Cross.

On 24 December the Chinese-North Korean side suggested that Christmas letters from prisoners of war be exchanged via the sub-delegation on agenda item 4. The proposal was immediately accepted by the United Nations Command delegation. Arrangements were expanded by the United Nations Command to establish not only delivery facilities for United Nations Command and Republic of Korea prisoners of war in Chinese-North Korean hands and for Chinese-North Korean prisoners in United Nations Command custody; but action was also taken to establish a temporary postal service to handle incoming mail to United Nations Command and Republic of Korea prisoners of war. That information, com-

piete with details on how mail should be addressed, was given world-wide publicity.

The 30-day period during which the armistice was to be negotiated came to an end on 27 December without any formal action being taken.

During the period of the truce negotiations, the front was only moderately active, with patrolling and local attacks continuing on both sides. The United Nations Command, however, reported that the enemy had taken full advantage of the respite from major combat operations and that his stocks of military supplies in forward areas had been increased.

By the middle of August the United Nations Command reported that the density of hostile formations across the front and their deployment in depth was approaching that of the massive forces which preceded former offensives. Prisoners of war, it was reported, indicated that a new offensive was planned but their information was still not conclusive as to the date. The United Nations Command stated that the enemy retained the capacity to launch an offensive at the time of his choosing.

c. OTHER QUESTIONS

(1) Information Activities

Through the combined use of radio broadcasts, loudspeaker transmissions, miniature weekly newspapers and leaflets dropped from the air, the United Nations Command continued throughout the year, it reported, to present to enemy soldiers factual news and accurate information regarding the conflict in Korea and their position in it. These were complemented by frontline broadcasts and airborne loudspeakers. Emphasis was placed on regularly restating the United Nations objectives in Korea of peace, unification and rehabilitation. The desire of the United Nations to prevent expansion of the conflict and to arrange a peaceful settlement was kept constantly before soldier and civilian alike, it was stated.

Early in May, following the enemy's unsuccessful offensive, an intensive campaign was launched to impress upon enemy soldiers in Korea the futility of the exorbitant sacrifice of life which their leaders had called upon them to sustain. United Nations leaflets, widely disseminated behind the lines as well as at the front, emphasized the extremely high casualty rates in the April offensive, the continuing material superiority of the United Nations forces and the guarantee of humane treatment by the United Nations Command of prisoners of war.

Throughout the armistice discussions at Kaesong, all concrete developments were fully reported throughout Korea by means of all available media.

On the occasion of the United Nations Day on 24 October and during the preceding and following weeks, particular emphasis was placed on explaining the United Nations and its objectives.

(2) Accusations of Germ Warfare

The United Nations Command reported that heavy enemy losses during winter and spring were followed by malicious propaganda alleging that United Nations forces had resorted to bacteriological and chemical warfare. These charges, it was stated, were wholly groundless and manifestly absurd. But it had been definitely established, the United Nations Command stated, that not only the enemy's armies but also the civilian population under their domination had suffered terrible losses due to disease because of the lack of the basic preventive and curative measures.

(3) Prisoners of War

In April the United Nations Command reported that in the past few weeks enemy prisoners of war formerly interned in enclosures of the United Nations Prisoner-of-war Camp No. 1 in the Pusan area had been transferred to Koje-Do. At that time there were over 90,000 prisoners at Koje-Do. The Koje-Do island was a site which had been carefully selected from the standpoint of the health and welfare of the prisoners. The geographical locations of the new enclosures had been transmitted to the enemy through the International Committee of the Red Cross at Geneva, in accordance with the Geneva Convention of 12 August 1949 relative to the treatment of prisoners of war. By the end of May, over 117,000 prisoners of war were occupying enclosures of Koje-Do island.

In accordance with article 38 of the Geneva Convention, intellectual, educational and recreational pursuits of North Korean and Chinese prisoners of war were actively encouraged, the United Nations Command reported. Instructional centres were erected in each compound, and four hours of classroom instruction were provided each week for all prisoners, on a voluntary basis. All prisoners had the opportunity of seeing at least one motion picture programme each week. Radio broadcasts, including news, music and entertainment programmes produced by prisoners of war were available to a majority of the pris-

oners. Athletics, vocational training, hobbies and handicrafts were becoming increasingly popular. Daily and weekly news sheets were provided for the use of all literate prisoners and reading groups were encouraged for the benefit of the illiterate. The construction of permanent-type winter housing employed a large number of prisoners, both skilled and unskilled.

The large number of prisoners of war detained by the United Nations Command necessitated, it was reported, the establishment of specific United Nations Command procedures for the disciplinary control of the prisoners. In October, therefore, the United Nations Command prepared and promulgated a penal code governing the conduct of prisoners of war, together with regulations governing the trial by a United Nations Military Commission of prisoners of war for offences committed after capture. A United Nations Command procedure for the imposition of non-judicial punishment and regulations governing the confinement of prisoners of war were also promulgated in October 1951.

In its report for the period 16-31 December, the United Nations Command stated that a screening and investigation of individuals detained in the United Nations Command prisoners-of-war camps had disclosed the presence of approximately 37,500 civilian residents of the Republic of Korea. The detention of those civilians, it was stated, was attributable to various circumstances attendant upon the confusion inseparable from hostilities, such as the displacement of large masses of the civilian population.

A thorough rescreening of those civilians, it was stated, was now being conducted jointly by the Republic of Korea and the United Nations Command to ensure that none were dangerous to the security of the United Nations Command forces. The civilians, all citizens of the Republic of Korea, had now been segregated from the prisoners of war in separate camps and, following the re-screening, would generally be released to return to their homes. The United Nations Command, it was said, had furnished the International Committee of the Red Cross at Geneva with complete information concerning the group, including the names of all individuals concerned.

(4) Reports of Violations of Laws of War

In March the United Nations Command stated that reports continued to be received concerning the violations by the enemy of the laws of war.

The report of the United Nations Command for the period 16-31 August stated that, as of July 1951, approximately 8,000 United States military personnel had been reported killed as war crimes victims. Approximately 15,000 South Koreans, of whom 14,000 were civilians, had been reported killed in other reported incidents. Those figures, it was stated, did not include the deaths reported in Seoul, Taejon and other places occupied by the enemy forces.

(5) Special Report of the United Nations Command

On 2 May, the United Nations Command submitted a special report (S/2112) containing two enclosures which corroborated the reports of the United Nations Commission on Korea that the unprovoked attack on the Republic of Korea on 25 June 1950 was thoroughly planned in advance by the North Korean regime.

The two enclosed documents captured from the North Korean forces were:

(i) Reconnaissance Order No. 1, General Staff of the North Korean Army, dated 18 June, which instructed the Chief of Staff of the North Korean Fourth Division to carry out reconnaissance prior to attack in order to determine the location of the main body of the forces of the Republic of Korea and to work out an accurate target map of the installation of such forces. The order further directed the Chief of Staff of the North Korean Fourth Division "as the attack begins" to carry out continuous observation of the centres of resistance on the routes of defensive lines approaching Seoul.

(ii) Operation Order No. 1, dated 22 June 1950, issued by Lee Kwon Mu, Commander North Korean Fourth Infantry Division which stated the objective of the Fourth Division "in frontal attack" to be an advance to the Uijongbu-Seoul area for which preparations were to be completed by 23 June 1950.

It was stated that the first report of the United Nations Command to the Security Council dated 25 July 1950 disclosed that the attack on the central front was carried out in accordance with the plan set forth in this document. The remaining portions of Operation Order No. 1, the Special Report stated, contained specific and detailed military directives for carrying out the attack against the Republic of Korea.

ANNEX I. SUMMARIES OF MILITARY AND RELIEF ASSISTANCE FOR KOREA
(AS OF 15 JANUARY 1952)

GROUND FORCES

Country	Date	Details of Offer	Status
Australia	3 Aug. 1950	Ground forces from Australian Infantry Force in Japan	In action
		Additional battalion of Australian troops	" "
Belgium	13 Sept. 1950	Infantry battalion	In action
	3 May 1951	Reinforcements	" "
Bolivia	15 July 1950	30 Officers	Acceptance deferred
Canada	14 Aug 1950	Brigade group, including three infantry battalions, one field regiment of artillery, one squadron of self-propelled anti-tank guns, together with engineer, signal, medical, ordnance and other services with appropriate reinforcements	In action
China	3 July 1950	Three infantry divisions	Acceptance deferred
Colombia	14 Nov. 1950	One infantry battalion	In action
Costa Rica	27 July 1950	Volunteers	Acceptance deferred
Cuba	30 Nov. 1950	One infantry company	Accepted
El Salvador	15 Aug. 1950	Volunteers	Acceptance deferred
Ethiopia	2 Nov. 1950	1,069 officers and men	In action
France	20 Aug. 1950	Infantry battalion	" "
Greece	1 Sept. 1950	Unit of land forces	" "
	2 July 1951	Additional unit of land forces	Transmitted to Unified Command
Luxembourg	15 Mar. 1951	Infantry company integrated into the Belgian forces	In action
Netherlands	8 Sept. 1950	One infantry battalion	" "
New Zealand	26 July 1950	One combat unit	" "
Panama	3 Aug. 1950	Contingent of volunteers } Bases for training }	Acceptance deferred
Philippines	10 Aug. 1950	Regimental combat team consisting of approximately 5,000 officers and men	In action
Thailand	23 July 1950	Infantry combat team of about 4,000 officers and men	" "
Turkey	25 July 1950	Infantry combat force of 4,500 men, later increased to 6,086 men	" "
United Kingdom	21 Aug. 1950	Ground forces	" "
	Official information communicated on 12 June 1951	Two brigades composed of brigade headquarters } Five infantry battalions } One field regiment } One armoured regiment }	" "
United States of America	Official information communicated on 8 June 1951	Three Army Corps } One Marine Division } With supporting elements	" "

NAVAL FORCES

Australia	28 July 1950	Two destroyers	" "
	29 July 1950	One aircraft carrier	" "
		One frigate	" "

Country	Date	Details of Offer	Status
Canada	12 July 1950	Three destroyers	In action
Colombia	16 Oct. 1950	One frigate—"Almirante Padilla"	" "
France	19 July 1950	Patrol gun boat	Withdrawn
Netherlands	5 July 1950	One destroyer—"Evensen"	In action
New Zealand	1 July 1950	Two frigates—HMNZ "Tutira" and HMNZ "Pukaki"	" "
Thailand	3 Oct. 1950	Two corvettes—"Prasae" and "Bangpakong" ⁴²	" "
United Kingdom	28 June 1950	Naval forces in Japanese waters diverted to Korea	" "
	Official information communicated on 12 June 1951	One aircraft carrier Two cruisers Eight destroyers One Survey ship	" " " " " " " "
United States of America	Official information communicated on 8 June 1951	A fast carrier task group with a blockade and escort force, an amphibious force, reconnaissance and anti-submarine warfare units	" "

AIR FORCES

Australia	30 June 1950	One RAAF. Fighter Squadron One air communication unit Base and maintenance personnel	" " " " " "
Canada	21 July 1950	One RCAF Squadron	" "
Union of South Africa	4 Aug. 1950	One fighter squadron, including ground personnel	" "
United Kingdom	Official information communicated on 12 June 1951	Elements of the Air Force	" "
United States of America	Official information communicated on 8 June 1951	One Tactical Air Force, one Bombardment Command, and one Combat Cargo Command, all with supporting elements	" "

MATERIAL

Philippines	3 Aug. 1950	17 Sherman tanks and one tank destroyer	" "
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TRANSPORT

Belgium	28 Sept. 1950	Air transport	" "
Canada	11 Aug. 1950	Facilities of Canadian Pacific Airlines between Vancouver and Tokyo Dry Cargo Vessels (10,000 tons)	" " " "
China	3 July 1950	Twenty C-47's	Acceptance deferred
Denmark	22 July 1950	Motor ship "Bella Dan"	Withdrawn
Greece	20 July 1950 13 Oct. 1950	Eight Dakota transport planes	In action
Norway	18 July 1950	Merchant ship tonnage	" "
Panama	3 Aug. 1950	Use of merchant marine for transportation of troops and supplies	" "
Thailand	3 Oct. 1950	Transport "Sichang" to be attached to Thai troops Air transport	" " " "

⁴² Destroyed on grounding

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Country	Date	Details of Offer	Status
United Kingdom	Official information communicated on 12 June 1951	Seven supply vessels	In action.
United States of America		(No details available. The Unified Command has, however, arranged for transport of United States troops and material, as well as for the transport of some of the forces and material listed in the present summary.)	

MEDICAL

Denmark	18 Aug. 1950	Hospital ship "Jutlandia"	" "
India	29 July 1950	Field Ambulance Unit	" "
Italy	27 Sept. 1950	Field Hospital Unit	" "
Norway	6 Mar. 1951	Surgical Hospital Unit	" "
Sweden.	20 July 1950	Field Hospital Unit	" "
United Kingdom	Official information communicated on 12 June 1951	Hospital Ship	" "
United States of America		(No details available. The Unified Command has however, provided full medical facilities not only for United States troops, but also for the troops of participating governments.)	

MISCELLANEOUS

Costa Rica	27 July 1950	Sea and air bases	Accepted
Panama	3 Aug. 1950	Bases for training Free use of highways Farm lands to supply troops	Acceptance deferred Accepted Pending
Thailand	2Feb.1951	Treatment for frost-bite	"

SUMMARY OF ASSISTANCE FOR KOREAN EMERGENCY RELIEF PROGRAMME As AT 15 JANUARY 1952

(Except where noted, this list does not contain offers to Negotiating Committee on Contributions to Programmes of Relief and Rehabilitation)

Country	Date of Offer	Details of Offer	Value ⁴³ (\$ US Equiv.)	Status
Argentina	8 Aug. 1951	Corned meats: 13,950 cases ⁴⁴	500,000	Under shipment
Australia	28 Nov. 1950	Penicillin crystalline	65,355	Under shipment
	14 Dec. 1950	Distilled water	30,897	Under shipment
		Laundry soap: 116,000 lbs.	7,792	Under shipment
	8Jan. 1951	Procaine penicillin	105,345	Arrived in Korean theatre
	31 Jan. 1951	Barley: 2,000 long tons	169,200	Arrived in Korean theatre
	25 June 1951	Services of 3 medical and welfare personnel (offered by Save the Children Fund)		Accepted by Unified Command
Austria	8 Nov. 1951	Lumber ⁴⁴	40,000	Acceptance pending

⁴³ Figures given are official government evaluations. Where no values are shown, the official figures have not been received.

⁴⁴ Offered to Negotiating Committee on Contributions to Programmes of Relief & Rehabilitation.

Country	Date of Offer	Details of Offer	Value ⁴³ (\$ US Equiv.)	Status
Belgium	7 Nov. 1950	Sugar: 300 tons	60,000	Under shipment
Brazil	22 Sept. 1950	Cruzeiros 50,000,000	2,700,000	Pending legisla- tion
Burma	1 Feb. 1951	Rice: 400 tons ⁴⁴	49,934	Arrived in Korean theatre
Cambodia	11 May 1951	Salted fish: 1400 kilos	400	Arrived in Korean theatre
	14 June 1951	Rice: 5,2 tons	600	
Canada	19 Apr. 1951	Used clothing and shoes: 12 tons (donated by United Church of Canada)		Under shipment
	14 Nov. 1951	Used clothing: 331 bales (donated by United Church of Canada)		Under shipment
Chile	14 Nov. 1951	Nitrates: 5,000 tons ⁴⁴	250,000	Accepted by Uni- fied Command
China	4 Oct. 1950	Coal: 9,900 tons Rice: 1,000 tons Salt: 3,000 tons DDT: 20 tons Medical supplies	613,630	} Shipped Direct to Korea by Govern- ment of China Accepted by Uni- fied Command
	17 July 1951			
Colombia	3 Mar. 1951	Clothing (donated by commercial firms)		Accepted by Uni- fied Command
	19 Mar. 1951	Clothing (donated by commercial firms)	500	Accepted by Uni- fied Command
Costa Rica	3 Mar. 1951	Clothing: 800 kilos (collected by Red Cross)		Under shipment
Cuba	2 Oct. 1950	Sugar: 2,000 tons	268,962	Arrived in Korean theatre
		Alcohol: 10,000 gallons Blood plasma		Under shipment Pending
Denmark	5 July 1950	Medical supplies	142,964	Arrived in Korean theatre
	26 Sept. 1950	Sugar: 500 tons	95,047	Arrived in Korean theatre
Ecuador	13 Oct. 1950	Rice: 500 tons		Arrived in Korean theatre
Ethiopia	5 Aug. 1950	£14,286 sterling	40,000	Deposited and ex- pended on med- ical supplies now on route to Korea
France	9 Oct. 1950	Medical supplies	75,400	} Arrived in Korean theatre
	29 Dec. 1950	Medical supplies		
Greece	20 Oct. 1950	Soap: 113 tons	30,855	Arrived in Korean theatre
	30 Nov. 1950	Notebooks & pencils: 25,000 each	1,320	Arrived in Korean theatre
	27 Dec. 1950	Medical supplies	83,740	Arrived in Korean theatre
Iceland	14 Sept. 1950	Cod Liver Oil: 125 tons	45,400	Arrived in Korean theatre
India	4 Oct. 1950	Jute bags: 400,000	168,095	Arrived in Korean theatre
	11 Oct. 1950	Medical supplies	3,384	Arrived in Korean theatre
	9 Aug. 1951	Medical supplies: 8 items (do- nated by Indian Red Cross)	2,110	Under shipment

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Country	Date of Offer	Details of Offer	Value ⁴³ (\$ US Equiv.)	Status
Israel	22 Aug. 1950	Medical supplies	63,000	Arrived in Korean theatre Under shipment
	19 Feb. 1951	Citrus products ⁴⁴	33,600	
Japan	27 Apr. 1951	Preserved foods: 300 cases (donated by Japan Canned and Bottled Foods Association)		Arrived in Korean theatre
Lebanon	26 July 1950	\$50,000	50,000	Deposited
Liberia	17 July 1950	Natural rubber: 22,400 lbs.	10,000	Arrived in Korean theatre
	23 Feb. 1951	Natural rubber: 15,000 lbs. ⁴⁴	15,000	Arrived in Korean theatre
Mexico	30 Sept. 1950	Pulses & Rice: 2,657 metric tons	348,000 ⁴⁵ }	Arrived in Korean theatre
		Medical supplies		
New Zealand	6 Oct. 1950	Dried peas: 492 metric tons	55,536	Arrived in Korean theatre
	20 Nov. 1950	Milk powder: 150 tons	66,640	Arrived in Korean theatre
		Soap: 200 tons	50,000	Arrived in Korean theatre
	21 Nov. 1950	Used clothing: 5 tons (donated by Council of Organizations for Relief Services Overseas)		Arrived in Korean theatre
	14 Mar. 1951	Vitamin capsules: 9,880,000		Under shipment
	16 Mar. 1951	Used Clothing: 5 tons (donated by CORSO)		Under shipment
	15 Oct. 1951	Clothing: 13 cubic tons (donated by CORSO)		Accepted by Unified Command
	24 Oct. 1951	Clothing: 13½ tons (donated by CORSO)		Acceptance pending
Nicaragua	16 Nov. 1950	Rice: 50 tons	}	Declined unless can be made available at US port
	16 Dec. 1950	Rice: 100 tons Alcohol: 5,000 quarts		
Norway	29 Dec. 1950	Clothing: 126 tons (collected by Europahjelpen)		Arrived in Korean theatre
	13 Feb. 1951	Medical supplies		Under shipment
Pakistan	29 Aug. 1950	Wheat: 5,000 tons	379,850	Arrived in Korean theatre
Paraguay	3 Nov. 1950	\$10,000	10,000	Deposited
Peru	21 Nov. 1950	1,000,000 Peruvian soles	65,000	Pending legislation
Philippines	7 July 1950	Soap: 50,000 cakes	5,500	Under shipment
	7 Sept. 1950	Vaccines	50,050	Arrived in Korean theatre
	8 Sept. 1950	Rice: 10,000 metric tons	2,260,000	8,850 tons shipped—balance awaiting shipment
	8 Sept. 1950	Fresh blood: 518 units	19,475	Arrived in Korean theatre
	29 Nov. 1950	Fresh blood: 500 units		Declined
Thailand	20 Sept. 1950	Rice: 40,000 metric tons	4,368,000	Arrived in Korean theatre
Turkey	19 Aug. 1950	Vaccines and serums		Declined owing to difficulties of transportation
	10 Jan. 1951	Knitting wool and needles (donated by Red Crescent)	898	Arrived in Korean theatre

⁴⁵ Supplies to value of \$460,000 shipped to Korea, of which \$115,000 intended as contribution to Palestine Relief. This will be subject to adjustment between United Nations Relief and Works Agency for Palestine Refugees in the Near East.

Country	Date of Offer	Details of Offer	Value ⁴³ (\$ US Equiv.)	Status
United Kingdom	19 Oct. 1950	Salt: 6,000 tons	139,149	Arrived in Korean theatre
	20 Oct. 1950	Sulfa drugs	48,791	Arrived in Korean theatre
	22 Dec. 1950	Food yeast: 50 tons	25,166	Arrived in Korean theatre
	29 Mar. 1951	Clothing & Cloth: 1,200 lbs. (donated by YWCA Hong Kong)	1,120,000	Arrived in Korea theatre
	19 June 1951	Supplies to value of £400,000, including:- Charcoal: 2,000 piculs per month		Supplies to be made available at request of Unified Command Under shipment
United States of America	Official valuation received on 6 Dec. 1951	Foodstuffs (Wheat, barley, rice, etc.): 477,024 met tons	61,182,625	⁴⁶
		Medical & Sanitary Supplies	11,488,452	
		Soap: 6,580 met tons	2,084,156	
		Coal: 328,590 met tons	6,168,335	
		Petroleum Products: 164,098 met tons	4,401,656	
		Transportation Equipment: 10,469 met tons	6,049,036	
		Communication Equipment: 13,757 met tons	3,729,334	
		Clothing, Shoes & Textiles: 25,484 met tons	36,941,778	
		Agricultural Supplies & Equipment: 190,734 met tons	15,175,370	
		Industrial Repair Equipment & Supplies, and other Equipment: 860 met tons	493,294	
		Miscellaneous Manufactured End Products (tents, etc.):	1,328,677	
		Miscellaneous Raw Materials & Products: 73,316 met tons	17,424,296	
		Storage & Laboratory Costs	305,500	
		Transportation Costs of certain contributions from other sources	1,368,122	
(Donated by American Friends Service Committee)	16 Nov. 1950	Used clothing: 103,000 lbs. } Soap: 5,000 lbs. }	104,000	Under shipment
	23 Jan. 1951	Used clothing: 10 tons	20,000	Under shipment
	14 Feb. 1951	Used clothing: 11,000 lbs.	10,000	Under shipment
	12 Mar. 1951	Used clothing: 7,500 lbs.	7,500	} Arrived in Korean theatre
	28 May 1951	Used clothing: 24,233 lbs.	24,233	
	12 July 1951	Used clothing: 67,500 lbs.	67,500	Under shipment
	28 Aug. 1951	Used clothing: 32,500 lbs.	32,500	Under shipment
	11 Sept. 1951	Used clothing: 60,860 lbs. Soap: 3,700 lbs.	60,860 370	Under shipment
(Donated by American Relief for Korea)	13 June 1951	Clothing & Shoes: 500,000 lbs.	480,000	Under shipment
	24 Oct. 1951	Clothing & Shoes: 1,000,000 lbs.	1,000,000	Under shipment
(Donated by Anonymous U.S. Sources)	10 Aug. 1951	Used clothing: 69,426 lbs.	69,426	Arrived in Korean theatre
		Canned Milk & Food: 500 lbs.	250	Arrived in Korean theatre
(Donated by CARE, Inc.)	3 Dec. 1951	Clothing: 32,256 lbs.	32,256	Under shipment
	21 Sept. 1950	Food & Clothing packages	100,000	Arrived in Korean theatre
	20 Nov. 1950	Blankets & Textile packages	202,264	Arrived in Korean theatre
	10 Apr. 1951	Food packages	100,000	Available in Japan
	19 June 1951	Food packages	100,000	Under shipment
		Blanket packages	28,000	Under shipment
	25 July 1951	Food packages	110,000	Under shipment
13 Aug. 1951	Material, soap, food	1,565	Under shipment	

⁴⁶ The total U.S. contribution of \$168,140,631, as listed above, includes all supplies made available through ECA and U.S. Army Programs from 25 June 1950 to 24 November 1951. Transportation costs for each item are included in the valuation of the item. The United States Government has also contributed the transportation costs on certain offers both from Governmental and non-governmental sources, as agreed with the United Nations. This contribution is listed in the last item.

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Country	Date of Offer	Details of Offer	Value ⁴³ (\$ US Equiv.)	Status
U.S.A. (cont.)				
	22 Aug. 1951	Food packages	100,000	Under shipment
	19 Oct. 1951	Knitting wool packages: 2,500	25,000	Under shipment
	3 Dec. 1951	Clothing & Blanket Packages	85,000	Under shipment
		Food Packages	100,000	Under shipment
	9 Jan. 1952	Soap Packages	38,800	Acceptance pending
(Donated by Church World Service)	25 Sept. 1950	Used clothing & miscellaneous supplies	104,958	Arrived in Korean theatre
	6 Nov. 1950	Vitamin tablets: 1,000,000	5,500	Arrived in Korean theatre
		Used clothing: 100,000 lbs.	100,000	Arrived in Korean theatre
	30 Jan. 1951	Used clothing: 60,000 lbs.	60,000	Arrived in Korean theatre
	19 Feb. 1951	Used clothing: 12,000 lbs.	12,000	} Arrived in Korean theatre
	21 Feb. 1951	Used clothing: 40,000 lbs.	40,000	
	2 Apr. 1951	Used clothing: 10,000 lbs.	10,000	
	18 May 1951	Used clothing: 50,000 lbs.	50,000	
(Donated by Committee for a Free Asia)	8 Aug. 1951	Newsprint: 1,000 tons	150,000	Arrived in Korean theatre
(Donated by General Conference of Seventh Day Adventists)	11 Apr. 1951	Used clothing: 19,000 lbs.	10,000	Arrived in Korean theatre
(Donated by Lutheran World Relief)	23 Feb. 1951	Used clothing: 44,550 lbs.	44,550	Arrived in Korean theatre
	26 Mar. 1951	Used clothing, soap: 12,851 lbs.	12,851	Arrived in Korean theatre
	26 Apr. 1951	Used clothing	25,287	Arrived in Korean theatre
	18 July 1951	Used clothing	29,000	Under shipment
(Donated by Manget Foundation)	26 Sept. 1951	Used clothing	9,000	Arrived in Korean theatre
(Donated by Mennonite Central Committee)	Oct. 1951	Services of 1 Supply Officer		Services made available for one year from October 1951
(Donated by Oriental Missionary Society)	19 Feb. 1951	Used clothing: 102,883 lbs.	102,883	Under shipment
(Donated by Presbyterian Church in the U.S.)	10 Sept. 1951	Medical supplies	950	Under shipment
(Donated by Save the Children Federation)	12 Dec. 1950	Used & new clothing: 4,913 lbs.	5,033	Arrived in Korean theatre
	16 Feb. 1951	Used clothing: 10,011 lbs.	10,087	Arrived in Korean theatre
	23 Apr. 1951	Used clothing: 13,512 lbs.	13,610	} Arrived in Korean theatre
	9 July 1951	Used clothing: 15,700 lbs.	15,395	
	20 July 1951	School equipment	1,200	
	10 Oct. 1951	Used clothing: 15,136 lbs.	15,115	Under shipment
	10 Oct. 1951	School equipment & gift packages	7,500	Under shipment
	22 Oct. 1951	Used clothing: 4,826 lbs.	4,826	Under shipment
	10 Dec. 1951	Used clothing: 9,867 lbs.	9,867	Under shipment

Country	Date of Offer	Details of Offer	Value ⁴³ (\$ US Equiv.)	Status
U.S.A. (cont.) (Donated by War Relief Services, National Catholic Welfare Conference)	17 Oct. 1950	Used clothing, soap, medicinals	290,749	Arrived in Korean theatre
	27 Oct. 1950	Services of medical team		Declined
	17 Nov. 1950	Clothing, shoes, soap	99,738	Arrived in Korean theatre
	29 Nov. 1950	Used clothing: 1,000,000 lbs.	1,000,000	Arrived in Korean theatre
	7 Dec. 1950	Used clothing: 1,000,000 lbs.	1,000,000	Arrived in Korean theatre
		Used clothing: 70,000 lbs.	70,000	Arrived in Korean theatre
	16 Feb. 1951	Medicinals	2,600	} Arrived in Korean theatre
		Used clothing: 20,000 lbs.	20,000	
	26 Mar. 1951	Dried Milk: 1,000,000 lbs.	125,000	Arrived in Korean theatre
		Dried eggs: 100,000 lbs.	40,000	Arrived in Korean theatre
	30 Aug. 1951	Used clothing: 10,000 lbs.	10,000	Under shipment
	22 Oct. 1951	Used clothing: 950,000 lbs.	950,000	Under shipment
	6 Dec. 1951	Used clothing: 400,000 lbs.	400,000	Under shipment
	27 Dec. 1951	Used clothing: 115,000 lbs.	115,000	Acceptance pending
Uruguay	14 Sept. 1950	\$2,000,000	2,000,000	Pending legislation
	28 Oct. 1950	Blankets: 70,000	250,779	Arrived in Korean theatre
Venezuela	14 Sept. 1950	Medical Supplies Foodstuffs	} 81,652	Arrived in Korean theatre

SPECIALIZED AGENCIES

Organization	Date of Offer	Details of Offer	Value ⁴³ (\$ US Equiv.)	Status
ILO	29 Nov. 1950	Services of 2 Labour Advisers		Services made available by ILO until 1 January 1952.
IRO	3 Aug. 1950	Clothing and miscellaneous supplies	179,000	Under shipment
	8 Aug. 1950	Medical supplies	12,177	Arrived in Korean theatre
	19 Aug. 1950	Services of 5 medical team personnel		} Services made available by IRO until 1 January 1952.
	27 Nov. 1950	Services of 4 medical team personnel		
	14 Feb. 1951	Services of 5 supply officers		
UNESCO	31 Jan. 1951	\$100,000 for purchase of educational supplies	100,000	Made available to Unified Command
UNICEF	27 Sept. 1950	Blankets: 312,020	535,006	Arrived in Korean theatre
		Powdered milk: 330,000 lbs.	10,054	Arrived in Korean theatre
	28 Sept. 1950	Medical supplies	1,964	Arrived in Korean theatre
		Soap: 100,000 lbs.	7,167	Arrived in Korean theatre
	26 Jan. 1951	Clothing	200,000	Arrived in Korean theatre
	1 Feb. 1951	Clothing	199,586	Arrived in Korean theatre
		Freight charges on Cod Liver Oil from Iceland	3,729	
	24 July 1951	Cotton cloth: 2,400,000 yds.	540,000	Available in Japan

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Organization	Date of Offer	Details of Offer	Value ⁴³ (\$ US Equiv.)	Status
WHO	8 Aug. 1950	Services of 10 medical team personnel		} Services made available by WHO until 1 January 1952
	4 Sept. 1950	Services of 3 public health advisers		
	22 Nov. 1950	Services of 10 medical team personnel		
MISCELLANEOUS CONTRIBUTORS				
Korean Consulate-General, San Francisco	19 Mar. 1951	Clothing: 756 lbs.	750	Arrived in Korean theatre
League of Red Cross Societies	11 Nov. 1950	Services of 9 medical teams, each of 3 persons		} 5 teams made available by Red Cross until 1 January 1952 Supplied direct to Korean Red Cross
		Tents, blankets, medical supplies, clothing		
	8 June 1951	Educational gift boxes: 50,000 (donated by Indian Red Cross)	100,000	Under shipment
	13 June 1951	Mepacrine tablets: 2,000,000 (donated by Indian Red Cross)	6,119	Under shipment
	13 June 1951	Dried fruit: 3,092 kgs. (donated by Greek Red Cross)	686	Arrived in Korean theatre
	15 June 1951	Clothing, food, medicine, etc. (donated by Japanese Red Cross)	36,000	Under shipment
	27 July 1951	School chests: 75 (donated by American Junior Red Cross)	7,500	Under shipment
	31 July 1951	Clothing and medical supplies (donated by British, Iranian, Norwegian & Australian Red Cross)		Under shipment
	2 Aug. 1951	Used and new clothing (donated by Australian, Swedish, American & American Junior Red Cross)	292,100	Under shipment
	31 Aug. 1951	Educational gift boxes: 50,000 (donated by American Junior Red Cross)	100,000	Under shipment
Private Individuals		\$713	718	Deposited

ANNEX II. OFFICIAL CASUALTY FIGURES FROM BEGINNING OF UNITED NATIONS ACTION IN KOREA UP TO 31 DECEMBER 1951⁴⁷

Country	Dead	Wounded- Injured	Missing- Captured	Total
Australia	148	547	14	709
Belgium ⁴⁸	32	125	2	159
Canada	127	514	5	646
Colombia	32	99	—	131
Ethiopia	37	139	—	176
France ⁴⁹	153	700	14	867
Greece	88	265	1	354
Netherlands	71	269	3	343
New Zealand	17	41	1	59
Philippines	49	197	58	304
South Africa	7	2	21	30
Thailand ⁵⁰	40	304	4	348
Turkey	456	1,352 ⁵¹	404	2,212
United Kingdom	437	1,440	1,156	3,033
United States	17,754	73,392	12,593	103,739
Republic of Korea	27,690	103,887	61,383	192,960
Totals	47,138	183,273	75,659	306,070

⁴⁷ Figures given were furnished to the Secretary-General by the delegations to the United Nations of the countries concerned. The figure under "Dead" includes personnel killed in action, dead of wounds, accidents, disease, etc.

Including the contingent provided by Luxembourg.

⁴⁸ Figures as of 15 December. The exact figure for "wounded" is not available, but is known to exceed 700.

⁴⁹ Figures as of 4 November 1951.

⁵⁰ This figure is not the total of wounded or injured personnel but the number of cases of wounding or injury. It may therefore include reference to the same person more than once in accordance with the number of wounds or injuries he has suffered.

G. COMPLAINT BY THE USSR REGARDING UNITED STATES AGGRESSION AGAINST CHINA⁵²

The item "Complaint by the USSR regarding aggression against China by the United States" was placed on the agenda of the General Assembly by the USSR (A/1375) in September 1950. The question was referred to the First Committee, which considered it, during 1950, at its meetings held between 24 November and 27 November and on 7 December.

On 24 November 1950, the First Committee adopted a USSR proposal (A/C.1/630) to invite a representative of the Central People's Government of the People's Republic of China to participate in the discussion of this item. A rep-

resentative of that Government took his seat at the Committee table on 27 November 1950.

After hearing statements by the representatives of the USSR and the United States, the Committee decided, on 7 December 1950, on a motion by the representative of France, to give priority to the consideration of the item "Intervention of the Central People's Government of the People's Republic of China in Korea" and therefore postponed further consideration of the USSR complaint.

⁵² For consideration of this item in 1950 see Y.U.N., 1950, pp. 294-97.

The Committee resumed consideration of the USSR complaint at its 439th meeting on 2 February 1951. It had before it a draft resolution (A/C.1/637) submitted by the USSR which would: (1) note, among other things, the facts of infringement of Chinese territorial integrity and the inviolability of its frontiers by naval and air units of the United States (as witnessed by the United States invasion of Taiwan (Formosa)), the consequent United States intervention in the domestic affairs of China, and the blockade of the coast of Taiwan by the United States Seventh Fleet; and would (2) ask the General Assembly to request the Security Council to take the necessary steps to ensure the immediate cessation of aggression against China by the United States.

In reply to the accusation that the United States had invaded Taiwan, the representative of the United States said that, on 27 June 1950, President Truman had stated that the attack on Korea had made it plain that the occupation of Taiwan by Communist forces would be a direct threat to the security of the Pacific area and to the United States forces performing their lawful duties in that area. Accordingly, President Truman had ordered the United States Seventh Fleet to prevent any attack on Taiwan and had called upon the Chinese Government on Taiwan to cease all air and sea operations on the mainland.

The United States representative said that Taiwan was still of international interest as a former Japanese colony and that, as President Truman had stated, a decision as to its future status must await the restoration of security in the Pacific, a peace settlement with Japan or consideration by the United Nations.

As to the military establishment of the United States in Taiwan, the representative of the United States said that it consisted of 44 persons, nineteen of whom were attached to the diplomatic mission accredited to the Chinese Government. There was also a detachment of 24 enlisted men. He stated that, in order to fulfil his duty and to maintain the status quo with respect to Taiwan, General MacArthur had directed that units of the United States Air Force should make occasional training flights over the island.

As regards the alleged blockade of the coasts of Taiwan, the United States representative said that the essential features of a blockade, as defined by international law, were lacking, since commercial shipping could enter and leave the ports of Taiwan freely. Conditions of maritime traffic, he said, had not changed since 27 June 1950.

Replying to the third charge, that of economic aggression, the United States representative said that the only agreement between the United States and China was one for economic aid. That agreement had been registered with the United Nations and was similar to other economic aid agreements concluded with other States. That agreement did not give the United States Government or its citizens any exclusive privilege or concession to exploit the resources of Taiwan or of China. The United States representative denied the allegation that American firms had acquired monopolistic interests in aluminium, sugar, or fertilizer plants in Taiwan or that the United States monopolies controlled its electrical facilities. The Westinghouse Electric Company, he stated, had made a credit grant of \$2 million to the Taiwan Electrical Company, but that loan had been repaid. The charges of so-called economic aggression of the United States in Taiwan were therefore groundless. He concluded by stating that the USSR was attempting to destroy the long and historical friendship between the United States and the Chinese people and was even trying to bring the Chinese people to hate the United States and to fight it.

The representative of China stated that his Government knew of no aggression by the United States against China. He said that the USSR charges were part of an anti-American campaign in China which had been started in 1949, well before the Korean crisis and before the emergence of the question of recognition. That campaign, he stated, had begun an elaborate and systematic falsification of history with two motives: (1) to concentrate the attack on the United States as the leading factor in the world struggle for freedom; and (2) to maintain the enslavement of the Chinese people by attributing all their troubles to United States imperialism.

On 6 February a statement (A/C.1/661) by the representative of the People's Republic of China, issued on 2 February, was circulated to members of the Committee. This was the text of a speech which that representative had intended to read before the First Committee before the consideration of the item was postponed (see above).

In this statement, the representative of the People's Republic of China said that he supported the statement by the representative of the USSR on the charge of United States aggression against China.⁵³ In reply to the United States representa-

⁵³ For the USSR statement see Y.U.N., 1950, p. 295.

tive, he said that it was true that there had always been a profound friendship between the Chinese and American peoples. However, the history of the past 150 years proved that the United States imperialists had consistently been the aggressors against China. The Chinese people were determined to recover Taiwan from the aggressors, and the United States Government must bear the full responsibility for all consequences that might arise.

The representative of the People's Republic of China submitted that the following facts demonstrated intervention, aggression and hostility against China on the part of the United States Government: (1) it was actively supporting the "Kuomintang clique" and had directed Chiang Kai-Shek to blockade China's coast and to bomb Chinese cities; (2) it was attempting to sabotage the People's Republic of China from within; (3) it had employed every measure to prevent the representatives of the People's Republic of China from participating in the United Nations and in the Allied Council for Japan, while insisting that the representatives of the public enemy of the Chinese people, the "Kuomintang clique," should usurp the seat of China; (4) it was actively re-arming the fascist forces in Japan and contriving to conclude a separate peace without the USSR and China, in order to obtain exclusive domination over Japan; and (5) it had built a vast network of military bases from Alaska to Thailand, thus encircling the new China. The simultaneous armed aggression against Taiwan and Korea was a premeditated step toward a further total attack against the People's Republic of China, the statement said.

Owing to those circumstances, the statement continued, the Chinese people, in order to protect their homeland, were volunteering in great numbers to help the Korean people to resist the American imperialists. The United States had argued that the aggression against Taiwan had been necessitated by armed intervention in Korea. However, the Charter clearly stipulated that no justification whatsoever could be used to excuse aggression. It had also been said that the troops fighting in Korea had no intention of committing aggression against the north-eastern territory of China, but the Chinese people knew that history showed that the aggressor which invaded Korea subsequently invaded China.

In conclusion, the representative of the People's Republic of China suggested that the General Assembly should adopt a resolution requesting the Security Council: (1) to condemn, and to take

concrete steps to apply severe sanctions against the United States Government for its criminal acts of armed aggression against the territory of China and Taiwan and its armed intervention in Korea; (2) to adopt immediately effective measures to bring about the complete withdrawal of United States forces from Taiwan; and (3) to adopt immediately effective measures to bring about the withdrawal from Korea of the armed forces of the United States and all other countries and to leave the people of North and South Korea to settle the domestic affairs of Korea themselves, so that a peaceful solution of the Korean question might be achieved.

Statements in support of the USSR charges were made by the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and, again, by the USSR.

Those representatives considered that the explanation of United States armed action in Taiwan given by the United States representative was insufficient to justify that action. Moreover, it was stated, the seizure of Taiwan had already been planned in 1949, when demands for its annexation had been voiced both in the United States Congress and United States military circles. In this connexion, reference was made to published statements of military leaders. In support of the charges of economic aggression, it was stated that, despite the United States representative's denial, there was evidence that American firms did control the aluminium industries and electricity facilities in Taiwan. These representatives said that in March 1948 the Associated Press had reported that a United States firm, Reynolds Metal Company, had invested \$35 million in the Taiwan aluminium industry, and that on 13 April 1948 a Taiwan Government agency had reported that an agreement had been made with the Westinghouse Company, whereby that Company would control 34 main power stations in Taiwan.

The representative of Egypt stated that the charges in the USSR draft resolution were serious and required a thorough investigation of the facts and of the questions of law involved. Since no evidence was available in support of the charges, he would, he stated, vote against the USSR draft resolution although he would reserve his Government's position in respect to the legal questions involved, particularly as regards the meaning and implications of the Cairo and Potsdam declarations.

The representative of Syria stated that he would vote against the USSR draft resolution since it was unsupported by evidence.

The representative of India stated that his Government considered that the question of Taiwan should be settled on the basis of the Cairo and Potsdam declarations. The best way to solve all Far Eastern problems, he felt, was by negotiation, and an exchange of charges of aggression was not conducive to a peaceful settlement. Accordingly, he would vote against the USSR draft resolution.

The USSR draft resolution was rejected at the 441st meeting of the First Committee on 7 February, by 49 votes to 5, with 3 abstentions. This being the only draft resolution, the Committee had no recommendation to make to the Assembly.

The report (A/1773) of the First Committee was considered by the General Assembly at the 328th plenary meeting on 13 February 1951, when the USSR introduced a draft resolution (A/1776) identical with the one rejected by the First Committee.

After hearing a statement by the USSR reiterating the charges contained in previous statements, the Assembly decided, by 39 votes to 5, with 11 abstentions, not to hold a debate.

The USSR draft resolution was put to the vote and rejected, by 48 votes to 5, with 3 abstentions.

H. COMPLAINT BY THE USSR OF UNITED STATES VIOLATION OF CHINESE AIR SPACE AND BOMBING OF CHINESE TERRITORY AND OF ILLEGAL INSPECTION OF A CHINESE MERCHANT SHIP⁵⁴

On 5 October 1950, the General Assembly approved the inclusion of an item "Complaint by the USSR regarding the violation of Chinese air space by the air force of the United States and the machine-gunning and bombing of Chinese territory by that air force, and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States."

At its 313th plenary meeting on 1 December, the Assembly transferred the item from the Ad Hoc Political Committee, to which it had originally been referred, to the First Committee, which considered it at three meetings on 2, 6 and 7 February 1951, together with the item "Complaint by the USSR regarding aggression against China by the United States of America."⁵⁵

On 6 February 1951, the USSR submitted a draft resolution (A/C.1/660) by which the General Assembly would:

(1) condemn the illegal acts of the United States Government referred to in the communications from the Central People's Government of the People's Republic of China on this item; (2) place on the United States Government full responsibility for those acts and all damages caused to the People's Republic of China and also for the consequences that might result from such acts; (3) recommend the Security Council to take immediately, in conformity with Article 11, paragraph 2,⁵⁶ of the Charter, the necessary action to prevent illegal acts by the United States Government from violating the sovereignty of China and causing damage to the People's Republic of China and the peaceful population of China.

The representative of the USSR stated that the essence of the question was contained in telegrams,⁵⁷ dated 28 August (S/1722) and 30 Aug-

ust 1950 (S/1743), from the Foreign Minister of the Central People's Government of the People's Republic of China to the Secretary-General and to the President of the Security Council. The Security Council, he stated, which had considered the question,⁵⁸ had rejected a USSR draft resolution, which would have condemned the acts of the United States as illegal, placed on it full responsibility for the acts and for damage caused by them, and called on it to end such violations.

The representative of the USSR stated that additional information was available on the subject in the statement made by General Wu Hsiu-Chuan before the Security Council⁵⁹ on 28 November 1950 and in the reports of the Chinese Telegraph Agency. Further, a statement in the Chinese Press had disclosed that, during the month of December alone, there had been 62 incidents of violation of Chinese air space by 169 United States aircraft. The numerous violations which had

⁵⁴ For consideration by the General Assembly of this item during 1950, see Y.U.N., 1950, pp. 286-87.

⁵⁵ See pp. 258-61.

⁵⁶ This paragraph provides that any question relating to the maintenance of international peace and security on which action is necessary is to be referred to the Security Council either before or after discussion.

⁵⁷ The telegram of 27 August charged that United States military planes flying over the right bank of the Yalu River had strafed buildings and railway carriages and had wounded a number of persons. The telegram of 30 August charged that the alleged violation of Chinese air space had been repeated. See Y.U.N., 1950, p. 283.

⁵⁸ For consideration of the matter by the Security Council, see Y.U.N., 1950, pp. 283-86.

⁵⁹ See Y.U.N., 1950, pp. 292-93.

been recorded, with full data regarding the dates, figures, names and places, ruled out, it was maintained, any explanations on the ground of errors by pilots or navigators which had been put forward by the United States representative. These aggressive acts on the part of the United States, the USSR representative asserted, were evidence of designs on the territorial integrity and independence of China and represented attempts to extend the war.

The representative of the United States noted that the letter (S/1902), dated 14 November 1950, from the USSR representative had referred to 83 alleged violations of Manchurian air space, of which 61 concerned reconnaissance flights. With respect to the remaining flights, in which it had been alleged that bombs had been dropped, he pointed out that the points at which the bombs were alleged to have fallen were all at Yalu River crossings. If the allegations were correct, they proved that the United States Air Force had bombed the Yalu River bridges across which Chinese Communist troops had entered Korea to attack the United Nations forces. The United

States representative on the Security Council had previously admitted that United States aircraft had, on two occasions, dropped bombs on Manchurian territory, by error. He had immediately proposed that a neutral commission should be sent to the area to investigate the facts and assess the damages. That proposal had been rejected as the result of a veto by the USSR. In conclusion, the United States representative expressed the hope that the First Committee would decisively reject these baseless charges.

On 7 February, the First Committee rejected the USSR draft resolution, by 50 votes to 5, with 2 abstentions. This being the only draft resolution under discussion, the Committee had no recommendation to submit to the General Assembly.

The report (A/1774) of the First Committee was considered by the General Assembly at the 328th plenary meeting on 13 February, when the USSR reintroduced the draft resolution previously rejected by the First Committee. The USSR draft resolution (A/1777) was rejected by the Assembly by 51 votes to 5, with 2 abstentions.

I. THE QUESTION OF TAIWAN (FORMOSA)⁶⁰

The question of Taiwan (Formosa) was placed on the agenda of the General Assembly by the United States in September 1950. On 15 November 1950, the consideration of this item was postponed by the First Committee until after consideration of the items: "Threats to the political independence and territorial integrity of China and the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations" and "Complaint by the USSR regarding aggression against China by the United States of America".⁶¹

The consideration of the question was resumed by the First Committee at its 442nd meeting on 7 February, when the representative of the United

Kingdom, supported by the representative of the United States, moved an adjournment of the debate on the question in view of the unsettled state of the situation in the Far East.

The representative of the USSR stated that, in view of the Cairo and Potsdam declarations, China's sovereignty over the island was beyond doubt. The United Nations therefore had no competence in the matter. He opposed the consideration of the question at any time and therefore would also oppose the motion of adjournment.

The motion to adjourn the debate *sine die* was adopted by the Committee by 38 votes to 5, with 8 abstentions.

There was no further consideration of the question in the United Nations during 1951.

J. COMPLAINT OF THREATS TO THE POLITICAL INDEPENDENCE AND TERRITORIAL INTEGRITY OF CHINA

On 1 December 1950, the General Assembly adopted resolution 383(V)⁶² instructing the Interim Committee to continue its enquiry and to report to the Assembly at its sixth session on the question of the complaint concerning: "Threats to the political independence and territorial in-

tegrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-

⁶⁰ For prior consideration of the question, see Y.U.N., 1950, pp. 287-98.

⁶¹ See under these headings.

⁶² See Y.U.N., 1950, p. 385.

Soviet Treaty of Friendship and Alliance of 14 August 1945 and from Soviet violations of the Charter of the United Nations". Since the fifth session continued until the beginning of the sixth, the Interim Committee was not able to continue its enquiry. Accordingly, on 13 November 1951, the Assembly decided to refer the question to the First Committee, which considered it at its 502nd to 506th meetings from 26-29 January.

Opening the general debate on the item, the representative of China summarized the provisions of the 1945 Sino-Soviet Treaty of Friendship and Alliance and accused the USSR of violating its terms. Among the terms cited was Article 5, which had provided for collaboration between the two parties on the basis of mutual respect for each other's sovereignty and territorial integrity, and for non-intervention in each other's internal affairs. The representative of China stated, *inter alia*, that the USSR had abused the privileges in Manchuria which it had received under the Yalta agreements by the systematic plundering of industrial equipment and by strengthening the position of the Chinese Communists, for example, by permitting them to occupy towns and by disarming locally recruited troops of the Chinese Government. The evacuation of Soviet troops had been carried out according to a plan designed to transfer power to the Chinese Communists. The Soviet authorities, he said, had also issued vast quantities of arms and equipment to the Chinese Communists and had provided them with German, Japanese and Russian experts. Agents of the Comintern had always played an outstanding part in the history of the Chinese Communist Party and, in recent times, a large staff sent by Moscow had considerably facilitated the work of sovietizing China.

The representative of China said that, since the Yalta Agreement, USSR policies had been aimed at the absorption of Northern China. The USSR had already taken over Outer Mongolia and was on the way to taking over Manchuria and Sinkiang. He also alleged that Soviet plans for expansion went beyond China's southern and south-western borders.

The representative of China submitted a draft resolution providing that the General Assembly should:

(1) note that the 1945 Sino-Soviet Treaty provided, *inter alia*:

(a) that the Contracting Parties "agree . . . to act in accordance with the principles of mutual respect for each other's sovereignty and territorial integrity and non-intervention in each other's internal affairs", and

(b) that the "Soviet Government agrees to render China moral support and assist her with military supplies and other material resources, it being understood that this support and assistance will go exclusively to the National Government as the Central Government of China"; (2) find that the USSR had obstructed the efforts of the National Government of China in re-establishing Chinese national authority in the three Eastern Provinces (Manchuria) after the surrender of Japan, and had given military and economic aid to the Chinese Communists against the National Government of China; and (3) determine that the USSR, in its relations with China since the surrender of Japan, had violated the 1945 Treaty.

Support for the draft resolution was expressed by the representatives of Bolivia, Brazil, Colombia, Costa Rica, Cuba, Peru, the Philippines, Thailand and the United States. The representative of the United States said that the issue of whether the USSR had honoured its commitments to China depended on four basic questions: (1) had the USSR worked with the Chinese National Government as it had promised; (2) had it given economic assistance; (3) had it given moral, material and military support; and (4) had it shown respect for the complete sovereignty of the National Government? The representative of Peru stated that, whatever the shortcomings of the National Government of China, its overthrow would have been impossible but for the intervention of the Soviet Union.

Several representatives took the view that discussion of the threats to China complained of in the draft resolution, whether they considered the allegations well-founded or not, and action by the Assembly along the lines recommended would only serve to increase international tension. Among them were the representatives of Australia, Burma, France, Guatemala, India, Indonesia, Israel, Mexico, Syria and the United Kingdom.

The representative of the USSR said that the falsity of the "Kuomintang" accusations had been proved at the two previous sessions. Their object was to prove that the political upheaval in China had been caused by foreign interference; but in reality, as the United States Secretary of State, Mr. Dean Acheson, had officially stated, the "Kuomintang" regime had been overthrown because of its inherent weaknesses and because it had lost the confidence of the Chinese people.

