II. Political and Security Questions

A. THE QUESTION OF KOREA

1. United Nations Command Reports[1]

Reports of the United Nations Command operations in Korea were submitted by the representative of the United States to the Security Council, in accordance with the Security Council resolution (S/1588) of 7 July 1950. The following information on the progress of truce negotiations and of operations is taken from reports Nos. 61 to 76 and from a special report of the Unified Command to the Security Council (S/3079)[2] dated 7 August 1953.

a. TRUCE NEGOTIATIONS[3]

By the end of 1952, agreement had been reached on all major questions relating to the conclusion of an armistice and a tentative draft armistice agreement[4] had been worked out covering all agreed points. The differences between the United Nations Command and the Chinese-North Korean side which had prevented the conclusion of an armistice had been narrowed, by the end of April 1952, to the question of the disposal of prisoners of war. The United Nations Command had insisted that force should not be used to repatriate any prisoner of war. The Chinese-North Korean side had insisted on the unconditional repatriation of all prisoners of war. Armistice negotiations were recessed on 8 October 1952, following the rejection by the Chinese-North Korean side of United Nations Command proposals on the question of repatriation of prisoners of war. They were resumed on 26 April 1953.

Following a resolution adopted by the Executive Committee of the League of Red Cross Societies on 13 December 1952, which appealed to the parties, as a gesture of good will, to implement the humanitarian principles of the Geneva Convention by repatriating sick and wounded prisoners of war, the Commander-in-Chief of the United Nations Command, on 22 February, addressed a letter to the Chinese-North Korean Commanders, stating that the United Nations Command still remained ready to implement, immediately, the repatriation of sick and wounded prisoners of war and asking if the other side was prepared to proceed with such repatriation.

On 28 March, the Chinese-North Korean Command agreed to the principle of the exchange of the sick and wounded, which, they stated, "should be made to lead to the smooth settlement of the entire question of prisoners of war". Arrangements for the exchange were initiated through the respective liaison officers on 6 April.

The agreement was followed on 30 March by a statement by Chou En-lai,[5] Foreign Minister of the People's Republic of China, subsequently endorsed by the Prime Minister of the North Korean regime, indicating a desire to resume negotiations on the entire prisoner-of-war question.

On 11 April 1953, agreement was formally reached on the repatriation of sick and wounded prisoners of war. The initial Chinese-North Korean figure for prisoners of war to be repatriated was 600, including 450 Koreans and 150 non-Koreans. The United Nations Command initially agreed to repatriate 5,800 prisoners, including 5,100 Koreans and 700 Chinese. Pur-

[1] Reports Nos. 61 to 76 of the United Nations Command operations in Korea: S/2991, S/2999, S/3017, S/3037, S/3038, S/3070, S/3084, S/3090, S/3091, S/3096, S/3117, S/3132, S/3133, S/3143, S/3148 and S/3185. The report (S/3148) for the period of 1 to 15 August stated that in view of the reduced activities of the United Nations Command after the signing of the Armistice Agreement no further regular fortnightly reports would be issued. However, reports would be submitted from time to time on the implementation of the Armistice Agreement.

[2] The special report was also circulated to the General Assembly (A/2431).

[3] For progress of truce negotiations in 1952, see Y.U.N., 1952, pp. 155-59.

[4] For the text of the draft armistice agreement, see Y.U.N. 1952, pp. 166-74.

[5] In his statement (A/2378), the Foreign Minister of the People's Republic of China stated, inter alia, that the two Governments concerned proposed that "both parties to the negotiations should undertake to repatriate immediately after the cessation of hostilities all those prisoners of war in their custody who insist upon repatriation and to hand over the remaining prisoners of war to a neutral State so as to ensure a just solution to the question of their repatriation." See also p. 270.

suant to the agreement, sick and wounded prisoners of war were exchanged between 20 April and 3 May.

Total deliveries of both sides including those recently wounded, are summarized in the following table:

Delivery of United Nations Command Personnel	
United States	149
United Kingdom	32
Canada	2
Colombia	6
Greece	11
Australia	5
Turkey	15
South Africa	1
Philippines	1
Netherlands	1
Republic of Korea	471
Total	684

Delivery of Chinese-North Korean Personnel	
North Korea	5,194
China	1,030
Civilian Internees	446
Total	6,670

On 17 April (S/3090), in response to the Chinese-North Korean suggestion for a resumption of the armistice negotiations for settling the entire prisoner-of-war question, the Commander-in-Chief of the United Nations Forces proposed that prisoners of war not directly repatriated should be released in Korea to the custody of a neutral State, such as Switzerland, and that after allowing a reasonable time, such as 60 days, for determining the attitudes of individuals in its custody with respect to their status, the neutral State should make arrangements for the peaceable disposition of those remaining in its custody.