The Treaty of 14 August 1945 had been rescinded by the Chinese people when they set up the Central Government of the People's Republic of China. That Government had, on 14 February 1950, concluded an agreement of friendship, alliance and mutual aid with the USSR Government.

In any event, the "Kuomintang" charges could not be accepted since they came from a delegation which no longer represented any government and which had usurped the legitimate place of China in the United Nations. The falsity of the charges was illustrated by the fact that, in the 1950 treaty, the USSR Government had, without compensation, transferred to the Chinese Government all rights connected with the mutual exploitation and the property of the Changchun railways, the rights in the bases of Dairen and Port Arthur, the entire property of USSR land organizations in Manchuria, and all buildings which had previously belonged to Chinese organizations. Very favourable credits had been given with a view to developing the economy of the Chinese People's Republic. Article 1 of the 1945 Treaty had given expression to the fundamental commitment, which the USSR had made at Yalta, to assist in the liberation of China from Japanese occupation. The USSR had strictly complied with the Treaty, but had not assumed any responsibility to assist the "Kuomintang" in the internal conflict in China. In accordance with the Treaty, the USSR had not interfered in the internal affairs of China and, unlike the United States, had not taken sides in the civil war. There was a threat to the territorial integrity and political independence of China, but it came from the United States. For more than a century the United States had intervened in China's internal struggles with the aim of transforming it into an American colony and base. Those American policies were currently being illustrated in Taiwan and Korea, in violations of Chinese airspace and the bombing of Chinese villages.

The representative of the USSR made a detailed reply to the charges which had been made and stated that in all respects the USSR had strictly observed the provisions of the Treaty. In reply to the accusations that the USSR supplied the Chinese Communists with military material, he pointed out that, even before the defeat of Japan, the People's Liberation Army of China had possessed a substantial military potential, having won its arms from the Japanese and the "Kuomintang" troops. Official sources of the "Kuomintang" and the United States had acknowledged that most of the equipment which the United States had supplied to the Chinese National Government had fallen into the hands of the Communists.

Those views, broadly speaking, were also expressed during the debate by the representatives

of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR.

In reply to points raised by the USSR representative, the representative of China said that the reason why the agreements of 1950 compared favourably with those of 1945 was that the regime in the three Eastern Provinces was an instrument of Soviet policy, and it made no difference who had the nominal control of ports and railroads. He said that, in the course of 100 years, the United States had not sought any Chinese territory or port or the control of any railways or mines. Lend-lease aid and UNRRA assistance had been given without any political or economic conditions. The United States had neither sought nor received any political or economic concessions in Taiwan. In conclusion, he stated that the United Nations was not being asked for material aid but merely to tell the world the real causes of the events in China.

After the representative of China had accepted an amendment by the representative of Thailand (A/C.1/715), substituting the words "failed to carry out" for the word "violated" in the final paragraph of the draft resolution, the First Committee on 29 January, by a roll-call vote of 24 to 9, with 25 abstentions, adopted the Chinese draft resolution, as amended by Thailand.

The draft resolution recommended by the First Committee (A/2098) was adopted at the 369th plenary meeting of the General Assembly on 1 February 1952 (resolution 505(VI)) by a roll-call vote of 25 to 9, with 24 abstentions. The voting was as follows:

In favour: Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Greece, Haiti, Honduras, Iraq, Lebanon, Liberia, Nicaragua, Panama, Paraguay, Peru, Philippines, Thailand, Turkey, United States, Uruguay, Venezuela.

Against: Burma, Byelorussian SSR, Czechoslovakia, India, Indonesia, Israel, Poland, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Argentina, Australia, Belgium, Canada, Denmark, Egypt, Ethiopia, France, Guatemala, Iceland, Iran, Luxembourg, Mexico, Netherlands, New Zealand, Norway, Pakistan, Saudi-Arabia, Sweden, Syria, United Kingdom, Yemen, Yugoslavia.

Resolution 505(VI) read:

"The General Assembly,

"Considering that it is a prime objective of the United Nations "to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained",

"Noting that the Republic of China and the Union of Soviet Socialist Republics concluded on 14 August 1945 a Treaty of Friendship and Alliance which provides, inter alia,

"(a) That the Contracting Parties "agree ... to act in accordance with the principles of mutual respect for

each other's sovereignty and territorial integrity and non-intervention in each other's internal affairs", and

"(b) That "the Soviet Government agrees to render China moral support and assist her with military supplies and other material resources, it being understood that this support and assistance will go exclusively to the National Government as the Central Government of China",

"Finding that the Union of Soviet Socialist Republics obstructed the efforts of the National Government of

China in re-establishing Chinese national authority in the three Eastern Provinces (Manchuria) after the surrender of Japan and gave military and economic aid to the Chinese Communists against the National Government of China,

"Determines that the Union of Soviet Socialist Republics, in its relations with China since the surrender of Japan, has failed to carry out the Treaty of Friendship and Alliance between China and the Union of Soviet Socialist Republics of 14 August 1945."

K. THE QUESTION OF CHINESE REPRESENTATION

The Special Committee, established by General Assembly resolution 490(V)⁶³ of 19 September 1950 to consider the question of Chinese representation, met on 16 October 1951. It rejected, by 5 votes to 2, a Polish proposal to recommend that the Assembly exclude the representatives of the National Government of China and invite the representatives of the Central People's Government of the People's Republic of China. By 5 votes to 1, with 1 abstention, the Special Committee authorized its Chairman to inform the Assembly that, in the circumstances, it had been unable to make any recommendation on the question of the representation of China.

At the final meeting of the fifth session of the General Assembly—the 332nd meeting on 5 November 1951—the President proposed that the Assembly take note of the Committee's report (A/1923). An oral USSR proposal that the question of the representation of China in the United Nations be referred to the Assembly's sixth session was rejected by 20 votes to 11, with 11 abstentions, and the President's proposal was adopted by 36 votes to 5, with 2 abstentions, as resolution 501(V).

During the Assembly's sixth session, on 6 November 1951, the USSR proposed (A/1941) that the question of the representation of China in the United Nations be included in the agenda of the sixth session. In an explanatory note, the USSR stated that the settlement of this question had been inadmissibly delayed. There were still no legal representatives of the People's Republic of China either in the General Assembly or in the other organs of the United Nations, and the representatives of the "Kuomintang group", who did not have the right to represent China, were still speaking on behalf of China. The General Assembly and the other organs of the United Nations, it was maintained, would be unable to function normally until the People's Republic of China was represented in the United Nations.

The Assembly's General Committee considered the USSR proposal at its 77th meeting on 10 November. The representative of Thailand orally proposed a draft resolution which would:

(1) note that the General Assembly, at its fifth session, had determined that it did not wish to take action on the question of Chinese representation without serious consideration and, for that purpose, had established a committee to consider the question and to make a recommendation;

(2) note that as recently as 5 November 1951 the Assembly had expressed its desire not to refer the matter for consideration to the sixth session, thereby expressing the sense of the Assembly that the consideration of the question was not opportune or appropriate;

(3) recommend that the Assembly reject the USSR request for the inclusion of the item in the agenda of the sixth session; and

(4) recommend that the Assembly postpone consideration, for the duration of the sixth session, of any further proposals to exclude representatives of the National Government of China from the Assembly or to seat representatives of the Central People's Government of the People's Republic of China to represent China in the Assembly.

After the representative of Poland had spoken in support of the USSR proposal, and the representatives of China, the United Kingdom and the United States in support of the Thailand proposal, the General Committee, by 11 votes to 2, with 1 abstention, adopted the Thailand proposal.

The recommendation (A/1950) of the General Committee concerning this item was considered by the General Assembly at its 342nd plenary meeting on 13 November.

The representative of the USSR, supported by the representatives of Czechoslovakia and Poland, considered that the decision of the General Committee was contrary to international law, the rules of procedure and the Charter, which condemned intervention in matters falling within the domestic jurisdiction of any State. They argued that the

⁶³ See Y.U.N., 1950, p. 429.

Central People's Government enjoyed the support of the entire Chinese people and exercised full governmental control over the whole of Chinese territory with the exception of a few islands. The "Kuomintang representatives", they said, represented no one but themselves and owed their seats to the protection of the United States. In reply to the charge that the Central People's Government had committed an act of aggression in Korea, those representatives declared that it was the United States which was waging war in Korea and committing acts of aggression against the peace-loving Chinese people.

The representative of Burma also strongly pressed for the inclusion of the item in the agenda. He said that the real China was not represented. He urged the Assembly to accept the position that the Government of the People's Republic of China on the mainland of China was the effective and legitimate government of the Chinese people. That Government, he was convinced, was effective, honest and sincere, and was in office with the backing and approval of a majority of the common people of China on the mainland.

The representative of China replied that the Peiping regime did not contain a single official elected by the people of China and had not issued a single law with their consent. His own Government, he said, was based on a Constitution passed by the representatives of the people. The President of his Government had been elected by the representatives of the Chinese people and the executive was responsible to a legislature, the members of which had all been elected by the Chinese people.

The representatives of Australia, the Philippines, Thailand, the United Kingdom and the United States spoke in support of the recommendation of the General Committee. These representatives recalled that, by resolution 498(V) of 1 February 1951, the General Assembly had condemned the Central People's Government for committing an act of aggression in Korea. That

Government could hardly be held to qualify for admission into the very Organization against which it was engaged in aggression. They also pointed out that the USSR proposal concerning Chinese representation had been made on some 90 occasions in various organs of the United States and no useful purpose would be served by continuing the debate at that time.

The General Committee's recommendation was then adopted by 37 votes to 11, with 4 abstentions.

In its report (A/1983) to the sixth session, the Credentials Committee stated that the representative of the Byelorussian SSR had proposed that the credentials of the representatives of the National Government of China should not be considered valid. The Committee had rejected this proposal, in view of the General Assembly's decision of 13 November 1951.

The report of the Credentials Committee was considered by the General Assembly at its 351st plenary meeting on 7 December 1951. At that meeting the representative of the Byelorussian SSR submitted a draft resolution (A/1996), providing that the Assembly should regard as invalid the credentials of the representative of the "so-called Kuomintang Government" since those credentials did not satisfy the requirements of rule 27 of the rules of procedure of the General Assembly. In support of this draft resolution, he said that the "Kuomintang" Government, which had been expelled by the Chinese people and had taken refuge on the island of Taiwan, was no longer the legitimate government representing the Chinese people. It had, therefore, he maintained, lost all moral and legal right to speak in the United Nations in the name of China.

The President stated that he would regard the draft resolution as a motion for a reconsideration of the Assembly's decision of 13 November 1951. This motion, however, was rejected by 39 votes to 7, with 4 abstentions. The report of the Credentials Committee was then adopted by 32 votes to 5, with 7 abstentions.

L. THE INDEPENDENCE OF LIBYA

On 24 December 1951, King Mohamad Idris Al Mahdi Al Senussi proclaimed the independence of the United Kingdom of Libya, and the new Libyan Government applied on that day for membership in the United Nations (S/2647). In

accordance with Assembly resolutions 239(IV) and 387(V),⁶⁴ the United Nations Commissioner in Libya, Adrian Pelt, with the aid and advice of

⁶⁴ For text of these resolutions, see Y.U.N., 1948-49, pp. 275-77, and Y.U.N., 1950, pp. 354-55.

the Council for Libya,⁶⁵ during the year assisted in completing arrangements under which the Libyans would take over the reins of government. The Economic and Social Council made recommendations for providing economic and technical assistance to Libya; the Assembly also considered that matter as well as the political settlement, the problem of war damages, and the boundary settlement between Libya and Egypt.

1. Consideration by the Economic and Social Council of Technical and Financial Assistance

The Economic and Social Council had before it at its thirteenth session a report by the Secretary-General (E/2042) on the steps taken to fulfil the General Assembly resolution on providing technical and financial assistance to Libya. The Assembly (resolution 387(V)) had urged the Council, the specialized agencies and the Secretary-General to extend to Libya, in so far as they might be in a position to do so, such technical and financial assistance as it might request in order to establish a sound basis for economic and social progress. In its resolution 289 A (IV), the Assembly had also empowered the United Nations Commissioner in Libya to offer suggestions to the General Assembly, to the Economic and Social Council and to the Secretary-General for measures which the United Nations might adopt during the transitional period regarding Libya's economic and social problems. The Secretary-General's report gave a brief factual account of the technical assistance furnished to Libya, to date, by the United Nations and the specialized agencies, in response to requests from the Administering Powers.

At the outset of its debate, at the 539th plenary meeting on 6 September 1951, the Council heard a statement by the United Nations Commissioner in Libya, who emphasized that Libya would stand in urgent need of external aid once its independence had been achieved at the end of 1951. He assured the Council that, in accordance with the directives of the General Assembly, the United Nations and the specialized agencies had given whole-hearted support to requests for technical assistance to Libya in the economic and social fields as well as in the field of public administration. Those requests had been submitted by the Administering Powers with the concurrence of the local Libyan territorial governments

and of the Provisional Libyan Government. Libya, however, urgently needed financial as well as technical assistance, particularly for basic developments in the field of agriculture, education and public health, which offered no immediate returns. The United Nations Commissioner had understood that the General Assembly and the Council were not favourably inclined towards the establishment of a United Nations grant-in-aid programme for Libya; however, he was glad to report to the Council that the Administering Powers and certain other governments he had approached had made positive commitments of help towards the new State by providing capital or by making annual contributions to help promote the country's economic development and to maintain its administrative budget. He urged the Council to reiterate its interest in Libya as a special responsibility of the United Nations, and to request the Technical Assistance Board to bear that responsibility in mind. He further welcomed the agreement which the Board had already reached to relieve Libya, during the initial years of its independence, of the obligation to pay the local costs of such technical assistance as it might request.

The representatives of Belgium, China, France, Iran, Pakistan, the Philippines, the United Kingdom and the United States expressed satisfaction at the measures taken by the United Nations and specialized agencies to provide technical assistance to Libya, and there was general support for the principle that such assistance should continue, without interruption, after Libya had achieved independence, in response to requests which would be submitted by the Libyan Government and in accordance with the fundamental principles of Council resolution 222 A (IX).⁶⁶ The representatives of Chile, India and Pakistan, while welcoming the decision of certain governments to give financial aid to Libya, regretted that a way had not been found of providing financial assistance to the new State through the United Nations.

The Egyptian observer who, at his request, was permitted by the Council to participate in the debate, stated that the United Nations had a spe-

⁶⁵ The Council for Libya was established in accordance with Assembly resolution 289(IV). It had ten members, one representative of each of the following countries: Egypt, France, Italy, Pakistan, the United Kingdom, and the United States; one of each of the three regions of Libya, and one representative of the minorities in Libya.

⁶⁶ This resolution laid down the principles and procedures for the United Nations Expanded Programme of Technical Assistance for Under-developed Countries. For its text, see Y.U.N., 1948-49, pp. 443-46.

cial responsibility for the future of Libya, particularly in the field of technical assistance. He made reservations regarding the currency system being prepared for Libya.

France, Pakistan and the United Kingdom submitted a joint draft resolution (E/L.248) proposing that the Council note the report of the Secretary-General and transmit it to the sixth session of the Assembly. It was replaced by a second joint draft resolution (E/L.261) which took into account the remarks of the various representatives. The representative of the USSR stated that his delegation would abstain from voting because neither the report by the Secretary-General nor the draft resolution cast sufficient light on the actual extent of the assistance being granted to Libya. With minor amendments, the draft was adopted by the Council by 15 votes to none, with 3 abstentions.

The resolution (401(XIII)) read:

(1) recalled the special responsibility of the United Nations for the future of Libya;

(2) took note of the provisions of General Assembly resolutions 387(V) and 398(V) concerning technical and financial assistance for Libya;

(3) noted that further steps were being considered by the Administering Powers and other governments to aid Libya so as to establish its financial viability; and

(4) requested the Technical Assistance Board to continue to grant Libya technical assistance, at its request, after its independence had been achieved and before it became a Member of the United Nations or of a specialized agency participating in the expanded programme, under such arrangements as might be appropriate in view of the economic and administrative conditions prevailing during the initial period of Libya's independence. The resolution further took note with appreciation of the report of the Secretary-General on the provision of technical assistance to Libya, and decided to transmit that report to the Assembly's sixth session, together with the records of the proceedings of the Council on the subject of technical and financial assistance to Libya.

2. Consideration by the General Assembly of the Reports of the United Nations Commissioner and of the Administering Authorities

At its sixth session, the Assembly had before it the following reports from the United Nations Commissioner and the Administering Powers for Libya:

(i) Two reports by the Administering Powers; one, an annual report submitted by France on the administration of The Fezzan (A/1970 and Add.1); the second, an annual report submitted by the United Kingdom on the administration of Cyrenaica and Tripolitania (A/2024), with a supplement (A/2024/Add.1).

(ii) Two reports by the United Nations Commissioner, prepared in consultation with the Council for Libya; one, the Commissioner's second annual report (A/1949), covered the period from 25 October 1950-27 October 1951; the second, a supplementary and final report (A/1949/Add.1) dated 8 January 1952, dealt with events from 27 October-24 December 1951.

b. REPORTS OF THE ADMINISTERING POWERS

The French Government report dealt with the developments in The Fezzan during the year under the following headings: political; finance and budget; agriculture; social conditions; trade; public works; education; hygiene and public health; missions; technical assistance.

Among the matters discussed in the report were the participation by representatives of The Fezzan in the Libyan National Assembly on the drafting of the constitution for Libya, and the steps by which the administration of the territory was gradually turned over to the Fezzanese.

The French Government reported that it had proved impossible to balance) the budget in the financial year 1950, and that France had provided grants totalling 97,204,680 francs to cover the deficit.

The report also discussed the work of several French missions, in addition to the technical assistance missions, which had been working in The Fezzan during the year in the fields of education, crop protection, parasitology, agronomy, and hydrology.

The United Kingdom reported on developments in Cyrenaica and Tripolitania under the following headings: administration; training of Libyans; social services; technical assistance; public works; agriculture; veterinary and forestry; commerce and industry; finance and budget.

The report included a discussion of the measures taken to transfer control over internal affairs to the inhabitants of Tripolitania and Cyrenaica, and noted the progress made toward the induction of Libyans into administrative posts. Progress also was shown in social welfare and economic developments, it was stated.

In anticipation of the federation of Cyrenaica and Tripolitania in the United Kingdom of Libya, a common tariff system for both territories was initiated in July 1951. The factors contributing to annual budgetary deficits in the two territories were also reported. The report noted the contributions of the United Nations technical assistance missions and the local public works programmes towards the strengthening of the Libyan economy.

b. REPORTS OF THE UNITED NATIONS COMMISSIONER

(1) Constitutional Developments

The Commissioner reported that a National Assembly, representative of the inhabitants of Cyrenaica, Tripolitania, and The Fezzan, which the General Assembly had recommended (resolution 289 A (IV)) should draft the Libyan Constitution and determine the form of government, first met on 25 November 1950. Each of the three regions had appointed an equal number of representatives to the 60-member National Assembly. Some uneasiness was caused, the Commissioner observed, because equal representation did not reflect the fact that the population of Tripolitania was greater than that of either of the two other regions and because the representatives were appointed rather than elected by the people. The decisions had been taken by the "Committee of Twenty-One", made up of an equal number of representatives from the three regions, which the Council for Libya had constituted for the purpose.

The Commissioner, fearing that the arrangements might throw doubt upon the legality of the National Assembly and the validity of any decisions it might take, had formulated for incorporation in the draft constitution proposals to offset such a reaction. These he had intended to transmit as advice to the National Assembly. He urged that both houses in the bi-cameral legislature be elected, the lower chamber by proportional representation, and that provisions be incorporated which would make it possible to alter the constitution readily. The Council for Libya expressed concern that the National Assembly might consider such advice undue interference with its work. Accordingly, it adopted a resolution containing "suggestions" which did not go as far as those of the Commissioner. He transmitted those suggestions along with his own advice to the National Assembly.

The Commissioner reported that the National Assembly, soon after it convened, took several decisions which influenced the shape of the constitution. On 27 November 1950 it adopted unanimously and by acclamation the principle that the Libyan State should be federal in form. It decided unanimously that Libya should be a monarchy, with His Highness the Amir Mohamad Idris Al Mahdi Al Senussi as King. The National Assembly established a Committee on the Constitution which, with the aid of a subsidiary working group, drafted the Libyan Constitution, both bodies holding frequent consultations with the United Na-

tions Commissioner. Meanwhile, the Council for Libya held occasional meetings to consider the progress being made. On 29 March 1951, the National Assembly adopted a resolution unanimously establishing a Provisional Federal Government.

The National Assembly began debate on the draft constitution on 10 September 1951. The Commissioner reported that differences developed over several issues: (1) whether the capital should be in Benghazi or in Tripoli; (2) whether the Government should be terminated through a vote of censure by a simple majority or by a two-thirds majority; (3) whether authority over customs should reside with the federal authority or the provincial authorities. The Commissioner referred to his consultations with the Libyans in an effort to reach a compromise on those issues. On 7 October 1951 the National Assembly unanimously adopted the draft constitution.

"It may be truly stated," the Commissioner informed the General Assembly, "that the Libyan Constitution is of a democratic nature. The King is a constitutional monarch and exercises his powers through his Ministers who are responsible to an elected Chamber of Deputies. With regard to human rights, the Constitution generally follows the principles of the United Nations Universal Declaration of Human Rights. Considering the prevailing circumstances in Libya, the Constitution is not only democratic in concept but provides opportunity for progressive development."

(2) Transfer of Powers to the Provisional Government

The Commissioner reported on the steps he had taken to fulfil the General Assembly mandate (resolution 387(V)) that he, aided and guided by the advice of the members of the Council for Libya, should proceed immediately to draw up a programme, in co-operation with the Administering Powers, for the transfer of power in a manner which would assure that all powers at present exercised by them should, by 1 January 1952, have been transferred to the duly constituted Libyan Government.

The Commissioner appointed a Co-ordination Committee, on which the Administering Authorities and spokesmen for the three regions of Libya were represented, to plan for the transfer of powers to the Provisional Federal Government. The Council for Libya approved a plan of transfer on 8 October 1951 under which powers were gradually transferred, the last powers being turned over in December 1951. The Commissioner reported that a federal administration had been created, with 37 of the 61 posts filled by December 1951.

The Provisional Libyan Government was terminated on 24 December 1951 when the King proclaimed Libya independent and sovereign, and announced that the Libyan Constitution had come into force. Cyrenaica, Tripolitania and The Fezzan now became provinces of a federated Libya, each having a governor appointed by the King. Under an electoral law adopted by the National Assembly, on the provisions of which the Commissioner had advised, the first elections in Libya under the new constitution were planned for 19 February 1952.

(3) Monetary and financial Questions and Institutions for Economic and Social Development

The Commissioner called upon the Governments of Egypt, France, Italy, the United Kingdom and the United States, because of their direct interests in Libya, to appoint a panel of experts to advise him on such matters as the currency unit, budget, and the financial institutions of the new state.

(a) THE LIBYAN CURRENCY

The experts made recommendations on the unit of currency, its value, and on a 100 per cent foreign exchange reserve for the currency. The Provisional Libyan Government announced its acceptance of the United Kingdom invitation to join the sterling area, which had been coupled with the offer to provide the sterling backing for the Libyan currency and to cover any deficits in the balance of payments. A Preparatory Currency Committee arranged for the issuance of a new currency which, the Commissioner reported, would replace the three currencies in circulation by February 1952. On 24 October 1951 the Provisional Libyan Government adopted a law creating a Libyan Currency Commission having on it British, Egyptian, French and Italian nationals as well as members from Libya.

The United Kingdom offered to make good the deficit in the Libyan budget, subject to the provision of satisfactory safeguards. The Commissioner reported that on 13 December 1951 the Provisional Libyan Government had concluded a temporary agreement with the United Kingdom based upon the offer. The agreement also provided for financial assistance to the administrations of Cyrenaica and Tripolitania. France also undertook to provide financial assistance in a temporary agreement concluded by an exchange of letters on 13

and 14 December 1951. The Commissioner observed that, with those arrangements, the Libyan Government was assured of sufficient financial assistance to cover the deficit through the budget year 1952-53, and that aid would be forthcoming only upon the request of the Libyan Government.

The experts made recommendations for mobilizing foreign capital, both to finance programmes and projects for the development of Libya and to counteract the frequent effects of droughts. They proposed the establishment of a Libyan public development and stabilization agency to provide funds for public projects, works and programmes, and a Libyan finance corporation to grant medium and long-term loans for either public or private enterprise in the field of economic development. Its £1 million (Libyan) capital was to be subscribed by foreign governments. On 20 December 1951, the Provisional Libyan Government enacted legislation incorporating the recommendations.

(4) Technical Assistance to Libya

The Commissioner reported that technical assistance had been provided to Libya on the basis of requests by the Administering Authorities after consultation with the territorial Governments and, after its establishment, with the Provisional Libyan Government. Agreements entered into with the United Nations, the Food and Agriculture Organization, the International Civil Aviation Organization, the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization specified the conditions under which the signatory organizations would tender technical assistance by appointing experts, by awarding fellowships or scholarships, or by arranging for the use of technical facilities. Ultimately, a mission of 26 experts from those organizations was assigned the task of preparing recommendations to be made to the Libyan Government for a plan for the country's economic and social development.

The Commissioner gave a preliminary account of the mission's findings. In view of the basic poverty of Libya's natural resources, no possibilities, it was stated, existed for spectacular projects which might offer great hope of immediate results. Agriculture and the expansion of the fishing industry offered some promise. The core of any economic and social development plan would have to be an educational and training programme. Libya also required aid in the field of public ad-

ministration. Programmes in the first year would probably cost about \$6 million.

The Commissioner observed that it was indispensable, if the United Nations decisions in Libya were to bear fruit, to continue economic aid for several years to come in a form adapted to the country's particular conditions.

**c. DISCUSSION BY THE Ad Hoc
POLITICAL COMMITTEE**

The reports of the United Nations Commissioner and the Administering Powers were considered by the Assembly at its sixth session, at the 48th to 54th meeting of the Ad Hoc Political Committee from 23-28 January 1952.

Representatives of the United Kingdom of Libya and of Italy asked to be allowed to participate in the discussions (A/AC.53/L.38 and A/AC.53/L.37). On 23 January 1952 the Chairman, with the consent of the Committee, invited both to take seats at the Committee table; he also invited the United Nations Commissioner in Libya to participate in the discussion.

The Commissioner opened the discussion with a summary of his reports. He emphasized that the new Government would have to cope with very difficult economic and financial problems, requiring substantial financial assistance for a number of years. He believed the United Nations could be justly proud of its decision to create an independent Libyan State. He expressed his indebtedness to the Administering Powers for their co-operation and to the Council for Libya for its advice.

The representatives of both the Administering Authorities, the United Kingdom and France, referred to the support they had given to the attainment of Libyan independence. The United Kingdom, it was stated, had provided nearly £1,500,000 a year during a period of economic difficulty. Many British administrative officials had become the employees of Libyan provincial administrations and were assisting Libyan officials who were now assuming sole charge of the administrative machinery of the new independent State. The United Kingdom would willingly forgo the services of those British officials still required by the Libyan Government. France, it was said, had participated in the surveys of technical assistance needs and had adopted the necessary measures to implement the Assembly resolution 388(V), which concerned the disposal of Italian property in Libya.

The representative of the United Kingdom of Libya expressed the gratitude of the Libyan people and of King Idris for the recognition and support given by the United Nations in the establishment of Libyan independence. Libya, he said, would continue to support the principles of the Charter and of the Universal Declaration of Human Rights. He reiterated Libya's desire for membership in the United Nations. He expressed confidence that the United Nations would continue to concern itself with the future of the new State and would, by its support, enable Libya to consolidate its sovereignty.

The representatives of the following countries spoke favourably of the political settlement in Libya: Afghanistan, Australia, Brazil, Chile, China, El Salvador, Ethiopia, France, Greece, Haiti, India, Iraq, Israel, Liberia, the Netherlands, New Zealand, Nicaragua, Turkey, United Kingdom, United States, Uruguay and Venezuela. Several of the representatives stressed the importance of economic and technical assistance for Libya, and urged, also, that Libya be admitted to membership in the United Nations. The representatives of Greece, Turkey and the Philippines suggested that Libya should now be left free to solve its problems without undue interference by the United Nations.

The representative of El Salvador recalled objections expressed in the Assembly in 1950 to the method of designating the members of the Libyan National Assembly, since he and other representatives then believed that the members should be elected by direct suffrage and that each of the three territories should have a number of seats proportionate to the size of its population. Nevertheless, he stated, members were unanimous in welcoming the new State's attainment of independence.

The representatives of India and Iraq expressed the hope that the Great Powers would ensure that the new State would not become the victim of power politics.

The observer for the Italian Government supported the political settlement arrived at in Libya, and expressed the readiness of his Government to co-operate in any plan for technical assistance to Libya.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR stressed that the immediate task of the Assembly was to call for all foreign troops to leave Libya, and for foreign bases to be abandoned. The representative of the Byelorussian SSR stated that the United States, the United Kingdom

and France had forced the Libyan people to accept a federation which was contrary to their national interests and under cover of which those Powers had divided Libya into spheres of influence. The United Nations Commissioner in Libya, he maintained, had acted throughout in the interests of those Powers and had not defended the interests of the Libyan people.

The representative of Egypt offered the following criticisms of the political settlement in Libya:

(1) Tripolitania, which accounted for more than two thirds of the population of Libya, was given equal representation with The Fezzan and Cyrenaica in the National Assembly that drafted the constitution; (2) Tripolitania was also placed at a disadvantage in the Senate which had important legislative functions in the bi-cameral arrangement and in which the three provinces had equal representation also; (3) the federal system was unsuited to Libya, being suitable to countries having a high degree of political, economic and social development; (4) the arrangements under which the Libyan Constitution was drafted did not conform to the mandate of the General Assembly; and (5) the financial and monetary arrangements with the United Kingdom were to the disadvantage of Libya and would impede the Libyan Government's freedom of action. The Egyptian representative asked the United Nations Commissioner several questions concerning the degree of freedom enjoyed by the Libyan people during the drafting of the constitution. These concerned alleged instances of the suppression of public meetings and of the Press.

The representative of Pakistan observed that, while there were grounds for criticisms, Libya's interests were, on the whole, safeguarded.

The representative of the United Kingdom replied to the Egyptian criticisms with the observation that the Administering Powers had faithfully honoured the basic principles of the General Assembly resolution by having the Libyan people themselves determine the form and structure of their future government. The Constitution of Libya, he observed, provided sufficient answer to any accusations that the new Kingdom was not united. He stressed the fact that the United Kingdom had relinquished all its authority as Administering Power and had been scrupulously careful not to infringe upon the independence of the Libyan people. He wished to assure the Committee that the temporary financial agreement concluded between Libya and the United Kingdom in no way limited the independence of the Libyan Government or people. The Libyan economy was in a state of chronic deficit and it was to remedy this situation that the United Kingdom had proposed the monetary plan resulting in the agreement with Libya, entered into on a basis of equality.

In reply to the questions asked by the representative of Egypt, the United Nations Commissioner stated that, as Commissioner, he had had no competence to intervene in the administration of the territories; that the Libyan Constitution had not been in force at the time that the instance cited had occurred; and that the political rights of the Libyan people were not clearly defined during the transition period. It was a tribute to the Libyan people, he felt, that independence had been achieved without violence and bloodshed.

The Commissioner remarked that he had never hidden a certain feeling of uneasiness about the financial assistance that some countries had undertaken to afford Libya and he had made that plain in his various reports. That, the Commissioner stated, did not imply that it was necessary to change immediately the financial agreements concluded between Libya, the United Kingdom and France; but it would be desirable, when the existing bilateral agreements expired, for a comprehensive international scheme for financial and economic aid to Libya to be prepared by Libya and the contributing States.

The representative of Libya expressed his warm support for the Commissioner's statements, and considered that the questions raised by the Egyptian representative were based on inaccurate and possibly tendentious information. If newspapers had been temporarily banned, it was because they had published articles likely to disturb public order. It was the firm intention of the Libyan Government to ensure that the elections, which were due to take place shortly, should be of a free and democratic character, so that all electors could vote without fear or compulsion. As regards the temporary financial agreements, he emphasized that these were subject to ratification by the parliament shortly to be elected under the country's Constitution. The door was being deliberately left open, however, for all States which sincerely wished to afford Libya economic and financial aid, provided that such aid was not prejudicial to the country's independence and sovereignty.

d. DRAFT RESOLUTIONS CONSIDERED BY THE Ad Hoc POLITICAL COMMITTEE

(1) A joint draft resolution by Australia, Chile, Denmark, Greece, Iraq, Liberia, New Zealand, Nicaragua, Peru, the Philippines, the United States and Uruguay (A/AC.53/L.39) would have the Assembly:

(i) congratulate the people and the Government of the United Kingdom of Libya on the establishment of Libyan independence;

(ii) note that national elections would be held in Libya in the near future in accordance with the provisions of the Constitution of the United Kingdom of Libya;

(iii) request the Secretary-General and the specialized agencies to continue to extend to Libya, upon its request, such technical assistance as they might be in a position to render in accordance with the principles of their technical assistance programmes; and

(iv) state that, since Libya had been established as an independent and sovereign State and had applied for membership in the United Nations, it should now be admitted to the Organization in accordance with Article 4 of the Charter and the Assembly's previous recommendations on that subject.

(a) An amendment by the USSR (A/AC.53/L.43) to the joint draft would delete the paragraph on the admission of Libya to the United Nations. The USSR representative stated that the submission of the matter to the General Assembly without prior consideration by the Security Council was a violation of the Charter. Moreover, the First Committee had decided that the Security Council should be called upon to reconsider the thirteen pending applications and to consider Libya's application for admission.⁶⁷

(b) A joint amendment by Egypt, Saudi Arabia, Syria and Yemen (A/AC.53/L.41 and Rev.1) and a Chilean amendment (A/AC.53/L.45 and Rev.1) to the joint amendment. The Chilean amendment, later accepted by the sponsors, modified the provisions concerned with economic matters. The principal changes were:

(i) The joint amendment would have the Assembly note that "free and democratic" national elections would be held.

(ii) The joint amendment called for the establishment of a special account made up of contributions from Members of the United Nations and non-members for the financial assistance of Libya. The Chilean amendment substituted a provision under which the Economic and Social Council would be asked to study, in consultation with Libya, ways and means by which the United Nations with the co-operation of all governments and specialized agencies could, at Libya's request, furnish additional assistance in financing economic and social development. The study was to include the possibility of establishing a special account for voluntary contributions.

(iii) The joint amendment proposed inserting a new paragraph by which the General Assembly would request the Council at its fourteenth session to study measures for the administration of the special account and the utilization of contributions to it. The Chilean amendment changed this into a request that the Secretary-General give the Council the assistance necessary to enable it to carry out the studies regarding Libya and to examine, at Libya's request, the possibility of appointing a financial officer within the terms of the United Nations technical assistance programme to co-ordinate the receipt and supervise the expenditure of sums made available to Libya for meeting deficits in the normal administrative budgets.

(iv) The joint amendment proposed a new paragraph requesting the Secretary-General to include in his annual report on Africa a chapter on Libya, and to assist the Economic and Social Council in studying measures for

the administration and utilization of the special account. The Chilean amendment replaced this with a paragraph requesting the Secretary-General to give special attention to the economic problems of Libya and, as part of the annual World Economic Report, to continue to report on economic developments in Africa, with special attention to the technical assistance and other programmes of the United Nations and the specialized agencies.

The representative of the United States criticized the Chilean amendment, urging that the United Nations should not permit its concern for the economic stability of the new independent State to lead to an infringement of Libya's sovereign right to make its own decisions on matters affecting its major interests. He referred to the arrangements made with Libya for any government to contribute to a Libyan Development and Stability Authority, which was to foster projects for strengthening the economy. Those contributing could be represented on the agency. He noted the provision for a United Nations technical assistant to participate in the activities of the Authority. He observed that all United Nations assistance to Libya should be dealt with as part of the general programme of the Organization for promoting economic development in all under-developed countries.

The representative of Chile replied that a recommendation by the Economic and Social Council regarding methods of financing Libyan economic development could hardly be said to interfere with the arrangements made by that sovereign Government through its own national agency; for, once funds were made available, Libya would be free to use them in accordance with its own legislation. He believed that, generally, the United Nations should take the initiative in soliciting assistance and serve as a channel to direct aid to needy countries. The prestige of the United Nations would be enhanced, he believed, if the Organization demonstrated to under-developed countries that it could be as effective an instrument in solving their economic and social problems as in maintaining collective security. He asked the representative of Libya whether the Chilean proposals would be prejudicial to Libya's sovereignty and to its economic and financial laws. He stated that if they were, he would withdraw his amendment.

The representative of Libya stated that, though not opposed to the ideas of the representative of Chile, he could not give a definite answer immediately and would prefer to leave the proposal to the judgment of the Committee.

⁶⁷ See pp. 199-200.

The Ad Hoc Political Committee, at its 54th meeting on 28 January 1952, rejected the USSR amendment (A/AD.53/L.43) by 47 votes to 5, with 2 abstentions. It adopted the revised joint amendments (A/AC.53/L.45/Rev.1) in votes ranging from 23 to 22, with 3 abstentions, to 42 to none, with 6 abstentions. It adopted the amended draft resolution, as a whole, by 48 votes to none, with no abstentions.

The two other draft resolutions submitted to the Committee dealt with the subject of foreign troops and foreign military installations in Libya. One was submitted by the USSR (A/AC.53/L.40), and the other by Egypt (A/AC.53/L.42).

(2) The USSR draft resolution proposed that the Assembly should call for the withdrawal of foreign troops and the liquidation of foreign military establishments within three months.

(3) The Egyptian draft resolution would have the Assembly state that the presence of foreign troops and the existence of foreign bases vitiated the expression of the will of the people of Libya in connexion with the conclusion of future agreements by the Libyan Government on those matters. It would, accordingly, call for the withdrawal of foreign troops and the handing over of foreign military bases to the Libyan Authorities within six months.

The representatives of the Byelorussian SSR, Czechoslovakia, Egypt, Poland, Syria, the Ukrainian SSR, the USSR and Yemen expressed concern at the continuing presence of foreign troops and military bases in Libya. The representative of the USSR termed the presence of those armed forces and the existence of foreign military bases in Libya a violation of the rights of the Libyan people and an infringement of Libya's sovereignty. He referred to an appeal by the National Congress Party of Libya that a date be fixed for the withdrawal of foreign troops.

The representatives of India and Indonesia considered that the continued presence of foreign troops and military bases in Libyan territory was not compatible with the country's independence. The decisions on those matters, they considered, should be taken by a freely elected Libyan Parliament, without any pressures such as those which might result from the presence of foreign troops and bases in Libya. Thus, they believed, the conclusion of arrangements with foreign governments on those matters was not precluded by the position being advocated.

Several representatives, including those of Brazil, Ethiopia, Uruguay and Venezuela, observed that the matter was solely one for the Libyan Government and implied that any resolution on

the question by the General Assembly would be an encroachment on Libya's sovereignty.

The representative of Burma considered the USSR draft resolution premature, believing action should be taken only after the issue had been decided by the people.

The representative of Pakistan observed that, as a member of the Council for Libya during the entire period of its existence, he was able to assert that neither political leaders nor anyone occupying an important position in the country objected to the presence of those forces.

Several representatives, including those of France, the Netherlands, the United Kingdom, the United States and Venezuela stated that they considered the question of the presence of foreign troops in Libya a matter of domestic concern involving relations between the now sovereign Libya and the governments directly involved.

The representative of Libya observed that the question was the sole concern of the Libyan Government and, as several representatives had indicated, should be decided by the Libyan Parliament. He wished to reaffirm that Libya was in a better position than anyone else to protect and maintain its independence and sovereignty.

The United Nations Commissioner stated that the issue of foreign troops and military installations on Libyan soil had been outside his jurisdiction. Prior to Libyan independence, it had been the concern of the Administering Authorities and, thereafter, the responsibility of the Libyan Government, he said.

The Committee rejected the draft resolution submitted by the USSR (A/AC.53/L.40) by 38 votes to 5, with 10 abstentions, on paragraph 1 and by 32 votes to 6, with 14 abstentions, on paragraph 2.

The USSR proposed an amendment (A/AC.53/L.47) to the Egyptian draft resolution (A/AC.53/L.42), to delete any reference to the conclusion of future agreements for the maintenance of foreign troops and foreign bases. This was rejected by 23 votes to 5, with 18 abstentions. The Egyptian draft resolution was rejected by 29 votes to 13, with 11 abstentions.

e. CONSIDERATION BY THE GENERAL ASSEMBLY IN PLENARY SESSION

The Assembly considered the report of the Ad Hoc Political Committee (A/2097) at its 370th plenary meeting on 1 February 1952. The representatives of France, the United Kingdom and

the United States favoured the deletion of the paragraphs of the draft resolution which had originally been proposed by Chile.

They considered that the arrangements proposed would be an infringement of Libya's sovereignty, and believed that the best approach would be to provide technical assistance to Libya on an equal footing, under arrangements comparable to those entered into with other governments under the United Nations programme.

The representatives of Czechoslovakia, Poland and the USSR opposed the Committee's draft resolution for failing to safeguard adequately the independence of Libya, particularly by ignoring the presence of foreign troops and foreign military bases in Libya. They also objected to the provision in the resolution concerning the admission of Libya to the United Nations, stating that this was a violation of the Charter. If that provision remained, they stated, their delegations would not participate in the vote.

The representative of the USSR submitted a draft resolution (A/2103) similar to that presented in the Ad Hoc Committee, calling for the withdrawal of foreign troops and the liquidation of all foreign military bases.

The representative of Chile stated that the paragraphs criticized by the representatives of France, the United Kingdom and the United States did not in any way infringe the sovereign rights of Libya. He observed that Libya required special treatment, and that the measures were needed to provide assistance on an international basis, since existing international agencies had inadequate facilities for the purpose.

The United Kingdom proposed that the vote on the draft resolution be by a two-thirds majority. That, the representative of Chile stated, was not in accordance with the rules of the Assembly or with the Charter, which specified that the two-thirds vote be used only for resolutions which would have permanent effect or place heavy burdens on Members.

The Chairman ruled that the resolution did not call for a two-thirds majority, and the Assembly approved the ruling by 29 votes to 17, with 5 abstentions.

The Assembly adopted the draft resolution, as a whole, by 53 votes to none, following separate votes on various parts, in which the majorities ranged from 52 to none, with 2 abstentions, to 30 to 16, with 5 abstentions.

It rejected the draft resolution submitted by the USSR (A/2103) by 34 votes to 6, with 10 abstentions.

The resolution adopted (515(VI)) read:

"The General Assembly,

"Recalling its resolution 289 A (IV) of 21 November 1949 and 387 (V) of 17 November 1950 resolving that Libya be constituted a united, independent and sovereign State, and providing for the adoption of certain measures to this end,

"Recalling further its resolution 398 (V) of 17 November 1950 on technical assistance for Libya after achievement of independence,

"Noting the report of the United Nations Commissioner in Libya of 30 October 1951, and his supplementary report of 18 January 1952, prepared in consultation with the Council for Libya, as well as the reports submitted by the Administering Powers in accordance with resolution 289 A (IV) of 21 November 1949,

"Noting with appreciation the part played by the United Nations Commissioner, the Council for Libya and the Administering Powers towards the implementation of the above resolutions of the General Assembly within the time-limit specified in those resolutions,

"Noting that on 24 December 1951 the United Kingdom of Libya was established as an independent and sovereign State, all authority in Libya having been relinquished by the Administering Powers to the Government of the United Kingdom of Libya,

"1. Congratulates the people and the Government of the United Kingdom of Libya on the establishment of Libyan independence in accordance with the provisions of the pertinent General Assembly resolutions;

"2. Notes that free and democratic national elections will be held in Libya in the near future in accordance with the provisions of the Constitution of the United Kingdom of Libya;

"3. Requests the Economic and Social Council to study, in consultation with the Government of the United Kingdom of Libya, ways and means by which the United Nations, with the co-operation of all governments and the competent specialized agencies, and upon the request of the Government of Libya, could furnish additional assistance to the United Kingdom of Libya with a view to financing its fundamental and urgent programmes of economic and social development, giving consideration to the possibility of opening a special account of voluntary contributions to that end, and to report thereon to the General Assembly at its seventh session;

"4. Requests the Secretary-General to give the Economic and Social Council any assistance necessary to enable it to carry out this task;

"5. Requests also the Secretary-General to give in his studies special attention to the economic problems of the United Kingdom of Libya, and notes in that connexion Economic and Social Council resolution 367 B (XIII) of 14 August 1951 in which the Council requested the Secretary-General to continue to report, as part of the annual world economic report, on economic developments in Africa, with special attention to the measures being taken under the technical assist-

ance and other programmes of the United Nations and the specialized agencies;

"6. Requests the Secretary-General and the specialized agencies to continue to extend to the United Kingdom of Libya, upon its request, such technical assistance as they may be in a position to render in accordance with the principles of their technical assistance programmes;

"7. Considers, since the United Kingdom of Libya has been established as an independent and sovereign State and has applied for membership in the United Nations, that it should now be admitted to the United Nations in accordance with Article 4 of the Charter and the General Assembly's previous recommendations on this subject."

3. The Problem of War Damages

In accordance with General Assembly resolution 389(V), the Secretary-General submitted a report (A/2000) to the Assembly's sixth session on the problem of war damages, in connexion with the technical and financial assistance requested by Libya.

The Secretary-General reported that he had appointed an expert on war damages and reconstruction, whose arrival in Libya had been delayed until July 1951. Because of the limited time and the inadequacy of records, only preliminary conclusions were being submitted. The report estimated that war damages for the two regions Tripolitania and Cyrenaica totalled approximately 12,500,000 lire. It noted that, since some of the damaged property had been for the use of the sizeable Italian population who no longer lived in Libya, it might not be necessary to restore all of the war damage.

The report was considered by the Assembly at its sixth session, at the 189th and 190th meetings of the Second Committee on 21 and 22 January 1952. The Committee invited the representatives of Italy and the United Kingdom of Libya to participate in the discussion of the item in accordance with the requests made by their respective Governments.

The representative of the United Kingdom suggested that the work of rehabilitation of Libya's war damages should be considered as part of the general task of developing Libya's economic resources, a subject already being studied by the United Nations technical assistance mission in Libya.

The representative of Libya observed that the problem of war damages was of great importance for Libya, in view of the heavy damage to private and public property, particularly in Cyrenaica. The cities of Tobruk and Bardia had, he recalled, been razed; many persons had lost all, or nearly

all, their property and some of them had been left destitute. He hoped that the Committee would urge the Secretary-General, as Chairman of the Technical Assistance Board, to furnish to Libya, at its Government's request, a certain number of technical assistance experts to make a full and detailed study of the problem and help the Government to work out a reconstruction programme.

The representatives of Argentina, Egypt, India, Iran, Iraq, Pakistan, Saudi Arabia and Syria believed that additional information was needed on the subject before the Assembly could make recommendations. The United Kingdom and France, having submitted a draft resolution (A/C.2/L.150), revised it on the basis of those observations (A/C.2/L.150/Rev.1). The Committee adopted the revised resolution by 44 votes to none.

On 29 January 1952, the Assembly, at its 366th plenary meeting, adopted the draft resolution proposed by the Second Committee (A/2076) by 30 votes to none, with 6 abstentions. The resolution (529(VI)) read:

"The General Assembly,

"Having examined and noted the report of the Secretary-General containing a general survey of the problem of war damages in Libya, submitted in accordance with resolution 389 (V) adopted by the General Assembly on 15 December 1950,

"Having heard a statement made by a representative of the United Kingdom of Libya,

"Believing that the problem of war damages should be considered within the general framework of the over-all economic development plans for the country,

"Invites the Secretary-General, and the agencies participating in the Technical Assistance Board, to give sympathetic consideration to requests of the Libyan Government for assistance with economic development programmes which would strengthen the Libyan economy, including the repair or reconstruction of damaged property and installations, public and private, and in this connexion to appoint, as requested by the Libyan Government, any additional experts that may be required to collect the necessary data, to complete the survey of the problem of war damages and to make recommendations."

4. Adjustment of the Frontier with Egypt

The Secretary-General, on 10 August 1951, circulated a note (A/1849) to the Members of the General Assembly, recalling that the Assembly had decided at its fifth session to postpone until the sixth session the item proposed by Egypt: "The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2

and 3 of Annex XI of the Treaty of Peace with Italy."

At the sixth session, the question was considered at the 54th meeting of the Ad Hoc Political Committee on 28 January 1952. The Chairman informed the Committee of Egypt's intention to enter into direct negotiations with the United Kingdom of Libya on the question, and submitted a draft resolution by which the Assembly would take cognizance of this. The Committee adopted the draft without discussion, by 40 votes to none, with 5 abstentions.

The Assembly adopted the draft resolution proposed by the Committee at its 370th plenary meeting on 1 February 1952, by 46 votes to none, with 5 abstentions. The resolution (516(VI)) read:

"The General Assembly

"Takes note of the intention of the Government of Egypt to enter into negotiations with the Government of the United Kingdom of Libya with a view to settling in a friendly and good-neighbourly spirit the question of the appropriate adjustment of the frontiers between Egypt and the United Kingdom of Libya, with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy.

M. THE QUESTION OF ERITREA⁶⁸

In its resolution 390(V)⁶⁹ of 2 December 1950, the General Assembly recommended that Eritrea was to be an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian crown, according to the terms of a Federal Act the provisions of which the Assembly adopted at the same time. This Act was subject to ratification by the Emperor of Ethiopia, and its terms were to be acknowledged in an Eritrean Constitution. A United Nations Commissioner in Eritrea, Eduardo Anze Matienzo of Bolivia, who was elected by the General Assembly on 14 December 1950, was to assist in accomplishing the political settlement. His principal task was to draft a Constitution for Eritrea in consultation with the Ethiopian Government, the inhabitants of Eritrea and the local officials of the Administering Authority, the United Kingdom.

The following further steps were provided in the Assembly's resolution:

(1) The Administering Authority would convene a representative assembly of Eritreans chosen by the people to consider the draft Constitution.

(2) The Federal Act and the Constitution of Eritrea would enter into effect at the same time; the Federal Act upon ratification by the Emperor of Ethiopia, the Constitution upon approval by the United Nations Commissioner, adoption by the Eritrean Assembly and ratification by the Emperor of Ethiopia.

(3) Meanwhile, the Administering Authority would prepare for turning over the reins of government to the Eritreans by organizing an Eritrean administration in keeping with the autonomous but federal status of the territory, and by inducting Eritreans into the administration.

1. Report of the United Nations Commissioner in Eritrea

The United Nations Commissioner arrived in Eritrea on 9 February 1951. He submitted a progress report, dated 16 November 1951 (A/1959

and Add.1) to the sixth session of the General Assembly for its information.

During the first three months, the Commissioner stated, he had travelled throughout the territory, meeting with the people for the purpose of interpreting the General Assembly resolution to them, while at the same time learning of their attitude toward federation with Ethiopia. On the basis of this survey, the Commissioner concluded that the overwhelming majority of the people accepted federation, with local autonomy, and were prepared to co-operate with the Commissioner and with the British Administration in implementing the Assembly's resolution. He felt, however, that a number did not fully believe in the federal solution or in the possibility of it being carried through.

Thereafter, the United Nations Commissioner was preoccupied principally with the drafting of a Constitution for Eritrea. He prepared and circulated widely a detailed examination of the Assembly's resolution including a provisional outline of the Eritrean Constitution, and a list of the subjects on which he particularly sought the views of those with whom he consulted, in accordance with the Assembly's resolution. Consultations were held between 28 May 1951 and 6 November 1951. The Commissioner held two meetings with the Administering Authority represented by the Chief Administrator, D. C. Cumming; six meetings with the Government of Ethiopia, represented either by the Minister for Foreign Affairs, Aklilou Abte Wold, or the Vice Minister for Foreign Affairs, Zaude Gabre Heywot; and numerous

⁶⁸ For previous consideration see Y.U.N., 1948-49, pp. 256-79 and Y.U.N., 1950, pp. 363-70.

⁶⁹ For full text of this resolution, see Y.U.N., 1950, pp. 368-70.

open meetings in all parts of the territory with delegates speaking in the name of the inhabitants of Eritrea. The delegates included representatives from political parties, religious groups and foreign communities in Eritrea, as well as from economic, cultural and professional organizations.

This first phase of the consultations, the Commissioner stated, showed differences of opinion on several fundamental issues involved in the drawing up of a constitutional system which would assure Eritrea complete autonomy on domestic matters and at the same time delimit these from the sphere in which the Federal authority, headed by the Emperor of Ethiopia, would be supreme, notably in the area of foreign relations. Those consulted held different views on such matters as: the flag which would symbolize the new Federal State; the official language to be adopted; whether the legislature should be unicameral or bicameral; and whether the Government should be parliamentary or "balanced" under a chief executive having a fixed term of office.