The armistice negotiations, which had been in recess since 8 October 1952, were resumed on 26 April 1953 when the Senior Delegate of the Chinese-North Korean Command presented a six-point proposal under which all prisoners desiring repatriation would be returned within two months after an armistice. Within one month after completion of direct repatriation, the remainder would be sent to a neutral State, where, for six months, representatives of their home countries would be enabled to explain to them matters regarding their repatriation. Prisoners requesting repatriation would be afforded a speedy return. If at the end of six months any prisoners were unrepatriated, the question of their disposition would be submitted to the political conference which, in accordance with the draft armistice agreement, was to take place after the armistice.

In reply, the United Nations Command stated that the period of detention proposed by the Chinese-North Korean Command would result in the indefinite detention of those prisoners who were opposed to repatriation. On 29 April, the Chinese-North Korean Command indicated that the neutral State proposed should be an unnamed Asian country.

On 2 May, the Chinese-North Korean side asked whether it could be said that India, Burma, Indonesia and Pakistan were not suitable as neutral nations. It also asked if the United Nations Command would agree to sending to Switzerland, Sweden, Poland and Czechoslovakia all the prisoners not directly repatriated.

The United Nations Command pointed out that it had suggested that the neutral State agreed upon should keep custody of the prisoners in Korea and that it could not agree to the prisoners being transported to another country.

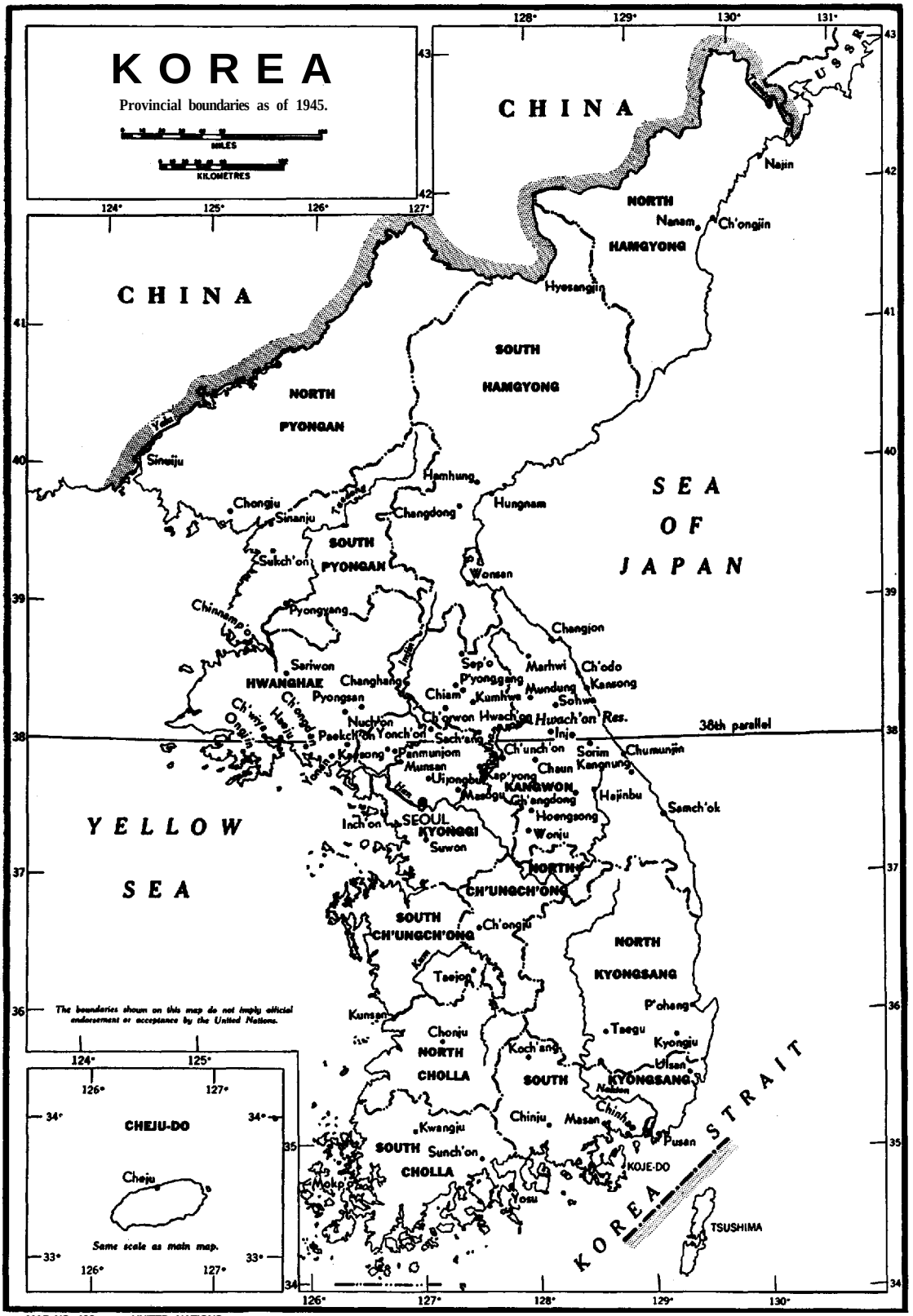
On 4 May, the United Nations Command nominated Pakistan as the neutral nation to assume custody of the prisoners.

On 7 May, the Chinese-North Korean side put forward a new proposal, providing for the establishment of a Neutral Nations Repatriation Commission to be composed of the four States already nominated for membership of the Neutral Nations Supervisory Commission (namely, Czechoslovakia, Poland, Sweden and Switzerland) and India, as agreed upon by both sides.[6] This Commission, it was proposed, was to take custody of the prisoners in Korea.

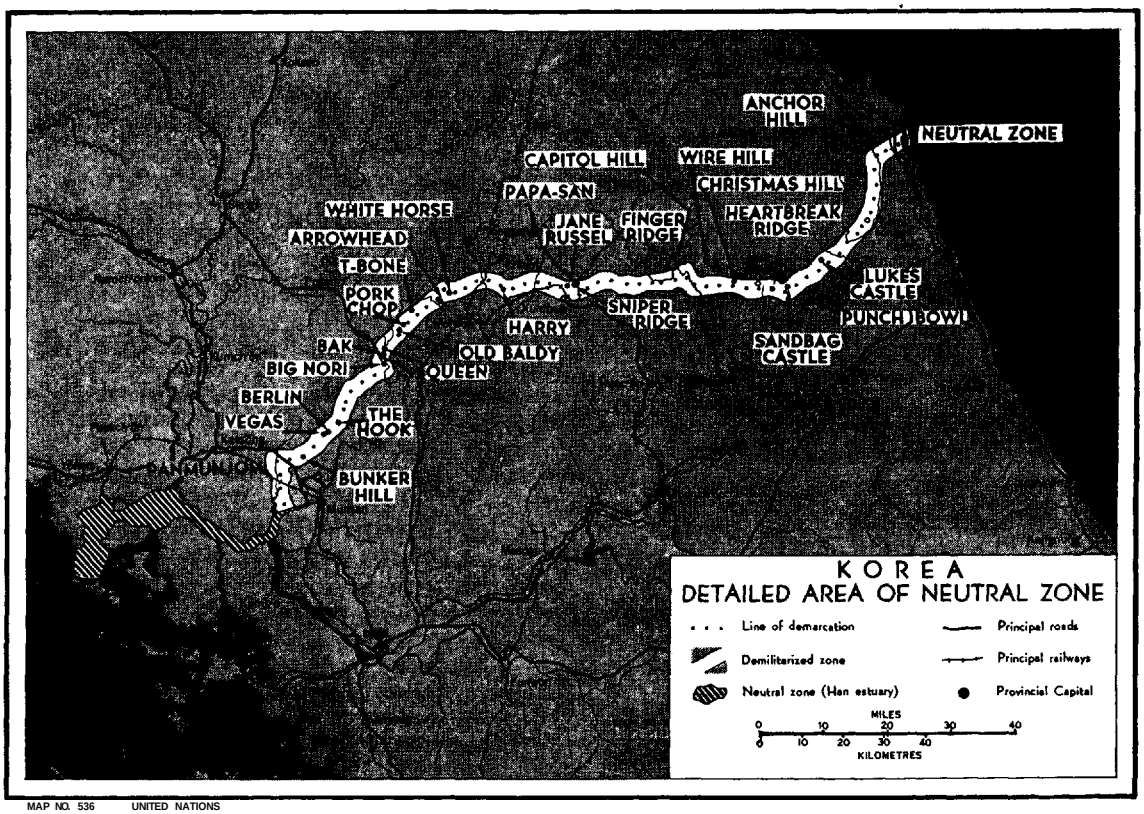
On 13 May the United Nations Command presented a counter-proposal shortening the period of time in which the non-repatriates would remain in neutral custody, providing for the release of Korean non-repatriates immediately after the armistice, and proposing that only Indian forces take actual custody of the non-repatriates. The Chinese-North Korean side rejected these proposals.