The greatest differences, he said, involved the relationship of the Emperor of Ethiopia to the chief executive of an autonomous Eritrea. Ethiopia proposed that provision be made for the appointment of a representative of the Emperor of Ethiopia in Eritrea who would have power to: (1) nominate the head of the Eritrean Government, or approve his appointment; (2) nominate the Ministers, or assist in their appointment; (3) stay the enactment of laws by the Eritrean Assembly; (4) veto laws enacted by the Assembly; (5) confirm the appointment of judges; and (6) intervene in the organization of the Eritrean Administration. While there was no unanimity among the Eritreans consulted, there was general opposition to any arrangement which would deprive the Eritreans of the power to elect their own chief executive. Furthermore, some groups opposed the vesting of any powers in a representative of the Emperor; other opposed adopting any provision for such an appointment. The Administering Authority, pointing to the cleavage in the Eritrean population between Moslem and Christian, suggested the appointment by the Emperor of a neutral figure of prestige from outside Eritrea.

The United Nations Commissioner observed that General Assembly resolution 390(V) precluded the possibility of appointment or nomination of the Eritrean executive by the Emperor of Ethiopia. Although the resolution was not specific on the point, the Commissioner agreed with the

Administering Authority that it would be necessary to have some provision in the Constitution for a representative who would give the Emperor formal status in Eritrea.

Having concluded the first phase of consultation, the United Nations Commissioner at the end of the year undertook the drafting of a Constitution with the assistance of a panel of legal advisers in Geneva.

In preparation for the next step, approval of the draft Constitution by an Eritrean Assembly, the Administering Authority consulted with the Commissioner on plans for electing this first parliamentary body in the history of Eritrea. Two types of elections were planned: direct elections in the more populated towns and indirect elections in the rural areas with their predominantly nomad populations. These, too, the High Commissioner noted, would be the first elections in Eritrea.

The United Nations Commissioner also reported on the progress made toward organizing an Eritrean administration and on the induction of Eritreans into all levels of the administration, as called for in Assembly resolution 390(V). Primary responsibility for this rested with the Administering Authority, although the Commissioner was to be consulted on arrangements for its accomplishment. Difficulties arose from the lack of Eritrean personnel experienced or trained in public administration and also from the low levels of general education. Thus, when the Administering Authority publicly announced the establishment of a registry for the training and employment of Eritreans in the administration, open to those who had reached the equivalent of Middle School standard of education, only a few Eritreans registered. Nonetheless, the United Nations Commissioner urged that standards be adjusted to encourage more Eritreans to register, and that they be given responsibilities as soon as possible, even at the cost of a certain amount of maladministration and confusion, stating that in this way Eritreans would profit by their mistakes and quickly gain confidence in handling administrative affairs. The representative of the Administering Authority, however, considered that, even during the transition period, Eritrea should be administered efficiently and that maladministration and confusion must not be caused by a too hasty transfer of responsibility. Meanwhile, the Administering Authority prepared plans under which Eritreans would occupy subsidiary posts, while top positions would continue in the hands of the British until

the Eritreans gained experience, thereafter the British would assume advisory functions and the Eritreans full administrative responsibility. The United Nations Commissioner expressed satisfaction with these arrangements, although he urged that the trial period be as short as possible.

The United Nations Commissioner reported on his intervention to bring about a cessation in the organized banditry and terrorism throughout Eritrea carried out by the Shifta. Though conscious of the fact that he had no responsibilities for the internal security of the territory, the Commissioner was nevertheless concerned that the terrorism might jeopardize or, at the least, complicate his mission. Accordingly, he made several public pronouncements urging that internal peace be preserved, and offered to the Administering Authority the moral weight of the United Nations in dealing with the situation. He expressed satisfaction with the measures taken by the Administering Authority.

Although the General Assembly had authorized, as an interim measure, the establishment of a customs' union between Eritrea and Ethiopia, the Administering Authority, the Commission stated, concluded that this would not be in the best interests of Eritrea, and notified the Ethiopians that it did not intend to negotiate such an arrangement. However, he reported, the Administering Authority was prepared to discuss with Ethiopia the preparatory action necessary to ensure the smooth transition of the existing Eritrean customs organization into the federal system.

The United Nations Commissioner observed that, in view of the stage of the political settlement and in keeping with the wishes of the Ethiopian Government, he would not ask that the Eritrean situation be placed on the agenda of the sixth session of the General Assembly.

His report was not considered by the Assembly at its sixth session.

2. Economic and Financial Provisions

At the request of the United Kingdom, the item "Economic and financial provisions in respect of Eritrea arising out of paragraph 19 of Annex XIV of the Treaty of Peace with Italy" was placed on the agenda of the Assembly's sixth session. The Treaty of Peace with Italy provided that the economic and financial provisions to be applied in the former Italian colonies would form part of the arrangements for the final disposal of these territories pursuant to the Treaty. The ques-

tion had not been dealt with in Assembly resolution 390(V), which contained the Assembly's recommendations on the political future of Eritrea only. This was pointed out in the explanatory United Kingdom memorandum (A/1925) submitted on 19 October 1951.

The Second Committee of the General Assembly, to which the item was referred, considered the question at its 190th, 191st and 192nd meetings on 22 and 24 January 1952. Upon a request by the Government of Italy (A/C.2/174), an Italian representative was invited to participate in the discussions; the United Nations Commissioner in Eritrea was also present.

The Second Committee had before it a memorandum and a draft resolution submitted by the United Kingdom (A/C.2/L.142). This memorandum and the statement of the representative of the United Kingdom opening the debate on 22 January explained the purposes of the draft resolution.

Although the draft resolution was based on the same principles which were adopted with respect to Libya in 1950 by the Assembly in its resolution 388(V),⁷⁰ the constitutional system in Eritrea, other local considerations and the experience gained in Libya prompted some alterations in the formula previously used. As in the case of Libya, the principal economic and financial arrangements provided for the cession of state property to the former colony, the return to its owners of private property held in custody by the Administering Power and the establishment of a United Nations tribunal to settle any disputes that might arise in applying the provisions of the resolution.

It was pointed out in the United Kingdom memorandum (A/C.2/L.142) that, under Assembly resolution 388(V), the former colony of Libya not only received the State property but the Government of Libya was also responsible for other functions, including negotiations with foreign governments. In Eritrea, however, although the function of initially receiving the property appeared to belong to Eritrea, as the counterpart of Libya, a number of functions entailed by the present draft resolution would have to be performed by the future Federal Government of Ethiopia, as the authority which would, for instance, be entitled, under resolution 390(V), to conduct foreign affairs. However, the Federal

⁷⁰ For the text of this resolution see Y.U.N. 1950, pp. 357-59.

Government (which had to consist of the Ethiopian Government advised by an advisory council of Ethiopians and Eritreans) did not yet exist. The Federal Act which was to define its functions, although it was incorporated in resolution 390(V), had not yet been formally approved, interpreted and adopted. In the circumstances, while confirming that Eritrea, as the former colony, should receive the state property, the draft resolution did not attempt to define the respective functions of the Federal and Eritrean Governments. In the event of doubt or difficulties arising from the implementation of the proposed resolution, specific cases were to be decided by an arbitral tribunal, provision for which was made in paragraph 11 of the draft.

The arrangements proposed for Eritrea differed in another respect from those contained in resolution 388(V). Under this resolution, only inalienable property was to be transferred directly, while the method of transfer of alienable property was left for negotiation between Italy and Libya. The United Kingdom memorandum stated that, in order to avoid some of the complications which arose with respect to Libya, State property as a whole would pass to Eritrea, and the Administering Power before transfer of jurisdiction, would have the duty of implementing the resolution as far as possible.

The differences in the system of land tenure between the two former colonies accounted for the alterations in what the United Kingdom considered the most important provisions—those affecting land concessions. This Administering Authority believed that if the new State was to avoid a serious deterioration in its standards of living, the tenants, who were mainly agricultural producers having concessions granted by the former Italian Administration, should be confirmed in possession of their holdings so that they might develop them with confidence and continuity. Other provisions in the United Kingdom proposals dealt with:

(1) the custody of public archives and documents; (2) responsibility of Italian social insurance organizations operating in Eritrea; (3) responsibility of Italy for payment of pensions or other retirement benefits; (4) exemption of Eritrea from payment of any part of the Italian public debt; (5) the return of ships by Italy to their former Eritrean owners; (6) respect of the property, rights and interests of Italian nationals in Eritrea; respect of the property, rights and interests in Italy of former Italian nationals belonging to Eritrea; provisions for the transfer of property of Italian citizens and companies who leave Eritrea, continuation of debt obligations between Italian and Eritrean persons;

(7) restoration to their owners of property, rights and interests seized as a result of the war; and (8) continuance of rights of former Italian nationals belonging to Eritrea in industrial, literary and artistic property in Italy.

Commenting on the draft resolution in the Second Committee, the representative of Ethiopia recalled that, when the Assembly had adopted resolution 390(V), his Government had indicated that it was most anxious to protect the interests of all foreign and local minorities, both the Federal Government and the Eritrean Government being entrusted with that responsibility. He believed that any issues involving the protection of foreign interests could be settled by direct negotiation with the parties. He thought, therefore, that the proposed draft resolution was somewhat unnecessary. He questioned the usefulness of establishing a United Nations arbitral tribunal, and doubted whether it would contribute to strengthening the Eritrean courts, since under the proposed arrangement these would lose jurisdiction over many matters. Other clarifications of language also were required, he believed. For these reasons, and because the draft resolution did not adequately reflect the distinction between local and federal responsibilities in Eritrea, his Government reserved its position on the draft resolution.

The representative of Italy observed that the draft resolution departed from the arrangements made for Libya in certain points by imposing additional charges on Italy. This was particularly true of the provisions which no longer distinguished between movable and immovable property. He noted, too, the provision for the payment of civil and military pensions by Italy and renunciation of any repayment of the Italian public debt. His Government would, nevertheless, give sympathetic consideration to the draft resolution in view of its interest in the future progress of Eritrea. His Government, further, hoped the United Nations would take all appropriate measures to safeguard foreign interests in Eritrea, not only for reasons of equity, but to give practical effect to Assembly resolution 390(V) which spoke, *inter alia*, of "the importance of assuring the continuing collaboration of the foreign communities in the economic development of Eritrea".

The representative of the USSR asked whether the status of foreign concessions on Eritrean territory would be altered by the draft resolution, or whether that status would remain as it had been when Eritrea had been a colony.

The representative of India believed that the draft resolution should make it clear that only

agricultural concessions were involved, and that their continuance should be consistent with the national interest of Eritrea. Concerning the transfer of rights of the Italian State it should be made clear whether those rights would entail any liabilities for the Eritrean State and the Ethiopian Government.

At the suggestion of the Chairman, the delegations of the United Kingdom, Ethiopia and Italy met informally in the interval between the 190th and 191st meetings of the Second Committee. The Chairman of the Second Committee, the United Nations Commissioner for Eritrea and a representative of the Secretary-General attended this meeting. When the Second Committee held its 191st meeting, the representative of the United Kingdom presented a revised draft resolution (A/C.2/L.152) based on these informal consultations. In addition to drafting changes, alterations included the following:

(1) It was made clear by a footnote to article I that the term "Eritrea" as used in the resolution was to be interpreted in conformity with paragraph 3 of resolution 390(V), where the jurisdiction and responsibilities of the Federal Government and the Eritrean Government are set out; (2) the new wording in article III, concerning Italian social insurance organizations, sought to make it clear that any changes in the scope of social insurance should be made by agreement between the existing insurance organizations and the appropriate local authority; (3) article XI, involving the United Nations Tribunal, had been brought into closer conformity with the comparable provisions in the settlement for Libya (388(V)) through a number of technical changes.

The representative of the United Kingdom replied to the questions concerning foreign concessions raised by the representatives of the USSR and India at the previous meeting. He observed that no foreign concerns with special status now existed in Eritrea; concessionary rights, in so far as they existed in the past, would be transferred to Eritrea under the draft resolution. Most of the concessions were agricultural, as the representative had previously observed, but he noted that in a number of cases the land had been granted to its present owner on condition that buildings were erected on it. Concerning the enquiry, whether property to be transferred might not be an added burden to Eritrea rather than an advantage, the representative of the United Kingdom stated that the property to be transferred included shares and similar rights in the capital of institutions, companies, and associations. Those were limited liability concerns; thus the Eritrean Government, upon assuming title to them, would not have an unlimited liability. Eritrea was not paying for the

shares and could always dispose of them; even if they were valueless, there would be no burden for Eritrea. The representative of the United Kingdom also explained that under the draft resolution the Administering Power, when effecting transfer of property, would be guided by the division of powers between the Federal and the Eritrean authorities, and, where necessary, would be guided by decision of the United Nations Tribunal. Replying to the Ethiopian representative, he stated that public archives and documents referred to in article II of the draft resolution meant official rather than published materials.

The representative of Ethiopia asked for further clarifications of the definition of property rights in article I. While stating that he would vote for the draft resolution in committee he reserved his Government's position and the right to speak again in the plenary meeting.

The representative of Italy stated that the doubts he had expressed at the earlier meeting had now been removed and that he would be able to approve the revised draft resolution.

The United Nations Commissioner said that, concerning the enquiry by the USSR whether the draft resolution might not perpetuate a colonial system in Eritrea, those provisions merely consolidated acquired rights granted by the former competent authorities, and were in accordance with Assembly resolution 390(V) on the desirability of continuing the contribution made to Eritrean progress by foreign communities. Existing concessions were not part of a colonial system, but were contracts based on the concept of property as a social factor. Concessionaires, he stated, would help to raise the economic level of the country.

The representatives of Czechoslovakia, Poland and the USSR stated that they were not satisfied with these explanations. They opposed the revised draft resolution, largely on the ground that it failed to protect adequately the interests of the Eritreans, who, they emphasized, had not been consulted, and, on the other hand, it perpetuated a colonial regime by protecting foreign concessions.

The representative of Saudi Arabia, who also expressed concern at the absence of representatives of the Eritrean people, referred to a memorandum from the Moslem League which mentioned a number of criticisms and grievances that would be applicable to the revised draft resolution. He observed that, under the draft resolution, Eritrea would have no rights in institutions, companies and associations of a public character where

the Italian authorities had had only managerial control, thus exempting many institutions on which the Eritrean economy was to a large extent based. Furthermore, he feared that the economy of Eritrea might be jeopardized if the most prosperous community, the Italian citizens, were free to transfer their assets abroad.

The representatives of Belgium, Brazil, Cuba, the Dominican Republic, Liberia, the Philippines, Turkey and Yemen expressed support of the revised draft. A number of these representatives, pointing out that the draft was a compromise, paid tribute to the conciliatory attitude of Italy and Ethiopia, and stated that the solution was a fair one. As regards concessions, the representative of Belgium stated that the co-operation of foreign communities in the economic development of Eritrea should be maintained and that the area of land involved was relatively small.

Following minor drafting changes, the Committee adopted the revised draft resolution by 33 votes to 5, with 9 abstentions.

The Fifth Committee, on 25 January 1952, considered the financial implications of this draft resolution. In view of the Secretary-General's statement that, as instructed in article XI of the resolution, he would endeavour to utilize the services in Eritrea of members of the United Nations Tribunal in Libya, the Committee estimated the cost involved at \$28,900, and so reported to the General Assembly (A/2081).

At its 366th plenary meeting on 29 January 1952, the Assembly considered the reports of the Second and Fifth Committees (A/2077 and A/2081). The representative of Ethiopia stated that, while his delegation was not entirely satisfied with the Second Committee's draft resolution, it had nevertheless been given sufficient explanations to assure it that the draft maintained the compromise formula contained in General Assembly resolution 390(V), under which the jurisdiction of both the federal and the local Eritrean authorities would be safeguarded. In addition, assurances had been given that existing undertakings and concessions would be respected, while at the same time adequate freedom of action was assured for the future. He would therefore vote for the draft resolution.

The Assembly adopted the draft resolution by 39 votes to 5, with 5 abstentions. The resolution (530(VI)) read:

"Whereas, in accordance with the provisions of article 23 and paragraph 3 of annex XI of the Treaty of Peace with Italy, the question of the disposal of the former Italian colonies was submitted on 15 September 1948

to the General Assembly by the Governments of France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

"Whereas, by virtue of the above-mentioned provisions, the four Powers have agreed to accept the recommendation of the General Assembly and to take appropriate measures for giving effect to it,

"Whereas the General Assembly, by resolution 390 A (V) of 2 December 1950, recommended that Eritrea be constituted an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown not later than 15 September 1952, and laid down the necessary provisions for effecting the federation of Eritrea with Ethiopia, and left for settlement by the United Nations only the problem referred to in paragraph 19 of annex XIV of the Treaty of Peace with Italy, while taking into account, inter alia, the importance of assuring the continuing collaboration of the foreign communities in the economic development of Eritrea,

"Whereas paragraph 19 of annex XIV of the Treaty of Peace with Italy, which contains the economic and financial provisions relating to ceded territories, states that "The provisions of this Annex shall not apply to the former Italian Colonies. The economic and financial provisions to be applied therein will form part of the arrangements for the final disposal of these territories pursuant to article 23 of the present Treaty",

"Whereas it is desirable that the economic and financial provisions relating to Eritrea should be determined before Eritrea is constituted an autonomous unit federated with Ethiopia under the sovereignty of the Ethiopian Crown in order that they may be applied as soon as possible,

"The General Assembly

"Approves the following articles:

Article I

1. Subject to the provisions of paragraphs 4 and 5 of this article Eritrea^a shall receive, without payment, the movable and immovable property located in Eritrea owned by the Italian State, either in its own name or in the name of the Italian administration in Eritrea, and such property shall be transferred to Eritrea not later than the effective date of the final transfer of power from the Administering Power to the appropriate authorities referred to in paragraph 14 of resolution 390 (V) of the General Assembly of the United Nations.

2. The property referred to in paragraph 1 shall be taken as comprising:

(a) The public property of the State (*demanio pubblico*);

(b) The inalienable property of the State (*patrimonio indisponibile*);

(c) The property of the Fascist Party and its organizations as listed in article 10 of the Italian Royal Decree No. 513 of 28 April 1938;

(d) The alienable property of the State (*patrimonio disponibile*);

(e) The property belonging to the autonomous agencies (*aziende autonome*) of the State which are:

Ferrovie dell'Eritrea

Azienda Speciale Approvvigionamenti

Azienda Miniere Africa Orientale (AMAO)

Azienda Autonoma Strade Statali (AASS);

(f) The rights of the Italian State in the form of shares and similar rights in the capital of institutions, companies and associations of a public character which have their siege social in Eritrea. Where the operations of such institutions, companies and associations extend to Italy or to countries other than Eritrea, Eritrea shall receive only those rights of the Italian State or the Italian administration of Eritrea which appertain to the operations in Eritrea. In cases where the Italian State or the Italian administration of Eritrea exercised only managerial control over such institutions, companies and associations, Eritrea shall have no claim to any rights in those institutions, companies and associations.

3. Properties, institutions, companies and associations referred to in paragraph 2 of this article shall be transferred as they stand at the date of transfer and Eritrea will take over all commitments and liabilities outstanding at that date in connexion with those concerns.

4. Italy shall retain the ownership of the following property listed in paragraph 2 of this article, that is to say:

(a) The immovable property necessary for the functioning of Italian government representation in Eritrea;^b

(b) The immovable and movable property as at the date of the present resolution used for the functioning of the schools and hospitals of the Italian community in Eritrea.

5. The following property listed in paragraph 2 of this article, that is to say, buildings used for worship (including the land on which they are built and their appurtenances), shall be transferred by Italy to the religious communities concerned.

6. Italian cemeteries, monuments and ossuaries in Eritrea shall be respected. Arrangements for their preservation and maintenance shall be made between Italy and, after Eritrea becomes an autonomous unit federated with Ethiopia, the appropriate authority under the Federal Act.

7. Subject to the provisions of paragraphs 4, 5 and 6 of this article, nothing in paragraph 1 of this article shall be taken as in any way restricting the right of the Administering Power to make, during the period of its administration, such dispositions of property referred to in paragraph 2 of this article, whether limited to that period or otherwise, as may be required by law or may be appropriate for the good government of the territory, or may be necessary for the implementation of the present resolution.

Article II

1. Subject to the provisions of this Article, the Administering Power shall continue to have the custody of all public archives and documents located in Eritrea which relate to administrative or technical matters in Eritrea or to property which is to be transferred by Italy under article I of the present resolution or are otherwise required in connexion with the administration of the territory.

2. Italy shall hand over to the Administering Power, on request, the originals or copies of any such public archives or documents located in Italy.

3. The Administering Power shall hand over to Italy, on request, the originals or copies of any such

public archives or documents located in Eritrea which are of interest to Italy or concern Italian nationals or juridical persons, especially those who or which have transferred or hereafter transfer their residence to Italy.

4. The rights and obligations of the Administering Power under the preceding provisions of this article shall, when Eritrea is constituted an autonomous unit federated with Ethiopia, devolve upon the appropriate authority under the Federal Act to which the Administering Power shall hand over such public archives and documents as have been received from Italy.

5. The handing over of the above-mentioned archives and documents or copies thereof shall be exempt from payment of dues and taxes, and the cost of transport thereof shall be borne by the government requesting them.

Article III

The Italian social insurance organizations now operating in Eritrea shall remain wholly responsible for fulfilling all their respective obligations towards insured persons as is provided for under present social insurance legislation, and the present legal rights and obligations of the said organizations shall be respected. These obligations may be extended to include other categories of insured persons by agreement between the appropriate authority under the Federal Act and the said organizations.

Article IV

1. Italy shall continue to be liable for the payment of civil and military pensions or other retirement benefits earned as at the date of coming into force of the Treaty of Peace with Italy and owned by it at that date.

2. The amount of these pensions or retirement benefits shall be determined in accordance with the law which was in force in Eritrea immediately prior to the cessation of Italian administration of the territory and shall be paid directly by Italy to the persons entitled in the currency in which they were earned.

Article V

Eritrea shall be exempt from the payment of any portion of the Italian public debt.

Article VI

Italy shall return to their owners, in the shortest possible time, all ships in its possession or that of its nationals or juridical persons which are proved to have been the property of its former Eritrean subjects or to have been registered in Eritrea, except in cases in which the ships have been acquired in good faith.

Article VII

1. The property, rights and interests of Italian nationals, including Italian juridical persons, in Eritrea shall, provided they have been acquired in accordance with the laws prevailing at the time of acquisition, be

^a The term "Eritrea" as used in the present resolution is to be interpreted in conformity with paragraph 3 of resolution 390 (V) where the jurisdiction and responsibilities of the Federal Government and the Eritrean Government are set out.

^b The nature of Italian Government representation remains for settlement between the future Federal Government and the Italian Government in accordance with international law and practice.

respected. They shall not be treated less favourably than the property, rights and interests of other foreign nationals, including foreign juridical persons.

2. Italian nationals in Eritrea who have left or who leave Eritrea to settle elsewhere shall be permitted freely to sell their movable and immovable property, realize and dispose of their assets and, after settlement of any debts and taxes due from them in Eritrea, transfer their movable property and the funds they possess, including the proceeds of the above-mentioned transactions, unless such property or funds were unlawfully acquired. Such transfers of property or funds shall not be subject to any export duty.

The procedure for the transfer from Eritrea of such property or funds and the times within which they may be transferred shall be determined by agreement between the Administering Power, or after Eritrea becomes an autonomous unit federated with Ethiopia the appropriate authority under the Federal Act, on the one hand, and Italy on the other hand. No such agreement shall restrict the right of transfer provided for in the paragraph above.

3. Companies incorporated under Italian law and having their *siège social* in Italy shall be dealt with under the provisions of paragraph 2 above.

Companies incorporated under Italian law and having their *siège social* in Eritrea and which wish to remove their *siège social* elsewhere shall likewise be dealt with under the provisions of paragraph 2 above, provided that more than 50 per cent of the capital of the company is owned by persons usually resident outside Eritrea and provided also that the greater part of the activity of the company is carried on outside Eritrea.

4. The property, rights and interests in Italy of former Italian nationals belonging to Eritrea and of companies previously incorporated under Italian law and having their *siège social* in Eritrea shall be respected by Italy to the same extent as the property, rights and interests of foreign nationals and of foreign companies generally.

Such persons and companies are authorized to effect the transfer and liquidation of their property, rights and interests under the same conditions as may be established under paragraph 2 above.

5. Debts owed by persons in Italy to persons in Eritrea or by persons in Eritrea to persons in Italy shall not be affected by the transfer of sovereignty. The Administering Power, Italy and, after Eritrea becomes an autonomous unit federated with Ethiopia the appropriate authority under the Federal Act, shall facilitate the settlement of such obligations. As used in this paragraph the term "persons" includes juridical persons.

Article VIII

1. Property, rights and interests in Eritrea which, as a result of the war, are still subject to measures of seizure, compulsory administration or sequestration, shall be restored to their owners.

2. Nothing in this article shall apply to any compulsory acquisition or requisition by the Administering Power for public purposes in Eritrea which is valid under the civil law of Eritrea.

Article IX

1. The former Italian nationals belonging to Eritrea shall continue to enjoy all the rights in industrial, liter-

ary and artistic property in Italy to which they were entitled under the legislation in force at the time of the coming into force of the Treaty of Peace.

2. Until the relevant international conventions are applicable to Eritrea the rights in industrial, literary and artistic property which existed in Eritrea under Italian law shall remain in force for the period for which they would have remained in force under that law.

Article X

1. In this article:

(a) "Concession" means a grant by the former Italian administration or by the Administering Power or by a municipal authority of the enjoyment in Eritrea of specific rights and assets in exchange for specific obligations undertaken by the concessionaire with regard to the use and improvement of such assets, such grant being made in accordance with the laws, regulations and rules in force in Eritrea at the time of such grant;

(b) "Contract in the nature of a concession" means a lease for a period of years by the former Italian administration or by the Administering Power or by a municipal authority of land in Eritrea by the terms of which lease the tenant undertakes obligations similar to those of a concessionaire in the case of a concession, such lease not being made under any specific law, regulation or rule containing provisions for such leases.

2. Concessions granted during the period of the former Italian administration shall be recognized as valid for all purposes and shall be respected accordingly.

3. Where a concessionaire satisfies the appropriate authorities that a document of title perfecting his concession should have been issued to him but, owing to conditions created by the state of war or to force majeure, was not so issued, and that his concession, if it had been perfected by the issue of the document, would not be liable to revocation, the appropriate authorities shall issue a document of title to the concessionaire which shall have the same validity as the document which should have been issued originally.

4. Where the period of the lease, in the case of a contract in the nature of a concession granted during the period of the former Italian administration, has expired during the period of administration by the Administering Power and has been renewed on a temporary basis by the Administering Power, or where any lease of such nature has been initially granted by the Administering Power, such Power may, if satisfied that the tenant has fulfilled the obligations undertaken by him and that it is in the interests of the economy of Eritrea so to do, grant to the tenant a concession for such period as is appropriate having regard to the nature of the land in question.

5. A concession or contract in the nature of a concession granted during the period of the former Italian administration shall not be liable to revocation by reason of the failure by the concessionaire or tenant to fulfil any obligation of the concession or contract if the appropriate authorities are satisfied that such failure was due solely to conditions created by the state of war or to force majeure.

6. Where a concessionaire or tenant satisfies the appropriate authorities that any document of title evidencing his concession or contract in the nature of a concession has been lost or destroyed and the appro-

priate authorities are able to ascertain the terms of the document and are satisfied that the concession or contract in the nature of a concession is not liable to revocation, they shall issue to the concessionaire or tenant a new document of title which shall have the same validity as the one which has been lost or destroyed.

Article XI

1. A United Nations Tribunal shall be set up, composed of three persons, selected by the Secretary-General for their legal qualifications from the nationals of three different States not directly interested. All or any of such persons may be members of the Tribunal provided for in Article X of resolution 388 (V) of the General Assembly of the United Nations. The Tribunal, whose decisions shall be based on law, shall have the two following functions:

(a) It shall give to Italy and the Administering Power, or when Eritrea becomes an autonomous unit federated with Ethiopia the appropriate authority under the Federal Act, upon request by any of those authorities, such instructions as may be required for the purpose of giving effect to the present resolution;

(b) It shall decide all disputes arising between the said authorities concerning the interpretation and application of the present resolution. The Tribunal shall be

seized of any such disputes upon the unilateral request of any of those authorities.

2. The Tribunal shall have exclusive competence on matters falling within its functions in accordance with paragraph 1 of this article. In the event of any matter in dispute being referred to the Tribunal, any action pending in civil courts shall be suspended.

3. Italy, the Administering Power and, when Eritrea becomes an autonomous unit federated with Ethiopia the appropriate authority under the Federal Act, shall supply the Tribunal as soon as possible with all the information and assistance it may need for the performance of its functions.

4. The seat of the Tribunal shall be in Eritrea. The Tribunal shall determine its own procedure. All requests referred to in paragraph 1 of this article shall be presented to the Tribunal not later than 31 December 1953 and the Tribunal shall pronounce its decision on each such request within a delay not exceeding two years from the date of its presentation to the Tribunal. As soon as its decisions have been pronounced on all such requests pursuant to the foregoing, the Tribunal shall terminate. It shall afford to the interested parties an opportunity to present their views, and shall be entitled to request information and evidence which it may require from any authority or person whom it considers to be in a position to furnish it. In the absence of unanimity the Tribunal shall take decisions by a majority vote. Its decisions shall be final and binding."

N. THE PALESTINE QUESTION

1. Reports of the Chief of Staff of the Truce Supervision Organization on the Work of the Mixed Armistice Commissions

On 12 March 1951, the Chief of Staff of the Truce Supervision Organization submitted three reports dealing, respectively, with the activities of the Special Committee provided for in the Egyptian-Israel General Armistice Agreement (S/2047), with decisions taken by the Jordan-Israel Mixed Armistice Commission (S/2048), and with the status of operations of the Mixed Armistice Commissions at that date (S/2049).

A cablegram of 12 June 1951 (S/2194) supplemented the first report; it stated that the Special Committee of the Egyptian-Israel Mixed Armistice Commission had decided that the Commission did not possess the right to request Egypt not to interfere with the passage of goods to Israel through the Suez Canal (see below).

The second report stated that the Jordan-Israel Mixed Armistice Commission had agreed, on 14 February 1951, to consider, *inter alia*, that about 1,600 metres of the disputed stretch of Wadi Araba in the Negeb Sector, was to be a Jordan-controlled territory, whereas the remainder of the

stretch should be considered to be in Israel territory, it being understood that those two decisions should not in any way prejudice the rights, claims and positions of either party in the ultimate peace settlement between them.

In the third report, the Chief of Staff said that the Israel project for straightening and deepening the bed of the Jordan River at the southern end of Lake Huleh had led to complaints by Syria to the Israel-Syrian Mixed Armistice Commission. Syria had contended that the carrying out of the project would remove a natural military obstacle, in contravention of the Armistice Agreement. Following a request by the Mixed Armistice Commission for an opinion, the Chief of Staff had submitted a memorandum which concluded that: (1) in draining Lake Huleh, the Israelis would not enjoy any military advantage not equally applicable to the Syrians; (2) neither party to the Armistice Agreement enjoyed rights of sovereignty within the demilitarized zone and, therefore, any laws, regulations or ordinances in force prior to the Armistice Agreement, affecting areas in the demilitarized zone, should be held in abeyance; (3) until such time as Israel and Syria reached agreement, the Palestine Land Development Company was not justified in continuing

the work and should be instructed forthwith to cease all operations within the demilitarized zone.

Israel, however, had contended that the Chief of Staff had gone beyond the scope of the request which was, Israel stated, simply to express an opinion on whether or not the work being done by Israel was a contravention of the Armistice Agreement.

On 10 March, the Chairman of the Israel-Syrian Mixed Armistice Commission had requested the Israel delegation to ensure that instructions were issued for stopping Israel's work on Arab-owned lands in the demilitarized zone until action had been taken by the Commission. The request of the Chairman, it was stated, had been ignored by the Israel authorities (see below).

On 3 November 1951, the Chief of Staff reported (S/2388) on the decisions made by the Egyptian-Israel, Jordan-Israel and Lebanese-Israel Mixed Armistice Commissions during the period 17 February to 31 October 1951.

On 30 May, the Egyptian-Israel Mixed Armistice Commission took, by majority vote, various decisions on the repatriation of Arabs who had been expelled from the demilitarized zone and on the interpretation of the provision of the Armistice Agreement relating to the division of the area into two zones. Israel and Egypt both appealed against those decisions to the Special Committee provided for in the Agreement. At meetings held on 23 September and 3 October, the Commission considered incidents in the Gaza strip area, along the demarcation line and the Egyptian international border.

On 8 and 15 March and 19 and 26 April 1951, the Jordan-Israel Mixed Armistice Commission took some unanimous decisions designed to improve existing arrangements along the armistice demarcation line between Jordan and Israel.

During the period under review, the Lebanese-Israel Mixed Armistice Commission had not had to take any major decision as only minor incidents had occurred along the demarcation line.

2. Consideration by the Security Council of the Israel-Syrian Dispute over the Drainage of the Huleh Marshes and of Related Alleged Violations of the Armistice Agreements

a. COMPLAINTS BY SYRIA AND ISRAEL

In a series of communications (S/2061, S/2065 and S/2074), dated 29 March, and 2 and 6 April 1951, Syria complained to the Security Council

that Israel had violated its obligations under the Israel-Syrian General Armistice Agreement of 20 July 1949.⁷¹ The violations, Syria charged, consisted mainly of: (1) draining and deepening of the bed of the Jordan River between Lake Huleh and Lake Tiberias; (2) military occupation of the demilitarized zone by Israel forces; (3) firing on Syrian military outposts; (4) forcible evacuation of indigenous Arab inhabitants of the demilitarized zone and the demolishing of their villages; and (5) bombing of El Hamma and of Syrian military outposts.

Israel, on the other hand, complained (S/2072) to the Security Council that Syria had violated its obligations under the General Armistice Agreement. The violations, it was stated, had reached their climax on 4 April 1951, when Syrian forces had penetrated the El Hamma district, situated within the demilitarized zone, and had attacked an Israel police patrol, killing seven and seriously wounding three others. Israel stated that, although the drainage work of the Huleh marshes had proceeded unhampered since October 1950 and with the knowledge of Syria and of the United Nations, attempts had subsequently been made by the Syrians to bring the work to a standstill by firing upon civilian workers within the demilitarized zone.

b. REPORT BY THE ACTING CHIEF OF STAFF OF THE TRUCE SUPERVISION ORGANIZATION

Meanwhile, in cabled reports (S/2067 and S/2084), the Acting Chief of Staff of the Truce Supervision Organization in Palestine informed the Security Council that:

(1) He had requested the stoppage by the Israelis of work on the eastern bank of the Jordan River and the Israel-Syrian Mixed Armistice Commission had met with a view to finding a solution to the dispute. In the course of the Commission's meetings, the Chairman had suggested that the Israelis should cease all work in connexion with the Huleh project until he had completed his investigation of the dispute, but the Israelis had refused to do so, contending that the Chairman was not competent to make such a request. The Israel delegation to the Commission had stated it was unwilling to continue taking part in the Commission's meetings if there were to be further discussion of the stoppage of work.

(2) On 4 April, news of fighting in El Hamma had reached the Commission. It became known later that, as a result of the incident, seven Israel policemen had been killed.

(3) Subsequently, Israel had informed the Acting Chief of Staff that the Israelis found themselves unable

⁷¹ See Y.U.N., 1948-49, pp. 184-86.

to attend further meetings under the chairmanship of Colonel Georges Bossavy, then Chairman of the Israel-Syrian Mixed Armistice Commission. Israel had charged that Syrian forces had killed the seven policemen. The next day, following Syrian complaints, United Nations observers had found evidence of aerial bombing and strafing of Syrian territory.

(4) On 6 April, three United Nations observers had been surrounded by a group of armed Israelis, near Mishmar Hay Yarden, and threatened with death. They had been told that the next time they were found there they would be shot.

(5) On 7 April, following complaints by Israel, United Nations observers had confirmed that there had been no Syrian troops in the demilitarized zone of El Hamma.

(6) Some Arab civilians, inhabiting the demilitarized zone, had been evacuated from their villages and there had been evidence of damage to those villages caused by explosion.

(7) Israel and Syria had agreed on the following four points suggested by the Acting Chief of Staff: (a) all military and para-military forces to be withdrawn from the demilitarized zone; (b) fire not to be opened in any circumstances across demarcation lines or in the demilitarized zone; (c) United Nations observers to be given all facilities to carry out their assigned tasks; and (d) the authority of the Chairman of the Mixed Armistice Commission in the demilitarized zone to be confirmed in accordance with the Israel-Syrian General Armistice Agreement.

c. RESOLUTION OF 8 MAY

The Security Council considered the question at its 541st, 542nd and 544th to 547th meetings held on 17 and 25 April, and on 2, 8, 16 and 18 May 1951.

At the 541st meeting of the Council on 17 April, the representative of Syria declared that the conflict stemmed from the fact that Arab landowners inhabiting the demilitarized zone were protecting their lands against expropriation by Israel. He denied Israel's claim to sovereignty over the demilitarized zone and that Syrian military or para-military forces had ever entered that zone. His Government was opposed to the drainage work for the following reasons:

(1) Israel would eventually enjoy a military advantage.

(2) The project would add new refugees to those already overloading Syria.

(3) Syria would be obliged to establish new military outposts in the drained area.

(4) Deepening of the bed of the Jordan River would render impossible the irrigation of Arab lands watered by the river.

(5) Syria, as a signatory to the Armistice Agreement, could not permit such a great enterprise to be effected in the demilitarized zone without being consulted.

(6) Since most of the area in the demilitarized zone had been under Syrian occupation, Syria would certainly

insist in the future that the area be returned to it, and could not therefore allow a foreign company to start a project on that territory without its consent.

The representative of Israel rejected the Syrian charges and asserted Israel's sovereignty over the demilitarized zone. He expressed Israel's regret that it had found it necessary to take the aerial action of 5 April, following the killing of seven Israel policemen. The decision had been taken only under extreme provocation and because of the feeling that there was need for energetic self-defence. In draining the Huleh swamps, both within and outside the demilitarized zone, Israel, he stated, was well founded in international law; the drainage was not a violation of the military advantage clause of the Armistice Agreement, did not depend on the agreement of Syria, and was not an operation which could be legitimately suspended under the terms of the Armistice Agreement.

The Chief of Staff of the Truce Supervision Organization, invited by the Council to express his views, stated that the underlying issue of the dispute concerned the extent to which either party was or was not free to undertake civilian activities in the demilitarized zone. The question of territorial sovereignty in that zone was not covered by the Armistice Agreement and would, therefore, have to rest in abeyance while the Agreement was in effect, unless the parties mutually agreed to the contrary. Neither Israel nor Syria, he considered, could validly claim to have a free hand in the demilitarized zone over civilian activity. He thought that the dispute could have been avoided had there been more restraint and less determination to take unilateral decisions regarding administrative authority and civilian activity in the demilitarized zone. The machinery provided by the Armistice Agreement was, in his view, adequate to deal with the matter, had it been properly used.

At the 544th meeting of the Council on 2 May, the Chief of Staff answered questions by the representatives of Ecuador, France, Israel, the Netherlands, Syria, the United Kingdom and the United States concerning, principally, civilian control in the demilitarized zone and the Huleh project.

Also at the 544th meeting, the representative of Israel stated that there had been an attack by Syrian irregulars on Tel el Mutilla, within Israel territory, and asked the Council to order the prompt withdrawal of the aggressive forces.⁷²

⁷² See also p. 293.

Later reports dated 3, 4 and 6 May 1951 (S/2118, S/2120, S/2123 and S/2124) from the Acting Chief of Staff covered the work of the Israel-Syrian Mixed Armistice Commission, the alleged provocations by both parties, the negotiations between the Acting Chief of Staff and the two Governments concerned, and various investigations made by United Nations observers into incidents both within and outside the demilitarized zone. Those reports stated that United Nations observers had found that armed Arabs, in civilian clothes, had occupied Israel-controlled territory at Tel el Mutilla and that fighting between civilian Arabs and Israelis had taken place in the Shamalneh sector; in the demilitarized zone. Observers in the Shamalneh area, it was stated, had seen no evidence of Syrian intervention and observers in Israel-occupied territory who had arrived where shells were alleged to have fallen had seen no sign of the impact of shells. It was reported that Israelis had occupied all positions held by the Arabs in the Shamalneh area, including one position in the demilitarized zone. Both parties, however, had agreed to observe a cease-fire.

In a letter dated 4 May (S/2125), the representative of Syria charged that on 2 May Israel forces had driven some cattle belonging to the Shamalneh Arabs into Israel territory after an exchange of heavy fire with the Arab villagers. The next day a new attack, supported by heavy artillery and mortars, had been launched against the Shamalneh Arabs. Syrian forces, it was stated, had neither taken part in nor answered the provocative and hostile acts of Israel.

At the 545th meeting on 8 May, the representatives of France, Turkey, the United Kingdom and the United States submitted a joint draft resolution (S/2130) calling upon the parties in the area to cease fighting.

The sponsors emphasized that what was important was to put an end to the fighting, which, they stated, was contrary to the Armistice Agreement and to the principles of the United Nations and was endangering the peace of the area. The information available was too conflicting to attempt an assessment of details; once the fighting had stopped the matter could be properly investigated.

The representatives of Brazil and the Netherlands strongly supported the joint draft. They stated that the continuance of current border clashes in the area would tend, through their natural development and the exacerbation of national feelings, to impair and jeopardize the chances of

an equitable and fair solution of the problem. An effective cease-fire should be reached immediately.

The representative of Israel declared that Syrian armed forces had established themselves in Shamalneh, at the southern triangle of the demilitarized zone. Those forces had assaulted strategic heights in Israel territory, and had inflicted and suffered considerable casualties. That constituted aggression and was a flagrant violation of the Armistice Agreement. He argued that the reports of the Acting Chief of Staff were disjointed and merely recited the complaints without investigating or sifting the facts. Israel agreed with the central theme of the joint draft, and urged the observation by all parties of the exact terms of the Armistice Agreement. It must, however, reserve the rights to try to secure, not merely a cease-fire, but also a determination and condemnation of Syrian aggression.

The representative of Syria denied that his Government had any desire, at the present time, to occupy any part of the demilitarized zone; the destiny of that area was to be settled eventually in a peace treaty. He also denied that Syrian soldiers had actually invaded Israel territory or inflicted casualties on the Israelis.

He listed the following Syrian demands:

- (1) Stoppage of work on the drainage project pending an understanding between the signatories of the Armistice Agreement and the free consent of the owners of the land;
- (2) immediate return of the Arab inhabitants to their homes;
- (3) payment of adequate indemnity to them by Israel;
- (4) withdrawal of all military or para-military forces from the zone, together with policemen not locally recruited;
- (5) restriction of the policing of the villages in the zone to locally recruited policemen; and
- (6) confirmation by the Security Council, as well as by the parties, of the powers of the Chief of Staff and the Mixed Armistice Commission in accordance with the Armistice Agreement.

If the Security Council did not take a firm stand in stopping the aggressive moves of Israel, he said, Syria would feel bound to resort to whatever means were at its disposal.

In the course of the meeting, both Israel and Syria submitted amendments (S/2315 and S/2137) to the joint draft.

The Israel amendment (S/2135) requested the withdrawal of all military and para-military forces which had penetrated into the demilitarized zone. The Syrian amendment (S/2137) likewise requested the withdrawal of all military and para-military forces from the demilitarized zone and, in addition, requested the safe return of all civilian inhabitants to their villages within the demilitarized zone. After a brief recess, the Presi-

dent announced that both Governments had withdrawn their amendments.

The joint draft was adopted by 10 votes to none, with 1 abstention (USSR), by the Council at its 545th meeting on 8 May.

The USSR representative explained that he had abstained from voting on the joint draft because it referred to previous Council resolutions on which he had also abstained.

The resolution adopted (S/2130) read:

"The Security Council,

"1. Recalling its resolutions of 15 July 1948 (S/902), 11 August 1949 (S/1376), 17 November 1950 (S/1907 and Corr.1),

"2. Noting with concern that fighting has broken out in and around the demilitarized zone established by the Syrian-Israel General Armistice Agreement of 20 July 1949 and that fighting is continuing despite the cease-fire order of the Acting Chief of Staff of the United Nations Truce Supervision Organization issued on 4 May 1951,

"3. Calls upon the parties or persons in the areas concerned to cease fighting and brings to the attention of the parties their obligations under Article 2, paragraph 4 of the Charter of the United Nations and the Security Council's resolution of 15 July 1948 and their commitments under the General Armistice Agreement, and accordingly calls upon them to comply with these obligations and commitments."

d. RESOLUTION OF 18 MAY

In a cablegram of 7 May (S/2126), Israel complained to the Security Council that regular detachments of the Syrian army had taken part in aggression against Israel territory.

The next day, the Acting Chief of Staff cabled (S/2127) that United Nations observers had visited positions taken by the Israelis at Tel el Muttilla on 6 May and had reported that they had seen a number of arms and large quantities of ammunition for automatic weapons. Two tags from empty boxes had Arabic inscriptions denoting two different units of the Syrian army. The observers also reported that, as of 7 May, the whole area had been quiet and that no incidents had been reported.

At the 546th meeting of the Security Council on 16 May, the representatives of France, Turkey, the United Kingdom and the United States submitted a joint draft resolution (S/2152/Rev.1— for text, see below) on the question.

They emphasized that the draft not only dealt with the settlement of past incidents but also was intended to ensure the most effective possible operation of the truce machinery and of the armistice regime. They expressed concern at the aerial

bombing of El Hamma⁷³ and the disregard for the authority and orders of United Nations observers. They hoped that no new violence would take place owing either to acts of war or to the deportation of the civilian population from the demilitarized zone.

The joint draft, the sponsors said, was intended to clarify the responsibilities and duties of the Chairman of the Mixed Armistice Commission who, they stated, was responsible under the Agreement for general supervision of the administration of the demilitarized zone. The question of sovereignty over this zone must be left open for a final territorial settlement. Meanwhile it had a special status under the Armistice Agreement; military activity was totally excluded and normal civilian life was gradually to be restored under the supervision of the Chairman of the Commission.

Representatives of Brazil, Ecuador, India and the Netherlands supported the joint draft, which, they considered, maintained the authority of the United Nations. It was essential that that authority should be confirmed not only in the Middle East, but everywhere, because, if it were undermined, the danger of world war would be increased. The Security Council was fully justified in appealing to the parties to submit their case to the appropriate body. It was imperative that the Mixed Armistice Commission be provided with effective means for accomplishing its duties, and that full guarantees be assured to the Commission's officials when they exercised their functions in the area of dispute.

The representative of Israel criticized the joint draft. Its principal recommendation was that Israel should cease the drainage operations which had been in progress since October 1950, but, he said, there was nothing in the Armistice Agreement to limit or forbid such a project. The functions of the Chairman of the Commission derived from the Armistice Agreement, but this would cease to be an agreement between the parties under a resolution ascribing to the Chairman, in a matter not even covered by the Agreement, the power of arbitrary direction over the very Governments which had defined his functions. Moreover, the joint draft conferred a veto power on the very interests which were implacably opposed to the drainage project, for it was clear that neither Syria nor the landowners would ever agree to it. He also objected to the paragraph providing for the repatriation of Arab civilians inhabiting

⁷³ See pp. 286-87.

the demilitarized zone. That, he felt, was in complete conflict with the Armistice Agreement, which laid down procedures whereby all complaints, including the current one, should be investigated and judged by the Commission.

The representative of Syria said that the conflict did not derive only from the dispute over the seven acres, for the results of the drainage would be dangerous to the interests of Syria. The effectiveness of the buffer zone between Syria and Israel would be weakened, and a conflict between the two belligerents might easily occur. Syria, he declared, had not only accepted the cease-fire resolution but had also condemned the fighting from the very beginning. The Syrian army had never participated in the conflict; it was Israel, he stated, which wished to create provocations in order to influence the Security Council. Syria had never contested the interpretation of the Armistice Agreement by the Commission, whereas the Israelis, on many occasions, had insisted on their own understanding of the articles of the Agreement. Although the joint draft contained many points unfavourable to Syria, he would accept it.

In response to a question by the representative of the Netherlands, the sponsors of the joint draft resolution explained that it was not its purpose to suspend indefinitely the drainage operations in the demilitarized zone, but to enable the Chief of Staff to use his good offices in an effort to bring about a negotiated settlement between the owners of the affected lands and the Palestine Land Development Company. If, however, a settlement proved impossible, then the procedures and the machinery provided by the Armistice Agreement should be used, in order to make a final settlement possible.

The Security Council, at its 547th meeting on 18 May, adopted the joint draft resolution, by 10 votes to none, with 1 abstention (USSR). The resolution (S/2157) read:

"The Security Council,

"Recalling its past resolutions of 15 July 1948 (S/902), 11 August 1949 (S/1376), 17 November 1950 (S/1907 and Corr.1) and 8 May 1951 (S/2130) relating to the General Armistice Agreements between Israel and the neighbouring Arab States and to the provisions contained therein concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commissions participated in by the parties to the General Armistice Agreements;

"Noting the complaints of Syria and Israel to the Security Council, statements in the Council of the representatives of Syria and Israel, the reports to the Secretary-General of the United Nations by the Chief of Staff and the Acting Chief of Staff of the United

Nations Truce Supervision Organization for Palestine, and statements before the Council by the Chief of Staff of the United Nations Truce Supervision Organization for Palestine;

"Noting that the Chief of Staff of the Truce Supervision Organization in a memorandum of 7 March 1951 (S/2049, Section IV, paragraph 3), and the Chairman of the Syrian-Israel Mixed Armistice Commission on a number of occasions have requested the Israel delegation to the Mixed Armistice Commission to ensure that the Palestine Land Development Company, Limited, is instructed to cease all operations in the demilitarized zone until such time as an agreement is arranged through the Chairman of the Mixed Armistice Commission for continuing this project;

"Noting further that article V of the General Armistice Agreement gives to the Chairman the responsibility for the general supervision of the demilitarized zone;

"Endorses the requests of the Chief of Staff and the Chairman of the Mixed Armistice Commission on this matter and calls upon the Government of Israel to comply with them;

"Declares that in order to promote the return of permanent peace in Palestine, it is essential that the Governments of Israel and Syria observe faithfully the General Armistice Agreement of 20 July 1949;

"Notes that under article VII, paragraph 8, of the Armistice Agreement, where interpretation of the meaning of a particular provision of the agreement, other than the preamble and articles I and II, is at issue, the Mixed Armistice Commission's interpretation shall prevail;

"Calls upon the Governments of Israel and Syria to bring before the Mixed Armistice Commission or its Chairman, whichever has the pertinent responsibility under the Armistice Agreement, their complaints and to abide by the decisions resulting therefrom;

"Considers that it is inconsistent with the objectives and intent of the Armistice Agreement to refuse to participate in meetings of the Mixed Armistice Commission or to fail to respect requests of the Chairman of the Mixed Armistice Commission as they relate to his obligations under article V and calls upon the parties to be represented at all meetings called by the Chairman of the Commission and to respect such requests;

"Calls upon the parties to give effect to the following excerpt cited by the Chief of Staff of the Truce Supervision Organization at the 542nd meeting of the Security Council on 25 April 1951, as being from the summary record of the Syria-Israel Armistice Conference of 3 July 1949, which was agreed to by the parties as an authoritative comment on article V of the Syrian-Israel Armistice Agreement,

"The questions of civil administration in villages and settlements in the demilitarized zone is provided for, within the framework of an Armistice Agreement, in sub-paragraphs 5(b) and 5(f) of the draft article. Such civil administration, including policing, will be on a local basis, without raising general questions of administration, jurisdiction, citizenship, and sovereignty.

"Where Israel civilians return to or remain in an Israel village or settlement, the civil administration and policing of the village or settlement will be by Israelis. Similarly, where Arab civilians return to or

remain in an Arab village, a local Arab administration and police unit will be authorized.

"As civilian life is gradually restored, administration will take shape on a local basis under the general supervision of the Chairman of the Mixed Armistice Commission.

"The Chairman of the Mixed Armistice Commission, in consultation and co-operation with the local communities, will be in a position to authorize all necessary arrangements for the restoration and protection of civilian life. He will not assume responsibility for direct administration of the zone."

"Recalls to the Governments of Syria and Israel their obligations under Article 2, paragraph 4 of the Charter of the United Nations and their commitments under the Armistice Agreement not to resort to military force and finds that:

"(a) Aerial action taken by the forces of the Government of Israel on 5 April 1951, and

"(b) Any aggressive military action by either of the parties in or around the demilitarized zone, which further investigation by the Chief of Staff of the Truce Supervision Organization into the reports and complaints recently submitted to the Council may establish,

"Constitute a violation of the cease-fire provision provided in the Security Council resolution of 15 July 1948 and are inconsistent with the terms of the Armistice Agreement and the obligations assumed under the Charter;

"Noting the complaint with regard to the evacuation of Arab residents from the demilitarized zone;

"(a) Decides that Arab civilians who have been removed from the demilitarized zone by the Government of Israel should be permitted to return forthwith to their homes and that the Mixed Armistice Commission should supervise their return and rehabilitation in a manner to be determined by the Commission; and

"(b) Holds that no action involving the transfer of persons across international frontiers, armistice lines or within the demilitarized zone should be undertaken without prior decision of the Chairman of the Mixed Armistice Commission;

"Noting with concern the refusal on a number of occasions to permit observers and officials of the Truce Supervision Organization to enter localities and areas which were subjects of complaints in order to perform their legitimate functions, considers that the parties should permit such entry at all times whenever this is required, to enable the Truce Supervision Organization to fulfil its functions, and should render every facility which may be requested by the Chairman of the Mixed Armistice Commission for this purpose;

"Reminds the parties of their obligations under the Charter of the United Nations to settle their international disputes by peaceful means in such manner that international peace and security are not endangered, and expresses its concern at the failure of the Governments of Israel and Syria to achieve progress pursuant to their commitments under the Armistice Agreement to promote the return to permanent peace in Palestine;

"Directs the Chief of Staff of the Truce Supervision Organization to take the necessary steps to give effect to this resolution for the purpose of restoring peace in the area, and authorizes him to take such measures to

restore peace in the area and to make such representations to the Governments of Israel and Syria as he may deem necessary;

"Calls upon the Chief of Staff of the Truce Supervision Organization to report to the Security Council on compliance given to the present resolution;

"Requests the Secretary-General to furnish such additional personnel and assistance as the Chief of Staff of the Truce Supervision Organization may request in carrying out the present resolution and the Council's resolutions of 8 May 1951 and 17 November 1950."

e. COMMUNICATIONS RECEIVED BY THE SECURITY COUNCIL SUBSEQUENT TO THE RESOLUTION OF 18 MAY

Subsequent to the resolution of 18 May, the Security Council received communications from Syria, from the Chief of Staff, from Israel and from Jordan concerning the questions which had previously been brought before it. The Council did not discuss those communications during 1951.

(1) Communications from Syria

The communications from the Syrian representative to the United Nations, dated 21, 24 and 28 May and 11 and 12 June (S/2161, S/2168, S/2172, S/2191 and S/2193), protested against the decision of the Chief of Staff to authorize the Palestine Land Development Company to resume its work on non-Arab lands in the demilitarized zone and the non-implementation by Israel of the Council's decision concerning the return of Arab civilians to that zone.

(2) Reports of the Chief of Staff on the Implementation of the Council's Resolution of 18 May

In connexion with negotiations concerning the resumption of the drainage work, the Chief of Staff reported (S/2213 and Add.1) on 26 June that the Arab landowners had rejected any proposal to rent, sell or exchange any of their lands. He considered that, in view of the adamant stand of both parties, a dangerous situation might develop if the Palestine Land Development Company should decide to resume work on Arab-owned lands in the demilitarized zone before agreement was reached. The Council's decision of 18 May 1951 concerning the withdrawal of Israel police units had not, he reported, been implemented; these units continued to exercise general control over the demilitarized zone. On 8 July he reported (S/2234) that the Chairman of the Israel-Syrian Mixed Armistice Commission had interviewed 632 civilians, of 785 evacuated from the zone, and that approximately 260 persons had elected to return to the demilitarized zone.

(3) Fourth Interim Report of the Chief of Staff

In his fourth interim report (S/2300) of 16 August 1951, the Chief of Staff informed the Security Council of the following main points:

(a) The Palestine Land Development Company was planning to extend the scope of its present activities in the demilitarized zone. This involved the placing of survey crews and workmen on the east bank of the Jordan River (within the boundaries of the demilitarized zone) incidental to the construction of a temporary dam across the river, the result of which would be to stop completely the flow of the Jordan River for four or five days a week over an indefinite period. This would, in turn, apparently interrupt the flow of water into the series of canals used by Syrian and other Arab landowners for the irrigation of their crops in the area east of the River which is in Syrian territory. Israel representatives claimed, however, that the periodic flow of water on certain days of the week would be ample for the needs of these landowners. In a letter of 7 August to the Foreign Minister of Israel, the Chief of Staff had stated that such an extension of the work of the Palestine Land Development Company would greatly aggravate an already tense situation, and had urged that the Palestine Land Development Company be restrained from dispatching a survey team to the east bank of the Jordan River and from proceeding with the proposed emplacement of the dam over the Jordan.

(b) To date Israel continued to: (i) occupy Arab-owned Khouri farms, (ii) limit movements of the Arab civilians, (iii) impose restrictive measures on movements of United Nations observers within the demilitarized zone.

(c) With minor exceptions, there was no change in the situation of the Arab civilians who, during the disturbances of February and March 1951, had had to flee from their homes or had been removed from the demilitarized zone.

(d) The senior Israel delegate to the Mixed Armistice Commission had contended that Arab civilians in the demilitarized zone did not have the right of free passage to and from Syria for the purpose of trading with Syrians or to purchase the necessities of life.

(e) It had been impossible to secure agreement between Israel and Syria on an agenda which would enable the Mixed Armistice Commission to reconvene and discuss outstanding problems and complaints. The Syrian senior delegate insisted that Syrian complaints on items other than military should be discussed by the Commission, while the Israel delegation contended that those complaints were matters that came within the competence of the Chairman of the Commission, but not of the Commission itself. The result was that, since February, the Commission had not considered some 80 complaints which had been submitted to it.

(f) In a communication of 4 August to the Chief of Staff, the permanent representative of Israel to the United Nations had expressed concern at the non-functioning of the Israel-Syrian Mixed Armistice Commission, and in particular that no action had so far been taken by the Commission on Israel's complaint (S/2126) of 7 May 1951 regarding the invasion of

Israel territory by Syrian forces at Tel el Mutilla (see above).

(4) Communication from Israel Concerning Exchange of Letters with the Chief of Staff

In the light of the Chief of Staff's interim report, the permanent Israel representative to the United Nations, in a letter (S/2309) dated 22 August, brought to the Council's attention the exchange of letters, dated 4 and 8 August, between himself and the Chief of Staff. It was clear from that correspondence, he stated, that his Government and the Chief of Staff were trying to settle the outstanding problems in the demilitarized zone. These problems included, among others, the question of the police arrangements in the demilitarized zone, the organization of civilian life in the area, and the completion of the drainage project. In view of the statements made by representatives supporting the Council's resolution of 18 May 1951 (see above), the representative of Israel maintained, a primary obligation of the United Nations representatives in the area was to ensure the speedy removal of all obstacles obstructing the completion of the Huleh project. Israel, he said, would give its full support to the Chief of Staff's effort to "permit the Mixed Armistice Commission to reconvene in the very near future in order to discuss and settle all outstanding problems and complaints."

(5) Complaint by Jordan of Israel Interference with the Flow of the River Jordan

On 7 June 1951 the Foreign Minister of Jordan cabled (S/2236) the Secretary-General of the United Nations, complaining that Israel was interfering with the natural flow of the waters of the River Jordan. A report of the Jordanian Director of Lands and Surveys, with a map illustrating the salinity of the River Jordan, was also transmitted. According to these documents, the quantity of water held by the Israelis had considerably lowered the normal level of the River Jordan, caused a catastrophic increase in the salinity of the River Jordan and had made irrigation no longer possible between Jisr Shekh Husein and the Dead Sea, thus affecting gravely the economy of the Jordan.

On 6 July, Jordan requested (S/2236) the Secretary-General to make the documents available to the representatives at the United Nations. On 22 October it asked him (S/2386) to bring the matters to the attention of the Security Council

The Council did not discuss the matter during 1951.

(6) Further Communications by Israel and the Chief of Staff Concerning the Tel el Mutilla Incident

On 25 August 1951, Israel requested (S/2312) that its complaint of 7 May (S/2126) against Syria⁷⁴ concerning an attack by Syrian irregulars against Tel el Mutilla in Israeli territory should be re-examined, with a view to fixing the guilt of the Syrian Government. Israel stated that incriminating facts had been officially confirmed by the Syrian Government: Number 31 of the Official Gazette of the Syrian Republic, published in Damascus on 19 July, contained two announcements of decorations awarded to members of the Syrian army who participated in war operations in the region of Tel el Mutilla, Telabizeid and Telemutallaka.

The Chief of Staff of the Truce Supervision Organization submitted on 23 September 1951 a report (S/2359) on the fighting in the Tel el Mutilla area at the beginning of May 1951. He said that after his return from New York to the Middle East, he had studied the information available and interrogated the United Nations observers on the evidence they had collected; he had felt unable to submit conclusions to the Security Council until the Mixed Armistice Commission had discussed the complaints of the parties. The publication, however, in the Syrian Official Gazette of two orders (Numbers 1020 and 1021) of the National Ministry of Defense granting medals to soldiers who had participated in "war operations" threw new light on the events. The allegation that personnel of the Syrian army participated in this fighting in his opinion, could now be considered as having been proved.

On 25 September, the Chief of Staff forwarded, for communication to the members of the Security Council, a letter (S/2360) from the Syrian Minister of National Defence which he had received on 23 September. This document emphatically denied all participation of the Syrian army in the incidents which had occurred recently in the demilitarized zone, including the Tel el Mutilla affair, and claimed that the reports of the United Nations observers should be considered as the only official evidence, and that no Official Gazette or any other Syrian document could in any way constitute evidence against Syria.

An Israel communication of 19 October (S/2397) stated that the Chief of Staff's conclusion constituted a retroactive finding by the Security Council that the Syrian military action was a violation of Syria's obligations under the Security Council resolution of 15 July 1948,⁷⁵ under the

Armistice Agreement, and under the United Nations Charter. The finding of the Chief of Staff made clear, it was stated, that the root cause of the political and military tensions in the Huleh area was a deliberate aggressive design by Syria to secure possession and control of territory outside its own international boundaries. Despite the evidence from its own Official Gazette, the Syrian Government, in its letter to the Chief of Staff, had presumed to deny that "a single shot from an individual or collective weapon" was fired by its forces.

(7) Chief of Staff's Progress Report of 6 November

In a report (S/2389) dated 6 November 1951, the Chief of Staff stated that after his return to the Middle East he had visited Tel Aviv and Damascus, and had had conversations with representatives of the two Governments with a view to hastening the solution of outstanding problems and to securing an agreement for the immediate resumption of the meetings of the Mixed Armistice Commission. Such a resumption had so far proved impossible. Syria maintained that, prior to the resumption of the meeting of the Mixed Armistice Commission, Israel should comply fully with the Security Council resolution of 18 May concerning the demilitarized zone; that is, operation of the Palestine Land Development Company should cease, Arab civilians should be allowed to return, Israel police and troops should be withdrawn, and Arab civilians should be compensated for damages suffered.

On the other hand, Israel asked that the Syrian authorities: (1) acknowledge Syria's responsibilities in the Tel el Mutilla affair; (2) acknowledge that the Huleh reclamation project should not be barred by six and a half acres of Arab-owned lands; and (3) remove the road block barring access to El Hamma.

3. Complaint by Israel of Egyptian Restrictions on the Passage of Ships through the Suez Canal

On 12 June 1951, the Chief of Staff of the Truce Supervision Organization, in pursuance of the Security Council resolution of 17 November 1950,⁷⁶ submitted a report (S/2194) to the Council on the activities of the Special Committee provided for in the Egyptian-Israeli Armistice Agree-

⁷⁴ See p. 289.

⁷⁵ See Y.U.N., 1947-48, pp. 436 and 441.

⁷⁶ See Y.U.N., 1950, p. 320.

ment.⁷⁷ He stated his opinion that Egyptian interference with the passage of goods to Israel through the Suez Canal was an aggressive and hostile act; it was contrary to the spirit of the Armistice Agreement and jeopardized its effective functioning. He pointed out, however, that the interference was not being committed by the Egyptian armed forces and, therefore, was not specifically covered by the Armistice Agreement. For that reason, he had felt bound to vote with Egypt in the Special Committee that the Mixed Armistice Commission did not have the right to demand that the Egyptian Government should not interfere with the passage of goods to Israel through the Suez Canal. He considered, nevertheless, that either the Egyptian Government must relax the interference in the spirit of the Armistice Agreement, or that the question must be referred to some higher competent authority, such as the Security Council or the International Court of Justice.

On 11 July, Israel requested (S/2241) urgent consideration by the Council of the item "Restrictions imposed by Egypt on the passage of ships through the Suez Canal." Israel stated that, in contravention of international law, of the Suez Canal Convention of 1888 and of the Egyptian-Israel Armistice Agreement, Egypt continued to detain, visit and search ships seeking to pass through the Suez Canal on the ground that their cargoes were destined for Israel. Israel brought the question before the Council as a matter jeopardizing the Armistice Agreement and endangering the peace and security of the Middle East. Quoting the opinion expressed by the Chief of Staff on 12 June 1951, Israel stated that, if the Security Council were to fail to act, the strength and equity of the armistice system and the authority of the United Nations officers charged with supervising the armistice would be injured.

The Council discussed the item at its 549th to 553rd, 555th, 556th and 558th meetings, on 26 July, 1, 16, 27, and 29 August and 1 September. The representatives of Israel, Egypt and Iraq were invited to participate in the discussions, without vote.

The representative of Israel described the Egyptian restrictions and said, *inter alia*, that a long list of items, including ships, important categories of goods and, in particular, petroleum, were subject to seizure as contraband if found destined for Israel. Ships transporting such goods were detained for visit and search, and the goods were removed and liable to condemnation in a prize

court. The Egyptian practice, it was stated, clearly constituted an act of war.

The Israel representative referred to the statement in the Security Council on 4 August 1949 by the Acting Mediator, that the Egyptian restrictions on shipping were inconsistent with both the letter and the spirit of the Armistice Agreements. He also referred to the adoption of the Council's resolution of 11 August 1949,⁷⁸ which requested the signatory Governments to observe the Armistice Agreements and reminded them that "these agreements include firm pledges against any further acts of hostility between the parties." That resolution had been considered as marking the end both of restrictions on the sale and purchase of arms and of restrictions on the free movement of shipping.

The Israel representative also recalled that, in its resolution of 17 November 1950,⁷⁹ the Council had reminded Egypt and Israel of their obligations under the Charter to settle their outstanding differences. He quoted the opinions expressed by the Chief of Staff, and stated that whatever technical decision had been reached by the Special Committee, the Security Council was obliged to take action to suppress acts of aggression.

The representative of Israel stated that in the course of the armed intervention, undertaken by the Arab States against Israel in May 1948 in defiance of Security Council resolutions, Egypt had sought to establish a general blockade against Israel and had begun to visit and search ships of all nationalities passing through the Suez Canal, thus violating the freedom of the seas and contravening the Suez Canal Convention of 1888, under which Egypt is bound to keep the Suez Canal "always... free and open in time of war as in time of peace" to all ships, without distinction of nationality.

Egypt had claimed that she was exercising a right of war. However, he stated, the Egyptian-Israel Armistice Agreement was a permanent and irrevocable renunciation of all hostile acts. The Acting Mediator's official interpretation in July 1949 that the Armistice Agreement "provides for a definitive end of fighting" and "incorporates what amounts to a non-aggression pact" had been reiterated by other United Nations representatives, by the Security Council's resolutions of 11 August 1949 and 17 November 1950 and by the Chief of

⁷⁷ See Y.U.N., 1948-49, pp. 184-85.

⁷⁸ See Y.U.N., 1948-49, pp. 186-89.

⁷⁹ See Y.U.N., 1950, p. 320.

Staff. Israel was not in a state of war with Egypt and denied that Egypt had the right to be at war with Israel. The representative of Israel said that the right of ships to traverse the high seas and international highways was a cornerstone of the law of nations. He drew attention to the economic damage caused by the blockade and emphasized that, if the Security Council acquiesced in its continuation, a fatal doubt would spread throughout the region concerning the impartial maintenance of the Armistice Agreement.

In reply, the representative of Egypt pointed out that on 12 June 1951, while the Chief of Staff was discharging his official duties, the Special Committee had reached a final decision that "the Mixed Armistice Commission does not have the right to demand from the Egyptian Government that it should not interfere with the passage of goods to Israel through the Suez Canal." The Armistice Agreement provided that such decisions by the Mixed Armistice Commission (both on questions of principle and on the interpretation of the Agreement) should be final, subject to appeal to the Special Committee. The obiter dicta, which had been quoted out of context by the representative of Israel, were not connected with the official duties of the Chief of Staff, and did not properly belong in the records of the Security Council.

The Egyptian representative maintained that the provisions of the Armistice Agreement concerning the taking of hostile action by armed forces were based on precedent and generally-accepted doctrines regarding armistices. He quoted various jurists to illustrate the distinction between a peace and an armistice, and pointed out that that distinction was clearly realized during the Council's debates. During an armistice, which was a mere cessation of hostilities, the right of visit and search over neutral merchantmen remained intact. Furthermore, the rights of the parties to an armistice agreement included the right of blockade, the right to capture neutral vessels attempting to break the blockade and the right to seize contraband of war. He gave relevant figures of visits and unloading, and argued that Egypt was exercising only a fraction of her rights under the armistice.

At the 550th meeting on 1 August, the Egyptian representative denied that Egypt had "detained" ships passing through the Suez Canal; Egyptian authorities had inspected some, but not all, ships passing through the Canal. The existence of a state of war in Palestine had been acknowl-

edged by the Mediator in his interim report to the General Assembly in 1948 and in the Armistice Agreement, and, while it continued, Egypt had no choice other than to exercise her right of self-preservation, a right acknowledged by authorities on international law and safeguarded by Article 51 of the Charter.

The attitude of Israel was, he said, responsible for blocking the road to peace in the Middle East and for the Egyptian measures of which Israel complained. In particular, he alleged that Israel had not respected the armistice; that it had not carried out the resolutions of the United Nations with respect to the Palestine question; that it had not permitted the Palestinian Arab refugees to return to their homes or compensated them for their property; and that it had not paid the slightest attention or shown any respect for the resolutions of the United Nations on behalf of the basic human rights of those refugees. He cited examples to show that Israel had violated the Armistice Agreement and the General Assembly resolutions concerning the boundaries and internationalization of Jerusalem and the question of refugees. He also referred to the recent complaint concerning the waters of the Jordan, and accused Israel of systematic raids. The root of the trouble, he said, was the unlimited ambition of world Zionism, of which Israel was the spearhead. In the circumstances, it could not be expected that Egypt should allow the passage of war materials to Israel through its own territory.

As regards the allegation that Egypt had violated the Suez Canal Convention of 1888, the representative of Egypt read certain parts of an address delivered by the President of the Suez Canal Company at the meeting of the Company's General Assembly of Shareholders On 12 June 1951. The address, the Egyptian representative said, showed, among other things that:

(1) during 1950 and the five months following it, the Company's business had flourished, even more than in the previous corresponding period; (2) revenues had increased; (3) the reserve had been added to; (4) owing to extra profits, some refunds had been made to the shippers who dealt with the Company; (5) new projects had been carried out and others had been initiated; (6) the relations and co-operation between the Company and the Egyptian Government were at their best; and (7) any professed sorrow for the fate of the Company and of the Canal was entirely uncalled for.

In the whole address there was no mention, he said, of any violation of the Suez Canal Convention, of any hindrance to the traffic in the Canal

or of any infringement of navigation in the Canal.

The representative of Egypt argued that the complaint of Israel was not receivable, since the powers and duties of the Security Council were limited and should be strictly regulated by the fundamental principles and purposes laid down in the Charter, which required that the adjustment or settlement of international disputes should be "in conformity with the principles of justice and international law".

In reply to the Egyptian legal arguments, the representative of Israel said that the questions before the Council could not be decided on the basis of the traditional pre-Charter law. The issue was whether, after the signature of the Charter and after the Egyptian-Israeli Armistice Agreement had been in force for two and a half years, a Member State could ask the Security Council to respect its unilateral exercise of belligerent rights. Although he considered them irrelevant to the subject under discussion, he replied to charges made by the Egyptian representative, in particular, concerning violations of the Armistice Agreement, the Arab refugee problem, the question of the waters of the Jordan and the subject of immigration into Israel.

He maintained that, by allowing the Egyptian contention of a state of war to stand, the Council would be inviting each party to exercise belligerent rights and to intercept and control the other's trade and shipping. The Acting Mediator and the Chief of Staff would be repudiated, the Rhodes agreement in its original sense would be set aside and two resolutions of the Security Council determining the irrevocable end of all hostile acts would be superseded. On the other hand, if the Council requested the immediate cessation of those acts, it would become a matter of international record that no hostile acts were legitimate within the framework of the Armistice Agreement and the armistice machinery could begin to function smoothly. By abandoning any such doctrine of war, Egypt and Israel could renew the armistice as a prelude to a larger peace.

On 15 August, the representatives of France, the United Kingdom and the United States submitted a joint draft resolution (S/2298) providing, *inter alia*, that the Security Council: (1) find that the maintenance of interference by Egypt with the passage through the Suez Canal of goods destined for Israel was inconsistent with the objectives of a peaceful settlement between the parties and the establishment of a permanent peace

in Palestine, set forth in the Armistice Agreement; (2) find that this practice could not, in the prevailing circumstances, be justified on the grounds that it was necessary for self-defence; and (3) call upon Egypt to terminate the restrictions on the passage of international commercial shipping and goods through the Suez Canal, wherever bound, and to cease all interference with such shipping beyond that essential to the safety of shipping in the Canal itself and to the observance of the international conventions in force.

The joint draft was subsequently revised (S/2298/Rev.1) by omitting from the third paragraph of the preamble a reference to the view expressed by the Chief of Staff in his report of 12 June.⁸⁰

The sponsors of the joint draft considered that the armistice agreement system between Israel and Egypt must be upheld and strengthened until a permanent peace was reached. They felt that, in dropping the restrictions, Egypt could make a positive contribution to the relief of tension in the Near East. The sponsors could not agree with the representative of Egypt that full belligerent rights could reasonably be exercised between the cessation of hostilities and the final peace treaty. What mattered, however, was not whether the restrictions had some technical basis, but whether their maintenance was reasonable, just and equitable. That, they said, was the principle on which the joint draft resolution had been formulated. The Egyptian Government was not being asked to give up any of the rights it could legitimately claim in regard to the passage of ships through the Canal. The normal administration of the Canal must obviously continue, and proper precautions must be taken to safeguard it and the ships which passed through it. The sponsors pointed out that the restrictions on shipping through the Canal which applied to Egypt had been terminated by the Security Council's resolution of 11 August 1949 and there could be no justification for the attempt to maintain similar restrictions against Israel.

Furthermore, Egypt had been given ample opportunity to lift the restrictions. A number of maritime countries had made diplomatic representations to the Egyptian Government, and the proceedings of the Security Council had frequently been postponed to permit further efforts to achieve a satisfactory settlement which would obviate the need for Council action—all to no avail. Now the time has come for the Council to make

⁸⁰ See pp. 293-94.

a decision. The principles of international law must be respected; the Suez Canal Convention of 1888 must be implemented; the armistice must be effectively observed; and the endless difficulties affecting other States as a result of the restrictions must be removed. Respect for international principles and for the legitimate interests of States, as required of Egypt by the draft resolution, could contribute to the peace and prosperity of all and, consequently, to the peace and prosperity of Egypt, they said.

The representatives of Brazil, Ecuador, the Netherlands, Turkey and Yugoslavia spoke in support of the joint draft. Since there were at that time no real hostilities between Israel and Egypt, and since it had been the purpose of the armistice to put an end to hostilities, the restrictions imposed by Egypt seemed to them to be incompatible with the armistice and its authorized interpretation, and with the purpose of the United Nations in endorsing it. The restrictions also appeared to prejudice, unjustifiably, the interests of other States. The Security Council, they argued, should not allow the thesis of the existence of a state of war to justify the resort to hostile acts by any of the parties to the Armistice Agreement. If the Council accepted the Egyptian thesis, it would be bound to recognize reprisals by Israel. Obviously, the resultant exchange of hostile acts could hardly lay the foundation of a definite solution to the Palestine question.

The representative of Brazil considered that the Suez question merely reflected the more important problem of effecting an understanding between Israel and the neighbouring Arab States. After the decision on this question had been reached, the Palestine Conciliation Commission should be urged to prevail upon the interested parties to cooperate fully with it to reach a settlement of the various question in dispute, and should suggest specific solutions to specific problems for consideration by the parties.

The representative of Ecuador said that freedom of transit through international waterways was a matter of concern to all countries. He would vote for the joint draft on the understanding that its provisions did not affect this principle.

The representative of the Netherlands believed that Egypt could not consider itself actively a belligerent more than two years after the signing of an armistice agreement and was not therefore justified in exercising the belligerent right of visit, search and seizure for any legitimate purpose of self-defence.

The representative of Turkey declared that a more conciliatory attitude on the question of shipping through the Suez Canal would not have prejudiced Egypt's general policy with regard to trade relations with Israel. Turkey would support the joint draft because of the importance of maintaining the delicate armistice system intact until the establishment of lasting peace and normal conditions.

The representative of Yugoslavia was convinced that an early general settlement in the Middle East was in the best interest of all parties concerned and was a vital component of the more general problem of relaxing world tensions. He supported the joint draft as aimed at promoting such a settlement.

The representative of Iraq considered that the legal arguments advanced by the representative of Egypt had not been refuted. The only arrangement between Egypt and Israel was an armistice agreement; the rights and privileges of a peace settlement could not be exercised when such a settlement did not exist. The representative of Israel had said that the restrictions imposed by Egypt had created unsettled conditions in the area. But it was Israel, he said, which was responsible for the diversion of the Arab States from economic and social reform to war alertness, and which had expelled one million persons from its country. Israel had also, he charged, committed constant frontier violations, and its leaders had declared aggressive and expansionist intentions.

He objected to various provisions of the joint draft resolution. For example, paragraph 5 stated that the armistice regime was of a permanent character, but, clearly, the armistice was not permanent since the belligerents had to conclude peace subsequently. This paragraph also stated that neither party could reasonably assert that it was actively a belligerent, but the parties were still technically belligerents, as the representative of Egypt had clearly explained. The joint draft, he stated, did not take the interests and rights of the Arabs into reasonable consideration. If the United Nations wished to introduce some settlement and order in the Middle East, they should ask Israel to comply with the existing resolutions, especially on the question of refugees.

The representatives, of China and India said they would abstain from voting on the joint draft. The representative of China considered that it still remained to be proved that the measures adopted by Egypt were in violation of general international law, the Suez Canal Convention and

the Armistice Agreement. Armistice was the first step to peace, but that did not mean the termination of a state of war. He felt that it was unreasonable to suppose that the neutralization of the Canal under the Suez Canal Convention cancelled every right of the territorial Power. It was generally admitted that the Armistice Agreements did not provide for the question at issue. The measures complained of undoubtedly hindered the restoration of peace in the Near East, but the same might be said of measures affecting refugees. The representative of China considered that the time had come for the Security Council to stop dealing piecemeal with one dispute after another under the general heading of the Palestine question. The various pending questions concerning Palestine should be put together and a final, general, co-ordinated solution should be sought, aimed at achieving a general peace.

India, said its representative, had hoped that the Security Council would not formally take up the question under discussion. That question was a complicated one, involving considerations of national rights and obligations and of international law. It had been said that the problem was not whether there was a basis for the rights claimed by Egypt, but whether those rights should actually be exercised. But, if there was a basis for the rights, their exercise could not very well be described as hostile and aggressive. The representative of India considered that the Security Council was not the most appropriate body to adjudicate on questions involving complicated legal issues. The joint draft resolution sought to avoid the legal issues involved, but questions regarding the legal rights of the parties could not be brushed aside as mere technicalities. He did not consider that the joint draft would contribute usefully to the early restoration of peace and stability in the Middle East.

The representative of Egypt contended that France, the Netherlands, Turkey, the United Kingdom and the United States were parties to the dispute and must, therefore, under Article 27, paragraph 3 of the Charter,⁸¹ abstain from voting. He stated that by the middle of August 1951, the Netherlands had protested to the Egyptian Government no less than three times; Turkey at least once; the United Kingdom, at least ten times; the United States, twelve times; and France, 22 times. Most of those protests were lodged with Egypt even while the hostilities in Palestine were still taking place. In each of the protests, the position was unequivocally taken by the complaining

country that it was a directly interested party which was disputing the right of Egypt to impose the restrictions. It was, therefore, distinctly evident that a dispute existed between Egypt and those countries. Accordingly, at the 555th meeting of the Security Council on 27 August, he submitted a draft resolution (S/2313) providing that the Security Council request the International Court of Justice to give its advisory opinion on the following question:

"In the light of the Charter of the United Nations, particularly paragraph 3 of Article 27, and in view of the debate in the Security Council, are France, the Netherlands, Turkey, the United Kingdom and the United States of America obliged to abstain from voting on the question of the restrictions imposed by Egypt in relation to the passage through the Suez Canal of some war materials to Israel?"

At the same meeting, the representative of the United Kingdom, speaking on behalf of the delegations of the five countries, said that the matter under discussion had been brought to the Security Council by Israel and the complaint was directed against Egypt; if there was a dispute, the parties to it were Israel and Egypt and not other States. The representative of Egypt had also maintained that the five States ought to abstain on general principles, since it was improper to act both as judge and as a party. There was no precise analogy, however, between the Security Council and a court of law, he said. The Council had the primary responsibility for the maintenance of international peace and security and it was inevitable that, on many questions which came before it, a number of members would be concerned. The Egyptian argument would prevent the Council from taking a decision for the peaceful settlement of a dispute involving a universally-accepted principle, such as the freedom of the seas. The five Powers did not feel that their concern in removing the restrictions was such as to prevent them from expressing a just and reasonable opinion. They had come to the conclusion that Article 27, paragraph 3, did not prevent them from voting on the joint proposal.

The representative of France said that in demanding the observance of the principle that there should at all times be freedom of transit through the Suez Canal for all ships, no State would be acting for itself alone; it would also be acting on behalf of all the others.

⁸¹ This paragraph provides, *inter alia*, that in the peaceful settlement of disputes, a party to a dispute shall abstain from voting.

The representative of Egypt stated that as long as the five States maintained their position on the question of abstention under Article 27, paragraph 3, there would be no point in the Egyptian draft resolution being sponsored by a member of the Security Council, since it would not be approved by the requisite majority.

In a cable (S/2321) dated 31 August 1951, the Secretary-General of the Arab League transmitted, for the information of the Security Council, a resolution unanimously adopted by the Political Committee of the Arab League concerning the restrictions imposed on the passage of ships through the Suez Canal. The resolution stated: (1) that the question concerned not only Egypt, but all the Arab States; (2) that, in taking these steps, Egypt was simply putting into effect the decisions already taken by the Council of the Arab League for the protection of each of its members; and (3) that the League would continue the examination of this question and consider what steps should be taken in view of the developments in the Security Council.

At the Council's 558th meeting on 1 September, the joint draft resolution was adopted by a vote of 8 in favour, none against, and 3 abstentions (China, India and the USSR).

The representative of Israel expressed appreciation of the Council's rejection of the concept of one-sided belligerence, and said that Israel was ready to discuss all outstanding questions with Egypt.

The representative of France stated that Egypt had been given a full opportunity to reconsider its decisions. There was no question of presenting Egypt with an ultimatum, but the Council had been obliged to find a way out of the impasse, and hoped that Egypt's compliance with its request would lead to greater security and prosperity for Egypt and for all the States in the Near East.

The representative of Egypt said that the representative of Israel had spoken of peace, but it was not peace when a million persons were expelled from their country and denied the most elementary human rights. No single suggestion for a solution had, he said, been made to Egypt; it had always been proposed that Egypt should surrender unconditionally. Even after the adoption of the resolution, the assumption on which the Israel claim was based had still to be proved; in his previous statements he had fully reserved his Government's position.

The resolution adopted by the Council (S/2322) read:

"The Security Council

"1. Recalling that in its resolution of 11 August 1949, (S/1376) relating to the conclusion of Armistice Agreements between Israel and the neighbouring Arab States it drew attention to the pledges, in these Agreements 'against any further acts of hostility between the Parties';

"2. Recalling further that in its resolution of 17 November 1950 (S/1907) it reminded the States concerned that the Armistice Agreements to which they were parties contemplated 'the return of permanent peace in Palestine', and therefore urged them and the other States in the area to take all such steps as would lead to the settlement of the issues between them;

"3. Noting the report of the Chief of Staff of the Truce Supervision Organization to the Security Council of 12 June 1951 (S/2194);

"4. Further noting that the Chief of Staff of the Truce Supervision Organization recalled the statement of the senior Egyptian delegate in Rhodes on 13 January 1949, to the effect that his delegation was 'inspired with every spirit of co-operation, conciliation and a sincere desire to restore peace in Palestine,' and that the Egyptian Government has not complied with the earnest plea of the Chief of Staff made to the Egyptian delegate on 12 June 1951, that it desist from the present practice of interfering with the passage through the Suez Canal of goods destined for Israel;

"5. Considering that since the Armistice regime, which has been in existence for nearly two and a half years, is of a permanent character, neither party can reasonably assert that it is actively a belligerent or requires to exercise the right of visit, search, and seizure for any legitimate purpose of self-defence;

"6. Finds that the maintenance of the practice mentioned in paragraph 4 above is inconsistent with the objectives of a peaceful settlement between the parties and the establishment of a permanent peace in Palestine set forth in the Armistice Agreement;

"7. Finds further that such practice is an abuse of the exercise of the right of visit, search and seizure;

"8. Further finds that that practice cannot in the prevailing circumstances be justified on the ground that it is necessary for self-defence;

"9. And further noting that the restrictions on the passage of goods through the Suez Canal to Israel ports are denying to nations at no time connected with the conflict in Palestine valuable supplies required for their economic reconstruction, and that these restrictions together with sanctions applied by Egypt to certain ships which have visited Israel ports represent unjustified interference with the rights of nations to navigate the seas and to trade freely with one another, including the Arab States and Israel;

"10. Calls upon Egypt to terminate the restrictions on the passage of international commercial shipping and goods through the Suez Canal wherever bound and to cease all interference with such shipping beyond that essential to the safety of shipping in the Canal itself and to the observance of international conventions in force."

4. Report of the United Nations Conciliation Commission for Palestine

Pursuant to General Assembly resolution 194 (III)⁸² of 11 December 1948, which called for periodic progress reports, the United Nations Conciliation Commission for Palestine submitted a progress report (A/1985), covering its activities from 23 January to 19 November 1951.

a. PROGRESS REPORT OF THE COMMISSION

In this report, the Commission recalled that, following its return to the Middle East at the end of January 1951, it had remained at its headquarters in Jerusalem and maintained its contact with the Governments and authorities concerned, as well as with the United Nations Relief and Works Agency and with the Chief of Staff of the United Nations Truce Supervision Organization.

On 29 March 1951, the Commission was informed by Israel that, following the seizure by Iraq, of the Iraqi Jews' property, it had decided that the value of Jewish property seized in Iraq would be taken into account in the settlement of the obligations assumed in respect of compensation for Arab property abandoned in Israel.

The Commission's main preoccupation had been the organization of the Refugee Office, which it had been instructed to establish by General Assembly resolution 394(V)⁸³ of 14 December 1950. The setting up of this Office was completed on 22 May 1951 with the arrival in Jerusalem of its director, Holger Andersen.

At the end of July, the members of the Commission met in special session in Geneva and decided, on the basis of the Assembly's resolution, to invite the Governments of Egypt, Jordan, Lebanon and Syria and the Government of Israel to discuss with the Commission solutions to the problems outstanding between them. On 10 August, the Governments concerned were invited to send their representatives to a conference to be held in Paris, beginning on 10 September 1951. In accepting this invitation, the Arab Governments reaffirmed their attitude on the refugee question and called for the implementation of the United Nations resolutions concerning the Palestine problem. On the other hand, the Government of Israel, in accepting the Commission's invitation, insisted once more on the need for direct negotiations with the Arab States, whether under the auspices of the Commission or not.

The Conference was held in Paris from 13 September to 19 November. The Chairman of the

Commission had first explained to the parties the procedure that the Commission intended to follow, and its reasons for adopting that procedure. A comprehensive pattern of proposals was then presented by the Commission to the Arab delegations on 17 September and to the delegation of Israel on 21 September.

It was suggested that a declaration of pacific intentions by the parties in the form of a preamble should precede discussion of the proposals. The text of the Commission's preamble and proposals read as follows:

"Preamble

"In accordance with the obligations of States Members of the United Nations and of signatories to Armistice Agreements, the Governments of Egypt, Jordan, Lebanon and Syria and the Government of Israel solemnly affirm their intention and undertake to settle all differences, present or future, solely by resort to pacific procedures, refraining from any use of force or acts of hostility, with full respect for the right of each party to security and freedom from fear of attack, and by these means to promote the return of peace in Palestine.

"Proposals

"1. That an agreement be reached concerning war damages arising out of the hostilities of 1948, such an agreement to include, in the Commission's opinion, mutual cancellation of such claims by the Governments of Egypt, Jordan, Lebanon and Syria and the Government of Israel;

"2. That the Government of Israel agree to the repatriation of a specified number of Arab refugees in categories which can be integrated into the economy of the State of Israel and who wish to return and live in peace with their neighbours;

"3. That the Government of Israel accept the obligation to pay, as compensation for property abandoned by those refugees not repatriated, a global sum based upon the evaluation arrived at by the Commission's Refugee Office; that a payment plan, taking into consideration the Government of Israel's ability to pay, be set up by a special committee of economic and financial experts to be established by a United Nations trustee through whom payment of individual claims for compensation would be made;

"4. That the Governments of Egypt, Jordan, Lebanon and Syria and the Government of Israel agree upon the mutual release of all blocked bank accounts and to make them payable in pounds sterling;

"5. That the Government of Israel and the Governments of Egypt, Jordan, Lebanon and Syria agree to consider, under United Nations auspices, and in the light of the experience gained during the past three years, the revision or amendment of the Armistice Agreements between them, especially with regard to the following questions:

"(a) Territorial adjustments, including demilitarized zones;

⁸² See Y.U.N., 1948-49, pp. 174-76.

⁸³ See Y.U.N., 1950, p. 334.

"(b) The creation of an international water authority to deal with the problems of the use of the Jordan and Yarmuk Rivers and their tributaries, as well as the waters of Lake Tiberias;

"(c) The disposition of the Gaza strip;

"(d) The creation of a free port at Haifa;

"(e) Border regulations between Israel and her neighbours with special attention to the need for free access to the Holy Places in the Jerusalem area, including Bethlehem;

"(f) Health, narcotics and contraband control along the demarcation lines;

"(g) Arrangements which will facilitate the economic development of the area: resumption of communications and economic relations between Israel and her neighbours."

The Arab delegations raised questions concerning the Commission's structure and mediatory functions as well as its terms of reference, maintaining that the Commission was exceeding its mandate in submitting proposals that would involve reopening discussions on points which had already been the subject of General Assembly decisions. The Commission had replied that it had acted according to the terms of reference which had been determined by resolution 194(III) and subsequent resolutions.

At a meeting on 25 September, the four Arab delegations declared that they were unable to associate themselves with the text suggested by the Commission in its preamble, as they regarded the Armistice Agreements as constituting already valid, continuing non-aggression pacts, beyond which they considered it unnecessary to go.

On 21 September, the delegation of Israel informed the Commission that it was willing to subscribe to a declaration such as that indicated in the opening statement. Subsequently, it suggested that this affirmation by the parties of their specific intentions take the form of a non-aggression pact to supplement the Armistice Agreements.

The Israel formulation, the Commission pointed out, thus went beyond the preliminary statement which the Commission considered practicable, while the Arab formulation fell short of the Commission's intentions.

On 24 and 26 October, respectively, the Commission submitted to the Arab delegations and to the delegation of Israel detailed explanations of the five points constituting its comprehensive pattern of proposals. Both parties agreed to submit their comments on the Commission's proposals. Those comments were submitted on 14 Novem-

ber. On nearly all the points, the Commission stated, the positions of the two parties appeared completely opposed.

With regard to the question of war damages, for example, Israel maintained that the Arab States were the aggressors in the Palestine conflict and could not escape the moral and material responsibility for their belligerent acts. Israel did not therefore agree to the mutual cancellation of war damages. The Arab delegations asserted that the Mandatory Power, Jewish terrorists and the United Nations were responsible for the Palestine conflict and that therefore mutual cancellation of war damage claims between the Arab States and Israel would not contribute to a just and durable settlement of the Palestine question.

Concerning the repatriation of refugees, Israel stated that major considerations of security and of political and economic stability made the return of Arab refugees impossible. The Arab States maintained that there could be no limitations on the return of the refugees.

With regard to the question of compensation, Israel reaffirmed that it was ready to contribute to the settlement of the question of compensation for Arab property abandoned in Israel territory, bearing in mind the following factors: (1) the property had been abandoned as a direct consequence of Arab aggression, (2) Israel's ability to pay was affected by hostile Arab economic measures against it, and (3) Jewish property had been abandoned in Arab Palestine and, chiefly, in Iraq. The Arab States took the following stand: (1) on the question of principle they stated that the United Nations shared with Israel responsibility for paying compensation to refugees; if Israel could not pay, the United Nations must assume the obligation; and (2) on the question of procedure they expressed the opinion that compensation should be evaluated on the basis of the actual value of the property.

In respect of blocked accounts, Israel said, *inter alia*, that a settlement of the question must include the unfreezing of Jewish accounts blocked in Iraq. The Arab States accepted the proposal regarding the mutual release of blocked accounts and urged its prompt implementation.

Finally, Israel welcomed the Commission's move to enlarge the scope of the Armistice Agreements. Egypt had no objection in principle. Jordan had no comments to make. Lebanon stated that the revision of the Agreements should not go be-

yond their present framework. Syria stated that the proposal to revise them brought into focus the Palestine problem in its entirety. The proposal appeared to be prompted by a desire to ratify a *fait accompli* and to secure final acceptance of a situation brought about by force and in defiance of United Nations decisions.

The Commission stated that, having been unsuccessful in persuading the parties to discuss the proposals in a fair and realistic spirit, it decided to terminate the Paris Conference and communicated that decision to the parties on 19 November.

In its conclusions, the Conciliation Commission stated that it had been unable to make substantial progress in the task given to it by the General Assembly, although it had employed all the procedures at its disposal under the relevant Assembly resolutions.

Both parties, it stated, had expressed their desire to co-operate with the United Nations towards the achievement of stability in Palestine, but neither side, the Commission believed, was ready to seek that aim through full implementation of the General Assembly resolutions. In particular, Israel was not prepared to implement the resolution of 11 December 1948, under which refugees wishing to return to their homes should be permitted to do so at the earliest practicable date. On the other hand, the Arab Governments were not prepared to implement paragraph 5 of the same resolution, which called for the final settlement of all questions outstanding between them and Israel.

The Commission considered that further efforts to settle the Palestine question could nevertheless be usefully based on the principles underlying the proposals it had submitted to the parties at the Paris Conference. If and when the parties were ready to accept those principles, general agreement or partial agreement could be sought through direct negotiations with United Nations assistance or mediation. Finally, the Commission suggested that consideration be given to the need for co-ordinating all United Nations efforts aimed at the promotion of stability, security and peace in Palestine.

b.

(1) Discussions in the Ad Hoc Political Committee

The report of the Conciliation Commission⁸⁴ was considered by the Assembly at its sixth session, at the 33rd to 41st meetings of the Ad Hoc

Political Committee from 7-15 January 1952. The Chairman of the United Nations Conciliation Commission for Palestine and the representative of Jordan, the latter at his own request (A/AC.53/L.26), were invited to participate in the discussions.

The Commission's report was criticized by the representatives of Afghanistan, Egypt, Iran, Iraq, Jordan, Lebanon, Pakistan, Saudi Arabia, Syria and Yemen, among others. They considered that the report did not place adequate emphasis on the plight of the refugees, the people most directly affected by the Palestine struggle. Instead of stressing the Assembly's resolutions, which repeatedly emphasized the right of the Palestine Arabs to repatriation to their homeland and the need for the restitution of their property, the Commission had put forward a proposal which was tantamount to a suggestion that Israel should be asked to take back only as many refugees as it was prepared to accept and it had not even specified the number to be thus repatriated. The proposal, they argued, was a clear violation of General Assembly resolution 194(III), was contrary to the principle of the right of peoples to self-determination and exceeded the Commission's terms of reference.

The representatives of the Arab States and, in particular, of Lebanon, stated that the truth about the tragic situation in the Palestine area had been distorted by Israel's propaganda. For four years, Israel had, in effect, ignored the series of decisions adopted by the General Assembly on the internationalization of Jerusalem, the territorial status of Palestine and the repatriation of the Arab refugees. Nearly a million refugees remained destitute and desperate and a prey to subversive propaganda. Israel had expanded its territory by conquest beyond that granted it by the United Nations, and its masses of immigrants threatened to overflow into the neighbouring States and to create an explosive situation in the entire area. Israel hoped, despite the Assembly's decision on the internationalization of Jerusalem, that circumstances would ultimately favour its domination of the whole of that city.

Although the Israel Government had declared that it was unable to allow the return of all the

⁸⁴ The General Assembly, at its 341st plenary meeting on 13 November 1951, decided to include the report of the Conciliation Commission and the report of the Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East together as item 24 on its agenda. The Ad Hoc Political Committee, to which the item was referred, decided to discuss the two reports separately.

Arab refugees, it had found no difficulty in allowing the annual immigration into its territory of from 200,000 to 300,000 Jews. According to official publications and Jewish sources, between May 1948 and May 1951 the population of Israel had risen from 650,000 to 1,325,000. Israel had needed no assistance from the Arab States to receive those immigrants, which it had been estimated would cost approximately \$1,500 million, out of an annual budget of some \$150 million. In the light of those figures, the Arab representatives questioned the Conciliation Commission's statement that Israel could not receive a small proportion of Arab refugees unless the Arab States helped in the country's economic development.

Israel's policy, moreover, they stated, threatened the security of neighbouring States. According to recent figures, Israel's imports far exceeded its exports; the desirable export rate had been estimated at £(Israel)64 million whereas in 1950 Israel's exports had only been £(Israel) 17 million. The deficit had hitherto been covered by funds collected abroad, but so abnormal a situation could not be expected to endure. A population which could not exist on the resources of its own soil would be tempted to embark upon the conquest of the lands it needed.

The representatives of the Arab States argued that negotiations with Israel would be pointless, since its very nature made it dependent upon the application of Zionist policy, which was not to make a home for the Jewish people but to create the metropolis of an empire. Israel's policy must of necessity be directed towards perpetual expansion, as was shown in the tempo of Jewish immigration.

Nevertheless, not wishing to be accused of ill will, the Arab States had attended the Paris Conference and their delegations had declared that their respective Governments, as signatories of the Armistice Agreements, reaffirmed their intention to respect the undertakings given there. They reiterated that declaration. The Arab States, they said, had no aggressive designs against anyone: but they could not be asked to go further and deliberately to contribute to the expansion of a neighbouring State whose policy constituted a threat to peace.

The representative of Israel stated that the primary reason for the failure of the Conciliation Commission to carry out its mandate and for the absence of any progress toward a settlement of the Palestine problem was the refusal of the Arab

representatives to engage in direct negotiations with Israel. The Arab States had refused Israel's offers in the last three years to negotiate a non-aggression pact or a revision of the Armistice Agreements and had rejected Israel's expressed willingness to discuss the Arab refugee problem either separately or within the general context of international relations. That implied the Arab States' determination not to reach a settlement of outstanding differences and thus to frustrate the prospects of peace in the Middle East.

It was the refusal of the Arab Governments to recognize the statehood of Israel, a Member of the United Nations endowed with all the attributes of sovereignty, which blocked efforts to achieve a peaceful settlement of the Palestine problems, he said.

The Arab argument that population pressures within Israel would inevitably lead to aggressive expansion of the new State lost all validity when the fact was considered that, despite mass immigration, there were still large stretches of barren lands in Israel. Moreover, population density in Israel was only 200 per square mile, compared with 280 in Lebanon and 1,400 in the inhabited areas of Egypt. Israel, its representative argued, might more logically claim that the population pressures in the neighbouring countries constituted a threat to its existence. Moreover, if the Arab premise regarding the effects of population pressures was to be accepted, it should be applied to other countries like the United Kingdom, Belgium or Italy where population density far exceeded that of Israel.

Israel did, in fact, he said, have the highest known immigration rate, and it did need to export goods to the value of £(Israel) 64 million to achieve economic stability. However, Israel was confident that through increased productivity resulting from progress in its industrial revolution, through the elaboration of methods for securing a balance of payments and through the selection of immigrants, the country would achieve that stability. Those matters, however, were solely within its own jurisdiction.

Israel considered that the solution of the refugee problem lay in regional resettlement and not in the integration of the Arab refugees in the State of Israel. The refugee problem, it was stated, had been caused, not by the creation of the State of Israel, but by the Arab attempt to prevent the emergency of the new State by force of arms in defiance of international authority.

The Arab States, by their assault upon Israel, had spread panic among thousands of Palestine Arabs and, therefore, bore initial moral responsibility for the plight of the refugees.

Moreover, Israel had already taken in some 500,000 European refugees, remnants of the Nazi holocaust. It had given refuge to some 300,000 persons from Arab countries who had sought freedom in the rising Jewish State. It was unfair to expect a small country like Israel to assume a third refugee problem created by Arab aggression.

The representative of Israel declared that there was a basic distinction between the problems of the absorption of Jewish refugees by Israel and the reintegration of the Palestine Arabs. Each immigrant selected for Israel must be dedicated to the survival and prosperity of his adopted homeland and to its defence against future threats to its existence. The Arab refugee, permeated by the bitterness and vindictiveness which characterized the attitude of the Arab States toward Israel, could not meet these standards. The Arab refugee was bound to the Arab States by culture, language, history and religion. Accordingly, his happiness could best be assured by resettlement in those lands rather than by forcing his integration into an alien country.

The objective of Israel's policy was to reach a formal understanding with its Arab neighbours. Should their hostility continue, Israel would go on working out its destiny in co-operation with the many friendly communities, peoples and governments that lay beyond its immediate neighbourhood, but it appealed to the Arab States to establish normal relations and thus contribute to the prosperity of the area.

(2) Draft Resolutions Submitted in the Ad Hoc Political Committee

In the course of the debate, four draft resolutions were submitted: (1) a joint draft resolution (A/AC.53/L.22) by France, Turkey, the United Kingdom and the United States; (2) a USSR draft resolution (A/AC.53/L.24); (3) a Pakistani draft resolution (A/AC.53/L.28) and (4) an Israel draft resolution (A/AC.53/L.29). Several amendments to the four-Power draft resolution were also presented.

(1) The four-Power draft resolution (A/AC.53/L.22) submitted at the 33rd meeting on 7 January, would refer to Assembly resolutions 194(III) and 394(V); note that agreement had not been reached between the parties on a final settlement of outstanding questions; and state that the governments concerned had

the primary responsibility for reaching settlement. It would therefore:

- (i) urge the governments concerned to seek agreement with a view to an early settlement of their outstanding differences in a spirit of justice and realism and on the basis of mutual concessions, making full use of United Nations facilities;
- (ii) express appreciation of the efforts of the Conciliation Commission;
- (iii) note with regret that the Commission had been unable to fulfil its mandate;
- (iv) state that the Commission should nevertheless continue to be available to the parties;
- (v) authorize the Commission at its discretion to designate a representative or representatives to assist it in carrying out its functions;
- (vi) decide that the Commission's headquarters should be transferred to the Headquarters of the United Nations, a representative of the Commission being maintained at Jerusalem;
- (vii) request the Commission to render progress reports periodically to the Secretary-General for transmission to Member States; and
- (viii) request the Secretary-General to provide the necessary staff and facilities.

Amendments to the four-Power draft resolution (A/AC.53/L.22) were presented by Colombia (A/AC.53/L.25) and Canada (A/AC.53/L.27).

(a) The Colombian amendment (A/AC.53/L.25), submitted at the 36th meeting on 10 January, proposed to:

- (i) replace the first paragraph of the preamble by a text recalling all the General Assembly resolutions on Palestine;
- (ii) insert, after the second operative paragraph, a new paragraph to urge the governments concerned to observe strictly the Assembly's resolutions and to seek agreement with a view to an early settlement of their outstanding differences "in a spirit of justice and realism and on the basis of mutual concessions", making full use of United Nations facilities; and
- (iii) add, after the fifth operative paragraph, a new paragraph requesting the Conciliation Commission to ensure the strict observance of the Assembly's resolutions and to report to the next session of the Assembly on the manner in which the governments concerned had observed those resolutions.