On 25 May, the United Nations Command made a new proposal, providing for the transfer of both Korean and Chinese non-repatriates to neutral custody and for consideration of the disposition of any remaining non-repatriates by the political conference for a limited period, after which they might either be released to civilian

[6] In April 1952 agreement was reached on the establishment of a Neutral Nations Supervisory Commission with inspection teams for supervising the implementation of the armistice agreement. The Commission was to consist of Sweden and Switzerland, nominated by the United Nations Command, and Poland and Czechoslovakia, nominated by the Chinese-North Korean side. See Y.U.N., 1952, p. 158.



MAP NO. 498 UNITED NATIONS
DECEMBER 1953



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status or the question of their disposition referred to the General Assembly.

On 4 June, the United Nations Command stated (S/3079), the Chinese-North Korean Command offered a counter-proposal in effect based on "the mechanics of General Assembly resolution 610 (VII),[7] also closely paralleling the United Nations Command proposals of 25 May (see above), but vague on the basic principle of "non-forcible repatriation". The United Nations Command reported that it succeeded in reaching agreement with the other side on the elaboration of the Neutral Nations Repatriation Commission's terms of reference to ensure that the principle approved by the General Assembly that force should not be used to compel or to prevent repatriation of any prisoners of war would be fully observed.

On 8 June, it was stated, the Senior Delegates for the United Nations Command and for the Communists signed the Prisoner of War Agreement, which was incorporated by reference in the Armistice Agreement.[8] The delegations then proceeded to the final arrangements toward an early conclusion of the armistice.

The United Nations Command further reported that on 18 June "officials of the Republic of Korea brought about a break-out from prisoner-of-war camps of some 27,000 Korean prisoners of war who had previously indicated that they would resist repatriation to North Korea". This action by the Republic of Korea, it was stated, was inconsistent with the Agreement of 8 June on prisoners of war and the United Nations Command at once protested to the Republic of Korea Government. It also informed the Chinese-North Korean Command of the event and told them that, while efforts would be made to recover as many of the escapees as possible, there was not much hope that many of these could be recaptured since they had melted into the South Korean

[7] On 3 December 1952, the General Assembly adopted resolution 610(VII), by which it recommended a procedure for the repatriation of prisoners of war. The Assembly recommended, inter alia, that the repatriation of prisoners of war should be in accordance with the Geneva Convention of 1949 and that force should not be used to prevent or effect their return. For the text of the resolution see Y.U.N., 1952, pp. 201-202.

[8] The text of the Armistice Agreement is annexed to this chapter.

population. This incident, it was reported, led to immediate conversations with the Republic of Korea by the representatives of the Unified Command. After prolonged discussions, it was stated, the Republic of Korea gave assurances that it would not obstruct the implementation of the terms of the Armistice Agreement.

The conclusion of an armistice was, however, further delayed, the United Nations Command stated, since the Chinese-North Korean side demanded assurances that the United Nations Command would "live up" to the terms of the Armistice Agreement. While giving these assurances, the United Nations Command made it clear that it would not use force against the Republic of Korea forces to ensure compliance with the armistice by the Republic of Korea.

The Armistice Agreement was finally signed on 27 July 1953, at 10 a.m. Korean time.