(b) The Canadian amendment (A/AC.53/L.27), submitted at the 37th meeting on 11 January, proposed to:

- (i) delete the third, fourth and fifth paragraphs of the preamble and the first and fifth paragraphs of the operative part of the joint draft resolution;
- (ii) insert a new third operative paragraph, whereby the General Assembly would state that the governments concerned had the primary responsibility for reaching a settlement of their outstanding differences;
- (iii) amend the fourth operative paragraph to state that the Conciliation Commission should continue to be available to the parties in accordance with past resolutions of the General Assembly, to assist them in reaching agreements on outstanding questions; and

(iv) amend the sixth operative paragraph to have the Assembly decide that, without prejudice to the maintenance of a representative in Jerusalem, the headquarters of the Conciliation Commission should be transferred to the Headquarters of the United Nations.

The Canadian amendment was accepted by the sponsors of the four-Power draft resolution at the 39th meeting of the Committee on 12 January. A revised version of the four-Power draft was accordingly submitted (A/AC.53/L.22/Rev.1).

Amendments were submitted to the revised four-Power draft resolution (A/AC.53/L.22/Rev.1) by (1) Colombia (A/AC.53/L.25/Rev.1); (ii) Afghanistan (A/AC.53/L.30 and Rev.1); and (iii) the Philippines (A/AC.53/L.32). Indonesia and Iran presented a sub-amendment (A/AC.53/L.31) to the revised Colombia amendment).

The Colombian amendment, (A/AC.53/L.25/Rev.1) submitted at the Committee's 40th meeting on 14 January, deleted from the text of the second paragraph of its original amendment (A/AC.53/L.25 see above) the words "and realism and on the basis of mutual concessions". Colombia accepted the sub-amendment by Iran and Indonesia (A/AC.53/L.31), submitted at the 41st meeting on 15 January. The sub-amendment proposed that the Conciliation Commission, whose headquarters should remain in Jerusalem, should consist of seven members.

The Afghanistan amendment (A/AC.53/L.30), submitted at the 40th meeting on 14 January and re-submitted at the 41st meeting on 15 January in a revised form (A/AC.53/L.30/Rev.1), would add at the end of the third operative paragraph (the new paragraph proposed by Canada, see above) the words "in conformity with the resolutions of the General Assembly on Palestine"; and amend the fourth operative paragraph to the effect that the Conciliation Commission should continue its efforts to secure the implementation of the resolutions of the Assembly on Palestine, and accordingly should be available to the parties to assist them in reaching agreement on outstanding questions.

The amendment was accepted by the sponsors of the revised joint draft resolution.

The Philippine amendment (A/AC.53/L.32) to the second operative paragraph of the revised joint draft (stating that the Commission had been unable to fulfil its mandate) submitted at the 41st meeting on 15 January, would have the Assembly express particular concern regarding the repatriation of refugees and regarding a just and equitable evaluation and compensation for the properties of those not wishing to return.

(2) The USSR draft resolution (A/AC.53/L.24), submitted at the 35th meeting of the Committee on 9 January, proposed the abolition of the Conciliation Commission in view of the latter's failure to cope with its allotted tasks of settling the questions at issue in Palestine between the parties.

(3) The Pakistani draft resolution (A/AC.53/L.28 and Corr. 1), submitted at the 37th meeting on 11 January, would call upon the General Assembly, inter alia, to:

(i) instruct the Conciliation Commission to implement the Assembly resolutions on the Palestine problem;

(ii) decide to empower the Refugee Office, provided for in General Assembly resolution 394(V), to administer the movable and immovable properties of the refugees and to collect and pay to the refugees the blocked accounts, rents and other rights pertaining to them in the territory under the control of Israel or elsewhere;

(iii) urge the governments and authorities concerned to assist the Conciliation Commission and the Refugee Office in carrying out the provisions of the resolution and of the previous resolutions on Palestine;

(iv) decide that the Conciliation Commission should be composed of seven members, the four additional members to be designated by the General Assembly before the end of the current session; and

(v) instruct the Conciliation Commission to submit to the Secretary-General progress reports on its activities for communication to Member States.

(4) The Israel draft resolution (A/AC.53/L.29), submitted at the 39th meeting on 12 January, was divided into two parts. In part A, the General Assembly would resolve to discontinue the Conciliation Commission for Palestine. In part B, the General Assembly would resolve to establish for 1952 a United Nations Good Offices Committee with its seat at the Headquarters of the United Nations, consisting of the representatives of France, Turkey and the United States, which would be available to the parties at their request to assist them in the achievement of a peaceful settlement of questions outstanding between them.

The sponsors of the four-Power draft resolution recalled that the Conciliation Commission for Palestine had been established so that a United Nations organ might be available to assist the parties concerned to settle their outstanding differences and thus prepare for the restoration of stability and peace in the Near East. Unfortunately, despite the Commission's efforts which deserved the appreciation of Member States, unfavourable political circumstances had prevented the Commission from carrying out its task. Nevertheless, the United Nations could not afford to discontinue its efforts to achieve an over-all settlement. The sponsors shared the Commission's belief that, given goodwill by the parties, the principles underlying the Paris proposals might yet serve as a basis for further efforts towards a settlement. They considered it essential that the Conciliation Commission should be maintained and made available to assist the parties at all times in reaching final agreement. In the interests of world peace, every effort should be made to bring tranquillity to Palestine.

The representatives of the following countries, among others, spoke in support of the four-Power draft, either in its original or amended form: Australia, Bolivia, Brazil, Canada, China, Cuba, India, Liberia, the Netherlands, Nicaragua, Peru, Uruguay and Yugoslavia. They considered that

some form of conciliation body was obviously necessary, and the Conciliation Commission was well qualified for the task. The Commission's work had been valuable, although the results hitherto obtained had been negative. It had done well in the proposals which it had submitted to the parties, and could not be blamed for the refusal of the parties to accept its proposals.

They stated that when there was a difference of opinion, such as that between Israel and the Arab States, as to the execution and implementation of certain Assembly resolutions, a conciliation commission should help to bring together the divergent points of view. They also felt that the United Nations, which had been responsible for the establishment of the State of Israel, should not discontinue its efforts to bring about an understanding between the parties concerned.

Representatives of the Arab States, including those of Iraq, Saudi Arabia, Syria and Yemen, and the representative of Pakistan spoke against the four-Power draft.

The representatives of the Arab States maintained that the draft was unjust and impracticable. It was the United Nations, the authors of the partition resolution, and Israel, not the Arab States, which had the responsibility for reaching a settlement in Palestine. The Arabs had made all the concessions they could reasonably be expected to make; in return they had received little or nothing. It was now for the Jews, who had gained most, to make concessions. The Arabs would recognize Israel only after it had proved its willingness to respect human rights, the Charter and the Assembly's decisions.

If the Conciliation Commission were to continue its work, it should do so within the framework of previous Assembly resolutions. No mention was made in the joint draft of the Palestine Arabs' right to return to that part of the country earmarked for them under the partition plan.

The Commission, moreover, it was stated, had failed to carry out its responsibilities in Palestine. It was not likely to achieve greater success in New York, though it might be prevented from evading its responsibilities by being enlarged or given a more explicit mandate. It was emphasized, however, that the sponsors of the joint draft were convinced that nothing of real value could be done by the Commission; they lacked the goodwill to try another solution and were, in fact, trying to shelve the whole Palestine question.

The representative of Pakistan criticized the draft as inadequate and lacking in understanding

and human sympathy. It gave platitudinous advice to the parties, ignored the contents of the Conciliation Commission's report and called for the Commission's continuation, despite the fact that it had lost the very spirit of its terms of reference and that the representatives serving on it, as shown in the report, were merely following the instruction of their Governments.

In submitting his draft resolution, the USSR representative stated that the Conciliation Commission, as could be seen from its report, had acted in the interests of the United States and, instead of aiding the parties concerned, had attempted to impose its own decisions upon them, thus exceeding its mandate. The members of the Commission had acted on the instructions of their Governments, and the Commission's actions had reflected the views of those Governments and not those of the United Nations. It was therefore not surprising that the Commission's work was a failure. To maintain the Conciliation Commission was not only useless but dangerous. The Palestine problem, the representative of the USSR said, could not be solved in accordance with the interests of the Palestinian peoples until the United States and the other countries of the "Atlantic bloc" had ceased to interfere in the affairs of Palestine and of the countries of the Near and Middle East, leaving the populations of those countries to settle their differences among themselves.

The representatives of Czechoslovakia, Poland and the Ukrainian SSR spoke in support of the USSR draft. They argued that the Conciliation Commission's activities had not contributed to an improvement of relations between the Arab States and Israel or to the strengthening of peace in the Middle East, and the best solution was to bring to an end a body whose work had not promoted the interests of the people of Palestine.

The representatives of Brazil, Denmark, India, Liberia, Yemen and Yugoslavia, among others, spoke against the USSR draft resolution. If it discontinued the Conciliation Commission, the United Nations would be renouncing its responsibility for finding a solution, they stated. The fact that a solution had not yet been found was not a reason for the United Nations to abdicate all responsibility in the Palestine question. Since the stage of direct negotiation had not yet been reached, the United Nations must continue its endeavours to bring the parties together and must keep in being an organ of conciliation for that purpose.

The representative of Pakistan, supported by the representatives of Indonesia, Iraq and Lebanon, spoke in favour of the Pakistani draft resolution. They believed that it offered the most effective way of settling the Palestine question.

The representative of India considered that the Pakistani draft was somewhat premature, as it dealt with the refugee problem which the Ad Hoc Political Committee had not yet considered. He was nevertheless prepared to support the draft if put to the vote, subject to certain reservations.

The representative of Israel declared that one of the causes of failure to reach a settlement of the Palestine question was the basic refusal of the Arab States to recognize that Israel was a State, and therefore to recognize its constituted authority and sovereign rights. That refusal, he said, was illustrated by the proposal in the Pakistani draft for the appointment of a custodian who would be a kind of international economic high commissioner within the borders of Israel. Obviously, no such action, he argued, was possible in respect of a sovereign State.

Until the Arab States were prepared to negotiate a peace settlement, the representative of Israel said, the Conciliation Commission had no useful function, and its existence might even do more harm than good by obscuring an intransigence that should be revealed. He considered that there was no justification for the presence in Jerusalem of an agent of the Commission, as proposed in the four-Power draft. Jerusalem was the seat of the United Nations Chief of Staff under the armistice system, and it would be advisable to avoid any duplication of United Nations representation there.

Submitting his draft resolution, he said that his Government considered that the primary responsibility for achieving a peace settlement lay with the States directly concerned. Until Arab policy aimed at reaching a settlement with Israel, no attempt at mediation would be of any avail. In the absence of such a settlement, Israel held that the Armistice Agreements should be meticulously observed. Israel also considered that, while the General Assembly resolutions on the Palestine question might be invoked by any government in the course of negotiation, the parties concerned should retain their undisputed right as sovereign States to conclude any agreement in which they might mutually concur. His Government, he said, hoped that the United Nations would make its good offices available to the parties, should they be in need of such assistance.

The representatives of Brazil, China, Denmark and India, among others, spoke against the Israel draft. The Israel proposal to establish a United Nations good offices committee which would be available to the parties at their request implied, they said, that the United Nations would be unable to act unless the parties requested it to do so and would deprive the United Nations of its genuine responsibility in the matter.

Those representatives and also the representative of Liberia were not in favour of the proposal in the draft to abolish the Conciliation Commission.

At its 41st meeting on 15 January, the Ad Hoc Political Committee voted on the draft resolutions and amendments before it in the order of their submission. It voted first on the individual paragraphs of the revised four-Power draft resolution (A/AC.53/L22/Rev.1) with the amendments to them.

It adopted the first and second paragraphs of the Colombian amendment (A/AC.53/L.25/Rev.1), by 26 votes to 16, with 11 abstentions, and 23 votes to 20, with 13 abstentions, respectively. It rejected the third paragraph of the Colombian amendment by 20 votes to 19, with 17 abstentions.

The Philippine amendment (A/AC.53/L.32) was adopted by 28 votes to 13, with 16 abstentions.

Paragraph 1 of the Afghanistan amendment (A/AC.53/L.30/Rev.1) was adopted by 46 votes to 4, with 5 abstentions, and paragraph 2 by 43 votes to 7, with 6 abstentions.

The Indonesian-Iranian sub-amendment (A/AC.53/L.31) to the Colombian amendment to original paragraph 5 (now paragraph 6), regarding the designation of four additional members to the Conciliation Commission, was adopted by 24 votes to 22, with 11 abstentions, with the exception of the words "whose headquarters shall remain in Jerusalem". Those words were rejected by 25 votes to 17, with 12 abstentions. The first part of the paragraph reading "Decides that, without prejudice to the maintenance of a representative in Jerusalem," was rejected by 20 votes to 15, with 17 abstentions; the second part reading "the headquarters of the Conciliation Commission for Palestine should be transferred to the Headquarters of the United Nations," was rejected by 22 votes to 22, with 8 abstentions. The other paragraphs of the joint draft resolution, to which no amendments had been proposed, were adopted in

votes varying from 52 to none, with 5 abstentions, to 46 to 7, with 2 abstentions.

The revised four-Power draft resolution, as a whole, as amended, was adopted by 43 votes to 13, with 2 abstentions.

The draft resolution submitted by the USSR (A/AC.53/L.24) was rejected by 48 votes to 5, with 1 abstention.

The draft resolutions submitted by Pakistan (A/AC.53/L.28 and Corr.1) and by Israel (A/AC.53/L.29) were then withdrawn.

(3) Consideration by the General Assembly
in Plenary Session

The report of the Ad Hoc Political Committee (A/2070) was considered by the General Assembly at its 364th and 365th plenary meetings on 26 January. The Assembly also had before it a report of the Fifth Committee (A/2080) on the financial implications of the draft resolution proposed by the Ad Hoc Political Committee.

In its report, the Fifth Committee stated that, in considering the financial implications, it had before it a report of the Secretary-General (A/C.5/489), together with the thirteenth report of 1952 of the Advisory Committee on Administrative and Budgetary Questions (A/2072). The Advisory Committee recommended, and the Fifth Committee concurred, that the financial implications of the proposed resolution covering both the Conciliation Commission and the Truce Supervision Organization for Palestine should contain estimates based on the following possible decisions: (1) with the seat of the Conciliation Commission at New York, a total of \$450,000; (2) with the seat of the Commission at Jerusalem, a total of \$700,000; and (3) with the seat of the Commission at Geneva, a total of \$650,000.

In the course of the discussion which took place in the Fifth Committee, the USSR representative stated that his delegation did not approve of the resolution recommended by the Ad Hoc Political Committee concerning the Conciliation Commission in view of the fact that, since its establishment in 1948, the Commission had failed to carry out the duties entrusted to it by the General Assembly. He said that the USSR delegation would also be compelled to vote against the provision of any further appropriations both for the Conciliation Commission and for the Truce Supervision Organization.

The representative of Canada submitted an amendment (A/2083) to the draft resolution rec-

ommended by the Ad Hoc Political Committee which was designed to simplify paragraphs 2 and 4 of the draft resolution. In place of a detailed reference in paragraph 2 of the draft to certain aspects of past resolutions of the General Assembly, the Canadian amendment proposed merely to make a general reference to the Assembly's resolutions themselves. With respect to paragraph 4 of the draft, the Canadian amendment would omit the words "strictly to observe the resolutions of the General Assembly," and would instead emphasize the duties of the parties themselves to seek agreement on all outstanding questions, in conformity with the resolutions of the Assembly on Palestine.

The representatives of the following countries spoke in support of the Canadian amendment: Argentina, Brazil, El Salvador, France, Haiti, Israel, Lebanon, the Philippines, Syria, Turkey, the United Kingdom, the United States and Uruguay. Some of the representatives favoured the amendment; others accepted it in a spirit of compromise. It was considered that the wording proposed in the Canadian amendment was clearer and, in substance, more in keeping with the task of conciliation appropriate to the United Nations Conciliation Commission for Palestine.

The USSR representative submitted an amendment (A2071) calling upon the Assembly to abolish the Conciliation Commission. He expressed the opinion that abolition of the Commission would clear up the situation in Palestine and remove a harmful body which for a number of years had constituted one of the obstacles to a settlement of the Palestine question. It would, furthermore, open the door to a settlement of the problem in the interests of the peoples of Palestine and not of the Powers which were endeavouring to subject those peoples, and the peoples of the whole Near and Middle East, to their command and domination.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR spoke against the draft resolution recommended by the Ad Hoc Political Committee and in support of the USSR amendment. They advanced arguments similar to those given by the USSR representative.

At the 365th plenary meeting on 26 January, the representative of Iran, in agreement with the representative of Indonesia, suggested that paragraph 6 of the draft resolution recommended by the Ad Hoc Political Committee (which proposed

that the membership of the Conciliation Commission should be enlarged from three to seven members) be deleted. The Assembly agreed, without objection, to the deletion of paragraph 6. It adopted by 48 votes to none, with 9 abstentions, the part of the Canadian amendment referring to paragraph 2 of the draft resolution, and by 46 votes to 1, with 8 abstentions, that part referring to paragraph 4. The draft resolution as a whole, as amended, was then adopted by 48 votes to 5, with 1 abstention.

The representative of Israel explained that, had the voting been by paragraphs, he would have voted against the first paragraph of the preamble, and would have abstained on paragraph 5 of the operative part.

The representative of Iraq stated that his delegation had abstained on both parts of the Canadian amendment as well as on the draft resolution as a whole. The Canadian amendment, in his opinion, was evasive. Peace in Palestine, and throughout the Middle East, was possible only if two facts were recognized. The first was that the Arabs had a right to their own homes and lands in Palestine, and the second was that Palestine was a Holy Land, holy not only to the Jews but to Christians, Moslems and Jews alike, and therefore it could not be predominantly Jewish. His delegation, he said, understood that, as a result of the Assembly having adopted the present resolution on Palestine, all of the United Nations resolutions adopted so far on the Palestine problem stood, and that they should all be observed. Only in that way could there be some basis for a settlement in Palestine and the Middle East. Otherwise, the Conciliation Commission and its efforts were doomed to failure.

The resolution adopted (512(VI)) read:

"The General Assembly,

"Recalling all the resolutions adopted at previous sessions of the General Assembly on the Palestine problem,

"Having examined the progress report of the United Nations Conciliation Commission for Palestine,

"1. Expresses its appreciation to the Conciliation Commission for Palestine for its efforts to assist the parties to reach agreement on their outstanding differences;

"2. Notes with regret that, as stated in paragraph 87 of the report, the Commission has been unable to fulfil its mandate under the resolutions of the General Assembly;

"3. Considers that the governments concerned have the primary responsibility for reaching a settlement of their outstanding differences in conformity with the resolutions of the General Assembly on Palestine;

"4. Urges the governments concerned to seek agreement with a view to an early settlement of their out-

standing differences in conformity with the resolutions of the General Assembly on Palestine; and for this purpose to make full use of United Nations facilities;

"5. Considers that the Conciliation Commission for Palestine should continue its efforts to secure the implementation of the resolutions of the General Assembly on Palestine and accordingly should be available to the parties to assist them in reaching agreement on outstanding questions;

"6. Requests the Conciliation Commission for Palestine to render progress reports periodically to the Secretary-General for transmission to the Members of the United Nations;

"7. Requests the Secretary-General to provide the necessary staff and facilities for carrying out the terms of the present resolution."

5. Assistance to Palestine Refugees

In accordance with General Assembly resolution 302 (IV)⁸⁵ creating the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWAPRNE), the Director of the Agency, on 28 September 1951, submitted an annual report (A/1905) covering the period 1 May 1950, when UNRWAPRNE took over from its predecessor the United Nations Relief for Palestine Refugees (UNRPR), to 30 June 1951. On 29 November 1951, together with the Advisory Commission, he submitted a special report (A/1905/Add.1) containing recommendations for the future conduct of the programme of assistance to the Palestine refugees.

a. REPORT OF THE DIRECTOR OF UNRWAPRNE

The report of the Director of UNRWAPRNE (A/1905) explained that the headquarters of UNRWAPRNE was at Beirut, and that five districts had been established at Lebanon, Syria, Jordan, Gaza and Israel, each under a chief district officer responsible to the Director for the over-all programme in his district. Districts were subdivided into areas, each under a Palestine refugee official. The total number of international staff, as of 30 June 1951, was 133 of twenty nationalities, and there were 5,840 local recruits employed in administration, ration distribution and servicing functions. The term of office of the Director of UNRWAPRNE, Howard Kennedy, expired on 30 June 1951. The Secretary-General, in consultation with members of the Advisory Commission (established by the General Assembly to advise and assist the Director of UNRWAPRNE), appointed John B. Blandford, Jr., to succeed him. Mr. Blandford reached the area on 4 July 1951.

⁸⁵ See Y.U.N., 1948-49, pp. 211-12.

The General Assembly in resolution 393(V) had recommended that the funds at the disposal of the Director of UNRWAPRNE for the year ending 30 June 1952 should be in the proportion of \$20 million for relief and \$30 million for a reintegration fund. Members and non-members were asked to make voluntary contributions to assure that these funds would be available. The report stated that the income and expenditure during the period from the commencement of UNRWAPRNE operations on 1 May 1950 to 30 June 1951 was \$44,761,290 (with a deficit of \$2,665,039 resulting from UNRPR activities) and \$35,586,929, respectively, resulting in an excess of income over expenditure of \$6,509,322. Those countries making contributions in cash were: the United States (\$27,450,000), the United Kingdom (\$6,200,000), France (\$2,285,714), Canada (\$894,313), Israel (\$50,000), the Dominican Republic (\$5,000), Luxembourg (\$2,000), and Jordan (\$93,606). Those countries making contributions in kind were: Canada (canned and salted fish, wheat and flour in the amount of \$506,000), Pakistan (wheat in the amount of \$90,000), Norway (sardines and smoked herrings in the amount of \$60,000), Saudi Arabia (petrol in the amount of \$37,650), Ethiopia (wheat in the amount of \$25,500), Israel (petrol in the amount of \$13,354) and Belgium (blankets in the amount of \$6,000). Those countries in the Near East making direct contributions were: Egypt (\$1,961,300), Iraq (\$980,000), Lebanon (\$457,800), Syria (\$570,100), Jordan (\$323,900) and Israel (\$51,000). Certain specialized agencies, Red Cross Societies, church groups and other voluntary agencies also made contributions either in cash or in kind.

The report stated that, by June 1951, there were 875,998 persons registered on UNRWAPRNE relief rolls, compared with 957,000 when the Agency took over. They were distributed as follows: Lebanon—106,753; Syria—80,499; Jordan—465,450; Gaza—199,789; and Israel—23,507. About one third of all the refugees were living in 60 organized camps that varied in size from a few hundred to over 20,000 persons; the other two thirds lived scattered among towns and villages of the host countries. The type of shelter provided for refugees in camps was, for the greater part, tents; but sometimes also barracks or other buildings were utilized.

For supplies of clothing the Agency had had to rely mainly on donations from voluntary agencies, although the Agency's weaving schemes in

Jordan and Gaza produced over 1 million metres of cloth, of which one third was made under Agency auspices into garments. In spite of these efforts, the average of distribution was just under one garment per refugee, and their clothing, after three years, had become shabby and ragged; many of the women had sold their embroidered peasant dresses to raise money, and the majority of the men employed on Agency road-building projects had no shoes. Both blankets and the tent-flies issued as additional protection were often diverted from their proper use and cut up for clothing.

The standard monthly food ration for each refugee consisted of flour, sugar, rice, pulses, margarine, vegetables and oil which provided a daily average of 1,600 calories per head, including the issue of UNICEF milk to children, pregnant women and nursing mothers, who formed about half the total population. In past winters, the scale had been raised to 1,700 calories. Undernourished children and old people were also given supplementary feeding on medical certificates.

The report stated that the United Nations, in particular certain of the Great Powers, were considered by the refugee to be entirely responsible for both his past and present misfortunes, and for his future fate. They said that they had lost faith in United Nations action since, after more than 30 months, the General Assembly resolution recommending their return home, although not revoked, had never been implemented and no progress had been made towards the payment of compensation to them. The relief given by the Agency was therefore considered as a right, and as such was regarded as inadequate. The desire to go back to their homes was general among all classes; it was proclaimed orally at all meetings and organized demonstrations, and, in writing, in all letters addressed to the Agency and all complaints handed in to the area officers. This sense of injustice, frustration and disappointment, the report noted, had made the refugee irritable and unstable. There were occasional strikes, demonstrations and small riots.

Road construction, which formed the most important part of the whole UNRWAPRNE works programme, it was stated, employed at its peak some 5,110 men. In Lebanon, two roads of a total length of 18 kilometres were planned, and of this approximately 8 kilometres, or 44 per cent, were constructed. In Syria, one road of 26 kilometres was undertaken, and 16 kilometres of the earthwork were finished. In Jordan, five roads of a total length of 67.25 kilometres were planned,

and, of this, 60 kilometres were finished and 3.5 kilometres partly completed. The total cost to the Agency of the road-building programme was approximately \$814,000. The total area dealt with, for both soil conservation and afforestation, amounted to 4,031 hectares (about 10,000 acres). Mixed broadleaf and coniferous forests were sown, check-dams were built across the gullies, and strips following the contour lines were constructed. The programme cost \$272,320 and employed about 3,144 men in the peak month of December 1950. Road-building and afforestation together accounted for over 43 per cent of the total cost of the works programme undertaken. The rest was spent on projects of lesser importance, such as an irrigation scheme on private land in Syria, municipal improvement in Lebanon, a school and a sanatorium in Jordan, and various types of experimental and other housing projects in Jordan, Gaza and Syria.

The health of the refugees was under the technical supervision of the World Health Organization. WHO contributed \$42,857 in 1950 and again in 1951 toward the health programme administered by the Agency. It also provided two medical officers and services of various consultants. The number of clinics operated by UNRWAPRNE was 81. Most of them were fixed, stationary ones, although a few mobile clinics were used to serve refugees in villages. The main clinic divisions were: general medical, skin and dressings, ophthalmic, school health, prenatal and infant welfare. Venereal diseases and tuberculosis clinics were held in some areas or combined in general clinics in others. Attendance at these clinics averaged 601,000 monthly. Hospital beds provided either in Agency-operated hospitals or other hospitals subsidized by the Agency was 1,808. The total number of daily beneficiaries of supplementary feeding was 30,890.

For the fourteen-month period May 1950 through June 1951, the expenditure of the Agency on its social welfare programme amounted to some \$460,000. The total amount of UNICEF milk distributed during the same period was 621,168 kilogrammes of whole milk and 5,470,049 kilogrammes of skim milk. The total amount spent for the assistance of Palestine refugees by UNICEF since the beginning of its operations amounted to over eleven million dollars. UNICEF also continued to provide various additional supplies, such as \$150,000 worth of Czechoslovak textiles and shoes and \$91,000 worth of children's clothing. During the same period, 588,319 kilogrammes of

clothing and 115,919 kilogrammes of footwear donated by United Nations agencies, Red Cross Societies, church groups and other voluntary agencies were distributed to the refugees.

When UNRWAPRNE began work, it entered into an agreement with UNESCO for the expansion of the education programme, with UNESCO assuming technical supervision. It was decided to allot a monthly sum of \$25,000 from the UNRWAPRNE budget for elementary education, while UNESCO provided \$53,000 for the eight remaining months of 1950. These allocations were subsequently increased so that, in the first half of 1951, UNRWAPRNE spent an average of \$42,000 monthly on education, including vocational training. Part of this was covered by UNESCO, which set aside \$80,850 as its contribution to the programme of the year. Out of a total of 225,282 refugee children from six to fourteen years old, 93,634, or over 42 per cent, were receiving elementary education in 114 schools, as well as in 84 other schools financially assisted by the Agency.

In accordance with General Assembly resolution 393(V), UNRWAPRNE placed increasing emphasis upon works leading to reintegration rather than temporary employment of refugees on public works. In abandoning the work relief schemes, the Agency decided to offer small loans to individuals or groups who could thereby become self-supporting. Owing to political and economic factors in the other countries, Jordan was the only country in which such loans were being granted. Approved projects included such varied businesses as a lime kiln, a machine repair shop, a stone crusher, an upholstery shop, a confectionery business, a tractor hire service, a tobacco plantation and a dry cleaning and laundry business. By the end of June 1951, about 100 persons had been taken off the ration lists, and a further 800 were due to come off at varying dates in the future. The total sum approved for small loans amounted to the equivalent of some \$70,000. Including two larger schemes for a cement-pipe "factory and clothing factory, the Agency had advanced a total of some \$116,063.

b. SPECIAL REPORT OF THE DIRECTOR AND
ADVISORY COMMISSION OF
UNRWAPRNE

In the special report (A/1905/Add.1), the Director and the Advisory Commission of UNRWAPRNE recommended that the Assembly endorse and urge contributions for a \$250 million pro-

gramme of assistance to Near East governments for the relief and reintegration of Palestine refugees, to be carried out over a period of approximately three years starting 1 July 1951. It was proposed that the programme provide \$50 million for relief and \$200 million for reintegration, and that local governments should assume the maximum possible administrative responsibility at the earliest possible date. Every effort, the report stated, should be made by the Agency and the governments to arrange for the transfer of relief administration to the governments not later than 1 July 1952. It was intended that relief expenditures be reduced in suitable proportion to reintegration expenditures, with both ceasing at the end of the period.

Under the programme, it was proposed, Near East governments would recommend to the Agency allocation of funds over the three-year period as among countries and types of projects. Governments would also recommend specific projects and contribute, as far as possible, land and services. They would co-ordinate the refugee reintegration programme with their national programmes for general economic development. The Agency would make available funds, contractual services, technical assistance and contributions in kind to governments and other instrumentalities approved by governments for the refugee programme. The Agency would also continue to be available to facilitate technical assistance programmes designed to assist general economic development.

c. CONSIDERATION BY THE GENERAL ASSEMBLY

(1) Discussion by the Ad Hoc Political Committee

The Ad Hoc Political Committee considered the question of assistance to Palestine refugees at its 42nd to 47th⁸⁶ meetings between 16 and 22 January 1952. At the invitation of the Chairman, statements were made by the Director of UNRWAPRNE at the 42nd meeting and by the representative of the Palestine Arab refugees in Lebanon at the 45th meeting on 19 January.

France, Turkey, the United Kingdom and the United States, at the 42nd meeting, tabled a joint draft resolution (A/AC.53/L34). The joint draft, among other things, would have the General Assembly:

(a) commend UNRWAPRNE for developing a constructive programme which would contribute to the welfare of the refugees and of the countries in the area concerned;

(b) endorse the programme recommended by UNRWAPRNE, which envisaged the expenditure of \$50

million for relief and \$200 million for reintegration of Palestine refugees, to be carried out over a period of about three years, starting 1 July 1951;

(c) urge the governments concerned to assist in the carrying out of this programme;

(d) express the view that the governments concerned should assume the maximum possible administrative responsibility for reintegration projects at the earliest possible date; express the view that UNRWAPRNE and the governments concerned should arrange for the transfer by 1 July 1952 of relief administration to the countries in which the refugees were situated, with UNRWAPRNE continuing to provide certain assistance;

(e) authorize UNRWAPRNE to transfer funds, allocated for relief, to reintegration; and urge Member Governments to make the voluntary contributions necessary to carry out the programme.

Before the draft resolution was formally introduced, however, the representative of Egypt raised a point of order against its consideration by the Committee, on the grounds that the draft resolution impinged in certain respects upon the sovereignty of the Near Eastern States directly concerned, and was irrelevant to the item under consideration, namely, the question of assistance to Palestine refugees.

At the following meeting, the Chairman announced that private consultations were being held between the sponsors of the four-Power draft and the delegations of the Near Eastern States directly concerned and that, pending the conclusion of those consultations, both the point of order previously raised and the draft had been withdrawn.

The representatives of, among others, Australia, Brazil, France, Greece, the Netherlands, Turkey, the United Kingdom and the United States spoke in support of the three-year plan drawn up by UNRWAPRNE, which, they felt, was designed to provide homes and jobs for the refugees and was therefore calculated to improve their lot. The plan also pointed the way to the reintegration of the refugees and the termination of relief at the end of the proposed three-year period. The prob-

⁸⁶ At the 47th meeting on 22 January 1952, the representative of Israel stated that as an expression of Israel's grief and protest against the hanging of two Jews in Iraq, Israel's delegation was withdrawing from the meeting and would not take part in any meetings that morning. He explained that despite an intercession on the part of the President of the General Assembly, which had been made at the request of Israel, the Jews had been hanged. After the Chairman of the Ad Hoc Political Committee ruled the remarks of the Israel representative out of order, the representative of Iraq declared that the men had been executed in pursuance of the sentence of the competent court, and the matter was within the domestic jurisdiction of Iraq.

lem of assistance to the Palestine refugees, they stated, was not a question of politics or of prestige; it was a question of common humanity. They urged speed in implementing the plan drawn up by UNRWAPRNE, so that the refugees might be given the opportunity of earning their own living, by being provided with adequate skills which they could use profitably, wherever that future might lie. It was pointed out that 45 per cent of the 870,000 refugees were aged fifteen years or younger. Whatever the views of representatives might be regarding the causes of the Palestine conflict or the responsibility of various authorities for its results or its remedies, the United Nations should not delay in giving what help it could.

The representatives of Egypt and Lebanon declared their willingness to support the recommendations of UNRWAPRNE, subject to the reservation that those recommendations should not prejudice the right of the refugees to repatriation and compensation.

The representative of Iraq also welcomed all humanitarian efforts and all constructive programmes for alleviating the sufferings of the refugees until a final solution of the problem, based on law and justice, was achieved. He congratulated the Director of UNRWAPRNE for the way in which he had dealt with the problem, but could not agree with him in his allusion to the responsibility of the Arab States of the Middle East, or in his implication that the resettlement of the refugees in the Arab countries was final. The Arab States, he said, could not accept that view.

The representatives of Afghanistan, China, Egypt, Lebanon and Saudi Arabia, as well as the representative of the Palestine Arab Refugees in Lebanon, expressed the view that the repatriation of the refugees was the only possible solution of the problem in keeping with justice and the terms of General Assembly resolution 194(III) of 11 December 1948,⁸⁷ which had been confirmed by a number of subsequent resolutions. It was the only solution that would contribute to the maintenance of peace and security in the Middle East. The refugees should be allowed to return to the part of Palestine assigned to the Arabs and which was at present occupied by the Jews; those not wishing to return to their homes should receive fair and equitable compensation.

Any other solution, the representatives of the Arab States said, would merely exacerbate the situation and complicate the task of the United Nations. If the United Nations did not speedily take the necessary steps, the refugees would with-

draw their confidence, and their disappointment would create such tension in the Middle East that peace might be endangered.

These representatives considered that the problem of the refugees should not be linked with the question of the economic development of the Middle East. The refugee problem, they argued, was a direct consequence of the intervention of the United Nations in the Palestine question and would remain the responsibility of the Organization until a just and lasting solution had been found. The economic development of the Middle East, on the other hand, was entirely the affair of the States in the area, which should be left to work out their own plans without foreign interference. The relief programme was, of course, a worthy project; but the refugees should not depend forever on assistance; the duty of the United Nations was to ensure execution of the resolution of December 1948 providing for their repatriation. The recommendations of UNRWAPRNE were, they considered, a palliative and not a solution of the problem.

At the 46th meeting on 21 January, France, Turkey, the United Kingdom and the United States introduced a new draft resolution (A/AC.53/L.36) (for text, see below).

These representatives said the new draft was the result of consultations between the sponsors and the delegations of the States most directly concerned, and had been revised to meet various points raised in the debate. For example, certain paragraphs of the original text had referred to assistance or aid to the countries in the area. In the corresponding paragraphs of the new draft, the central purpose was now made clear, namely, assistance to the Palestine refugees rather than to the countries of the area.

The object of the new draft was to put into effect the proposals made by the Director and the Advisory Commission of UNRWAPRNE, which during the debate had been generally agreed to be constructive, sound and practical. The programme recommended was fundamentally humanitarian, economic and non-political. On the understanding that the refugees' interests with regard to repatriation and compensation were not prejudiced, the programme proposed to help them to become self-supporting.

The problem of the refugees was urgent and could not be deferred until circumstances permitted a political settlement in the Middle East.

⁸⁷ See Y.U.N., 1948-49, pp. 174-176.

Two steps should be taken by the United Nations at once. First, it should continue to provide direct assistance, as long as necessary, although the understanding had always been that such international aid could only be a temporary measure. Secondly, ways and means must be found to provide the necessary economic setting, in which the refugees would be able to support themselves. The special report proposed to achieve that end through projects of reintegration worked out in co-operation with the governments in the area.

The representatives of, among others, Australia, Brazil, Cuba, Egypt, El Salvador, Indonesia, Liberia, New Zealand and Uruguay supported the new four-Power draft resolution, either wholeheartedly or as an interim measure, pending final solution of the problem. They considered that the new draft was a substantial improvement on the earlier text, and they hoped that the spirit which had prevailed in the consultations with the sponsors would guide the States concerned in settling all the differences outstanding between them.

The representatives of Iran, Iraq, Lebanon, Saudi Arabia, Syria and Yemen said that they were inclined to support the principles underlying the new text, but they felt that it would be valueless if dissociated from the draft resolution on the report of the Conciliation Commission which the Ad Hoc Political Committee had adopted at its 41st meeting on 15 January (see above). That resolution contained political guarantees indispensable to a proper approach to the humanitarian aspects of the refugee problem, and recognized that the only just and equitable solution was repatriation and compensation under the terms of previous General Assembly resolutions on Palestine. The question of financial assistance to the refugees was indissolubly linked with that imperative consideration. Relief measures, however effective, were only a palliative; the permanent remedy was repatriation.

The four-Power draft resolution (A/AC.53/L.36) was adopted by 44 votes to none, with 7 abstentions, by the Ad Hoc Political Committee at its 47th meeting on 22 January.

The representative of Pakistan explained that he had voted for the draft, because: (1) he was glad to associate his delegation with the congratulations addressed to the Director of UNRWAPRNE; (2) he attached great importance to paragraph 2 of the operative part, which confirmed the provisions of previous resolutions of the Assembly on the question, thus making clear the meaning that should be attached to the expression

"reintegration" of the refugees; and (3) he considered the Palestine question to be indivisible and the problem of assistance to the refugees to be inseparable from the political aspect.

The representative of Iraq said he had voted for the draft because, although it did not provide any final solution, it did suggest temporary action pending the return of the refugees to their homes. That was the aim towards which the United Nations should be directed, and only thus would the refugees be enabled to recover their dignity in a normal life.

(2) Consideration by the General Assembly in Plenary Session

The report of the Ad Hoc Political Committee (A/2070) dealing with the question of assistance to Palestine refugees was considered by the General Assembly at its 364th and 365th plenary meetings on 26 January 1952. The Assembly also had before it a report of the Fifth Committee (A/2080) on the financial implications of the draft resolution proposed by the Ad Hoc Political Committee.

In its report, the Fifth Committee stated that in considering the financial implications, it had before it the report of the Secretary-General (A/C.5/492), together with the sixteenth report of 1952 of the Advisory Committee on Administrative and Budgetary Questions (A/2075). The Secretary-General, fully appreciating the difficult financial situation in which UNRWAPRNE might at times find itself pending the receipt of contributions, concurred in the necessity for an authorization to finance the Agency's operations, should the need arise, through advances from the Working Capital Fund. He suggested that for the whole duration of the programme, the Working Capital Fund resolutions adopted by the Assembly should include a provision authorizing him, in consultation with the Advisory Committee, to advance the Agency "such sums deemed to be available" and not exceeding \$5 million to finance its operations, these sums to be repaid not later than the end of the calendar year in which the advances were made.

The Advisory Committee concurred in this proposal and recommended that for 1952, if the Assembly adopted the resolution proposed by the Ad Hoc Political Committee, the resolution relating to the Working Capital Fund adopted by the General Assembly on 21 December 1951,⁸⁸ should be supplemented by a provision giving the Secretary-General the suggested authorization.

⁸⁸ See pp. 153-54

The Assistant Secretary-General in charge of Administrative and Financial Services indicated that, in view of the heavy charges falling on the Working Capital Fund, especially during the first half of 1952, it might not prove feasible to advance the total of \$5 million to the Agency, and it was for this reason that the words "such sums deemed to be available" were proposed for inclusion in the text.

The Fifth Committee, approved the proposal of the Advisory Committee by 35 votes to none, with 6 abstentions.

The representative of Canada submitted an amendment (A/2078) to the draft resolution recommended by the Ad Hoc Political Committee to add to paragraph 12 (see below) a provision specifically authorizing the Negotiating Committee for Extra-Budgetary Funds to seek contributions from non-members as well as Members. The representative of Canada stated that, although this authority might be implied, it seemed preferable to eliminate any doubt about the Committee's functions.

He went on to state that Canada did not feel satisfied with previous contributions made by other and comparable countries. Assistance to Palestine refugees, he indicated, like many other humanitarian projects, needed a broader response than had been given in the past. One of the principal factors which would influence Canada in deciding whether to make a contribution in 1952 would be the degree of financial support which was forthcoming from countries like Canada, which are neither Great Powers nor nations with special interests in the area.

The Canadian amendment (A/2078) was adopted by 47 votes to none, with 7 abstentions. The draft resolution, as amended, was then adopted by 49 votes to none, with 5 abstentions.

The representative of Iraq explained that he had voted in favour of the resolution for the reasons he had explained in the Ad Hoc Political Committee. He also hoped that the resolution would take into consideration the fact that there were 128,000 Arabs on the borders who were not registered as refugees but who should be given due recognition.

The resolution adopted (513(VI)) read:

"The General Assembly,

"Recalling its resolution 302(IV) of 8 December 1949, as amended by resolution 393(V) of 2 December 1950.

"Having examined the report of the Director of the United Nations Relief and Works Agency for Palestine

refugees in the Near East and the special joint report of the Director and the Advisory Commission of the United Nations Relief and Works Agency,

"Having considered the three-year programme of relief and reintegration recommended by the Director and the Advisory Commission of the United Nations Relief and Works Agency,

"1. Commends the United Nations Relief and Works Agency for the development of a constructive programme which will contribute effectively to the welfare of the refugees;

"2. Endorses, without prejudice to the provisions of paragraph 11 of resolution 194(III) of 11 December 1948 or to the provisions of paragraph 4 of resolution 393(V) of 2 December 1950 relative to reintegration either by repatriation or resettlement, the programme recommended by the United Nations Relief and Works Agency for the relief and reintegration of Palestine refugees, which envisages the expenditure of \$US 50 million for relief and \$200 million for reintegration over and above such contributions as may be made by local governments, to be carried out over a period of approximately three years starting as of 1 July 1951;

"Recognizing the concern of the United Nations in the problem of the Palestine refugees,

"3. Urges the governments of the countries in the area to assist, with due regard to their constitutional processes, in the carrying out of this programme and to extend to the United Nations Relief and Works Agency, a subsidiary organ established by the General Assembly, their co-operation in the elaboration of specific projects and in the general performance of its functions;

"4. Invites the United Nations Relief and Works Agency to explore with the governments concerned arrangements looking towards their assuming administration of reintegration projects at the earliest possible date;

"5. Requests the United Nations Relief and Works Agency to explore with the governments concerned the desirability and practicability of transferring the administration of relief to those governments at the earliest possible date, and considers that the United Nations Relief and Works Agency should continue to carry the cost of the supply programme, subject to paragraphs 2 and 6, and to provide assistance for the health, welfare and education programme along with the duty of making such inspection and such verification of accounts as may be necessary;

"6. Considers that relief expenditures should be reduced in suitable proportion to reintegration expenditures;

"7. Decides that the amount of \$20 million provided for direct relief in resolution 393(V) of 2 December 1950 should be increased to \$27 million for the fiscal year ending 30 June 1952;

"8. Decides that, consequent upon paragraph 2 above, the amount of \$30 million provided in resolution 393(V) of 2 December 1950 for reintegration should be increased to not less than \$50 million, and credited to

the reintegration fund provided for in that resolution for the fiscal year ending 30 June 1952;

"9. Approves the budget recommended by the United Nations Relief and Works Agency for the fiscal year 1 July 1952 to 30 June 1953, of the equivalent of \$118 million of which \$100 million shall be available for reintegration and \$18 million for relief;

"10. Authorizes the United Nations Relief and Works Agency to transfer funds allocated for relief to reintegration;

"11. Urges the governments of Member States to make voluntary contributions to the extent necessary to carry through to termination the programme set forth in paragraph 2 above;

"12. Requests that negotiation regarding contributions for the proposed three-year programme be carried out with Member and non-member States by the Negotiating Committee for Extra-Budgetary Funds estab-

lished by resolution 571 B (VI), adopted by the General Assembly on 7 December 1951;

"13. Expresses its appreciation of the assistance afforded to the United Nations Relief and Works Agency by the specialized agencies and the United Nations International Children's Emergency Fund and urges them to render all services possible to strengthen the programme of refugee relief and reintegration, and to co-operate with the Secretary-General and the United Nations Relief and Works Agency in ensuring that the total assistance of the United Nations to Palestine refugees is rendered with the maximum of co-ordination and efficiency;

"14. Expresses its appreciation to the numerous religious, charitable and humanitarian organizations whose programmes have afforded valuable supplementary assistance to Palestine refugees, and again requests them to continue and expand to the extent possible the work which they have undertaken on behalf of the refugees."

O. THE QUESTION OF HOLDING FREE ELECTIONS IN GERMANY

1. Inclusion of the Item in the Agenda of the General Assembly

In identical communications (A/1938) to the Secretary-General dated 5 November 1951, France, the United Kingdom and the United States requested inclusion of the following item in the agenda of the sixth session of the General Assembly: "Appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas."

The three Powers stated that they were acting jointly to bring before the General Assembly the desire of the German Federal Chancellor that a neutral commission under United Nations supervision should be appointed to investigate whether conditions throughout Germany made it possible to hold genuinely free elections.

In an accompanying memorandum, the three Powers stated that since 1945 their Governments had consistently maintained and continued to maintain that Germany should be re-unified as soon as that could be brought about on democratic lines which would ensure the re-establishment of a free Germany. They had, they said, repeatedly made concrete proposals on the subject, notably at the Council of Foreign Ministers in May 1949, and in letters from their three High Commissioners to the Soviet Commander-in-Chief in Germany in May and October 1950. Those letters

had made it clear that an essential step towards the re-unification of Germany was the holding of free elections under international supervision.

On 27 September 1951, the German Federal Government had made a declaration setting down detailed proposals for re-unification, based on free all-German elections under international protection and control and containing the essentials of an electoral ordinance. The declaration had stated that general conditions in the Soviet Zone were not such as would permit a free expression of the will of the people. It therefore proposed that a neutral international commission under United Nations supervision should examine, in the Soviet Zone and in the Federal Republic, how far the holding of free elections was possible under prevailing conditions.

The question of whether the item should be included in the Assembly's agenda was considered by the Assembly's General Committee at its 76th meeting on 9 November 1951, and by the Assembly at its 341st plenary meeting on 13 November.

The representatives of France, the United Kingdom and the United States, in the General Committee, and the representatives of Brazil, the United Kingdom and the United States, in the Assembly's plenary meeting, spoke in support of the proposal. The representatives of Poland and the USSR, in the General Committee, and the representatives of Czechoslovakia, Israel and the USSR, in the Assembly, opposed it.

Those opposing the proposal, with the exception of the representative of Israel, stated that the question of Germany was outside the competence

of the United Nations. The existing agreements on Germany signed by the occupying Powers made it clear that consideration and settlement of the German question could only take place under those agreements. The proposal of the three Powers, those representatives held, was illegal and a gross violation of the United Nations Charter, in particular of Article 107.⁸⁹ They also maintained that such an investigation could best be carried out by the Germans themselves through a commission comprising East and West Germans under the control of the occupying Powers.

The representative of Israel, in opposing the proposal, declared that the central fact of the situation, both in the western and eastern parts of Germany, was that the Nazi spirit had risen again. To the Israelis and the Jews throughout the world, anything tantamount to the readmission of Germany into the family of nations and any acceleration of the process of such readmission would appear as a desecration of the memory of Jewish martyrs, and as a triumph of evil.

Those supporting the proposal stated that conditions in East Germany were such that only an impartial commission could allay fears that the proposed elections might not be genuinely democratic and free. They argued that Article 107 of the Charter was not applicable to the item under discussion. The problem of free elections in Germany was undoubtedly one of international concern; there was no question of infringing existing agreements among the four occupying Powers.

2. Consideration by the Ad Hoc Political Committee

The General Committee decided by 12 votes to 2 to recommend the inclusion of the item in the agenda. The General Assembly, by 47 votes to 6, with 2 abstentions, placed the item on its agenda. At its 342nd meeting on 13 November, the Assembly referred the matter to the Ad Hoc Political Committee, which considered it at its 15th to 26th meetings held between 4 and 19 December 1951.

a. INVITATION TO REPRESENTATIVES OF THE WESTERN AND EASTERN ZONES OF GERMANY AND THE SECTORS OF BERLIN

At the 15th meeting of the Ad Hoc Political Committee on 4 December 1951, the representative of Pakistan introduced a draft resolution (A/AC.53/L.12) proposing that the Committee should invite official representatives of the West-

ern and Eastern Zones of Germany and of the Sectors of Berlin to make statements before the Committee. He considered that such a procedure would be fair both to the people of Germany and to the members of the Committee, especially those who were, for geographical and historical reasons, somewhat less familiar with the problem.

The Committee decided, by 47 votes to 7, with 5 abstentions, to consider the Pakistani proposal before continuing the general debate.

The representatives of the following countries, among others, supported the Pakistani proposal: Afghanistan, Australia, Belgium, Brazil, Colombia, France, Greece, Haiti, India, Indonesia, Iraq, Lebanon, the Netherlands, Nicaragua, the Philippines, the United Kingdom, the United States and Venezuela. Those representatives felt that the proposal suggested a practical method of assisting the Committee to reach a mature judgment on the question, and that the procedure proposed was consistent with United Nations practice.

The representatives of the Byelorussian SSR, Czechoslovakia, Israel, Poland, the Ukrainian SSR and the USSR opposed the Pakistani proposal, all, with the exception of the representative of Israel, basing their opposition on the ground that it was a corollary of the three-Power proposal and consequently illegal, since the Organization was not competent to deal with the question. In addition, they thought it better for the representatives of East and West Germany to come together directly for a study of the problem.

The representative of Israel stated that, by associating Germany in its work, the Ad Hoc Political Committee would be encouraging the German people to believe that they would, before long, be admitted to the United Nations. No evolution had taken place in Germany which would justify the German people in nourishing such an ambition, he maintained.

At its 16th meeting on 4 December, the Committee adopted the Pakistani draft resolution by 50 votes to 6, with 1 abstention.

In accordance with that decision, the Secretary-General, on 4 December 1951, dispatched identical telegrams (A/AC.53/L.13) to the Chairman of the Council of the Allied High Commission in Bonn, and the the Chairman of the Soviet Control

⁸⁹ The Article states: "Nothing in the present Charter shall invalidate or preclude action, in relation to any State which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the Governments having responsibility for such action."

Commission in Berlin, asking them to transmit to the appropriate authorities of Western and Eastern Germany and Berlin the text of the Committee's resolution.

On 6 December, the Secretary-General was notified by the Chargé d'Affaires of the Diplomatic Mission of the Federal Republic of Germany in Paris (A/AC.53 L.13) that the Federal Republic of Germany would send the following delegation to appear before the Committee: Dr. Heinrich von Brentano, Member of the Bundestag and Chairman of the Christian Democratic Union Party; Professor Ernst Reuter, Bürgermeister and Head of the Government of Berlin; and Dr. Hermann Schaeffer, Vice-President of the Bundestag.

On 8 December, the Committee was notified by the Premier of the German Democratic Republic (A/AC.53/L.13/Add.1) that the following delegation had been designated to appear before the Committee: Dr. Luther Bolz, Deputy Premier, Minister for Reconstruction, and Chairman of the National Democratic Party; Otto Nuschke, Deputy Premier in charge of Ecclesiastical Affairs and Chairman of the Christian Democratic Union; Friedrich Ebert, Oberbürgermeister of Berlin; and Anton Ackermann, General Secretary in the Ministry of Foreign Affairs.

b. STATEMENTS BY GERMAN REPRESENTATIVES

At its 18th meeting on 8 December, the Committee heard statements by Dr. Heinrich von Brentano, on behalf of the Western Zone of Germany (the Federal Republic of Germany), and Professor Ernst Reuter, on behalf of the Western Sector of Berlin.

The representative of the Federal Republic said that his Government believed the division of Germany was one of the essential causes of the present disturbed situation in Europe and of the threats to world peace. The rebuilding of a united Germany was an imperative necessity. Free elections in all areas of Germany would be a decisive step toward unification. But such free elections could not take place unless all the inhabitants of Germany had the opportunity of freely making known their views, in full enjoyment of their civic rights.

He analysed the conditions prevailing in both parts of Germany and charged, inter alia, that in the Eastern Zone free parties and organizations had been repressed, elections had not been free, and that there was no freedom of association, freedom of movement or freedom of the Press.

The representative of the Federal Republic emphasized that the amalgamation of the four Zones and Berlin could be achieved only as a result of a decision freely taken by the German people. It could not be reached by way of consultation between the representatives of the Federal Republic and those of the Soviet Zone, because the latter could not claim to represent the free will of the Germans in their Zone. Nor would an investigation by representatives of the four occupying Powers have satisfactory results, because the USSR had created a regime based on force and oppression, which deprived the Germans in the Eastern Zone of their liberty.

For those reasons the Federal Government, in agreement with all members of the Bundestag, with the sole exception of the Communist party, had demanded the setting up of a United Nations commission to carry out an investigation in all parts of Germany to determine whether existing conditions there made it possible to hold genuinely free elections. The Federal Government would afford such a commission every facility necessary to enable it to investigate as it wished the conditions existing in the Federal Republic. The commission's impartiality would guarantee that its investigation would be carried out not only in a spirit of objectivity but in a spirit of peaceful mediation.

The representative of the Western Sector of Berlin, who examined the question with particular reference to Berlin, told the Committee that his Government supported the Bundestag's proposal for the establishment of an international commission of investigation.

The Committee, at its 20th meeting on 11 December, heard statements by Dr. Luther Bolz, on behalf of the Eastern Zone of Germany (German Democratic Republic), and Professor Friedrich Ebert, on behalf of the Eastern Sector of Berlin.

The representative of the German Democratic Republic said that the failure of the Western Powers to respect the decisions of the Potsdam Conference regarding unification of the new German State and the drafting of a peace treaty with Germany had prevented the German people from bringing about the unification of Germany.

He then referred to the various proposals which the German Democratic Republic had made to the West German Government for holding elections and for unifying Germany. On 30 November 1950, his Government had submitted to the Government of the Federal Republic a proposal for the establishment of a Constituent Council

for the whole of the country, composed of representatives of Eastern and Western Germany. That Council would have decided upon the requisite conditions for the holding of free elections throughout Germany with a view to setting up a national legislative assembly. After the rejection of the proposal, the People's Chamber of the Democratic Republic had proposed to the Bundestag that a general conference of representatives of Eastern and Western Germany should be convened: (1) to decide upon the requisite conditions for the holding of free and democratic elections throughout Germany, by secret ballot, with a view to setting up a National Assembly which would lay the foundation of a united, democratic and peaceful Germany; and (2) to study the measures necessary for the speedy conclusion of a peace treaty, to be followed by the withdrawal of the occupying forces. The People's Chamber of the Democratic Republic had found acceptable most of the proposals adopted by the Bundestag on 27 September 1951 and, in a letter dated 2 November addressed to the President of the Federal Republic, the President of the Democratic Republic had stated, *inter alia*, that the task of determining whether conditions in Germany would enable truly free elections to be held should devolve upon the Germans themselves, through a commission composed of representatives of Eastern and Western Germany, under the supervision of the four occupying Powers. On the same day, the Government of the Democratic Republic had announced a decision to set up a commission to draft a Bill for the election of a national legislative assembly, taking as a basis for its work the electoral law of the Weimar Republic. The proposals of the Democratic Republic, he said, had been rejected because the policy of the Western Powers aimed at the remilitarization of Western Germany in preparation for a new war.

The representative of the German Democratic Republic analysed the conditions in both parts of Germany and stated, *inter alia*, that, as a result of the policies of the Western Powers, prices and taxation in Western Germany were increasing, the economy and currency were becoming more and more unstable and the conditions of the workers were deteriorating. The legitimate national resistance to those policies was being suppressed by restriction of democratic freedoms. Fascists and military adventurers were becoming more and more active. He considered that the proposals for a commission of investigation were intended to

make general elections impossible, to hinder the peaceful development of the German people and to maintain the partition of Germany. The creation of a commission of investigation and supervision would, he said, constitute intervention in the domestic affairs of the German people and would be contrary to the interests and wishes of the German people and to the principles of the Charter, especially the principles of non-intervention, equality of peoples and self-determination.

The representative of the Eastern Sector of Berlin, in his statement to the Committee, referred in particular to the situation in Berlin and associated himself with the proposals of the People's Chamber of the Democratic Republic.

c. JOINT DRAFT RESOLUTION OF FRANCE,
THE UNITED KINGDOM AND THE
UNITED STATES

At the 15th meeting of the Ad Hoc Political Committee on 4 December 1951, the representative of the United Kingdom introduced a draft resolution (A/AC.53/L.11), sponsored jointly by the United Kingdom, France and the United States, proposing the creation of a United Nations commission to make a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany to ascertain and report whether conditions in those areas were such as to make possible genuinely free and secret elections.

The draft resolution proposed that the commission should enquire specifically into:

(1) the constitutional provisions in force in those areas and their application as regards the various aspects of individual freedom, in particular the degree to which, in practice, the individual enjoyed freedom of movement, freedom from arbitrary arrest and detention, freedom of association and assembly, freedom of speech, press and broadcasting;

(2) the freedom of political parties to organize and carry on their activities; and

(3) the organization and activities of the judiciary, police and other administrative organs.

The draft resolution would call upon all authorities in the Federal Republic, Berlin and the Soviet Zone to enable the commission to travel freely, to have free access to such persons, places and relevant documents as it considered necessary, and to summon any witnesses whom it wished to examine. The Secretary-General would be requested to make the necessary arrangements with the authorities concerned and to furnish the commission with necessary staff and facilities. The commission, it was proposed, should submit its findings to the Secretary-General for the consideration of the four occupying Powers and for the information of the other Members of the United Nations.

The sponsors of the three-Power draft resolution said that it had been the consistent policy of their Governments to work for the unification of Germany on democratic lines and, together with the German Federal Chancellor, they had made proposals in the past for free elections throughout Germany. The East German Administration claimed to seek the same ends. But there was disagreement on whether it was possible to hold genuinely free elections. Elections would not be possible throughout Germany unless parties and individuals were able to stand for election without fear, and the population was able to express its views freely, secretly and effectively. It was the belief of the three sponsoring Powers that such conditions existed in the Federal Republic and in the Western Sector of Berlin, but did not exist in the Soviet Zone of Germany and in the Soviet Sector of Berlin. The USSR Government appeared to think the reverse. Hence, it was in the interest of all concerned to obtain the views of an impartial commission, able to visit all parts of Germany and to report on whether in fact the necessary conditions for free and secret elections did exist. As the primary concern in constituting the commission should be impartiality, the investigation, accordingly, should not be carried out by any of the four occupying Powers, or by the Germans themselves. It could not seriously be contended that such an arrangement would humiliate Germany, since it was on behalf of the majority of the German people that the Government of the Federal Republic had asked for the investigation.

The sponsors maintained that their joint draft did not ask the United Nations to assume the authority which, in respect of Germany, properly belonged to the four occupying Powers; but the United Nations enquiry would perhaps enable those Powers to make a new attempt to resolve the differences which divided them. Article 107 of the Charter did not, as was contended, prohibit the United Nations from discussing matters relating to States which, during the Second World War, had been the enemies of the Powers signatory to the Charter. It merely provided that none of the provisions of the Charter invalidated or precluded action, in relation to any ex-enemy State, taken or authorized as a result of the Second World War by the Governments having responsibility for such action. That was a different matter. Furthermore, it was not suggested that the proposed commission force its way into Germany. The three-Power proposals simply asked the

German authorities to grant the proposed commission the necessary facilities.

The following representatives, among others, also spoke in support of the joint draft resolution: Chile, Colombia, Greece, Haiti, Iraq, the Netherlands, Nicaragua, the Philippines and Venezuela. Those representatives said that the three-Power proposal did not call upon the United Nations to reconcile the political differences between the two parts of Germany. According to the joint draft, the General Assembly would merely exercise its power under the Charter to conduct investigations; the German authorities of both Zones and the occupying Powers remained free to dispose of the proposed commission's report as they saw fit. At the same time, adoption of the joint draft might influence the larger German issue by giving a new impetus to negotiations, which appeared to be paralyzed temporarily by the political deadlock among the four occupying Powers and the mutual distrust of the two German Governments. The contradictory evidence presented by spokesmen from both Zones of Germany had not only been illuminating but had strengthened the case for an impartial investigation of the real facts.

Germany, those representatives said, had been under four-Power military occupation since the Second World War; its problems were being dealt with by the occupying Powers, with the limited participation of the German people. Under that military regime, Germany could not be said to enjoy sovereignty as an independent nation. Thus, by sending an investigating commission, the United Nations would not be interfering in the internal affairs of a sovereign State in the true sense of the term.

The representatives of the Byelorussian SSR, Czechoslovakia, Israel, Poland, the Ukrainian SSR and the USSR opposed the joint draft resolution. With the exception of the representative of Israel, they stated that the policies of the three Powers occupying Western Germany showed that they intended to prolong the division of Germany. That was why they had, since 1945, systematically violated the Yalta and Potsdam Agreements, other agreements concluded between the victor Powers, and decisions taken by the Control Commission for Germany. The violations, they alleged, had included the integration of the Saar in the French economic system, the establishment of the so-called Bi-zone, the extension of the Marshall Plan to Western Germany and the introduction of a special currency for Western Germany. The division of Germany had also been intensified by

such measures as the establishment of a Government of the Federal Republic of Germany, by the proclamation of the Statute of the Ruhr and by the association of the West German Government with the European Union. The Western Powers had sought to remilitarize Western Germany and, with the object of prolonging the occupation, they had repeatedly rejected Soviet proposals for the drafting of a peace treaty and for the withdrawal of occupation forces.

Analysing the political situation in Germany, those representatives charged, *inter alia*, that the principles of self-determination, individual liberty, freedom of movement, freedom of association and assembly, and freedom of expression had been violated in Western Germany, and that many officials in the Bonn Administration were war criminals and ex-members of the Nazi Party.

Article 107 of the Charter, they said, precluded the United Nations from considering any questions which concerned action, in relation to any State which during the Second World War was an enemy of any signatory to the Charter, taken or authorized as a result of that war by the Governments having responsibility for such action. Inclusion of the German problem in any form in the Assembly's agenda was a flagrant violation of that Article and of the Potsdam Agreement, which had established the Council of Foreign Ministers to consider all questions relating to Germany.

Furthermore, under Article 2, paragraph 7,⁹⁰ they stated, the United Nations had no right to participate in the preparation and holding of all-German elections. Those representatives supported the proposals of the German Democratic Republic for the unification of the country through all-German elections to a national assembly. It was insulting to the German people to claim that they needed the help or supervision of the United Nations in organizing free elections. If the Germans thought it necessary, the enquiry into the feasibility of conducting elections should be carried out by the Germans representing the two Zones, under the supervision of the four occupying Powers.

The three-Power proposal, they charged, constituted the latest of the many violations of existing agreements relating to the German problem; its adoption would place a further obstacle in the way of all-German negotiations. The true purpose of the proposal could only be to facilitate the integration of West Germany in the North Atlantic aggressive bloc.

The representative of Israel said that his delegation wished to consider the German question, not in a sterile spirit of revenge, but objectively. A peaceful Germany could emerge from free elections only if the psychology of the German masses had radically changed; but it could not be claimed that such a change had taken place in present-day Germany. Powerful neo-Nazi groups were being formed; the Press extolled the valour and loyalty of the SS troops and expressed indignation at references to Nazi crimes; the German people protested against the punishment of monstrous war criminals; anti-semitism was springing up again; and nationalist campaigns were being started. The crime of genocide, committed in the name of the German people against the Jewish people, had not yet brought upon the German community the normal civil consequence of any crime, namely, the obligation to make material reparation for the damage it had caused. The German people was not altogether cured of militarism; the rearmament of Germany, in whatever zone it occurred, constituted a grave threat to the peace of Europe and the world. The fundamental problem concerning Germany—how a Germany which was master of its own fate would exercise its free sovereignty—had been overshadowed by an investigation of a purely technical question regarding conditions for holding free elections. While, he stated, the joint draft was inspired by the best of motives, the terms of reference of the proposed commission did not include a study of the facts which he had mentioned.

d. AMENDMENTS TO THE THREE-POWER DRAFT RESOLUTION

On 15 December the representatives of Bolivia, Brazil, Colombia, Cuba and Uruguay submitted an amendment (A/AC.53/L.18) to the three-Power draft in place of a joint draft resolution (A/AC.53/L.16) which they had submitted the previous day.

The draft resolution would have had the General Assembly note that the contradictory statements of West and East German authorities regarding conditions in their respective Zones made it essential to hold an enquiry to determine whether conditions in the two parts of Germany were propitious to democracy. It would then have had the Assembly elect a five-member commission to proceed to Germany and report within one month on the possibility of achieving German unity through free elections by secret ballot. The commission was to submit to the Secretary-General as soon as pos-

⁹⁰ The paragraph provides that the United Nations is not to intervene in matters essentially within the domestic jurisdiction of any State.

sible, for consideration by the four occupying Powers and for the information of other Member States, a report on: (1) the result of its efforts to make, with the competent authorities of both Zones, the arrangements necessary for the performance of its task; and (2) on the results of its enquiry.

The amendment would add to the preamble of the three-Power draft provisions resolution (1) taking note of the fact that the conflicting opinions expressed by the representatives of Western and Eastern Germany made it essential that the investigation should be carried out by an impartial body; and (2) expressing the desire of the General Assembly to make its contribution to the achievement of the unity of Germany in the interests of world peace. The amendment also provided that the investigation should be carried out immediately.

The amendment was accepted by the sponsors of the three-Power draft resolution.

They also accepted an amendment proposed jointly by Canada, Denmark, Iceland, the Netherlands and Norway (A/AC.53/L.17).

This deleted the last two paragraphs of the joint draft, relating to the Secretary-General's duties and the submission of the commission's report. It also inserted provisions stating that the commission should:

(1) report at the earliest, practicable date to the Secretary-General, for the consideration of the four occupying Powers and for the information of other Members, the results of its efforts to make the necessary arrangements with all the parties concerned to enable it to undertake its work under the resolution;

(2) similarly report, if it were able to make the necessary arrangements throughout the areas concerned, the findings resulting from its investigation, it being understood that such findings might include recommendations regarding further steps which might be taken to bring about the necessary conditions for free elections in Germany;

(3) if unable forthwith to make those arrangements, make a further attempt to carry out its task at such time as it was satisfied that the German authorities in all Zones would admit it. The amendment also declared: that the United Nations was prepared to offer its assistance in order to guarantee the freedom of the elections, after being satisfied that the conditions throughout Germany made genuinely free and secret elections possible; and requested the Secretary-General to furnish the commission with the necessary staff and facilities.

An amendment was also submitted by Lebanon (A/AC.53/L.19), two parts of which were accepted by the sponsors of the joint draft resolution.

They provided for: (1) a reference to the statements made by the representatives of Western Germany and Eastern Germany in the Ad Hoc Political Committee; and (2) a direction to the commission to submit its findings to the Secretary-General not later than 1 September 1952, for communication to the four occupying Powers for their consideration and to other Members for information.

The other two parts of the amendment were withdrawn by Lebanon before the vote.

They: (1) would have recommended that the proposed commission, in its relations with the authorities and with private persons in both Zones of Germany and in Berlin, should avoid any friction and should make the Germans understand that the commission's function was not to conduct a harassing inquisition but to collect evidence in a sincere and friendly spirit; and

(2) would have requested that the Secretary-General, in furnishing staff and facilities should ensure that no apprehension would be aroused among the Germans in either Zone by any secretary or expert working with the Commission.

e. REVISED THREE-POWER DRAFT RESOLUTION

The representatives of France, the United Kingdom and the United States circulated a revision (A/AC.53/L.11/Rev.2) of their draft resolution, incorporating the amendments which had been accepted and naming Brazil, Iceland, the Netherlands, Pakistan and Poland as members of the proposed commission. At the 26th meeting on 19 December, the representative of Poland announced that his Government declined to accept membership of the commission on the ground that it considered the three-Power draft resolution as illegal and contrary to the Charter, in particular to Article 107 and Article 2, paragraph 7.

The representatives of Belgium, Ecuador, Norway, Pakistan and Peru spoke in support of the revised three-Power draft. They considered it to be in conformity with the Charter, in accordance with which the United Nations was under an obligation to prevent and remove threats to the peace. It was a positive step towards the establishment of democracy throughout Germany, and it envisaged a new approach to the problem of uniting Germany, which might succeed. The German people desired unification, and the rest of the world knew that while Germany remained disunited it constituted a powerful threat to peace.

The representative of Israel opposed the revised draft because it did not contain explicit reference to apprehensions regarding the rebirth of National-Socialism in Germany.

The revised three-Power draft resolution was adopted by the Committee at its 26th meeting on 19 December, in paragraph-by-paragraph votes, ranging from 48 to 4, with 8 abstentions, to 40 to 9, with 9 abstentions. The draft resolution was adopted as a whole, by 45 votes to 6, with 8 abstentions.

f. SWEDISH DRAFT RESOLUTION

Also before the Committee was a Swedish draft resolution (A/AC.53/L.15) introduced on 14 December, with an addendum (A/AC.53/L.15/Add.1) circulated the following day. It proposed that the General Assembly, considering that statements made before the Ad Hoc Political Committee by representatives of Western and Eastern Germany indicated that any commission which might be constituted would not have free access to those areas and that it was consequently impossible, for the time being, to undertake the proposed simultaneous investigation in both Zones of Germany, should:

(1) state the desirability of holding elections throughout Germany after the fulfilment of certain prescribed conditions, namely, (a) that the citizens of Germany should enjoy freedom of movement, protection against arbitrary arrest and detention, freedom of association and assembly and freedom of speech, Press and radio; and (b) that political parties should be free to organize and to carry on their activities;

(2) request the four occupying Powers to endeavour, by mutual agreement and in consultation with the representatives of the German nation to create the prescribed conditions and to submit to the Secretary-General, within one month, a report on the results of their work for consideration by the General Assembly at its current session; and

(3) declare the readiness of the United Nations, after it was satisfied that the necessary conditions had been fulfilled, to assist in guaranteeing the freedom of the elections and to appoint a neutral international commission for that purpose.

In submitting his draft resolution, the representative of Sweden declared that the three-Power draft resolution could not yield any practical results since the commission to be set up would be unable to carry out the proposed simultaneous investigation. The Swedish draft, therefore, offered the help of the United Nations to guarantee the freedom of the elections when the necessary conditions throughout Germany had been created.

The representatives of Burma and Indonesia, among others, supported the Swedish draft resolution, which they considered a promising step toward a solution of the German problem. According to that draft, the four occupying Powers would pursue their efforts to secure favourable pre-election conditions by mutual agreement. The German people would be consulted, in accordance with their right to self-determination, and the United Nations would fulfil its obligation to preserve peace by providing effective guarantees that the elections would be held under free and democratic conditions.

The representatives of Belgium, Chile, France, the United Kingdom and the United States opposed the Swedish draft resolution as, in their opinion, it appeared to: (1) deny in advance the possibility of any success for the solution of the German problem, and (2) make delay a certainty.

The representative of Israel stated that the Swedish draft appeared to be inappropriate as a means of facilitating a solution of the German problem, since it, like the three-Power draft, did not take into account the specifically German aspect of the question. If German unification and sovereignty were to be achieved on peaceful lines, the world must lay down basic conditions. It must make sure that the Germans would not once again set up by democratic methods an authority which would use its power only to destroy the democratic institutions from which it sprang. Both Germans must agree, or be led to agree collectively, to assume Germany's historical responsibility and to ensure the final uprooting of Nazism, imperialism and militarism. Only then would the free nations be able to encourage Germany to become, by free elections, the leaders of a truly regenerated new Germany.

The USSR representative stated that he would vote against the Swedish proposal as, in his opinion, the United Nations was not competent to deal with the German problem.

Following the adoption of the revised three-Power draft resolution (see above) the representative of Sweden withdrew his draft resolution.

g. EXPLANATIONS OF ABSTENTIONS

Before the vote, the representative of India declared that his delegation would abstain from voting on the two drafts before the Committee, because it did not consider that either of them would be effective in the present circumstances. While the three-Power draft resolution and the various amendments acceptable to the authors had been activated by a legitimate concern for genuinely free German elections, they tended to widen the gap between the authorities of the two Zones. In view of East Germany's rejection of the proposed commission, the results of any investigation could only be one-sided. The Swedish draft resolution, while it was more conciliatory and, to some extent, more realistic, had the effect of treating the entire responsibility for the establishment of proper pre-electoral conditions upon the very Powers which had failed to agree on

that major issue. It offered United Nations good offices only after those conditions had been achieved, and therefore could not be considered a practical solution.

However, he considered that, if an impartial investigation proved impossible in the two Zones, the United Nations could assist the German authorities to devise another method which would secure mutually acceptable guarantees for an electoral procedure. A United Nations body, he suggested, might be appointed, not to inspect the internal structure of Germany, but to promote agreement on the holding of free elections and to obtain a basic understanding of the national issues between the various political groups with different ideologies. Such a good offices committee might have an opportunity to appraise the situation at first hand and should be placed at the disposal of either or both of the German Governments.

The representatives of Afghanistan and Yemen, explaining their abstentions after the voting on the joint draft, stated that they would have preferred the establishment of a good offices committee to a commission of investigation.

The representatives of Yemen and Yugoslavia, who also abstained, regretted the withdrawal of the Swedish draft resolution which, they considered, had certain advantages. They considered that the joint draft was unrealistic, as it did not take account of the attitude of part of the German population and of the occupation authorities in the Eastern Zone of Germany.

3. Consideration by the General Assembly in Plenary Session

At its 356th plenary meeting on 20 December 1951, the General Assembly considered the report of the Ad Hoc Political Committee (A/2020) and a report by the Fifth Committee (A/2021) on the financial implications involved.

The Fifth Committee reported that it had examined the financial implications at its 320th meeting on 19 December and had examined estimates submitted by the Secretary-General (A/C.5/476), together with a statement giving the observations of the Advisory Committee on Administrative and Budgetary Questions on those estimates.

The Secretary-General's estimates provided for expenditure of approximately \$48,100 for travel and subsistence of members and staff, local transportation and other expenses, on the assumption

that the Commission might be in Germany for a period of approximately from four to five months, thence proceeding to the United Nations Headquarters at New York to report its findings.

The Advisory Committee considered that some economy should be possible if the Commission would proceed to Geneva rather than to New York to prepare its final report, and estimated that \$45,000 would prove adequate. The Fifth Committee concurred in the revised estimates.

The representatives of Czechoslovakia, Poland and the USSR stressed the opinion they had earlier expressed, that the United Nations was not competent to deal with the question because to do so was a violation of Article 107 of the Charter and of the Potsdam Agreement, and because the question of all-German elections was a domestic matter for the German people. They argued that the real purpose of the draft resolution proposed by the Ad Hoc Political Committee was to maintain the division of Germany.

The representative of Yemen stated that, while both parties were desirous of achieving unity, the representatives of Eastern Germany believed that the formation of a commission of investigation would interfere with the national affairs of Germany. While Yemen hoped that such unity would be attained in the near future, it supported the principle of non-intervention, regardless of place or time, and would therefore abstain from voting.

The representative of Israel stressed the importance of the statement, made in the Ad Hoc Political Committee by the United States representative on behalf of the sponsors of the draft resolution, to the effect that the question of the elimination of Nazi influences from the counsels of post-war Germany should engage the attention of the commission of enquiry. Since, however, that basic aspect of the problem of post-war Germany had received no expression in the Commission's terms of reference included in the resolution, nor had the dangers inherent in the resurgence of Germany as a Power, to which Israel had drawn the attention of the Assembly, been reflected in its wording, Israel was compelled to vote against the draft resolution.

The Assembly adopted the draft resolution proposed by the Committee by a roll-call vote of 45 to 6, with 8 abstentions, as follows:

In favour: Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Lebanon, Liberia, Luxembourg,

Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Syria, Thailand, Turkey, United Kingdom, United States, Uruguay, Venezuela.

Against: Byelorussian SSR, Czechoslovakia, Israel, Poland, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Argentina, Burma, India, Indonesia, Sweden, Yemen, Yugoslavia.

This resolution (510(VI)) read:

"Whereas the Governments of the United Kingdom of Great Britain and Northern Ireland, the United States of America and France, acting on a proposal made by the German Federal Chancellor, have brought before the General Assembly a request for the appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas,

"Whereas the statements made by the representatives of the Federal Government of Germany, of Berlin, and of the Soviet Zone of Germany before the Ad Hoc Political Committee reveal differences of opinion with regard to the conditions existing in these areas, which make it essential that such an investigation shall be carried out by an impartial body,

"The General Assembly,

"Having regard to the Purposes and Principles of the United Nations as set out in the Charter, taking due account of the responsibilities of the four Powers regarding Germany, and desiring to make its contribution to the achievement of the unity of Germany in the interests of world peace,

"1. Considers it desirable to give effect to the above request;

"2. Resolves to appoint a Commission composed of representatives of Brazil, Iceland, the Netherlands, Pakistan and Poland which shall carry out immediately a simultaneous investigation in the Federal Republic of Germany, in Berlin, and in the Soviet Zone of Germany to ascertain and report whether conditions in these areas are such as to make possible the holding of genuinely free and secret elections throughout these areas. The Commission shall investigate the following matters in so far as they affect the holding of free elections:

"(a) The constitutional provisions in force in these areas and their application as regards the various aspects of individual freedom, in particular the degree

to which, in practice, the individual enjoys freedom of movement, freedom from arbitrary arrest and detention, freedom of association and assembly, freedom of speech, press and broadcasting;

"(b) Freedom of political parties to organize and carry out their activities;

"(c) The organization and activities of the judiciary, police and other administrative organs;

"3. Calls upon all authorities in the Federal Republic, in Berlin, and in the Soviet Zone to enable the Commission to travel freely throughout these areas; and to allow the Commission freedom of access to such persons, places and relevant documents as it considers necessary in the course of executing its task and to allow it to summon any witnesses whom it wishes to examine;

"4. (a) Directs the Commission to report at the earliest practicable date to the Secretary-General, for the consideration of the four Powers and for the information of the other Members of the United Nations, on the results of its efforts to make the necessary arrangements with all the parties concerned to enable it to undertake its work according to the terms of the present resolution;

"(b) Directs the Commission, if it is able to make the necessary arrangements throughout the areas concerned, similarly to report on the findings resulting from its investigation of conditions in these areas, it being understood that such findings may include recommendations regarding further steps which might be taken in order to bring about conditions in Germany necessary for the holding of free elections in these areas;

"(c) Directs the Commission, if it is unable forthwith to make these arrangements, to make a further attempt to carry out its task at such time as it is satisfied that the German authorities in the Federal Republic, in Berlin, and in the Soviet Zone will admit the Commission, as it is desirable to leave the door open for the Commission to carry out its task;

"(d) Directs the Commission in any event to report, not later than 1 September 1952, on the results of its activities to the Secretary-General, for the consideration of the four Powers and for the information of the other Members of the United Nations;

"5. Declares that the United Nations is prepared, after being satisfied that the conditions throughout the areas concerned are such as to make possible the holding of genuinely free and secret elections, to offer its assistance in order to guarantee the freedom of the elections;

"6. Requests the Secretary-General to furnish the Commission with the necessary staff and facilities."

P. THE GREEK QUESTION⁹¹

In its consideration of the item "Threats to the political independence and territorial integrity of Greece", the Assembly, at its sixth session, had before it reports from the United Nations Special Committee on the Balkans (A/1857), the third general report of the International Committee of the Red Cross and the League of Red Cross Socie-

ties (A/1932) and a report from the Secretary-General (A/1933).

At its 342nd plenary meeting on 13 November 1951, the General Assembly referred the item to

⁹¹ For previous consideration of this question, see Y.U.N., 1946-47, pp. 336-38; 1947-48, pp. 14, 63-75, 298-302, 337-52; 1948-49, pp. 238-56; 1950, pp. 373-81.

the Ad Hoc Political Committee for consideration under two headings: (a) the report of the United Nations Special Committee on the Balkans (UNSCOB); and (b) repatriation of Greek children; reports of the Secretary-General and of the international Red Cross organizations.

1. Report of the United Nations Special Committee on the Balkans

a. REPORT OF THE SPECIAL COMMITTEE

The United Nations Special Committee on the Balkans, which had been established at the Assembly's second session and continued in being through the third, fourth and fifth sessions, submitted its report (A/1857) on 15 August 1951, covering the period from 1 August 1950-1 August 1951.

The Special Committee stated that the dual functions of conciliation and observation with which the Assembly had entrusted it had always remained its constant concern.

From the time the Special Committee began work the Greek Government had co-operated fully, though the other Governments concerned had refused either to co-operate with the Special Committee or to recognize it as a legal body of the United Nations, the report said. With regard to Yugoslavia, however, the Special Committee expressed satisfaction that, through direct negotiations, diplomatic representation had been restored between that country and Greece by an exchange of Ministers on 28 November 1950. A series of trade and communications agreements had also been signed between the two countries and repatriation of Greek children and adults from Yugoslavia was proceeding with the co-operation of the International Red Cross.

Diplomatic and good-neighbourly relations, however, did not exist between Albania and Bulgaria on the one hand and Greece on the other, the report continued. In disregard of Assembly resolutions, Albania and Bulgaria had continued to afford accommodation to Greek guerrillas and had failed to permit international verification of the disarming and disposition of guerrillas. That situation, the report stated, still constituted a potential threat to Greece; those States had continued to detain Greek military personnel and other Greek nationals in violation of accepted international practice and of General Assembly recommendations. With the exception of Yugoslavia, none of them had made any efforts to permit Greek children detained by them to return to their

country, thus disregarding fundamental humanitarian principles and General Assembly resolutions of 1948, 1949 and 1950.⁹²

The problem of international refugees in Greece, the report stated, had become more acute in the course of the last year and the Special Committee felt that such refugees should be settled outside Greece.

The Special Committee pointed out that, while not recognizing the Special Committee, the Governments of Albania and Bulgaria had continued to submit complaints to the Secretary-General regarding frontier violations. As the submission of these complaints implied recognition of United Nations jurisdiction in the matter, it should be brought to the attention of those Governments that an appropriate United Nations body existed for the investigation of such complaints and that such investigation could be carried out only if those States co-operated with the Special Committee.

The "Free Greece" radio station, it was stated, still functioned from Romanian territory, transmitting instructions to the so-called fighters of the Greek guerrilla movement. The report noted that the similarity between those instructions and the instructions given to guerrillas clandestinely introduced into Greece was evidence that the leadership of the movement came from outside Greece.

The Committee stated that it had obtained evidence to show that, in defiance of Assembly resolutions, aid to the guerrilla movement had been continued not only by Bulgaria and Albania but also by other Central and Eastern European States. Small groups of guerrillas had been trained at special schools in Poland, Czechoslovakia and Hungary and secretly reintroduced into Greece to conduct subversive activities there with the ultimate aim of forcibly overthrowing the Greek Government. The work included the underground organization of the Greek Communist and "Agrarian" parties, the fomenting of discontent and the organization of espionage on the Greek armed forces. The Special Committee asked the Assembly to take note of that evidence.

It concluded that the threat to Greece had changed in character since the forced retreat from Greece of the guerrillas in 1949 had ended large-scale guerrilla warfare. It asked the Assembly to take into account the changed but continuing threat to Greece within the context of the hostile attitude towards Greece of a number of Eastern

⁹² For consideration of the question of the repatriation of Greek children, see below, pp 330-37.

and Central European States, particularly Bulgaria, and the consequent tension in the Balkans. It therefore requested the Assembly to consider the advisability of maintaining United Nations vigilance in the Balkans.

The Special Committee recommended, *inter alia*, that the General Assembly should reaffirm its recommendations concerning:

(1) the cessation of all assistance or support to the Greek guerrilla movement in its activities against Greece; (2) the renewal of diplomatic and good-neighbourly relations; (3) the renewal, revision or establishment of frontier conventions; (4) the disarming and disposition of Greek guerrillas; (5) the prohibition against the provision of arms and materials of war to Albania and Bulgaria until it had been determined that the unlawful assistance to the Greek guerrillas had ceased; (6) the repatriation of Greek children, Greek military personnel and Greek nationals; and (7) the co-operation of the States concerned with the appropriate United Nations body, particularly as regards the prompt and impartial investigation of their complaints.

b. CONSIDERATION BY THE Ad Hoc POLITICAL COMMITTEE

The report of the Special Committee was considered by the Ad Hoc Political Committee at its first to sixth meetings, from 19-23 November 1951.

(1) Repeal of Death Sentences

Two of the draft resolutions submitted to the Committee concerned exclusively the repeal of death sentences imposed by Greek courts.

One, submitted by the USSR (A/AC.53/L.1), would call upon the President of the General Assembly to negotiate with representatives of the Greek Government for the remission of death sentences passed upon twelve representatives of Greek democratic organizations by the Athens Special Military Tribunal on 16 November 1951.

The second, submitted by Uruguay (A/AC.53/L.8), would call upon the President to use his good offices to induce the Greek Government to commute the penalties imposed by the Greek courts and to refrain from executing the death sentences.

A further draft resolution submitted by the USSR (A/AC.53/L.6) contained a provision calling for the annulment of all death sentences passed by Greek courts on Greek patriots.

Introducing his draft resolution for the remission of death sentences (A/AC.53/L.1) at the first meeting on 19 November, the representative of the USSR recalled that at its third and fourth sessions, the Assembly had employed a humanitarian approach in a similar case and had adopted

a resolution which, he stated, had prevented the execution of several Greek patriots. Furthermore, both national and international matters affecting Greece had been discussed by the United Nations for several years. Consideration of the draft resolution, it was stated, would not be an interference in Greek domestic affairs, but would be a humanitarian action undertaken by the United Nations with a view to saving lives.

The Chairman stated that he was opposed to opening discussion on a matter which was irrelevant to the item under discussion and, accordingly, ruled the USSR draft resolution out of order.

The representative of Greece stated that the subject raised by the USSR representative constituted an interference in the domestic affairs of Greece, in violation of the Charter. If the United Nations were to assume the responsibilities of a supreme court, he was prepared to agree, provided that all relevant cases were taken up.

The Chairman's ruling was challenged by the USSR, but was upheld by a vote of 32 to 5, with 16 abstentions.

At the fourth meeting of the Committee on 22 November, the representative of Uruguay requested an opportunity to introduce his draft resolution (A/AC.53/L.8). The Chairman recalled his ruling that the commutation of death sentences in Greece was irrelevant to the item under discussion. That ruling covered not only the USSR draft resolution but the substance of the matter itself. He referred to rule 122 of the rules of procedure which, he stated, laid down that a proposal which had been adopted or rejected could be reconsidered if the Committee so decided by a two-thirds majority.

A procedural discussion ensued on the question, the representative of Uruguay, supported by the representatives of Czechoslovakia, Cuba, El Salvador, and Poland, holding that rule 122 was inapplicable since it applied only to individual proposals. The representative of Belgium considered that although rule 122 was not applicable, the draft resolution of Uruguay should be ruled out of order as it dealt with a subject which the Committee had decided not to discuss. The Chairman ruled that, consistent with his ruling on the draft resolution of the USSR and for the same reasons, the Uruguayan proposal was unacceptable.

The representative of the USSR stated that the Chairman's ruling was unacceptable since the question of death sentences was connected with the agenda item and had been treated as such by

the Assembly at its third, fourth and fifth sessions. He therefore challenged the ruling.

The Chairman's ruling was upheld by 26 votes to 11, with 19 abstentions.

(2) Discontinuance of UNSCOB and Establishment of a Balkan Sub-Commission

The remaining resolutions on part (a) of the agenda item dealt primarily with the discontinuance of the Special Committee. They were as follows:

(a) A draft resolution by Greece (A/AC.53/L.2) would approve the report of UNSCOB, express appreciation of the services rendered by the Special Committee and its observers, and discontinue the Special Committee within 60 days after adoption of the resolution.

Two amendments were submitted to that draft resolution.

One, proposed by the USSR (A/AC.53/L.5), would delete the paragraphs expressing approval of UNSCOB's report, appreciation of its services and gratitude to its observers. It would also delete the time-limit of 60 days on the dissolution of the Special Committee.

The second, proposed by Chile (A/AC.53/L.7), would provide for: cessation of aid to Greek guerrillas; renewal of diplomatic and good-neighbourly relations; disarming and disposition of guerrillas; prohibition of supply of arms to Albania and Bulgaria; and co-operation of the States concerned with the appropriate United Nations body.

(b) A joint draft resolution by France, Greece, Mexico, the United Kingdom and the United States (A/AC.53/L.3). Considering that the situation in the Balkans might require prompt establishment of observation as contemplated in section B of resolution 377A (V),⁹³ it would request the Peace Observation Commission to establish a sub-commission on the Balkans, to be composed of from three to five members, with its seat at the United Nations Headquarters and with authority to dispatch observers to any area of international tension in the Balkans on the request of any State or States concerned, but only to the territory of the States consenting thereto. The sub-commission would have authority, if necessary, to visit the areas in which observation was undertaken. It would submit reports to the Peace Observation Commission and to the Secretary-General for the information of Member States.

(c) A USSR draft resolution (A/AC.53/L.6) would recommend, with the object of restoring to normal the situation in Greece: (i) cessation of interference by the United States in Greece; (ii) declaration by Greece of a general amnesty, abolition of concentration camps for Greek democrats and annulment of all death sentences passed by Greek courts on Greek democrats; (iii) establishment of diplomatic relations between Greece and Albania and Greece and Bulgaria; and (iv) dissolution of the Special Committee.

The representative of Greece stated that, by perseverance and devotion to its high aims, the Special Committee had succeeded in exposing the

aggressors in Greece and in thwarting intrigue and subversion. Although, as the Special Committee had reported, the danger to Greece persisted, the Greek people had developed their power to resist, and it was unlikely that there could be any resurgence of subversive activity. He therefore urged the Committee to adopt his draft resolution for the dissolution of the Special Committee. He also supported the joint draft resolution proposing the establishment of a Balkan sub-commission of the Peace Observation Commission.

A number of representatives made statements in support of the Greek draft resolution, including those of Australia, Belgium, Bolivia, Brazil, Chile, China, Colombia, Costa Rica, Cuba, the Dominican Republic, Egypt, El Salvador, Lebanon, Liberia, the Netherlands, New Zealand, Pakistan, the Philippines, the United Kingdom and the United States.

These representatives held, *inter alia*, that the Special Committee, by stationing its observers, by furnishing the United Nations with carefully sifted evidence of the threat to Greece and by drawing the attention of public opinion of the free world to the situation on the northern frontiers of Greece, had rendered invaluable services to the United Nations and to the cause of Greek independence. They expressed gratification that Greece, which had once feared for its independence, now felt strong enough to ask for the discontinuance of the Special Committee. The dissolution of the Committee, it was stated, was sought because it had performed so well the task assigned to it.

The Greek problem, it was felt, should now come within the framework of the system of collective security set up by the United Nations and it was therefore appropriate that the services of the Peace Observation Commission should be utilized. The terms of reference of that Commission, it was considered, would restrict the action of the proposed sub-commission on the Balkans in such a manner as to rule out objections on the grounds of interference in the internal affairs of States.

The representatives of the Netherlands and the Philippines questioned whether the proposed sub-commission would be entitled to send observers to any part of the Balkans where serious tension

⁹³ By this resolution, entitled "Uniting for peace", the Assembly established a Peace Observation Commission to observe and report on situations in any area where there exists international tension the continuance of which is likely to endanger international peace and security.

might arise without having to refer to the Peace Observation Commission. The representative of the United States, supported by the representative of Greece, replied that he interpreted the joint draft resolution as authorizing the sub-commission to act immediately at the request of the countries concerned.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR, and the USSR shared the view that, from the very beginning, the inclusion of the Greek item in the Assembly's agenda had been unjustified and that its discussion had hampered the resumption of normal relations between Greece, on the one hand, and Albania and Bulgaria, on the other. The Special Committee had been illegally constituted and therefore all its activities had been illegal. Its last report had not given a truthful picture of the Greek situation. It had founded its conclusions, not on fact, but on highly tendentious evidence obtained from Greek military and other sources—evidence which was tainted with torture and threats of death sentences.

The real issue in Greece, those representatives stated, had been the terroristic policy of its Government and its aggressive designs on Albania and Bulgaria. They therefore supported the dissolution of the Special Committee, not on the grounds stated by the supporters of the Greek draft resolution, but on the grounds that it had been harmful to the interests of the Greek people and had been responsible for the worsening of relations between Greece and its northern neighbours.

As regards the joint proposal to establish a new sub-commission of the Peace Observation Commission, they maintained that the only purpose to be served by the new body would be to take over the Special Committee's functions. The proposed sub-commission was designed to do nothing but to act as an intelligence organ of the United Kingdom and the United States in the Balkans. The solution of the problem, they considered, lay not in the creation of the sub-commission but in the cessation of foreign interference and the withdrawal from Greece of foreign economic and military missions through which attempts were being made to convert Greece into a base for aggression against the Soviet Union and the peoples' democracies.

The representative of Chile stated that the purpose of his amendment (A/AC.53/L.7) had been to incorporate in the Greek draft resolution recommendations of the Special Committee. As that draft resolution, however, approved the Special

Committee's report, he did not consider his amendment necessary and would withdraw it.

The Committee rejected the USSR amendment (A/AC.53/L.5) to the Greek draft resolution by 47 votes to 5, with 6 abstentions.

The Greek draft resolution (A/AC.53/L.2) was put to the vote and adopted by 50 votes to 5, with 1 abstention.

The draft resolution (A/AC.53/L.3) submitted jointly by France, Greece, Mexico, the United Kingdom and the United States was adopted by 50 votes to 5, with 3 abstentions.

The USSR draft resolution (A/AC.53/L.6) was voted on in paragraphs, and rejected by votes ranging from 22 to 12, with 18 abstentions, to 46 to 5, with 5 abstentions.

c. CONSIDERATION BY THE GENERAL ASSEMBLY IN PLENARY SESSION

The report (A/1984/Corr.1) of the Ad Hoc Political Committee dealing with the report of the Special Committee on the Balkans was considered by the General Assembly at its 351st plenary meeting on 7 December 1951.

The USSR reintroduced its draft resolution (A/1989) and the USSR amendment to the Greek draft resolution (A/1994) which had been rejected by the Ad Hoc Political Committee (see above).

Explaining his vote, the representative of the USSR recalled the arguments advanced by him and by certain other representatives which, he said, had proved the utter worthlessness of the attempts made by UNSCOB to slander Albania and Bulgaria. They had also proved the intervention of the United States in Greece. He considered that the adoption by the Assembly of the draft resolution submitted by the USSR would alone bring normal conditions to Greece where a reign of terror was in progress.

The representative of Greece, answering the allegations of the USSR representative regarding conditions in Greece, said that freedom not only prevailed there but was even abused by persons who, though in jail for grave crimes, were yet in a position to communicate with the USSR and Polish representatives. He repeated that the persons whose lives the USSR was anxious to save were hardened criminals, convicted both for political and non-political crimes, who had been organized by the USSR for the purpose of subjecting Greece to communist rule.

The USSR amendment (A/1994) to the first draft resolution recommended by the Ad Hoc Political Committee (that proposed by Greece) was rejected by 48 votes to 5, with 4 abstentions.

The draft resolutions recommended by the Ad Hoc Political Committee were adopted by 48 votes to 5, with 1 abstention.

The USSR draft resolution (A/1989) was then put to the vote. The President stated that, in response to a request from one representative he would first put to the vote the paragraph which recommended the resumption of diplomatic relations between Albania and Bulgaria on the one hand and Greece on the other.

That paragraph was adopted by 15 votes to 10, with 20 abstentions. The remaining paragraphs were put to the vote together and were rejected by 37 votes to 5, with 7 abstentions. The draft resolution, as a whole, was rejected by 38 votes to 5, with 6 abstentions.

The resolution (508A and B (VI)) adopted by the General Assembly read:

A

"The General Assembly,

"Having considered the report of the United Nations Special Committee on the Balkans,

"1. Approves the said report;

"2. Expresses its deep appreciation of the invaluable services rendered for the preservation of peace and security in the Balkans by the members of the Special Committee;

"3. Expresses its warm gratitude for the gallantry with which the observers of the Special Committee have carried out their difficult and dangerous task;

"4. Decides to discontinue the Special Committee within sixty days after the adoption of the present resolution.

B

"The General Assembly,

"Recalling its resolution 377A(V) ("Uniting for peace"), section B, establishing a Peace Observation Commission which could observe and report on the situation in any area where there exists international tension, the continuance of which is likely to endanger the maintenance of international peace and security,

"Considering that the situation in the Balkans may require prompt establishment of observations as contemplated in resolution 377A(V), section B,

"Resolves to request the Peace Observation Commission to establish a Balkan sub-commission composed of not less than three nor more than five members, with its seat at the United Nations Headquarters, with authority:

"(a) To dispatch such observers at it may deem necessary to any area of international tension in the Balkans on the request of any State or States concerned, but only to the territory of States consenting thereto;

"(b) To visit, if it deems necessary, any area in which observation requested under sub-paragraph (a) is being conducted;

"(c) To consider such data as may be submitted to it by its members or observers and to make such reports as it deems necessary to the Peace Observation Commission and to the Secretary-General for the information of Member States."

2. Repatriation of Greek Children

Under this heading, the Assembly considered the reports of the International Committee of the Red Cross and the League of Red Cross Societies and the report of the Secretary-General on the subject.

a. REPORT OF THE INTERNATIONAL RED CROSS ORGANIZATIONS

The third general report (A/1932) of the International Committee of the Red Cross and the League of Red Cross Societies, dated 7 November 1951, contained a chronological account of the efforts made by them for the return of Greek children from Bulgaria, Czechoslovakia, Hungary, Romania and Yugoslavia. Albania and Poland, it was stated, had not been approached, in view of their earlier statements denying the presence of Greek children on their soil. The report stated that in 1950-51 a total of 289 children had been repatriated from Yugoslavia, all of whom had been restored to their families or nearest relatives under the supervision of Red Cross representatives.

The report referred to an aspect of the work of the League and the International Committee which, it stated, had exceeded the scope of the General Assembly's resolutions. It concerned efforts to restore a number of Greek children living in Yugoslavia to their parents living in Bulgaria, Czechoslovakia, Hungary, Poland and Romania. The efforts, the report stated, were made in response to a request from the Greek Children's Aid Committee in Budapest, followed by direct requests from the Red Cross Societies of those countries. The lists of children furnished had been transmitted to the Yugoslav Red Cross Society, but so far no Greek child had been returned to any of those East European countries.

The report also noted that in September 1950 the Yugoslav Red Cross had sent seven lists of 2,512 Greek children presumably living in Czechoslovakia, Hungary, Romania, Albania, Greece and Poland who were being claimed by their parents in Yugoslavia. Those lists had been forwarded to the Red Cross Societies in the harbouring coun-

tries, which had not advised the international Red Cross organizations of their intentions.

The report stated that in March 1951 identical letters had been addressed to the Red Cross Societies of Bulgaria, Hungary, Romania and Czechoslovakia requesting conversations with their representatives on the return of all Greek children to their families irrespective of their place of residence.

While no replies had been received from Bulgaria and Hungary, the Romanian Red Cross had replied, stating that the lists already communicated to the harbouring countries were false and had been prepared in bad faith; the proposed conversations, therefore, could be held only if the basis for discussion offered the fullest guarantee of the accuracy of the data. The Red Cross organizations concerned had fully agreed to the condition but no further replies had been received from the Romanian Red Cross.

As regards Czechoslovakia, the report referred to a memorandum circulated by the International Committee and the League (A/1848) on 9 August 1951, in which they had stated that in September 1949 the Czechoslovak Red Cross had sent them a list of 138 Greek children identified in Czechoslovakia from the lists submitted by the International Committee and the League. During discussions on methods of repatriation, the Czechoslovak Red Cross Society had required, for each child, certain documents, including: identity certificates; information regarding degree of relationship with the child claimed; a statement that requests for repatriation had been free and had been made without pressure; and a guarantee that no proceedings would be taken against the children or their relatives. Those documents, it was stated, had been prepared by the international Red Cross organizations in 138 personal files, one for each child, and had been submitted to the Czechoslovak Red Cross. No acknowledgment of those files had been received and none of the children had been returned.

The memorandum then referred to certain difficulties arising from the terms of the General Assembly's resolutions,⁹⁴ one of those being the absence of any definition of the word "child". Under Greek law it applied to persons under 21 years of age and also included unmarried girls, even if over the age of 21, who lived with their parents. Requests for repatriation from the Greek Red Cross had been made on those principles and on the principle that the age to be taken as a basis was the age of the child on leaving Greece. Such

definitions, it was stated, did not necessarily correspond with those legally in force in the harbouring countries, particularly in the case of unmarried girls.

Another difficulty related to a situation where various members of a family were living in different countries. For example, a child could be claimed by a relative in Greece while his father or mother living in another country did not claim him. A similar difficulty arose in a case where a child was claimed at the same time by two relatives in different countries. It was stated that there were many such complex legal problems which the Red Cross organizations did not feel themselves competent to settle.

b. REPORT OF THE SECRETARY-GENERAL

The report of the Secretary-General (A/1933), dated 8 November 1951, dealt with the efforts made by him and by the Standing Committee established under General Assembly resolution 382 C (V) for the repatriation of Greek children. It stated that the text of the resolution had been communicated to the Governments of Albania, Bulgaria, Czechoslovakia, the German Democratic Republic, Greece, Hungary, Poland, Romania and Yugoslavia, particular attention being drawn to the provisions which urged "all States harbouring the Greek children to make all the necessary arrangements, in co-operation with the Secretary-General and the international Red Cross organizations, for the early return of the Greek children to their parents and, whenever necessary, to allow the international Red Cross organizations free access to their territories for this purpose."

In May 1951, the Secretary-General had been notified by the International Committee of the Red Cross and the League of Red Cross Societies that their efforts to contact the Bulgarian, Czechoslovak, Hungarian and Romanian Red Cross Societies had produced no results.

⁹⁴ Resolutions 193C(III), 288B(IV) and 382C(V). By resolution 193C(III), the Assembly recommended the return to Greece of Greek children away from their homes when the children or their closest relative expressed a wish to that effect. The Assembly invited all States concerned to take steps to implement the recommendation, and instructed the Secretary-General to ask the International Committee of the Red Cross and the League of the Red Cross and Red Crescent Societies to organize and ensure liaison with national Red Cross organizations of the States concerned. In its resolutions 288B(IV) and 382C(V) the Assembly noted that the children had not yet been repatriated and reiterated its earlier recommendations. In resolution 382C(V) it established a Standing Committee to consult with the representatives of the States concerned.

The Standing Committee, consisting of Mr. C. H. de Laval (Peru), Mr. S. P. Lopez (Philippines), Mr. S. Grafström (Sweden, Chairman), had, thereupon, decided that the Chairman should first get into touch with those States which were Members of the United Nations and thereafter approach, through Swedish diplomatic channels, the Governments of non-member States. On 5 June, the Chairman told the Standing Committee that his conversations with the representatives to the United Nations of Czechoslovakia, Poland and Yugoslavia had had the following results.

The representative of Czechoslovakia, when reminded of the case of 138 children identified in Czechoslovakia whose return had been promised, indicated that his Government would be asked for a clarification of the matter. He further suggested that it would be helpful if the problem were pursued through diplomatic channels.

The representative of Poland had stated that the information given by the Polish Red Cross Society denying presence of Greek children on Polish soil was, to the best of his knowledge, accurate. Nevertheless, he promised to request his Government for full information on the subject. He also suggested the use of diplomatic channels between the Swedish and Polish Governments.

The representative of Yugoslavia had indicated that his Government and the Yugoslav Red Cross Society were anxious to comply with the recommendation of the General Assembly and were co-operating fully in the matter, and that his Government would continue its efforts.

On 10 October, the Committee was informed that the steps taken through diplomatic channels with the Bulgarian, Czechoslovak, Hungarian, Polish and Romanian Governments had met with no success; no further repatriation of Greek children had taken place, nor had any indication of future co-operation been given.

The report stated that the Secretary-General and the Standing Committee had given careful thought to the question of finding more effective ways for solving the problem. It suggested that the General Assembly might, during the sixth session, invite the Governments of the countries concerned to nominate representatives who would appear before the Standing Committee, as early as possible, in order to discuss the best means for repatriating Greek children. Under such a procedure, the report stated, there might be hope that, through an exchange of views, a common pattern for future co-operation would be agreed upon and some of the current difficulties be removed.

The report further declared that the words of the Secretary-General in 1950, as contained in his report to the fifth session of the General Assembly (A/1480) still applied: "The Secretary-General cannot but feel that the General Assembly must take a most serious view of this situation and will wish to urge once again, in the name of common humanity, that the children be returned without further procrastination and delay."

c. CONSIDERATION BY THE Ad Hoc POLITICAL COMMITTEE

The question of the repatriation of Greek children was taken up at the sixth meeting of the Committee on 23 November. Discussion was postponed at the next meeting on 26 November, following the adoption, by 49 votes to none, with 5 abstentions, of a draft resolution submitted by Peru, the Philippines and Sweden (A/AC.53/L.4/Rev.1), incorporating an amendment by Belgium, Luxembourg and the Netherlands (A/AC.53/L.9).