In its special report to the Security Council (S/3079), the Unified Command stated that it had agreed to waive certain safeguards, e.g., in regard to the construction and rehabilitation of military airfields in North Korea, but had asked that governments with forces under the Command should make it clear in a declaration to be issued after the signing of an armistice that "if there was an unprovoked renewal of the armed attack by the Communists the sixteen governments would again be united and prompt to resist". The Declaration, which was signed by representatives of the sixteen participating nations in Washington on 27 July 1953, was as follows:

"We the United Nations Members whose military forces are participating in the Korean action support the decision of the Commander-in-Chief of the United Nations Command to conclude an armistice agreement. We hereby affirm our determination fully and faithfully to carry out the terms of that armistice. We expect that the other parties to the agreement will likewise scrupulously observe its terms.

"The task ahead is not an easy one. We will support the efforts of the United Nations to bring about an equitable settlement in Korea based on the principles which have long been established by the United Nations, and which call for a united, independent and democratic Korea. We will support the United Nations in its efforts to assist the people of Korea in repairing the ravages of war.

"We declare again our faith in the principles and purposes of the United Nations, our consciousness of our continuing responsibilities in Korea, and our determination in good faith to seek a settlement of the Korean problem. We affirm, in the interests of world peace, that if there is a renewal of the armed attack, challenging again the principles of the United Nations, we should again be united and prompt to resist. The consequences of such a breach of the armistice would be so grave that, in all probability, it would not be possible to confine hostilities within the frontiers of Korea.

"Finally, we are of the opinion that the armistice must not result in jeopardizing the restoration or the safeguarding of peace in any other part of Asia."

The report of the United Nations Command (S/3148) covering the period 1 to 15 August stated that the period had marked the beginning of the implementation of the Armistice Agreement. During this period, it was stated, agreement was reached on the method of operation of joint observer teams, which were dispatched to their assigned areas. Marking of boundaries, clearing of hazards and construction of the various installations were begun within the demilitarized zone. Agreement was also reached on the civil police and the type of arms they might carry within the demilitarized zone. Neutral nations inspection teams were dispatched to the ports of entry of both sides.

The report stated that, during the first week of August, an advance party representing the Indian contingent of the Neutral Nations Repatriation Commission and the Custodial Forces of India arrived in Tokyo. A "Memorandum of Understanding" between the Indian group and the group representing the Senior Member of the United Nations Command Military Armistice Commission and his staff was drafted. It related to facilities and support to be furnished by the United Nations Command to the Neutral Nations Repatriation Commission installation within the demilitarized zone on the United Nations Command side of the demarcation line.

Dealing with the repatriation of Chinese-North Korean prisoners, the report of the United Nations Command for 1 to 15 August stated that the United Nations Command had provided adequate food, clothes and medical care for all the prisoners of war in its custody but that, for propaganda purposes, Communist prisoners had torn newly issued clothing and cast aside comfort items. At the same time, the report mentioned that United Nations Command repatriates bore evidence of brutal treatment. In their individual stories, these prisoners stated that the Communists had taken every possible measure for their indoctrination. The idea had been instilled into their minds that the United Nations and, in particular, the United States had started the war.

The United Nations Command report (A/-3185) for the period 15 to 31 August stated that by the end of that period a total of 61,415 prisoners had been returned by the United Nations Command to Communist control. By the same date, the following numbers of United Nations Command personnel had been released from Communist captivity:

United States	2,827
Other United Nations	1,208
Republic of Korea	6,979
Total	11,014

The United Nations Command reported that Communist members of the joint Red Cross teams had not acted in conformity with the Armistice Agreement since they had not been interested in providing humanitarian service to the prisoners, but in propaganda.

On 19 August, it was reported, the Communist side delivered a roster of deceased United Nations Command military personnel. The total number reported was 1,078. Agreement was reached later on the recovery of bodies of deceased personnel from the demilitarized zone under the control of both sides, the reports said.

b. MILITARY ACTION

(1) Ground Operations

The United Nations Command reported that after the opening of armistice negotiations neither the United Nations forces nor the Chinese-North Korean side undertook sustained offensive action. However, it was stated, there was consistent and often heavy military contact, resulting in serious personnel casualties. During the last stages of negotiations, the Chinese-North Korean forces, on the night of 13 and 14 July, launched their heaviest offensive in over two years, resulting in limited advances by the enemy and heavy casualties to the United Nations forces, as well as "appalling" losses for the Chinese-North Korean attackers.