By that resolution, the Committee requested its Chairman to consult with the President of the General Assembly and the Chairman of the Standing Committee with a view to inviting the governments concerned to designate representatives to meet with the Standing Committee, if possible not later than 15 December. It adjourned discussion of the item until the Standing Committee had reported.

The joint amendment (A./AC.53/L.9), which was accepted by the sponsors, inserted a reference to the previous Assembly resolutions and specified that the consultations were being proposed in order to accelerate the repatriation of Greek children.

In accordance with the resolution, the Governments of Bulgaria, Czechoslovakia, Hungary and Romania were invited to designate representatives to meet the Standing Committee in Paris. The Governments of Bulgaria and Hungary did not reply and the Government of Romania declined the invitation, stating that General Assembly resolution 382 C (V) of 1950 establishing the Standing Committee was intended to promote a slander campaign against the countries harbouring Greek children and was contrary to the Assembly resolutions 193 C (III) of 1948 and 288 B (IV) of 1949, which had stated that the national and international Red Cross organizations were the bodies competent to deal with the question of repatriating Greek children. The Government of Czechoslovakia nominated a represen-

tative. The Standing Committee held three meetings with the Czechoslovak representative, the third meeting being attended by representatives of the international Red Cross organizations.

The report of the Standing Committee (A/AC.53/L.44), dated 26 January 1952, stated that the Czechoslovak representative, discussing the case of the 138 children identified in Czechoslovakia (see above), had made a statement that in none of the 138 cases had the requisite guarantees been provided to protect the children and their parents from victimization in Greece. Meanwhile, he stated, conditions in Greece had deteriorated and new acts of violence were being perpetrated against Greek democrats. The parents of some of the children whose repatriation was sought were being subjected to persecution. His Government's view was that the Committee should persuade the Greek Government to eliminate the conditions barring the return of the children. He concluded that, for the purpose of necessary supplementary investigations, his Government would consider it appropriate for contacts between the Red Cross organizations concerned to be renewed and negotiations resumed under resolution 193 C (III) of 27 November 1948. The representative of Czechoslovakia made it clear that the negotiations should take place in Prague and that the representatives of the International Red Cross would have no difficulty in proceeding to Czechoslovakia.

The Ad Hoc Political Committee considered the item again during the 55th to 57th meetings, on 29 and 30 January 1952.

The Committee had before it two draft resolutions:

(1) A draft resolution by the Dominican Republic (A/AC.53/L.51), which would, among other things: (a) note the repatriation of a further group of Greek children from Yugoslavia; (b) express the hope for rapid progress with the repatriation of Greek children in Czechoslovakia; (c) express regret that the other States harbouring Greek children had declined to consult with the Standing Committee; (d) consider that the grounds advanced by those countries for not co-operating fully were not insurmountable or such as to constitute a reason for further delay in repatriating children in respect of whom requests had been submitted and verified by the International Red Cross; (e) urge all countries harbouring Greek children to take steps to facilitate their early repatriation; (f) decide to continue the Standing Committee, (g) request the international Red Cross organizations to continue their work; and (h) request the Secretary-General to submit reports on the progress achieved before the seventh session of the Assembly.

(2) A draft resolution by Greece (A/AC.53/L.52), which would (a) refer to Assembly resolution 382 A (V) recommending the repatriation of all those

members of the Greek armed forces captured by the Greek guerrillas (and detained in the countries north of Greece), who expressed the wish to be repatriated; (b) call upon the States concerned to implement that resolution; and (c) request the Secretary-General and the International Committee of the Red Cross to continue their efforts in that task.

During discussion in the Ad Hoc Political Committee, the representative of Greece stated that some countries, particularly Romania, had attacked the Standing Committee, alleging that it had been established to exploit the question of Greek children for propaganda against the peoples' democracies. That, he said, was demonstrably untrue in view of the recognized integrity of its members. As for the way in which the lists had been prepared in Greece, he stated that the representative of Czechoslovakia had had an opportunity of checking their genuineness. The allegation that the repatriated children would not be restored to their families was, he said, disproved by the report of the international Red Cross organizations, which had confirmed that the children repatriated from Yugoslavia had been immediately returned to their families.

The international Red Cross organizations, the representative of Greece stated, had repeatedly tried to settle with the States concerned the question of determining who should apply for the repatriation of the children. The Governments of the peoples' democracies had tried to evade that point by claiming that the children harboured by Yugoslavia should be returned to their families, which, according to those Governments, were settled in the peoples' democracies.

In that connexion, the Greek representative referred to the three relevant resolutions of the Assembly (193 C (III), 288 B (IV) and 382 C (V), to show that the purpose of those three resolutions was the return of Greek children to Greece. He stated, however, that his Government had no intention of refusing families, wherever they resided, the right of claiming children from whom they had been separated. He emphasized, however, that the circumstances of their return should be identical with those in which the Greek children were returned to their families in Greece, and asked that all desirable safeguards should be provided when children were returned to the peoples' democracies. In this connexion, he stated that young people from Greece had been mobilized into the ranks of the guerrillas who had fought against the Greek people; other young children had been subjected to forced labour, and attempts had been made to indoctrinate them and to turn

them against their own country. He appealed to the General Assembly to save the Greek children before it was too late.

Introducing his draft resolution, the representative of the Dominican Republic stated that his country's interest in the problem had been shown, among other things, by the efforts which had been made by official and private organizations of the Dominican Republic. It was the concern felt by his Government for the sufferings of the Greek people, caused by the destruction of their homes and the involuntary dispersal of their families, that had inspired the draft resolution. He appealed to all governments, both Members and non-members to be guided by humanitarian feelings and to put an end to the tragedy.

Support for the draft resolution was expressed by the representatives of Australia, Belgium, the Netherlands, New Zealand, Nicaragua, the United Kingdom and the United States. They considered that a solution to the problem could and must be found. The representative of Nicaragua stated that it involved the moral prestige of the United Nations. The United Kingdom representative considered that the action taken in Yugoslavia showed that the difficulties were not insuperable. The representative of the Netherlands hoped that a solution might be found before the Greek children had grown up to become young Bulgarians, Romanians and Hungarians, thus losing their attachment to their country and parents.

Various representatives expressed appreciation of the work of the Standing Committee and of the International Red Cross.

The representative of Australia suggested that a neutral body, such as the International Committee of the Red Cross, should make investigations so as to correct any errors that might have crept into the list of parents and children; for this purpose, he said, it should be permitted to enter the host countries. The United Kingdom representative considered that the lists might be compiled in the countries harbouring the children, in co-operation with the international Red Cross organizations. The lists, the representative of Belgium pointed out, had been compiled three years ago; the Governments concerned, therefore, had had sufficient time to verify them.

The representative of Belgium traced the history of the question since the Assembly's third session and reviewed the arguments advanced against the return of the children. In addition to the question of the lists of names of children,

it had, he said, been argued that the parents had not claimed their children; but it had now been proved that 12,172 parents had asked for the return of their children. It had also been contended that the repatriation of children should be subject to prior agreement between the governments concerned. But, he maintained, it was difficult to see how two governments could agree when one of them refused the representatives of the International Red Cross all access to its territory, refused to reply to communications addressed to it and refused to enter into contact with the Red Cross.

Another argument was that the children were not returned to their parents but were "thrown into prison". That, he stated, had been answered by the reports of the international Red Cross organizations which had testified that the children had been restored to their families. It had also been argued that the children were better off in the host countries, but the representative of Poland, at an earlier session, had himself abandoned that argument. It had further been contended that the Greek Government was a monarcho-fascist Government and that therefore the children should not be returned until another government came into power. But that, it was said, constituted a very serious interference in the affairs of another State, a point on which the USSR was very sensitive.

The representative of Yugoslavia stated that, in implementation of the Assembly's resolution, his country had so far returned 385 children to Greece and arranged for 60 to join their parents in Australia, Canada or France. There were many difficulties, however, where parents and children were scattered in many different countries. He stated that there were 1,000 children living in children's homes in Yugoslavia whose parents lived in other countries, particularly in Czechoslovakia, Romania, Bulgaria, Hungary and Poland; those cases had presented special difficulties. Citing figures of cases in which requests had been made for the return of such children, the representative of Yugoslavia stated that no further steps could be taken because the countries concerned had not supplied further data until just before the Assembly session, when photostat copies of 83 applications from parents living in Czechoslovakia had been sent by the USSR to the Secretary-General. They had been transmitted to the permanent Yugoslav representative at the United Nations and necessary steps had been taken to establish the identity of the children. The United Nations Secretariat had been informed of the findings.

A similar application from Hungary had been found to be without any certificates of relationship from competent authorities and had been found to be irregular in other respects. In that case, request had been made for regular applications.

In 1949, the Yugoslav Red Cross had tried to arrange for the transport to Czechoslovakia of 440 refugees, mainly Greek children whose parents were living there. The Czechoslovak Government had given no reply to a request for the necessary entry visas.

The Yugoslav representative then referred to a large number of Greek children in Albania, Bulgaria, Hungary, Poland and Romania whose parents were living in Yugoslavia. Requests had been sent to those countries for the return of the children to Yugoslavia, but no answer had been received. He concluded that, while Yugoslavia had done its best to implement the Assembly's resolutions, other Eastern European countries were not only obstructing repatriation, but were using the problem as a basis for political propaganda against Yugoslavia.

The representative of Czechoslovakia referred, in particular, to the case of 138 children who had been identified in Czechoslovakia and whom the Czechoslovak Government had been willing to return to their parents. However, as the Czechoslovak representative had informed the Standing Committee, the conditions regarding their repatriation had never been fully met (see above).

Under the Assembly's resolutions of 1948 (193 C (III)) and 1949 (288 B (IV)), he argued, the repatriation was to be voluntary; that is, at the expressed wish of the children or their parents. Nevertheless, it was contended, the applications received from Greece had been dictated by the police. As regards the list submitted by the International Red Cross Committee, it had contained irregularities and inaccuracies, many cases having been purely imaginary. Out of 9,839 applications for repatriation submitted to the peoples' democracies, 552 had been signed by the "father" or the "mother" of the child when the children had been already living with the real father and mother in one of the peoples' democracies. In 1,496 cases, the child was living with one parent in one of the peoples' democracies. There were 2,223 petitions in respect of persons over 18 years of age, most of whom were members of the Greek democratic army and obviously could not be regarded as children. In 189 cases, two applications were submitted for the same

child. In 2,484 cases, the children had never been in one of the peoples' democracies. The remaining 2,863 applications were so poorly documented that it was impossible to verify them. All those examples showed that the Greek Government was submitting falsified papers. Moreover, the parents of most of the children who had found refuge in the peoples' democracies were being persecuted and terrorized. Maintaining that the conditions under which the children were living in Czechoslovakia were much better than those prevailing in Greece, the representative of Czechoslovakia quoted Mrs. Gage-Colby, a United States citizen and permanent observer of the International Union for Child Welfare accredited to the United Nations, who on 2 January 1952, in a written statement to the Telepress correspondent accredited to the United Nations, had said, among other things, that Greek children living in a home in Moravia had gained miraculously in health and were receiving excellent treatment, while children in a number of government-aided institutions in Greece were receiving medical attention and nutrition much below standard. Mrs. Gage-Colby also stated that the nurses had given her evidence of discrimination against babies on political grounds. The Czechoslovak representative nevertheless declared that his Government was still willing to repatriate the Greek children, but under the conditions laid down by the General Assembly's resolutions of 1948 and 1949, which his country had supported.

The representative of Poland stated that the repatriation of children was being hampered by the attitude of certain States, of the Red Cross organizations and of the Greek Government, which were using the problem as an instrument of propaganda. The Committee, he stated, should censure the attitude of those who were exploiting the fate of Greek children for political ends.

The representative of the USSR stated that the Greek delegation had tried to present the question as if it were a matter of a general return of the children to Greece and not of their return to their families. Other representatives had tried to present the problem in a political light. Nevertheless, he said, the fact remained that Greek children living in the peoples' democracies had shown their appreciation of the welcome they had received in thousands of letters. They had declared their intention not to return to Greece so long as terrorism continued there. In view of the persecution of partisans in Greece, the greatest caution should be exercised in repatriating their children.

A group of Greek children returned by Yugoslavia, for example, had been sent to the Hagios Demetrios concentration camp. Repatriation of Greek children, he said, would depend on undertakings given that they would really be returned to their parents and would live with them without being victimized by the police.

In reply to the representative of Czechoslovakia, the representative of the United States said that the reports of UNSCOB and the International Red Cross had made it clear that repatriation of Greek children had been carried out under perfectly satisfactory conditions. Moreover, the moral issue, that the Greek children should be returned to their families, was more important than the material issue and, consequently, the question of the physical conditions under which children lived in Greece or elsewhere was a minor point.

The representative of Greece said that he did not propose to reply at length to the statements made by the representatives of Czechoslovakia, Poland and the USSR, because they had merely repeated the arguments which they had been using for the last three years. The arguments which he himself had advanced, he stated, were based on the report and the memorandum submitted by the international Red Cross organizations. The Polish representative, however, had not hesitated to accuse those organizations of having entered into some kind of conspiracy with the Greek Government to prevent the children's return.

As for the allegations regarding inaccuracies in the lists of children to be repatriated, obviously some errors might have crept into the lists. It was also quite possible that some applications might not have been drawn up in due form, but it would be easy for the national Red Cross societies of the countries harbouring the children to get into touch with the International Red Cross on those points.

The representative of Greece denied the USSR allegation that certain Greek children repatriated from Yugoslavia had been put in a concentration camp. The third general report of the international Red Cross organizations completely belied such allegations. The USSR representative had drawn attention to certain letters supposedly sent by Greek children studying in vocational schools in the peoples' democracies. He had, however, the Greek representative stated, failed to mention some 8,000 Greek children who were being held, against their will, in Soviet military schools.

At the 57th meeting of the Committee, on 30 January, the draft resolution proposed by the

Dominican Republic (A/AC.53/L.51) was adopted by 44 votes to none, with 5 abstentions. At the same meeting, the representative of the USSR objected to the Committee's considering the Greek draft resolution (A./AC.53/L.52)⁹⁵ relating to the repatriation of members of the Greek armed forces, on the ground that the question was not on the agenda.

The Chairman stated that, at the seventh meeting, the representative of Greece had reserved his right to speak on the question. Since the Committee was considering the entire Greek question, and, moreover, since the Assembly had discussed the question of the repatriation of members of the Greek armed forces at its fifth session, he was of the opinion that the Greek draft resolution was in order.

The USSR representative pointed out that the Committee had already concluded the discussion on item (a), dealing with the report of the Special Committee on the Balkans, and now had to dispose of the question of repatriation of Greek children. On that point he was supported by the representative of Chile.

At the 58th meeting on 31 January, the representative of Greece asked the representative of the Secretary-General whether General Assembly resolution 382 A (V) (referring to the repatriation of members of the Greek armed forces) still held good and whether the international Red Cross organizations were empowered to continue to deal with the question.

In reply, the representative of the Secretary-General stated that, since resolution 382 A (V) did not mention a time limit, the Secretary-General would consider himself bound by it until the General Assembly took a contrary action. In view of the assurance given by the representative of the Secretary-General, the Greek representative said that he would not press for a discussion on his draft resolution.

d. CONSIDERATION BY THE GENERAL ASSEMBLY IN PLENARY SESSION

The report of the Ad Hoc Political Committee (A/2104), containing its draft resolution on the repatriation of Greek Children, was considered by the Assembly at its 371st plenary meeting on 2 February 1952.

The representative of El Salvador stated that, despite the political considerations which had pre-

⁹⁵ See p. 333.

vented the return of Greek children by Albania, Bulgaria, Czechoslovakia, Hungary, Poland and Romania, it would be in the best interest of those countries to repatriate those children. They would thus provide new justification for their eventual admission to the United Nations.

Statements similar to those made in the Committee in support of the draft resolution were also made by the representatives of Belgium, France and Greece.

The representative of the USSR stated that he could not accept the paragraph of the draft resolution which alleged that the States harbouring Greek children had refused to take steps to repatriate them, nor the paragraph referring to the Standing Committee, because such a Committee had not been provided for or called for in Assembly resolutions adopted at the third and fourth sessions.

The only parts of the draft resolution which he could accept were those recognizing that the United Nations must continue its efforts in the humanitarian task of repatriation and requesting the international Red Cross organizations to continue their work.

For those reasons, he stated, the USSR would abstain from voting on the draft resolution as a whole.

The draft resolution recommended by the Ad Hoc Political Committee was adopted by 51 votes to none, with 5 abstentions.

The resolution (517(VI)) read:

"The General Assembly,

"Viewing with concern the reports of the International Committee of the Red Cross and the League of Red Cross Societies and of the Secretary-General, and in particular the fact that, with the exception of Yugoslavia, none of the countries harbouring Greek children has yet taken the necessary steps to enable those children to return to their homes, as provided for in resolution 193 C (III) of 27 November 1948 and the subsequent resolutions of the General Assembly on the matter,

"Recognizing that the United Nations must continue its efforts, from a humanitarian point of view, to enable the Greek children to return to their homes,

"Noting the report of the Standing Committee on the Repatriation of Greek Children that, of the governments invited to send representatives to enter into consultations with the Standing Committee on the problem during the present session of the General Assembly, only one has actually participated in the consultations,

"1. Thanks the International Committee of the Red Cross, the League of Red Cross Societies, the Standing Committee on the Repatriation of Greek Children and the Secretary-General for their efforts to give effect to General Assembly resolutions 193 C (III), 288 B (IV) and 382 C (V);

"2. Notes with satisfaction that a further group of Greek children has been repatriated from Yugoslavia;

"3. Expresses the hope that it will be possible to make rapid progress with the repatriation of the Greek children in Czechoslovakia;

"4. Deeply regrets that all the other States harbouring Greek children have declined to enter into consultations with the Standing Committee with a view to giving effect to the resolutions of the General Assembly on the matter;

"5. Considers that the technical and other grounds advanced by those countries harbouring Greek children which have declined to co-operate fully in the solution of the problem are not insurmountable or such as to constitute a reason for further delay in permitting the return of children in respect of whom requests for repatriation have been submitted and verified by the international Red Cross organizations;

"6. Urges all countries harbouring Greek children to take steps to facilitate the early return of the children to their homes;

"7. Decides to continue the Standing Committee with the terms of reference previously laid down;

"8. Requests the International Committee of the Red Cross and the League of Red Cross Societies to continue their work for this humanitarian purpose;

"9. Requests the Secretary-General to report from time to time to Member States on the progress made in the implementation of the present resolution, and requests the international Red Cross organizations and the Secretary-General to submit reports on the progress achieved before the seventh regular session of the General Assembly is convened."

Q. COMPLAINT OF HOSTILE ACTIVITIES OF SEVEN EASTERN EUROPEAN GOVERNMENTS AGAINST YUGOSLAVIA

On 9 November 1951, Yugoslavia requested (A/1946) the inclusion of the following item in the agenda of the sixth session of the General Assembly: "Hostile activities of the Government of the Union of Soviet Socialist Republics and the Governments of Bulgaria, Hungary, Romania and Albania, as well as the Governments of Czechoslo-

vakia and Poland, against Yugoslavia." In an accompanying memorandum, Yugoslavia outlined the activities through which, it alleged, those Governments were organizing and exercising aggressive pressure against Yugoslavia for the purpose of encroaching upon its sovereignty and threatening its territorial integrity and national indepen-

dence. Those activities, it stated, were creating a situation endangering the maintenance of international peace.

The Ad Hoc Political Committee considered the item, the words "Complaint of" having been added to the beginning, at its 8th to 14th meetings, from 26 November-1 December 1951.

Yugoslavia submitted a draft resolution (A/AC.53/L.10), paragraph two of the preamble being revised twice so as to have the Assembly view with serious concern the tension in the area rather than view with serious concern the evidence of tension in the area.

The final version of the draft (A/AC.53/L.10/Rev.2) would have the Assembly call upon the Governments concerned: (1) to conduct their relations and settle their disputes in accordance with the spirit of the United Nations Charter; (2) to conform in their diplomatic intercourse with the rules and practices which are customary in international relations; (3) to settle frontier disputes by means of mixed frontier commissions or other peaceful means of their choice. The Assembly also would take note that the Government of Yugoslavia was ready to do all that was necessary for the carrying out of the recommendations of the draft resolution.

The representative of Yugoslavia charged that the USSR and the other six Governments were guilty of: (1) an economic blockade against Yugoslavia; (2) a propaganda campaign which was intended to incite the hatred of their peoples against Yugoslavia and to stir up, among the Yugoslavs, agitation, excitement and a feeling of insecurity; (3) spying and subversive and terrorist activities against Yugoslavia; (4) removal of Yugoslav minorities from areas where they had been living for centuries; (5) policies toward diplomatic establishments which made it impossible to solve even the most insignificant dispute through diplomatic channels and jeopardized the maintenance of normal diplomatic relations; (6) unilateral abrogation of political, economic, cultural and other agreements; (7) arbitrary violation of the military clauses of the peace treaties with Bulgaria, Hungary and Romania; (8) provocation of frontier incidents with the object of intensifying the prevailing tension.

The representative of Yugoslavia stated the internal regime in Yugoslavia did not find favour with the USSR Government because it was an obstacle to the ambitions of the USSR for hegemony. The USSR was striving to isolate Yugoslavia and to destroy its independence. He referred to the trials in Albania, Hungary, Bulgaria, Poland and Romania of certain politicians and of members of the Yugoslav minority, as being organized

primarily to reveal alleged Yugoslav plans of aggression against the USSR and the other countries in the "Soviet bloc", in order to divert public opinion from the hostile activities pursued in those countries against Yugoslavia.

The representatives of the following countries spoke in support of the draft resolution: Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, the Dominican Republic, Ecuador, France, Greece, Haiti, Israel, the Netherlands, New Zealand, Nicaragua, Pakistan, Peru, the Philippines, Sweden, Turkey, the United Kingdom, the United States and Uruguay. Several of them expressed concern at the existing tension in the area, and at the nature of the charges brought by Yugoslavia against the other Governments; they stated that in view of those conditions the Yugoslav draft was modest and conciliatory. Some representatives stated that they had evidence from the experience of their governments which lent credence to the charges made by Yugoslavia.

The representative of the United Kingdom denied charges that Yugoslavia was an armed camp effectively controlled by the American army. He stated that Yugoslavia had been impelled to accept the help of the Western Powers by the need to protect itself against the dangers of an invasion which it had good reason to fear.

The representative of the United States said that the general pattern of conduct of the Cominform regimes gave validity to the complaint: the subversion of free institutions, followed by a coup d'etat, as in the case of Czechoslovakia; the support of an armed attempt to overthrow the government of a neighbouring State, as in the case of Greece; the support of armed aggression on a large scale, as in Korea; the deliberate attempt to gain a political objective by dooming a city to starvation, as in the case of the blockade of Berlin. One of the main objectives of the Cominform, he said, was to wreck the post-war recovery of Europe. Also in the pattern, he stated, were hate campaigns against fabricated enemies, forced labour, secret police, the travesty of justice in propaganda trials and the suppression of the rights of the individual. Those practices by the USSR and the Cominform were at the root of the tension in a great part of the world, he concluded.

Several representatives noted that the draft resolution did not involve a decision by the Committee on the charges made. The representative of Israel suggested, without submitting an amendment to that effect, that the first paragraph should be amended, as had been the second paragraph, to

eliminate any implication of acceptance of the evidence presented. The representative of Yugoslavia stated he could not incorporate the proposed change.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR opposed the draft resolution. They maintained, among other things, that Yugoslavia intended in its groundless complaint to mislead public opinion and to divert the attention of the Yugoslav people from the efforts of their leaders to make Yugoslavia a docile instrument of the aggressive policy of the United States. The frontier incidents in question, it was stated, had been provoked by the Yugoslav authorities in order to create a war psychosis to justify their policy of making Yugoslavia a bastion of aggression against the USSR and the peoples' democracies. It was the Yugoslav Government itself, they said, which was carrying on subversive activities against the USSR and the peoples' democracies, as had been shown at several trials in the area. Yugoslav diplomatic representatives had also engaged in espionage and had organized subversive activities.

Those representatives further charged that USSR, Albanian, Hungarian and Bulgarian nationals residing in Yugoslavia had been subjected to all kinds of persecution, and that the Yugoslav Government had cynically violated the 1946 Treaty of assistance and friendship with the USSR. With reference to the charges of an economic blockade, it was pointed out that the trade agreements had been denounced not by the USSR but by Yugoslavia. It was stated that the militarization of Yugoslavia had been intensively developed to the detriment of its economic life; it was being carried out by United States military missions, whose part was identical to that played by similar missions to other countries, notably Greece and Turkey. It was not the USSR and the peoples' democracies, those representatives stated, which were threatening Yugoslavia's independence, but the rulers of Yugoslavia, with their policy of subordinating their country's national interests to those of the United States and the United Kingdom.

The representatives of Afghanistan, Belgium, Burma, El Salvador, Ethiopia, India, Panama, the Philippines and Venezuela, explaining their votes in support of the draft resolution, stated, in general, that it was practical and reasonable.

The Ad Hoc Political Committee adopted the revised Yugoslav draft resolution (A/AC.53/L.10/Rev.2) by 50 votes to 5, with 2 abstentions.

The Assembly considered the report of the Committee (A/1997) at its 355th plenary meeting on 14 December 1951. The representative of Nicaragua, who had served as Rapporteur of the Committee, reiterated the appeal made during the Committee's debates that the parties proceed without delay to seek means for achieving a peaceful solution of the dispute, thus setting a fine example of wisdom and good faith and paying tribute to the fundamental principles of universal justice which govern international moral and legal order. The representatives of Czechoslovakia, Poland, the Ukrainian SSR and the USSR reaffirmed their opposition to the draft resolution recommended by the Ad Hoc Political Committee. The representatives of Australia, Brazil, France, Iran, the United States and Yugoslavia made statements explaining their vote in favour of the resolution.

The draft resolution proposed by the Committee was adopted by the Assembly, by 47 votes to 5, with 2 abstentions, as resolution 509(VI). It read:

"The General Assembly,

"Having considered the complaint submitted to it by the delegation of the Federal People's Republic of Yugoslavia concerning the activities of the Government of the Union of Soviet Socialist Republics and the Governments of Bulgaria, Hungary, Romania and Albania, as well as the Governments of Czechoslovakia and Poland, against Yugoslavia,

"Viewing with serious concern the tension between Yugoslavia on the one side, and the other above-mentioned countries on the other side,

"Mindful of the purpose of the United Nations "to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace",

"Mindful of the authority of the General Assembly to "recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations",

1. Takes note of the declaration of the Yugoslav delegation that the Government of Yugoslavia for its part is ready to do all that is necessary for the carrying out of the recommendations of the present resolution;

"2. Recommends that the Governments concerned:

"(a) Conduct their relations and settle their disputes in accordance with the spirit of the United Nations Charter;

"(b) Conform in their diplomatic intercourse with the rules and practices which are customary in international relations;

"(c) Settle frontier disputes by means of mixed frontier commissions or other peaceful means of their choice."

R. THE INDIA-PAKISTAN QUESTION

1. Appointment of a New United Nations Representative

On 15 September 1950, Sir Owen Dixon, United Nations Representative for India and Pakistan, reported (S/1791)⁹⁶ to the Security Council that no agreement had been reached between India and Pakistan on the demilitarization of the State of Jammu and Kashmir and on other preparations for the holding of a free and impartial plebiscite. Noting that it was perhaps best that the initiative should pass back to the parties, he stated that, at all events, he was not prepared to recommend any further course of action on the part of the Security Council. He requested formal termination of his position as United Nations Representative.

In a letter (S/1942) to the Security Council dated 14 December 1950, the Minister of Foreign Affairs of Pakistan expressed concern over the serious delay in dealing with the report of the United Nations Representative. He called the Council's attention to the proposed convening of a constituent assembly by the Maharaja's Government in Kashmir to determine "the future shape and affiliations of the State". That move, he stated, reportedly welcomed by the Prime Minister of India, sought to nullify the international agreement between India and Pakistan embodied in the resolutions adopted on 13 August 1948⁹⁷ and 5 January 1949⁹⁸ by the United Nations Commission for India and Pakistan (UNCIP), which had been endorsed by the Security Council, and was a challenge to the authority of the Council. He requested the Council to give urgent consideration to the Kashmir question and to take measures to implement, as soon as possible, the above-mentioned agreement. The Council was also requested to call upon India to refrain from proceeding with the proposal for a constituent assembly and from taking any other action which might prejudice the holding of a free and impartial plebiscite.

The Council considered the question at its 532nd to 540th meetings between 21 February and 2 April 1951 and at its 543rd meeting on 30 April. Pursuant to a previous decision of the Council, the representative of Pakistan was invited to participate in the discussions of the item.

At the 532nd meeting of the Council on 21 February, the representatives of the United Kingdom and the United States submitted a joint draft resolution (S/2017) which would, *inter alia*,

have the Council accept Sir Owen Dixon's resignation, in compliance with his request, and express its gratitude to him for the ability and devotion with which he had carried out his mission. It proposed the appointment of a United Nations Representative for India and Pakistan in succession to Sir Owen. After consultations with India and Pakistan, the United Nations Representative would effect the demilitarization of Kashmir on the basis of Sir Owen's proposals. The United Nations Representative would, according to the draft resolution, be instructed to present to India and Pakistan detailed plans for a plebiscite in Kashmir, and obtain the agreement of the two Governments to those plans for the purpose of carrying out a free and impartial plebiscite under United Nations auspices. The draft resolution would call upon the parties to accept arbitration upon such points of difference as could not be settled through the efforts of the United Nations Representative. The United Nations Representative would be instructed to report to the Security Council, with such findings and recommendations as he deemed necessary, within three months from the date of his appointment.

The sponsors declared that the fundamental consideration that the accession of the State of Jammu and Kashmir was to be decided by a plebiscite under the auspices of the United Nations had been accepted by both India and Pakistan and endorsed by the Security Council since the early stages of the dispute. The Council could not, therefore, accept or approve of a plebiscite conducted without the approval or supervision of the Council or its representative. The action proposed by the "All Jammu and Kashmir National Conference", referred to in the letter of the Pakistan Foreign Minister, would not, in the opinion of the sponsors, bring about a fair and impartial plebiscite. The representative of the United Kingdom stated that his Government could not agree to the course suggested by Sir Owen Dixon, namely,

⁹⁶ See Y.U.N., 1950, pp. 310-12.

⁹⁷ See Y.U.N., 1948-49, p. 279. This resolution, among other things, called for a cease-fire, for a truce agreement, for the reaffirming by the parties of their wish that the future status of Kashmir be determined by an unfettered plebiscite, and for an agreement by India and Pakistan to enter into consultations with the United Nations Commission for India and Pakistan to determine conditions for such a plebiscite.

⁹⁸ See Y.U.N., 1948-49, pp. 280-81. This resolution laid down the conditions and basic principles for the proposed plebiscite to be held in Kashmir.

that it would be best to leave the problem of the disposal of Jammu and Kashmir to the parties themselves to settle, the Security Council holding itself aloof unless hostilities should recur. The representative of the United States emphasized that it was the duty of the Security Council to call to the attention of both India and Pakistan their obligation under the Charter to seek a solution by all peaceful means, including arbitration.

The representative of India stated that the execution of the instrument of accession by the ruler of the State of Jammu and Kashmir, coupled with its acceptance by the Governor-General of India, completed the legal requirements of accession. However, India voluntarily imposed upon itself the obligation, when normal conditions were restored, to give the people of Kashmir the right to decide whether they would remain in India or not. He emphasized that India was the complainant and that its complaint had been proved true. The resolutions of the United Nations Commission for India and Pakistan of 13 August 1948 and 5 January 1949, agreed to by the parties, he said, contained adequate provision for a free and impartial plebiscite under United Nations auspices, and India could not make any further concessions.

The existing legal position, the representative of India stated, was that the State of Jammu and Kashmir was a unit of the Indian Federation, subject to federal jurisdiction in respect of the broad categories of defence, external affairs and communications, but completely autonomous in almost all other matters. The State was entitled to frame its own constitution and, for that purpose, to convene a constituent assembly of its own people. So far as India was concerned, the constituent assembly, the main purpose of which would be to provide a proper elected legislature for the State, was not intended to prejudice the issues before the Security Council, or to come in its way.

Pointing out that India and Pakistan had managed to reach agreement on several matters recently, he said that the Security Council might do worse than to follow the United Nations Representative's advice and let the initiative revert to the parties.

His Government was wholly unable to accept the draft resolution since it would instruct the new United Nations Representative to effect demilitarization on the basis of Sir Owen Dixon's proposals for demilitarization, which had seriously departed from the agreed scheme contained in the United Nations Commission's resolutions of Aug-

ust 1948 and January 1949. All the changes were in favour of the Pakistan Army, which had entered the State in contravention of international law, and against the Indian Army, which had lawfully entered the State to repel invasion.

The representative of Pakistan denied the assumption that India was in lawful occupation of Kashmir. That occupation had been brought about, he said, as the result of a conspiracy between the Hindu ruler of Kashmir and the Hindu leaders of India. Reviewing the history of the Kashmir question, he stated that the real problem at issue was to persuade India to agree to carry out its undertakings under the resolutions of 13 August 1948 and 5 January 1949, which had been accepted by India and Pakistan and endorsed by the Security Council. The alleged "aggression" by Pakistan could, he said, have nothing to do with the case, inasmuch as those resolutions had been adopted and accepted by India at a time when the Security Council, the United Nations Commission and India had all known of the situation.

In view of the failure of many previous attempts to reach a settlement, he said, it was wholly unrealistic to suggest that the parties ought to be left to settle the matter by negotiation between themselves. Such a course would enable India to consolidate its hold on Kashmir and to continue systematically to alter the composition of the population of the State by expelling Muslims and settling non-Muslims in their place. India's refusal to submit the matter to impartial arbitration was, he said, a clear indication of India's own estimation of its position.

The task of ensuring the implementation of the international agreement, the representative of Pakistan submitted, should be entrusted by the Security Council to an outstanding personality who should have power to effect demilitarization, to exercise effective supervision over the functions of government in the State and to decide any points of difference arising between the parties on those matters. The Council should also call upon the parties to withdraw their forces and to extend full co-operation to the United Nations Representative in the discharge of his duties. India should be asked not to proceed with the convocation of a constituent assembly in Kashmir and not to make any attempt to determine unilaterally the future of the State. The representative of Pakistan also called for omission from the joint draft resolution of the provisions envisaging the possibility of partition, which was opposed by both sides.

In reply, the Indian representative quoted a statement by the Prime Minister of India to the effect that, had India desired a pretext either for Kashmir's accession or for sending its troops there, it would not have waited until half of the Valley of Kashmir and parts of Jammu had been devastated. Denying the allegation that the ruler of Kashmir had been a tool in an alleged conspiracy, the Indian representative cited Press reports stating that, prior to the invasion, Sheikh Abdullah had been in New Delhi, where he had declared that he would not brook dictation from Pakistan or coercion from India, and had pleaded for time to consider which Dominion the State should join. He had later termed the invasion an attempt to coerce Kashmir into acceding to Pakistan. Sheikh Abdullah, the representative of India said, had been chosen to form an interim government because he had been able to command the confidence of the citizens of the State.

As regards the non-fulfilment of obligations under the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949, the representative of India asked what Pakistan had done to fulfil its primary obligation under part II of the 1948 resolution, namely, to withdraw its troops from the State. India, he explained, had not objected to a reduction of forces, or to their disposal within the State of Kashmir during the plebiscite period in such a way as to prevent their interference with the freedom of the vote; but it had objected to a reduction of forces on a scale that would endanger the State and also to measures that would unnecessarily infringe the State's sovereignty.

Commenting on this statement, the representative of Pakistan said that the fact that Sheikh Abdullah had pleaded for time to consider which Dominion Kashmir should join indicated that the authorities in Delhi had been exerting pressure for accession to India. It was obvious, he said, that Sheikh Abdullah had served as a go-between.

As regards the withdrawal of Pakistan troops from Kashmir, that operation, the representative of Pakistan stated, was to have followed formulation of a truce agreement and to have been synchronized with the withdrawal of the Indian forces. India had refused to formulate such an agreement, although Pakistan had repeatedly stated its readiness to proceed with its formulation and with its subsequent implementation.

The representative of Pakistan maintained that all factors indicated that Kashmir's natural relationship was to Pakistan, and that Kashmir could

help India only to encircle Pakistan and to destroy its economy. Nevertheless, Pakistan accepted the risk that the result of the plebiscite might be adverse to it. India, he said, had no right to have made Kashmir a unit of its Federation or to have convoked a constituent assembly while the question was pending before the Security Council.

At the 537th meeting of the Council on 21 March, a revised text (S/2017/Rev.1) of the joint United Kingdom and United States draft resolution was introduced (for text, see resolution adopted, below). It was explained by the sponsors that the revised text took into account objections made by both India and Pakistan to the original joint draft, and that the amendments embodied in the revised text had four principal effects.

First, the United Nations Representative would now be charged with the duty of effecting demilitarization of the State of Jammu and Kashmir on the basis of the two United Nations Commission resolutions of 13 August 1948 and 5 January 1949, and not on the basis of the demilitarization proposals made by Sir Owen Dixon. This did not mean, it was pointed out, that the United Nations Representative should disregard the efforts made by Sir Owen Dixon in attempting to carry out those two resolutions.

Secondly, paragraph 4 of the original draft had been completely eliminated. That paragraph, it was explained, had been intended to provide the United Nations Representative with helpful guide posts in his efforts to work out a satisfactory solution of the problem, such as the ideas of a neutral force, of the possibility of certain limited boundary adjustments, and of the degree of supervision over the plebiscite being suitably varied from area to area in Kashmir. Those provisions had been deleted in view of the objections of both parties, but it was hoped that both parties and the Security Council would continue to bear them in mind.

Thirdly, if the United Nations Representative was not able to effect demilitarization or, at least, to obtain the agreement of the parties on a plan for effective demilitarization, he was to report to the Council, within three months from the date of his arrival on the sub-continent, those points of difference between the parties in regard to both interpretation and execution of the August 1948 and January 1949 resolutions which he considered had to be resolved in order to enable demilitarization to be carried out. The sponsors considered this formulation of the essential points

of difference important, in order to focus the attention of the Security Council on the principal issues between the parties.

The fourth principal change concerned the proposals for arbitration. Although, as previously, the new draft called upon both parties to accept arbitration upon such outstanding points of difference as might remain after discussions with the United Nations Representative, the text had been altered to state that arbitration should be accepted upon points reported to the Council by the United Nations Representative. Furthermore, the arbitration proposal now provided that the arbitrator or panel of arbitrators was to be appointed by the President of the International Court of Justice after consultation with the parties, instead of by the Court as a whole.

The sponsors considered the arbitration proposal as one of the key elements of the revised draft. By adopting the revised draft, they said, the Security Council would make it clear that the talk of war had to stop and the solution of the problem be achieved by the means laid down in the Charter.

The representative of India stated that the revised joint draft continued to ignore the basic facts of the situation in Kashmir, and it included provisions which India had constantly made clear that it could not accept. He criticized, in particular, the paragraph concerning arbitration, which, he said, seemed to give Pakistan the right to be consulted on such vital matters affecting Kashmir's security as the stages in which the bulk of the Indian forces were to be withdrawn and the strength of the forces to be retained in Kashmir. That, he stated, was a violation of the United Nations Commission's resolution of August 1948, which had provided that those were matters for agreement solely between the Commission and India. Further, if Pakistan and India were not in full agreement, under the revised draft the point would have to be decided by arbitrators in whose selection Pakistan would again have the right to be consulted; that was also a new concession to Pakistan and a violation of the resolution of August 1948. India, he said, could not be expected to leave to a third party, however chosen, the decision as to how Kashmir should be protected against a recurrence of the horrors of October 1947.

Representatives of Brazil, China, Ecuador, France, the Netherlands and Turkey supported the revised joint draft, stating that it was one more proof of the impartiality which had marked the

Security Council's work with regard to the problem of Kashmir. Arbitration, in their opinion, was the only way of resolving the existing impasse between India and Pakistan. The revised draft, they said, did not ask the parties to sacrifice either their principles or their interests; it merely asked them to apply to the settlement of their dispute methods which they had accepted.

The representative of Yugoslavia considered that a further advance towards the solution of the problem should be made by assisting the parties gradually to narrow, in direct contact and by their own efforts, the areas of disagreement between them. The alternative course of attempting to reach a solution for the parties, or of imposing upon them, or one of them, the actual mode of implementation of a settlement already accepted in principle, would, he considered, in all probability impair what chances still remained of an understanding on the yet unresolved issues, and would diminish rather than increase the prospects of an over-all settlement. He said he would abstain in the vote on the revised draft because, in his opinion, it inclined toward the alternative course, without having fully explored the possibilities of the first course.

The revised joint draft resolution was adopted by 8 votes to none, with 3 abstentions (India, the USSR and Yugoslavia) at the Council's 539th meeting on 30 March 1951. The representative of India explained that he had abstained from voting pursuant to paragraph 3 of Article 27 of the Charter, which states, *inter alia*, that a party to a dispute shall abstain from voting.

The resolution adopted (S/2017/Rev.1) read:

"Having received and noted the report of Sir Owen Dixon, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 14 March 1950;

"Observing that the Governments of India and Pakistan have accepted the provisions of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949 and have re-affirmed their desire that the future of the State of Jammu and Kashmir shall be decided through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

"Observing that on 27 October 1950 the General Council of the 'All Jammu and Kashmir National Conference' adopted a resolution recommending the convening of a Constituent Assembly for the purpose of determining the 'future shape and affiliations of the State of Jammu and Kashmir'; observing further from statements of responsible authorities that action is proposed to convene such a Constituent Assembly and that the area from which such a Constituent Assembly would be elected is only a part of the whole territory of Jammu and Kashmir;

"Reminding the Governments and Authorities concerned of the principle embodied in the Security Council resolutions of 21 April 1948, 3 June 1948 and 14 March 1950 and the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949, that the final disposition of the State of Jammu and Kashmir will be made in accordance with the will of the people expressed through the democratic method of a free and impartial plebiscite conducted under the auspices of the United Nations;

"Affirming that the convening of a Constituent Assembly as recommended by the General Council of the 'All Jammu and Kashmir National Conference', and any action that Assembly' might attempt to take to determine the future shape and affiliation of the entire State or any part thereof would not constitute a disposition of the State in accordance with the above principle;

"Declaring its belief that it is the duty of the Security Council in carrying out its primary responsibility for the maintenance of international peace and security to aid the parties to reach an amicable solution of the Kashmir dispute and that a prompt settlement of this dispute is of vital importance to the maintenance of international peace and security;

"Observing from Sir Owen Dixon's report that the main points of difference preventing agreement between the parties were:

"(a) The procedure for and the extent of demilitarization of the State preparatory to the holding of a plebiscite, and,

"(b) The degree of control over the exercise of the functions of government in the State necessary to ensure a free and fair plebiscite;

"The Security Council,

"1. Accepts, in compliance with his request, Sir Owen Dixon's resignation and expresses its gratitude to Sir Owen for the great ability and devotion with which he carried out his mission;

"2. Decides to appoint a United Nations Representative for India and Pakistan in succession to Sir Owen Dixon;

3. Instructs the United Nations Representative to proceed to the sub-continent and, after consultation with the Governments of India and Pakistan, to effect the demilitarization of the State of Jammu and Kashmir on the basis of the United Nations Commission for India and Pakistan resolutions of 13 August 1948 and 5 January 1949;

4. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in effecting the demilitarization of the State of Jammu and Kashmir;

"5. Instructs the United Nations Representative to report to the Security Council within three months from the date of his arrival on the sub-continent. If, at the time of this report, he has not effected demilitarization in accordance with paragraph 3 above, or obtained the agreement of the parties to a plan for effecting such demilitarization, the United Nations Representative shall report to the Security Council those points of difference between the parties in regard to the interpretation and execution of the agreed resolutions of 13 August 1948 and 5 January 1949 which he considers must be resolved to enable such demilitarization to be carried out;

"6. Calls upon the parties, in the event of their discussions with the United Nations Representative failing in his opinion to result in full agreement, to accept arbitration upon all outstanding points of difference reported by the United Nations Representative in accordance with paragraph 5 above; such arbitration to be carried out by an Arbitrator, or a panel of Arbitrators, to be appointed by the President of the International Court of Justice after consultation with the parties;

"7. Decides that the Military Observer group shall continue to supervise the cease-fire in the State;

"8. Requests the Governments of India and Pakistan to ensure that their agreement regarding the cease-fire shall continue to be faithfully observed and calls upon them to take all possible measures to ensure the creation and maintenance of an atmosphere favourable to the promotion of further negotiations and to refrain from any action likely to prejudice a just and peaceful settlement;

"9. Requests the Secretary-General to provide the United Nations Representative for India and Pakistan with such services and facilities as may be necessary in carrying out the terms of this resolution."

At the 540th meeting on 2 April, the representative of Pakistan accepted the resolution of 30 March on behalf of his Government. He stated that Pakistan was determined to afford the fullest co-operation to the United Nations Representative and, in the case of differences arising which could not be resolved by agreement between the parties, to the arbitrator or arbitrators that might be appointed under the resolution.

At the 543rd meeting on 30 April, the President informed the Council that the representatives of the United Kingdom and the United States had submitted the name of Frank P. Graham, Defense Manpower Administrator in the Department of Labor in Washington, former United States Senator and former President of the University of North Carolina, as a candidate for appointment as United Nations Representative for India and Pakistan. No other candidate, the President said, had been suggested. The Council, at the same meeting, approved the appointment of Mr. Graham, by 7 votes to none, with 4 abstentions (India, the Netherlands, the USSR and Yugoslavia). The representative of India explained that he had abstained from voting pursuant to paragraph 3 of Article 27 of the Charter.

2. Security Council Communication of 29 May to India and Pakistan

On 4 May 1951, Pakistan brought to the Council's attention (S/2119) reports that the Yuvaraja⁹⁹ of Jammu and Kashmir had issued a proc-

⁹⁹ Ruler.

lamation on 30 April, convening a constituent assembly in the State and laying down a procedure for convening it. This move, it was stated, was a challenge to the authority of the Council, and was an attempt to nullify the resolution of 30 March 1951. The Council was requested to take adequate measures to stop India and the authorities concerned in Kashmir from pursuing a course of action which, besides prejudicing further negotiations for the implementation of the international agreement embodied in the United Nations Commission's resolutions of August 1948 and January 1949, was bound to create a situation which might endanger international peace.

On 8 May, Pakistan brought to the Council's notice (S/2145) a statement by the Prime Minister of the Indian-occupied portion of Kashmir on 4 May, to the effect that the constituent assembly was to decide the future shape and affiliation of Kashmir and that no Power could veto its decision.

The Security Council considered the two communications at its 548th meeting on 29 May. The representative of Pakistan gave further details concerning the matters brought before the Council, and asked the Council to take resolute action. He emphasized the impatience and bitterness which, he said, the long delay over the settlement of the Kashmir question and the continued intransigence of India had created in the minds of the people of Pakistan.

The representative of India, denying the Pakistani allegations, reaffirmed India's position and repeated that, so far as his Government was concerned, the constituent assembly was not intended to prejudice the issues before the Security Council, or to come in its way. While the constituent assembly might, if it so desired, express an opinion on the question of accession, it could take no decision on it.

On the proposal of the United Kingdom, supported by Brazil, China, Ecuador, France, the Netherlands and the United States, the Security Council approved, by 9 votes to none, with 2 abstentions (India and the USSR), the text of a message (S/2181) to be sent by the President of the Council to India and Pakistan. The representative of India explained that he had abstained in accordance with Article 27, paragraph 3, of the Charter.

The message noted with satisfaction the assurances of the representative of India, and stated that it was the sense of the Council that the reports contained in the communications from Pak-

istan, if correct, would involve procedures in conflict with the commitments of the parties to determine the future accession of Jammu and Kashmir by a fair and impartial plebiscite under United Nations auspices. The Council reminded the two Governments of the provisions of its resolution of 30 March 1951, and trusted that they would do everything in their power to ensure that the authorities in Kashmir did not disregard the Council.

On 31 May, the alternate representative of India to the Council transmitted to the President of the Security Council a message (S/2182) from the Prime Minister of India, to the effect that he had nothing to add to what had already been stated by the Indian delegation.

In a letter (S/2207) dated 15 June, addressed to the President of the Security Council, the Minister for Foreign Affairs of Pakistan took note of the President's message and recalled statements made by various members of the Council during the discussion prior to its adoption. He cited further statements made by the Prime Minister of India to the effect that a constituent assembly was being convened with the full approval of India, and that India would not co-operate in any way in the implementation of the resolution of 30 March 1951, which it had not accepted. If India were permitted to pursue the course it had set itself, it was stated, all chances of a pacific settlement of the dispute would be undermined and a grave threat to international peace would result. The hesitancy of the Security Council to assert its authority and to enforce its resolutions relating to Kashmir had, it was stated, encouraged India and Sheikh Abdullah to persist in their intransigence and had immensely increased the difficulties which the United Nations Representative would have to face. Pakistan urged the Security Council to retrieve the situation by taking effective and adequate measures to stop India and the authorities concerned in Kashmir from convening the proposed constituent assembly.

3. Exchange of Communications between India and Pakistan

On 30 June and during July and August 1951, the Security Council was informed of a series of communications exchanged between India and Pakistan (S/2225, S/2233 and Corr.1, S/2245 and Corr.1, S/2252, S/2256, S/2260, S/2269, S/2271, S/2278 and Corr.1, S/2281, S/2285, S/2290 and S/2293) which dealt, inter alia, with military movements in India and Pakistan and in the State

of Jammu and Kashmir, and with the question of responsibility for the tension prevailing between the two countries.

4. First Report of the United Nations Representative

The United Nations Representative left New York for India and Pakistan on 27 June and arrived on the sub-continent on 30 June. On 15 October, he transmitted to the Security Council, in accordance with the Council's resolution of 30 March 1951, a report (S/2375 and Corr.1) on the results of his efforts to obtain the agreement of the Governments of India and Pakistan to a plan for effecting the demilitarization of the State of Jammu and Kashmir.

He stated that, in view of the atmosphere of hostility on the sub-continent, he had adopted the procedure of separate, informal consultations with officials of both Governments, with a view to ascertaining those areas of agreement upon which might be based an acceptable plan for the demilitarization of Kashmir. As a result of his conversations with the parties, he dispatched a letter (S/2375/Annex II) to the Prime Ministers of both Governments on 7 September 1951, inviting their comments on a draft agreement, consisting of twelve proposals for carrying out the demilitarization of Kashmir on the basis of the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949. The replies of the two Governments indicated acceptance of the general principles set forth in the first four proposals, namely: (1) reaffirmation of their determination not to resort to force with regard to the question of the State of Jammu and Kashmir; (2) agreement to take measures to avoid warlike statements regarding that question; (3) reaffirmation of their will to observe the cease-fire effective from 1 January 1949 and the Karachi agreement of 27 July 1949 (whereby a cease-fire line was established as a complement to the suspension of hostilities in Kashmir); and (4) reaffirmation of their acceptance of the principle that the question of the accession of the State would be decided through a free and impartial plebiscite under the auspices of the United Nations.

Agreement was not reached on the fifth proposal, providing that the demilitarization of the State contemplated in the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 should be effected in a single, continuous process; nor on the remaining proposals,

which set forth the principles for a plan of demilitarization to be carried out during a period of ninety days.

Proposals 5 to 12 read as follows:

"THE GOVERNMENTS OF INDIA AND PAKISTAN . . .

"5. Agree that subject to the provisions of paragraph 11 below the demilitarization of the State of Jammu and Kashmir contemplated in the UNCIP resolutions of 13 August 1948 and 5 January 1949 shall be effected in a single, continuous process;

"6. Agree that this process of demilitarization shall be completed during a period of 90 days, unless another period is decided upon by the representatives of the Indian and Pakistan Governments referred to in paragraph 9 below;

"7. Agree that the demilitarization shall be carried out in such a way that at the end of the period referred to in paragraph 6 above the situation will be:

"A. On the Pakistan side of the cease-fire line:

"(i) the tribesmen and Pakistan nationals not normally resident therein who had entered the State for the purpose of fighting will have been withdrawn;

"(ii) the Pakistan troops will have been withdrawn from the State, and

"(iii) large-scale disbandment and disarmament of the Azad Kashmir forces will have taken place;

"B. On the Indian side of the cease-fire line:

"(i) the bulk of the Indian forces in the State will have been withdrawn;

"(ii) further withdrawals or reductions, as the case may be, of the Indian and State Armed Forces remaining in the State after the completion of the operation referred to in B(i) above will have been carried out;

so that at the end of the period referred to in paragraph 6 above there will remain on the present Pakistan side of the cease-fire line a force of _____¹⁰⁰ Civil Armed Forces, and on the Indian side of the cease-fire line a force of _____¹⁰⁰;

"8. Agree that the demilitarization shall be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period referred to in paragraph 6 above;

"9. Agree that representatives of the Indian and Pakistan Governments, assisted by their military advisers, will meet, under the auspices of the United Nations, to draw up a programme of demilitarization in accordance with the provisions of paragraphs 5, 6, 7 and 8 above;

"10. Agree that the Government of India shall cause the Plebiscite Administrator to be formally appointed to office not later than the final day of the demilitarization period referred to in paragraph 6 above;

"11. Agree that the completion of the programme of demilitarization referred to in paragraph 9 above will be without prejudice to the functions and responsibilities of the United Nations Representative and the Plebiscite Administrator with regard to the final disposal of forces

¹⁰⁰It was requested in the communication that the blank spaces be filled in by each Government.

as set forth in paragraph 4(a) and (b) of the 5 January 1949 resolution;

"12. Agree that any differences regarding the programme of demilitarization contemplated in paragraph 9 above will be referred to the Military Adviser of the United Nations Representative, and, if disagreement continues, to the United Nations Representative, whose decision shall be final."

The United Nations Representative set forth the main differences between the two Governments, not only in regard to their interpretation and execution of the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949 concerning the demilitarization, but also in regard to points of difference on his proposals, involving the length of the period of demilitarization, the withdrawal of troops, the timing of withdrawals and the size of the forces to remain on either side of the cease-fire line. There was also disagreement on whether to include in the agreement the proposal for appointment to office of the Plebiscite Administrator by India before the end of the demilitarization period.

Due to the situation prevailing on the sub-continent, he concluded, it had not been possible to effect demilitarization during the time available under his terms of reference. He went on to state that although he did not underestimate the existing difficulties, he did not exclude the possibility of arriving at a basis of agreement between the two Governments. He emphasized the importance of the task of the United Nations team of military observers on the sub-continent in supervising the cease-fire in Kashmir.

The United Nations Representative recommended the following to the Security Council:

"1. That the Security Council call upon the Governments of India and Pakistan to take immediately all measures to improve the relations between the two countries by avoiding any increase of their military potential in the State of Jammu and Kashmir, and by instructing their official spokesmen and urging all their citizens, organizations, publications and radio stations not to make war-like statements or statements calculated to incite the people of either nation to make war against the other with regard to the question of Jammu and Kashmir;

"2. That the Security Council consider the possibility of a renewed effort being made to obtain an agreement of the parties to a plan for effecting the demilitarization of the State of Jammu and Kashmir;

"3. If the Security Council decides that a renewed effort to obtain an agreement should be made, it might consider to instruct the United Nations Representative to implement its decision by continuing the negotiations with the Governments of India and Pakistan in order to obtain an agreement of the parties to a plan for effecting the demilitarization of the State of Jammu and Kashmir. Such negotiations should be carried out at the seat of the Security Council and the Council should instruct the

United Nations Representative to report to the Council within six weeks."

5. Consideration of the First Report by the Security Council

The first report (S/2375 and Corr.1) of the United Nations Representative was considered by the Security Council at its 564th and 566th meetings, held on 18 October and 10 November 1951, respectively. At the Council's 564th meeting, the United Nations Representative made a statement in which he, among other things, briefly summarized the twelve proposals submitted to India and Pakistan on 7 September, and stated the position of the two Governments on the proposals upon which they were unable to agree.

At the 566th meeting on 10 November, the representatives of the United Kingdom and the United States submitted a joint draft resolution (S/2390) which would, inter alia, note with approval the basis for a programme of demilitarization put forward by the United Nations Representative in his communication of 7 September, and instruct him to continue his efforts for an additional six weeks to obtain agreement of the parties on a plan for effecting the demilitarization of Kashmir.

The sponsors of the joint draft were of the opinion that the proposals for demilitarization as set out by the United Nations Representative formed a solid basis upon which the parties could reach an agreement. The joint draft, they explained, was designed to give him the support, the encouragement and the time he needed to help bring about an agreement. Both representatives expressed concern regarding the convening of a constituent assembly in Kashmir, and reiterated that any attempt to decide the issue of accession without the consent of both parties would leave a constant and explosive irritant in the relations between India and Pakistan. The United Kingdom and the United States both welcomed the recent reassurances in that connexion given by the Prime Minister of India. If, by a further comparatively brief period of negotiation, agreement between the parties could be reached or substantial progress towards agreement made, that chance, they argued, should be taken by the Security Council.

The representatives of Brazil, China, Ecuador, France, the Netherlands and Turkey spoke in support of the joint draft. The joint draft, in their opinion, was in keeping with previous decisions

of the Security Council on the matter, and represented a continuation of the efforts made by the United Nations towards the peaceful settlement of the problems arising out of the demilitarization of Kashmir. The representatives of China, the Netherlands and Turkey also expressed concern over the convening of a constituent assembly in Kashmir. They declared that such a constituent assembly could not be allowed to prejudice the accession of Kashmir, as the disposition of Kashmir should be in accordance with the principle of determination through the democratic methods of a free and impartial plebiscite, set up under the auspices of the United Nations.

The representatives of the United Kingdom and the United States agreed to modify the wording of the first operative paragraph to refer to the State "of Jammu and Kashmir". The joint draft, as modified, was adopted by 9 votes to none, with 2 abstentions (India and the USSR). The text of the adopted resolution (S/2390) read:

"The Security Council

"Having received and noted the report of Dr. Frank Graham, the United Nations Representative for India and Pakistan, on his mission initiated by the Security Council resolution of 30 March 1951, and having heard Dr. Graham's address to the Council on 18 October,

"Noting with approval the basis for a programme of demilitarization which could be carried out in conformity with the previous undertakings of the parties, put forward by the United Nations Representative in his communication of 7 September 1951 to the Prime Ministers of India and Pakistan,

"1. Notes with gratification the declared agreement of the two parties to those parts of Dr. Graham's proposals which reaffirm their determination to work for a peaceful settlement, their will to observe the cease-fire agreement and their acceptance of the principle that the accession of the State of Jammu and Kashmir should be determined by a free and impartial plebiscite under the auspices of the United Nations;

"2. Instructs the United Nations Representative to continue his efforts to obtain agreement of the parties on a plan for effecting the demilitarization of the State of Jammu and Kashmir;

"3. Calls upon the parties to co-operate with the United Nations Representative to the fullest degree in his efforts to resolve the outstanding points of difference between them;

"4. Instructs the United Nations Representative to report to the Security Council on his efforts, together with his views concerning the problems confided to him, not later than six weeks after this resolution comes into effect."

6. Second Report of the United Nations Representative

On 18 December 1951, the United Nations Representative transmitted his second report (S/2448) to the Security Council. In the report,

he stated that the procedure he had adopted in continuing his efforts to obtain agreement on a demilitarization plan had been: (a) to exhaust the possibilities, if any, in endeavouring to reach agreement between the parties on his proposals of 7 September 1951; (b) failing the conclusion of such an agreement, to obtain the detailed plans of the parties for demilitarization of Kashmir under the United Nations Commission's resolutions of 13 August 1948 and 5 January 1949, in order to establish the points of difference in regard to the interpretation and execution of those resolutions which had to be resolved to enable demilitarization to be carried out. Under the first part of that procedure, he had endeavoured to narrow the differences of the parties on two fundamental points: the minimum number of forces to be left on each side of the cease-fire line at the end of the period of demilitarization, and the day on which India would formally appoint the Plebiscite Administrator.

Following meetings with the parties, the United Nations Representative presented to them, on 7 December 1951, a statement and questionnaires (S/2448, Annex III) to that end. He also sent a letter (S/2448, Annex IV) to India requesting that Government's detailed plans for carrying out the demilitarization of Kashmir under the two United Nations Commission's resolutions. Informal conversations at a military level were also held by the Military Adviser to the United Nations Representative with the Military Advisers of the representatives of India and of Pakistan.

The points of difference between the two Governments on the fundamental issues regarding their interpretation and execution of the resolutions of the United Nations Commission of 13 August 1948 and 5 January 1949, the United Nations Representative stated, remained as they had appeared in his first report. This convinced him that agreement could not be achieved at that stage of the negotiations on the draft agreement which he had proposed on 7 September 1951, as a whole.

During the discussions at the military level, he reported, information received indicated that, at some stage of his tentative plan of demilitarization, the withdrawals of armed forces would amount to a great proportion of the forces stationed there on 1 January 1949. However, the disparity between the number and character of the forces which the parties proposed should be left at the end of the period of demilitarization was so wide that any agreement on the whole plan, concerned as a single continuous process, could

not be reached at that stage. Differences also remained, he reported, between India and Pakistan concerning the induction into office of the Plebiscite Administrator. India insisted that the Plebiscite Administrator should be appointed as soon as conditions on both sides of the cease-fire line in Kashmir permitted a start to be made with arrangements for carrying out the plebiscite. To appoint the Plebiscite Administrator before he could function effectively would, India held, be premature. Pakistan, on the other hand, emphasized the importance of appointing the Plebiscite Administrator as much in advance of the final day of demilitarization as possible.

The United Nations Representative then dealt with the twelve proposals for an integrated plan of demilitarization, which he had submitted to the Prime Ministers of India and Pakistan on 7 September 1951.¹⁰¹ In his first report, he recalled, he had stated that the two Governments had indicated agreement on the first four of the twelve proposals. Agreement had subsequently been reached on four more proposals, namely, paragraphs 8, 9, 11 and 12. Agreement, however, had not been reached on the four most basic proposals

of the twelve, namely, paragraphs 5, 6, 7 and 10; and agreement on those four paragraphs, he said, was essential for carrying out the plan of demilitarization envisaged as an integrated whole in the twelve proposals.

In connexion with paragraph 5, the United Nations Representative reiterated his view that the demilitarization of Kashmir should be effected in a single, continuous process. He proposed modifications of paragraphs 6 and 7, according to which: (1) the process of demilitarization would be completed on 15 July 1952, instead of during a period of 90 days, unless another date was decided upon by the representatives of the parties; and (2) the demilitarization would be such that, on that date, there would remain on each side of the cease-fire line not a specific number of armed forces but the lowest possible number of armed forces proportionate to the number of armed forces existing on each side of the cease-fire line on 1 January 1949. He suggested that paragraph 10 be maintained as it stood, namely, that India agree that the Plebiscite Administrator be appointed not later than the final day of the demilitarization period referred to in paragraph 6.

S. TREATMENT OF PEOPLE OF INDIAN ORIGIN IN THE UNION OF SOUTH AFRICA

The question of the treatment of people of Indian origin in the Union of South Africa was first brought before the General Assembly by India in 1946, and was discussed at the first, second, third and fifth sessions. None of the resolutions adopted by the Assembly had been implemented before the opening of the Assembly's sixth session.

On 2 December 1950, during its fifth session, the General Assembly adopted resolution 395(V)¹⁰² calling upon India, Pakistan and the Union of South Africa to hold a round table conference on the question of treatment of people of Indian origin in South Africa. The resolution recommended that, if the parties failed to hold the conference before 1 April 1951 or failed to reach an agreement in the conference within a reasonable time, a commission of three members should be appointed to assist them in carrying through appropriate negotiations. The resolution also stipulated that the question of the treatment of people of Indian origin in the Union of South Africa should be included in the agenda of the Assembly's sixth session.

The Union of South Africa notified (A/1787) the Secretary-General on 7 March 1951 that it was unable to accept this resolution as a basis for a round table conference because its terms constituted intervention in a matter essentially within the domestic jurisdiction of the Union Government. Nor was the Union Government able to accept the proposal to establish a commission to assist the parties in carrying on appropriate negotiations.

On 27 March 1951, India announced (A/1794) that, in view of the Union Government's refusal to hold a conference on the basis of the Assembly's resolution, it had no option but to bring the matter to the attention of the United Nations for such action as might be deemed necessary.

Pursuant to resolution 395(V), the question was placed on the provisional agenda of the Assembly's sixth session. At the 75th meeting of the General Committee, on 8 November, and at the 341st plenary meeting, on 13 November

¹⁰¹ See pp. 346-47.

¹⁰² See Y.U.N., 1950, p. 407.

1951, the representative of the Union of South Africa argued against and the representative of India in favour of the inclusion of the item in the Assembly's agenda.

The General Committee decided, by 10 votes to one, with 4 abstentions, to recommend the inclusion of the item in the Assembly's agenda. The General Assembly, by 40 votes to 1, with 12 abstentions, adopted this recommendation. It then referred the item to the Ad Hoc Political Committee, which considered it at its 27th to 32nd meetings, held on 20 and 21 December 1951 and on 2-5 January 1952.

In the Ad Hoc Political Committee's general debate, the representative of India reviewed the situation concerning the treatment and the living conditions of the 300,000 persons of Indian origin living in South Africa. Their ancestors, he said, had been given firm guarantees of equal rights with all other citizens, but had been subjected for many years to pressures, exploitation and open racial discrimination. Indians were described as unas-similable foreigners and their repatriation was demanded. They were denied the most elementary social and political rights, their economic life was being brought progressively to a standstill, and they had been forced to confine their trade to certain reserved sectors. The Group Areas Act of 1950 compulsorily established separate areas for different racial groups.

The various Assembly resolutions, the Indian representative declared, constituted ample proof that the United Nations did not view the discriminatory measures imposed by the Union Government as a matter of domestic jurisdiction. South Africa had rejected those resolutions as a basis for holding the proposed round table conference, and had insisted that the preliminary agreement reached at Capetown in 1950 should be the sole basis for such negotiations. India and Pakistan could not agree to initiate negotiations, since the action of South Africa had prejudged the question of the abolition of the discriminatory practices which were to be discussed at the proposed round table conference. In March 1951 South Africa had taken action, despite the injunction of the General Assembly's resolution of 1950, to bring into force the Group Areas Act which aimed at reducing all non-white communities in South Africa to the status of inferior communities. India was prepared to take part in a round table conference only on the basis of the General Assembly's resolutions; it could not be judged responsible for the failure of the negotiations to convene the conference.

The legal and other measures directed against the Indian community in South Africa, the representative of India stated, contravened the guarantees of equal rights, freedom and non-discrimination proclaimed by the United Nations Charter. The retrograde policy of the South African Government in this respect must necessarily engender political tensions likely to imperil peace. If the discriminatory policies of South Africa were permitted to flourish free from censure by the Western democracies, the Asian and African peoples could give little credence to the avowed desire of the West to unite for peace and to achieve collective security based on respect for human rights and fundamental freedoms. The United Nations should continue to exert the strongest possible moral pressure on the Union Government to observe the principles of the Charter and to put an end to the present South African policy.

At the 27th meeting of the Ad Hoc Political Committee on 20 December, the representative of India introduced a draft resolution (A/AC.53/L.20), sponsored jointly by Burma, India, Indonesia, Iran and Iraq, recommending the creation of a three-member commission to assist India, Pakistan and the Union of South Africa in carrying out appropriate negotiations. The commission would be composed of one member to be nominated by the Union of South Africa and a second to be nominated by India and Pakistan, both within sixty days of the adoption of the resolution, and a third to be selected by the other two members, or, in default of agreement between them within a reasonable time, by the Secretary-General. The draft resolution also called upon the Union of South Africa to suspend enforcement of the Group Areas Act pending the conclusion of the proposed negotiations, and provided for the inclusion of the item in the agenda of the next regular session of the General Assembly.

The representative of the Union of South Africa stated that, despite South Africa's repeated protests based on Article 2, paragraph 7,¹⁰³ of the Charter, the General Assembly had dealt with the item at successive sessions and appeared to take for granted its competence to continue to do so. Not only did its action deprive the Union of South Africa of rights explicitly reserved to it under the Charter, but the effect of that action was to impede the solution of a problem which could best be settled by the parties directly con-

¹⁰³ This paragraph precludes the United Nations from intervening in matters essentially within the domestic jurisdiction of any State.

cerned. His Government had refused to accept Assembly resolution 395(V) as a basis for a round table conference and had rejected the proposal for a commission; it had, however, reaffirmed its willingness to participate in a round table conference on the basis of the formula agreed upon by the three States concerned at Capetown in February 1950, on the understanding that the holding of such a conference would not involve any departure from, or prejudice to, the position of the respective Governments regarding the question of domestic jurisdiction. Pakistan had agreed to take part in such a conference on the basis of the Capetown agreement, and had suggested that the conference should be convened in Karachi or at the United Nations Headquarters in New York at the end of March 1951.

India, he considered, clearly bore responsibility for the failure to hold the proposed conference, as a result of its insistence that the Union of South Africa should abandon its position in the domestic jurisdiction issue. The Group Areas Act, an essential element of India's complaint against South Africa, had come into operation only after the breakdown of negotiations on the convening of the round table conference. No group area had as yet been declared under that Act. Moreover, South Africa reaffirmed its willingness to hold the proposed conference on the basis of the Capetown agreement, despite India's unilateral action, as proof of its desire for an amicable settlement of the dispute. Only on that basis could South Africa reasonably enter into negotiations. Further discussion in the United Nations would not bring the problem any closer to a solution.

The representative of Pakistan stated that the legislation in force in the Union of South Africa was based on a particularly cruel policy of racial discrimination. It would be better if South Africa, instead of disputing the competence of the United Nations under Article 2, paragraph 7, to consider the question, were in a position to state that its legislation was not based on such a policy, contrary to Article 1, paragraph 3, of the Charter. By its action, South Africa was putting itself in a very difficult position in the world and was unnecessarily sowing the seeds of dissension between the East and West. His Government realized that racial discrimination could not be done away with very easily or very quickly, but felt the time had come when any nation should hesitate before enacting obviously discriminatory laws.

He reviewed the negotiations which had taken place between the three Governments concerned.

Pakistan was prepared to take part in a conference of the parties concerned in order to examine the problem, provided the discussion took place in the spirit of the United Nations Charter. It was even prepared, if South Africa must be allowed to maintain its legal position regarding United Nations competence, not to regard the proposed conference as held in implementation of the General Assembly's resolutions, though that suggestion did not imply in any way renunciation of the Assembly's resolutions. But in that case, the Union of South Africa should at least state that, as long as negotiations were being carried on, it would not proceed with the Group Areas Act nor mark the group areas into which certain persons of Indian origin, citizens of the Union of South Africa, would be confined like cattle. He added that, if the South African Government refused all negotiation, his delegation would fully support the joint draft resolution before the Ad Hoc Political Committee.

Representatives of the following, among others, supported the joint draft resolution: Afghanistan, the Byelorussian SSR, Czechoslovakia, Egypt, Ethiopia, Guatemala, Haiti, Lebanon, Liberia, Mexico, Poland, Saudi Arabia, Syria, the Ukrainian SSR, the USSR, Uruguay and Yugoslavia. The majority of those representatives stated that they were opposed to any discriminatory measures on grounds of race, sex, language or religion. The policy of racial segregation, it was affirmed, constituted an offence to human dignity, and was incompatible both with the purposes of the Universal Declaration of Human Rights and with the principles of the Charter. The opinion was expressed that the joint draft resolution was drafted in moderate terms which could not offend the Union of South Africa; it merely suggested a procedure for putting an end to an intolerable situation. The Union Government was asked not to obstruct adoption of the joint draft resolution, which, like previous Assembly decisions on the question, appeared to enjoy the support of a large majority of Member States.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR declared that it was an indisputable fact that the Union Government was applying a policy of racial discrimination. That policy, they said, was contrary to the Charter, which the Union Government had undertaken to observe. Not only was that Government refusing to change its attitude, which was detrimental to the interests of persons of Indian origin resident in its territory,

but it was also proposing to make their position worse by applying segregation laws and by resorting to out-of-date colonial methods. The action taken by the Union Government, they argued, was designed to discriminate in favour of the white population to the detriment of the coloured populations and, in particular, persons of Indian origin. The United Nations must use all its moral authority to prevent such practices and they would, accordingly, vote for the joint draft.

The representative of Mexico considered that the question of the General Assembly's competence to deal with the problem of persons of Indian origin established in the Union of South Africa should not have been raised. The United Nations, he said, not only had the right but also the duty to take up consideration of the problem. Mexico would, accordingly, vote for the purposes underlying the joint draft resolution, which did not impose on the Union Government any jurisdiction other than that emanating from the Charter, and which, in effect, left it to the States concerned to solve the problem. He hoped that the question would be solved in a manner satisfactory to all parties concerned.

The representative of Yugoslavia declared that his Government was convinced that any policy of racial discrimination and racial and national oppression was contrary to the Charter, the Universal Declaration of Human Rights and numerous General Assembly resolutions. Moreover, such a policy profoundly shocked the conscience of the world and, in view of the existing international tension, constituted a very serious threat to peace. Furthermore, experience had convinced Yugoslavia that the most complex national problems could be solved by following the principle of full equality of all national groups and by furthering their simultaneous democratic development.

The representative of Sweden said that whenever the General Assembly considered this question, of which the significance and political implications were clearly visible, there was some uncertainty both in regard to the role that the United Nations should play in the matter and in regard to the legal basis of such action as the Assembly might advocate. Sweden, for its part, still thought that, in order to dispel that uncertainty and enable a solution acceptable to all parties to be reached, the International Court of Justice should be asked to give an advisory opinion on the preliminary question of the Assembly's competence in the matter, with special regard to

the interpretation of Article 2, paragraph 7, of the Charter.

The representatives of Belgium, France and Greece considered that the General Assembly should encourage the parties concerned to meet again, on a footing of equality, with no preliminary conditions attached, to seek a way out of the deadlock in which they found themselves. Adoption of the joint draft, they felt, might aggravate the differences between the parties concerned rather than expedite a settlement. They appealed to India, Pakistan and South Africa to enter into negotiations.

At the 31st meeting of the Ad Hoc Political Committee on 4 January 1952, Israel submitted an amendment (A/AC.53/L.21) to the five-Power joint draft resolution (A/AC.53/L.20), to request that, in the event that the members of the commission were not nominated in accordance with the original proposal, the Secretary-General at his discretion should initiate discussions with a view to carrying through negotiations between the parties, and should further, after consulting the parties, appoint an individual to render any necessary assistance to carry them through. The amendment was withdrawn when a similar provision was incorporated in a revised text (A/AC.53/L.20/Rev.1) of the five-Power joint draft.

The representatives of China, El Salvador, Norway, the Philippines, the United States and Uruguay, among others, supported the revised joint five-Power draft, and in particular, the new provision which, they considered, constituted a new approach which might be helpful in removing the obstacles which had so far prevented direct and peaceful negotiations. Some of these representatives, however, were in favour of omitting certain parts of the revised draft in order to facilitate negotiations between the parties concerned. They therefore asked that the text be put to the vote paragraph by paragraph.

The representative of Australia opposed the draft resolution. He objected to making the United Nations intervene in matters that were essentially within the domestic jurisdiction of States, as in the revised draft's recommendation calling upon a State to suspend enforcement of its national legislation. He considered that the General Assembly was not competent to adopt that draft. Further, in the opinion of his Government, existing international instruments did not authorize the United Nations to impose upon the parties the conditions under which negotiations should be

held. His Government placed its hope in direct negotiations and, therefore, would prefer a resolution encouraging such negotiations rather than a text condemning one of the parties.

The representatives of Belgium, the Netherlands, New Zealand and the United Kingdom announced their intention of abstaining from voting on the revised draft. They did not think that the question of competence had been adequately considered; the International Court of Justice should be asked for an advisory opinion on the question of the General Assembly's competence in the matter. They argued that the revised draft, as it stood, would inevitably be an obstacle to discussions which might lead to a solution of the problem.

The Ad Hoc Political Committee, at its 32nd meeting on 5 January, adopted the revised joint draft resolution, first in parts by votes ranging from 48 to 1, with 8 abstentions, to 31 to 9, with 7 abstentions. The revised draft, as a whole, was adopted by 41 votes to 2, with 13 abstentions.

After the voting, the representative of France said that he had abstained on all those paragraphs of the resolution which, in a case that demanded free and full co-operation between the parties, might appear to convey unnecessarily acrimonious feelings or a premature condemnation. He had voted against paragraph 4 of the operative part because the specific reference to a national law in that paragraph appeared to encroach too obviously upon the sphere of domestic jurisdiction.

The representative of Venezuela said that his abstention was in accordance with the opinion of his delegation, expressed during previous Assembly discussions, that Article 2, paragraph 7, of the Charter precluded the Assembly from dealing with the question.

The report (A/2046) of the Ad Hoc Political Committee was considered by the General Assembly at its 360th plenary meeting on 12 January 1952, where the representatives of Haiti and India spoke in favour of the draft resolution. They emphasized that the question of the treatment of Indians in South Africa was part of the bigger problem of the equality of races.

The South African policy of apartheid, the representative of India stated, was designed to perpetuate the domination of a white minority over communities of non-whites. It would not succeed, but unless it was checked in time it would create the deepest resentment and indignation in the minds of all Africans and Asians. A peaceful

settlement of the dispute was possible, India considered, under the terms of the proposed resolution.

In the opinion of the representative of Haiti, the Group Areas Act should be repealed, as it was at variance with the principles of the Charter.

The representative of Australia stated that his Government would abstain from voting on the draft resolution as a whole, and would maintain its insistence that the United Nations was not competent to intervene in the domestic affairs of a Member Government by calling for the setting aside of a specific piece of internal legislation.

The representative of Poland, in explaining his vote in favour of the resolution stated, *inter alia*, that not only did South Africa not carry out the recommendations of previous General Assembly resolutions, but it was continuing its racial policy of segregation directed against the coloured population, and particularly against persons of Asiatic origin. The Polish people had experienced race hatred and racial persecution. Poland considered it its duty to support the aspirations and rights of the Indian population of South Africa.

The Assembly first voted separately on the third and fifth paragraphs of the preamble and the fourth operative paragraph. The third paragraph of the preamble was adopted by 34 votes to 6, with 16 abstentions; the fifth paragraph of the preamble was adopted by 39 votes to 3, with 13 abstentions; and the fourth operative paragraph was adopted by 31 votes to 9, with 14 abstentions. The draft resolution, as a whole, was adopted by a roll-call vote of 44 to none, with 14 abstentions. The Union of South Africa was absent. The vote was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian SSR, Chile, China, Costa Rica, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian SSR, USSR, United States, Uruguay, Yemen, Yugoslavia.

Against: None.

Abstaining: Argentina, Australia, Belgium, Canada, Denmark, France, Greece, Luxembourg, Netherlands, New Zealand, Sweden, Turkey, United Kingdom, Venezuela.

The text of the resolution adopted (511(VI)) read:

"The General Assembly,

"Recalling its resolutions 44 (I), 265 (III) and 395 (V) relating to the treatment of people of Indian origin in the Union of South Africa,

"Having considered that the Government of the Union of South Africa has been unable up to the present time to accept General Assembly resolution 395 (V) as a basis for a round-table conference,

"Noting that the promulgation on 30 March 1951 of five proclamations under the Group Areas Act renders operative thereby the provisions of that Act in direct contravention of paragraph 3 of resolution 395 (V),

"Having in mind its resolution 103 (I) of 19 November 1946 against racial persecution and discrimination, and its resolution 217 (III) of 10 December 1948 relating to the Universal Declaration of Human Rights,

"Considering that a policy of "racial segregation" (apartheid) is necessarily based on doctrines of racial discrimination,

"1. Recommends that a commission of three members be established for the purpose of assisting the parties, namely the Governments of India, Pakistan and the Union of South Africa, in carrying through appropriate negotiations, the said commission to be composed of one member to be nominated by the Government of the Union of South Africa, another to be nominated by the Governments of India and Pakistan and the third

to be nominated by the other two members or, in default of agreement between these two within a reasonable time, by the Secretary-General;

"2. Calls upon the Governments of the Union of South Africa, India and Pakistan to nominate members within sixty days from the date of adoption of the present resolution;

"3. Requests the Secretary-General, in the event that the members of the Commission are not nominated in accordance with paragraphs 1 and 2 above, to lend his assistance to the Governments of India, Pakistan and the Union of South Africa, provided such assistance is deemed necessary and helpful by him, with a view to facilitating appropriate negotiations between them; and further, in his discretion and after consulting the Governments concerned, to appoint an individual who would render such additional assistance for the purpose of facilitating the conduct of the said negotiations;

"4. Calls upon the Government of the Union of South Africa to suspend the implementation or enforcement of the provisions of the Group Areas Act pending the conclusion of the negotiations;

"5. Decides to include this item in the agenda of the next regular session of the General Assembly."

T. COMPLAINT BY THE USSR OF THE UNITED STATES MUTUAL SECURITY ACT

On 22 November 1951, the USSR proposed (A/1968/Rev.1) that the agenda of the Assembly's sixth session include the item: "Aggressive acts of the United States of America and its interference in the domestic affairs of other countries, as instanced by the appropriation of 100 million dollars to pay for the recruitment of persons and the organization of armed groups in the Soviet Union, Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Albania and a number of other democratic countries, and outside the territory of those countries."

In an explanatory memorandum the USSR noted that an amendment to the Mutual Security Act, which had been signed by President Truman on 10 October 1951, had provided for the special appropriations to the amount of \$100 million for financing ". . . any selected persons who are residing in or escapees from the Soviet Union, Poland, Czechoslovakia, Hungary, Romania, Bulgaria, Albania . . . either to form such persons into elements of the military forces supporting the North Atlantic Treaty Organization [NATO] or for other purposes. . . ." The memorandum asserted that the financing by the United States of subversive organizations and diversionist groups, both within the USSR and other peace-loving countries and beyond their borders constituted an act of aggression against the States involved and

an interference in the internal affairs of those countries. This, it stated, was in violation of the principles of the Charter and of the Soviet-United States Agreement of 16 November 1933, which bound each party to refrain from subsidizing and supporting military and other organizations having as their aim the bringing about by force of a change in the political or social order of the other party.

The Assembly included the item in its agenda, with the addition of the words "Complaint of" at the beginning, and referred it to the First Committee, which considered the item at its 472nd to 475th meetings inclusive, from 19-21 December 1951.

The representative of the USSR submitted a draft resolution (A/C.1/685), which proposed that the General Assembly condemn the United States "Mutual Security Act of 1951" and recommend that the United States take the necessary measures to repeal the Act.

No amendment was submitted to the draft resolution, nor were any other draft resolutions submitted under the agenda item. The First Committee rejected the draft resolution (A/C.1/685) by a roll-call vote of 39 to 5, with 11 abstentions.

The General Assembly considered the First Committee's report on the item (A/2030) at its 358th plenary meeting on 11 January 1952,

at which the representative of the USSR resubmitted his draft resolution (A/2031).

During both the debates in the First Committee and in the plenary session, the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR spoke in support of the draft resolution.

They maintained that the evidence in the records proved the following points: (1) The amendment to the Mutual Security Act, and therefore the Act itself, was designed to finance the recruitment of persons and groups from among so-called refugees from the Soviet Union and the peoples' democracies with a view to organizing them into armed groups to serve the aggressive plans of the "Atlantic bloc"; (2) such military units were being formed and individuals were being recruited, including not only escapees but also persons still residing in those countries, in order to establish striking forces disposed about the perimeter of the Soviet Union whose purpose would be to overthrow the regimes and destroy the social structures of the countries concerned; (3) the military formations and individuals would be maintained on the territory of the United States and of other States of the "Atlantic bloc" and even in the territories of the Soviet Union and of the peoples' democracies; (4) the military formations were to be national detachments with appropriate distinguishing insignia, to be included in the army of the North Atlantic Treaty Organization and, presumably, eventually in the European army, as national legions; and (5) in addition, various persons and groups of persons were to be used for terrorist activities in the peoples' democracies.

Those representatives referred to the statements made by the author of the amendment and by other United States legislators and officials to show that the object of the amendment was to carry out subversive, diversionary and terroristic activities and the organization of subversive, terroristic and military groups to overthrow the Governments of the USSR and the peoples' democracies and reinstall capitalistic regimes. It had been claimed that these were the views of individuals, and not the policies of the United States Government, but in establishing the meaning of a text, the intention of law-makers should be examined.

It had been stated that the Act was merely theoretical and that no provision had been made for its implementation, but laws were designed to serve as the framework of future action or to

legitimize action which had already been taken. That applied to the Act of 10 October and to the amendment to that Act. Moreover, diversionists parachuted from an American aircraft had recently been arrested and imprisoned in the USSR, and similar facts had been listed in notes of the Governments of the peoples' democracies. It could not be denied that the law was in operation and was being enforced for the purposes set forth by the USSR.

The references by the representative of the United States to the Comintern and the Cominform, those representatives said, showed that those organs, which were party affairs, had been confused with the Government of the USSR. The complaint of the USSR, however, it was emphasized, related to legislation enacted by the United States Government. The amendment, it was said, was aggressive in nature, and the fact that it was needed to translate into reality the intention of the "Atlantic bloc" showed that NATO itself was aggressive in nature.

The legislation was a violation of all standards of international law, and was incompatible with the maintenance of normal relations between nations, those representatives maintained.

The representative of the Byelorussian SSR observed that the Governments of the USSR, Poland, Czechoslovakia, Hungary, Romania, Albania and Bulgaria, in notes to the United States Government condemning this historically unprecedented act of provocation, had expressed the indignation of their peoples.

The representative of the United States said that his Government denied without reservation the allegations that the United States was committing acts of aggression and interfering in the domestic affairs of the USSR and other States. The Soviet charge was based on the language of an amendment to the Mutual Security Act of 1951 which had to be understood in terms of the purposes of the Act itself. They had been best expressed in the report of the two committees of the United States Senate, the Committee on Foreign Relations and the Committee on Armed Services, which had considered the legislation, the United States representative said, adding that those purposes had only recently been confirmed in conversations held by him with many members of the Congress and with the President. These sources interpreted the real purpose of the Act, of which the amendment was a part, as being to strengthen the individual and collective defences of free countries and to facilitate their effective

participation in the United Nations system of collective security. The law permitted the President of the United States to spend up to \$100 million to organize refugees from iron curtain countries into "elements of the military forces supporting the North Atlantic Treaty Organization". Whether the money would be spent for that purpose, of course, the United States representative said, would depend upon the common decision of the NATO Powers. These efforts to achieve collective security had been made necessary by armed communist coups in Eastern Europe, attempts to extend communist control into other free countries and the attack on the Republic of Korea. The North Atlantic Treaty was not a challenge, but the defensive response of the North Atlantic community to the Soviet Union's unmistakable attempts to extend its power over Europe by force or threats.

The amendment would assist those who had managed to flee from the other side of the "iron curtain". The representative of the United States said that the people who sought freedom from political oppression were not traitors, and should enjoy the right of asylum and also the right to join in the defence of free Europe if they chose to do so.

Any fifth column which might exist in the communist countries, he stated, had nothing to do with the Mutual Security Act nor with NATO, but resulted from conditions existing in the Soviet world.

With reference to the charges that the United States had violated the treaty of 1933, the United States representative said that the Soviet Government had made a dead letter of the agreement shortly after it had been signed. He alleged various instances of Soviet interference in the domestic affairs of the United States and other countries and, in particular, the unsuccessful efforts of the Cominform to sabotage the economic recovery of Europe fostered by the European Recovery Programme. Notwithstanding such acts, he said, the United States had adhered to its pledges under that agreement.

No proof had, he said, been given of aggression by the United States, combined with interference in the domestic affairs of another country. The real purpose of the complaint by the Soviet Union, he contended, was propaganda, being part of a

general assault launched against the United Nations collective security system and the regional collective security systems strengthening it.

The representatives of Belgium, Brazil, Canada, China, Costa Rica, France, New Zealand, the United Kingdom and Yugoslavia opposed the draft resolution during the debates in the First Committee. Among the opinions expressed by those representatives were: that the complaint had not been substantiated by facts, and accordingly appeared to be only a pretext for propaganda; that the Mutual Security Act could not be considered an aggressive measure or an interference in the domestic affairs of other States; and that, although the wording of the Act was not very clear, authoritative interpretations had been given by the United States which clarified the meaning. It was also stated that the complaint was not convincing, since it had been lodged by a State whose methods of interference in the domestic affairs of other States were known the world over, and it was alleged that the Soviet Union's foreign policy was to satisfy its imperialist ambitions and spread its economic and social ideas throughout the world.

The representative of Greece observed in the plenary meeting that, neither in the speeches that were made nor in the documents that were distributed, was there any evidence on which the charge by the Soviet Union might have been based. He noted that the country against which the charges were made had placed a considerable part of its resources at the disposal of countries stricken by the Second World war, with the sole purpose of providing the people with better prospects of a better life.

The Assembly rejected the draft resolution (A/2031) by a roll-call vote of 42 to 5, with 11 abstentions, as follows:

In favour: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR.

Against: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Haiti, Honduras, Iceland, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia.

Abstaining: Afghanistan, Burma, Egypt, Guatemala, India, Indonesia, Iran, Pakistan, Saudi Arabia, Syria, Yemen.

U. COMPLAINT OF VIOLATION BY FRANCE IN MOROCCO OF THE PRINCIPLES OF THE CHARTER AND OF THE DECLARATION OF HUMAN RIGHTS

On 4 October 1951, (A/1894) Egypt requested that the question "Violation of the Principles of the Charter and of the Declaration of Human Rights by France in Morocco" be placed on the agenda of the sixth session of the General Assembly.

In an explanatory memorandum, accompanying the request, it was stated that incidents which had occurred since the beginning of 1951 demonstrated that the conflict between France and Morocco had again reached a highly critical phase.

The memorandum also stated that in view of the ties between the Moroccan people and the other Arab peoples, the Government of Egypt could not remain indifferent to that state of affairs, which not only constituted a violation of the Treaty of 1912 between France and Morocco, but also infringed the provisions of the Charter and of the Declaration of Human Rights.

Similar requests were made in communications dated 6-10 October 1951 by Iraq (A/1898/Rev.1), Lebanon (A/1904), Saudi Arabia (A/1918), Syria (A/1908) and Yemen (A/1909).

The question was discussed by the Assembly's General Committee, at its 75th and 76th meetings on 8-9 November 1951, during its consideration of the provisional Assembly agenda.

The representative of Egypt stated that incidents in Morocco had provoked great resentment not only in that country but in other Arab and Islamic countries and in the world at large. The cleavage between France and Morocco had become increasingly grave and had taken the form of armed clashes between the French and Moroccan people for no other reason, he said, than that the Moroccan people had given expression to the will of their country to assert its rights. The position was rapidly deteriorating and might endanger international peace and security. It was the duty of the United Nations to take appropriate action.

After thirteen centuries of independence, the representative of Egypt stated, Morocco had been affected by the partition of Africa by the European Powers. Nevertheless, the Act of Algeciras of 7 April 1906 had specifically stated that the introduction of reforms in Morocco was based upon the threefold principle of the independence of the Sultan, the integrity of his dominions, and economic liberty without any inequality. The

French Government had, at the time of imposing protectorate status on Morocco under the Treaty of Fez of 30 March 1912, stated that its main objectives were to endow Morocco with a series of administrative, judicial, educational, financial and military reforms without prejudice to the traditional sovereignty of the Moroccan people under the authority of the Sultan. The position which France claimed for itself in Morocco and recent events there were contrary to the Purposes and Principles of the Charter and to the rightful claims of the Moroccan people.

The representative of France said that the inclusion of the item in the agenda would be tantamount to asking France to account to the General Assembly for the manner in which it was carrying out a mandate under a treaty concluded 40 years ago between France and the Sultan of Morocco.

The progress made, in the letter and spirit of the Treaty of Fez, with due regard for the traditions and aspirations of the people of Morocco, and the reforms accomplished and under way, would, he said, continue to be inspired by the principle of furthering international peace and security. The responsibility for implementing that principle lay entirely with the French Government, which had signed the Treaty and had been assigned the mission defined in Article 73 of the Charter.

As to the allegation that France was violating the Universal Declaration of Human Rights in Morocco, not all Members of the United Nations, he stated, were familiar with the social and legal structure in that country, nor with the very special conditions in which the principles of the Declaration had to be applied. The Treaty of Fez defined the lines agreed upon between the Sultan of Morocco and the French Government for the application of such principles. None understood such matters better than the Arab States, to which France was linked with age-long ties of friendship.

In the circumstances, detailed discussion of the matter would not be in the interests of the Moroccan people, nor of world peace, he said. Moreover, intervention between France and Morocco would be contrary to the Treaty of Fez. The alleged actions of discrimination by the French authorities against the Arabs in Morocco were unfounded.

The Committee discussed at length a Canadian draft resolution (A/BUR/127), which would recommend that consideration of the question of placing the item on the agenda of the Assembly should be postponed "for the time being". In a procedural debate, the representatives of Egypt, Iraq, Lebanon, Saudi-Arabia, Syria, the USSR and Yemen opposed the Canadian draft resolution on the grounds that not only was it desirable that the Assembly should discuss the matter as one of urgency, in the interest both of the countries concerned and of the United Nations, but also that it was not within the competence of the Committee to recommend that the question of placing the item on the agenda should be postponed "for the time being". According to the rules of procedure, it was maintained, the choice before the Committee was: (1) to recommend the inclusion of the item in the agenda; or (2) to recommend that the request for inclusion be rejected; or (3) to recommend that the item be included in the provisional agenda of a future session.

The representatives of France, the United Kingdom and the United States, on the other hand, expressed support of the Canadian draft resolution, stating that it was inadvisable to begin discussion in the Assembly on the item at the present time and that, in addition, the request for its inclusion had been made so late that representatives had not had sufficient time to consider the matter thoroughly.

At its 76th meeting on 9 November 1951, the Committee adopted the Canadian draft resolution, by 6 votes to 4, with 6 abstentions.

The recommendation of the General Committee (A/1950) was considered by the General Assembly at its 342nd, 353rd and 354th plenary meetings, from 13 November-13 December 1951.

The Assembly also had before it an Egyptian proposal (A/1954) to place the item on the agenda of the sixth session.

Support for the Egyptian draft resolution was expressed by the representatives of Afghanistan, Czechoslovakia, Ecuador, Egypt, Ethiopia, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Poland, Syria, the USSR and Yemen, among others. Those representatives stressed the urgency of the question and emphasized the importance of placing it on the Assembly's agenda at the current session. They considered, broadly speaking, that, in view of the principles contained in the Charter and the right of the people of Morocco to aspire to independence, the Assembly

had the duty as well as the right to consider the question. The recommendation of the Committee for postponement was not, they considered, in the interests of the United Nations.

The representatives of Egypt, Iraq and Syria, among others, said that they did not believe, as those who supported the Committee's recommendation had stated, that there had been insufficient time to consider the question thoroughly or that a discussion by the Assembly of the item would increase international tension or bring about a deterioration in the relationship between France and Morocco.

The representative of Pakistan suggested that the item be worded: "The question of the independence and sovereignty of Morocco", stating that such a modification would relieve France of any sense of embarrassment or feeling of resentment regarding the wording. The representative of India said that without discussion it would be difficult to decide whether the question was a domestic one—the principal argument against its inclusion in the agenda—or whether the Assembly was competent to consider the question. The item, he said, should be discussed by the appropriate Committee; if the Committee decided the Assembly was competent to discuss the question, a general debate could then be held.

The representative of the USSR, speaking in support of the Egyptian draft resolution, referred to incidents at Casablanca in November. He stated that the proposal to postpone consideration of the item had been adopted in the General Committee by a vote of six out of the fourteen representatives who were members of that Committee, i.e. by a minority of the Committee. The representatives of the colonial Powers, he stated, did not want the question to be discussed by the Assembly, and the Committee's decision had been designed to suppress any such discussion.

The representatives of Australia, the Dominican Republic, France and the United States were among those who opposed the Egyptian draft resolution.

The representative of France stated that charges that France had violated the Charter and the Declaration of Human Rights could not be supported. Interference in the delicate discussions which were being carried on between France and Morocco, moreover, would not only be ill timed but would be incompatible with the provisions of the Charter. France, he stated, would carry out the task in all the overseas territories for which it was responsible. It had a sincere desire to con-

tinue its work in Morocco with the aim of preparing the Moroccan people for self-government. That policy was based on a mutual agreement, freely negotiated between Morocco and France. The best methods of promoting the reforms necessary to complete the development rapidly were being examined jointly. The French Government asked the United Nations to trust it to continue in the spirit of its contract with Morocco.

The representative of the Dominican Republic considered that the General Committee had been fully competent to make its recommendation to the General Assembly. In reaching its decision, the Committee had taken into account a variety of factors and circumstances including the consideration that mutual understanding and co-operation, and the conciliation of the rights and interests involved were most likely to be achieved by calm reflection.

The representative of the United States said that France should not be hindered in its opportunity to put into effect reforms under conditions favourable to their successful execution. He did

not believe that the best interests of the people of Morocco would be promoted by debates at the current time in the General Assembly, on a complaint by six States, and considered that the General Committee had decided correctly. It would in no way detract from the dignity and prestige of the General Assembly to recognize that it was expedient to postpone discussion of the item.

The General Assembly adopted the Committee's recommendation by a roll-call vote of 28 to 23, with 7 abstentions, at its 354th plenary meeting on 13 February 1951. The voting was as follows:

In favour: Australia, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, France, Haiti, Honduras, Iceland, Israel, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Paraguay, Peru, Sweden, Turkey, United Kingdom, United States, Uruguay, Venezuela.

Against: Afghanistan, Burma, Byelorussian SSR, Czechoslovakia, Ecuador, Egypt, Ethiopia, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Mexico, Pakistan, Philippines, Poland, Saudi Arabia, Syria, Ukrainian SSR, USSR, Yemen, Yugoslavia.

Abstaining: Argentina, Chile, China, El Salvador, Greece, Liberia, Thailand.

V. MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT DISCUSSED

1. Report of the United Nations Commission for Indonesia

On 13 April 1951, the United Nations Commission for Indonesia submitted to the Security Council a report (S/2087) on its activities since the transfer of sovereignty.¹⁰⁴ The report was divided into six chapters, dealing respectively with military matters, the right of self-determination, Western New Guinea, Netherlands-Indonesian Union affairs, incidents and armed uprisings in Indonesia affecting the Commission's activities, and South Moluccas affairs.

Under the heading of Military Affairs, the Commission stated that discussions between the parties under its auspices had resulted in an agreement concerning repatriation to Amboina and the neighbouring islands and demobilization of ex-KNIL (Royal Netherlands Indies Army) personnel. Despite some delays, the implementation of the arrangements for the withdrawal of Netherlands troops from Indonesia was progressing satisfactorily, and observation by the Commission was no longer necessary.

In the chapter dealing with the right of self-determination, the report summarized developments which led to the establishment, on 15 August 1950, of the Republic of Indonesia as a unitary State, as well as related correspondence with and between the Indonesian and Netherlands Governments in connexion with the right of self-determination.

Under the heading relating to Western New Guinea, the report stated that an ad hoc committee, established at the first conference of the Ministers of the Netherlands-Indonesian Union on 1 April 1950 to discuss the subject of the status of Western New Guinea, had failed to produce agreement. Pursuant to a decision taken at the first conference of the Union Ministers, the subject had been dealt with by a special Union Conference which had opened at The Hague on 4 December 1950; but no agreement had been reached when the discussion had ended on 27 December.

¹⁰⁴For steps leading to the transfer of sovereignty from the Netherlands to the Republic of Indonesia and following events, see Y.U.N., 1948-49, pp. 212-37; and Y.U.N., 1950, pp. 301-304.

In a statement issued after the conference, the Indonesian delegation had declared that Indonesia maintained its claim to Western New Guinea as a part of its territory, and that the present status of the territory no longer had the approval of the Indonesian Government. The Indonesian Government would resume negotiations only if it were understood in advance that sovereignty over Western New Guinea would be transferred to Indonesia.

In the conclusion to the report, it was stated that, since the military problems were now virtually solved, since no other matters had been submitted by the parties and since no items remained on the agenda, the Commission had decided that, while continuing to hold itself at the disposal of the parties, it would adjourn sine die.

2. Report on the Administration of the British-United States Zone of the Free Territory of Trieste

By letter dated 29 March 1951 (S/2062), the representatives of the United Kingdom and the United States transmitted to the Security Council a report on the administration of the British-United States Zone of the Free Territory of Trieste, covering the year 1950.

The report stated, *inter alia*, that economic recovery in the Zone had been encouraging and that industrial production had surpassed the pre-war level, with new industries established and existing ones modernized. Commercial traffic in the port had reached the record annual rate of 7.5 million tons. Rising export traffic in timber from Austria, the report stated, had largely compensated the decline in European Recovery Programme (ERP) supplies in January 1950. Despite heavy increase in Trieste's population, unemployment had decreased; there were 4,000 more people employed at the end of the year than at the beginning. There were, however, the report said, 25,000 registered unemployed. The Zone's financial deficit had been very substantially reduced as a result of increasing commercial activity, more efficient tax collection, and the close integration of the Zone with the Italian lira area. The cost of living, though high, was still relatively stable and compared favourably with most other European countries, the report said.

The report said that, after the expiry of the term of the Communal Councils which had been elected in 1949, new elections would be held in

1951 to elect members of the Councils for a term of four years instead of two, as in the last election.

The report stated the belief that the economy of Trieste could not be separated from that of Italy and that dislocation of the existing integrated economic structure would cause a sharp fall in employment and a collapse of the standard of living. When the generous assistance given by ERP ceased, the Zone must inevitably lean more heavily on Italian economy. In particular, it was stated, substantial aid must follow ERP if a serious increase in unemployment in the Zone's shipyards was to be avoided. It was further stated that a permanent and peaceful solution of the problem, based on the needs of the people of the area, could best be achieved within the framework of the tripartite proposal of 20 March 1948.¹⁰⁵

3. Communications Concerning the Reception of a Delegation of the World Peace Council by the President of the Security Council

By a letter dated 19 June 1951 (S/2201/-Rev.1), the President of the Security Council, the representative of the USSR, requested the Secretariat to reproduce as a Security Council document, for the information of Council Members, his exchange of communications with the Chairman of the World Peace Council, who had asked the President to receive a delegation of the World Peace Council. In subsequent letters dated 27 June and 29 June (S/2216, S/2218, S/2219 and S/2220), the President transmitted the texts of further exchanges of correspondence with the Chairman and members of the World Peace Council, and with the Secretary of State and delegation to the United Nations of the United States, as well as the texts of statements made by certain members of the delegation of the World Peace Council received by the President on 28 June and of documents handed to him on that occasion.

By a letter of 29 June (S/2226) the President requested that a letter addressed by him to members of the Security Council concerning the non-issuance of visas to members of the World Peace Council delegation be circulated to nine members of the Security Council and be reproduced as a Security Council document.

¹⁰⁵ In a joint declaration on 20 March 1948, France, the United Kingdom and the United States had proposed a revision of the Peace Treaty with Italy in order to return Trieste to Italy.

By a note dated 10 July (S/2242), the representative of the United States requested the Secretary-General to circulate among the members of the Security Council the copy of a letter which he had addressed on that date to the USSR delegation concerning the question of visas for members of the World Peace Council delegation.

In a letter dated 20 July (S/2255), the representative of the USSR rejected a statement contained in the letter (S/2242) from the representative of the United States, to the effect that the Government of the United States was not required, under the terms of the Headquarters Agreement, to issue the visas requested by the members of the delegation of the World Peace Council.

With a note dated 8 August 1951 (S/2284), the representative of the USSR communicated the text of a letter, dated 31 July 1951, from the Secretary-General of the World Peace Council, transmitting the text of a protest adopted by the Bureau of the World Peace Council at its session in Helsinki during July 1951 regarding the refusal of the United States Government to grant the visas in question.

With a note dated 23 August (S/2307), the representative of the United States communicated the text of his letter, dated 22 August, to the USSR representative. It stated that the Headquarters Agreement required the United States Government to issue visas only to persons invited to the United Nations on official business. Since the office of the President of the Security Council did not give the holder the right or the power to issue invitations on behalf of

the United Nations, the delegates of the Peace Council could not be regarded as persons officially invited.

On 4 September, the acting representative of the USSR communicated to the Council the text of his reply (S/2327/Rev.1) to the United States representative. He stated that the State Department of the United States was not competent to determine or interpret the scope of the powers and functions of the President of the Security Council and that the delegation of the World Peace Council had requested to be received not by the Security Council as a whole but by the President (Mr. Malik). The President of the Council was fully entitled to receive delegations or private individuals approaching him on questions of peace and security, irrespective of whether they resided in the United States or not. His agreement to receive the delegation was therefore entirely within his powers.¹⁰⁶

4. Communication Received from the Organization of American States

By letter dated 21 May 1951 (S/2180), the Secretary-General of the Organization of American States transmitted copies of the second and final reports of the Special Committee for the Caribbean. An earlier report had been submitted to the Council for its information in 1950.¹⁰⁷

¹⁰⁶ For discussion concerning admission of representatives of Non-Governmental Organizations to the United Nations Headquarters district, see pp. 593-97.

¹⁰⁷ See Y.U.N., 1950, p. 436.