Giving particulars of the attack, The United Nations Command report (S/3143) for the period 16 to 31 July stated that, on 13 July, Chinese forces with five armies massed between Kumhwa and Pukhan River "launched wave upon wave of assault infantry against United Nations Command positions along the Kumsong salient". Initially, the enemy employed elements of five divisions in the assault and at the close of the battle eight divisions from the five Chinese armies were identified. The United Nations Command stated that this attack resulted in the loss of the Kumsong salient and required a major adjustment of United Nations Command front line defences.

Giving an estimate of the casualties incurred during the entire Korean conflict, the United Nations Command reported (S/3079) that on the United Nations side the number of killed, wounded and missing from the armed forces of the Republic of Korea exceeded 300,000; the total casualties of the United States armed forces were approximately 141,000; and of the armed forces of other fifteen Members, approximately 14,000. At the same time, the report continued, the United Nations forces inflicted on the enemy a far greater number of casualties, estimated at between one and a half to two million.

(2) Air Operations

During the period up to the cessation of hostilities, United Nations Command naval aircraft, operating from fast carriers in the Sea of Japan, continued their attacks on pre-selected targets and targets of opportunity from the main line of resistance to the Manchurian border, the reports said. Heavy strikes were carried out against the enemy's transportation system, supply storage and billeting areas, factories, bunkers, gun and mortar positions and other targets of military significance. Other United Nations aircraft provided front-line units with close air-support and flew combat, reconnaissance and escort sorties deep into enemy territory.

In the latter half of March, it was reported (S/3070), the United Nations Command carried out a major air-strike on the Pongha-dong supply troop and factory complex, destroying it completely. This, it was stated, was the first attack of the Korean war against this particular military concentration.

On 13 July, in order to counter an apparent effort by the Chinese-North Korean forces to gain ground along the front line prior to an armistice, maximum support was directed along the battle-line. In furtherance of this effort, four carriers carried out operations on a round-the-clock basis until 27 July at 2201 hours, the time when fighting ceased.

A large portion of air effort was concentrated on enemy air-fields, most of which were rendered unserviceable.

(3) Naval Operations

United Nations Command surface units, operating along the Korean East Coast, continued their blockade from the front lines north of Chongjin. In addition, they fired daily at transportation facilities and supply and industrial areas close to the coast. These units made rail and road cuts, and destroyed rail and road bridges, rolling stock, tunnels, industrial areas and supply dumps.

On the west coast of Korea surface units continued to carry out patrols and blockade of the coast. These ships successfully defended the islands off the coast by maintaining constant watch and by harassing enemy troop concentrations and gun positions on the mainland opposite the islands. In addition, the approaches to these islands were

illuminated almost nightly to detect any aggression by the enemy forces.

United Nations Command minesweepers continued their daily sweeps and check sweeps of the channels, coastal areas and anchorages in order to keep them free of mines; patrol planes continued their support of the United Nations Command's effort in Korea by daily anti-submarine, reconnaissance and weather data missions over the waters adjoining Korea; and United Nations Command auxiliary vessels and transports provided personnel lifts and logistic support for the United Nations Command forces in Korea.

The United Nations Command report (S/3148) for the period 1 to 15 August stated that, in accordance with the Armistice Agreement, all hostilities ceased and the United Nations naval blockade of the Korean coast was terminated.

The reports (S/3148 & S/3185) for the period 1 to 31 August stated that the "basic concept" of all United Nations naval operations in the first fortnight of the armistice had been to maintain forces in position to counter renewed aggression and to conduct training exercises. Similar activity was reported in the case of the ground forces and the air force.

c. ECONOMIC AND RELIEF ASSISTANCE

The United Nations Command report (S/3017) for the period 1 to 15 February stated that although the United Nations Command was able to assist the Government of the Republic of Korea in meeting the basic minimum needs of the Korean people for food from United States appropriated funds and contributions made by Member States, such aid was necessarily adapted to meet the general needs and usually involved bulk foods, such as grain.

However, there was an ever present need for specialized and supplementary foods not adaptable to normal programming in large quantities. These special needs, it was reported, related to hospitals, welfare institutions, convalescent centres and, particularly, to feeding stations. Forty-five feeding stations, the report stated, were providing 44,000 meals a day to persons with certificates from medical authorities, all requiring special or supplementary foods, the principal recipients being the sick, pregnant mothers and children. The United Nations Command asked for voluntary contributions of powdered eggs, fats, yeast, sugar, cereals, cod liver oils, dry foods and canned meats which, it said, it could transport to Korea at no expense to the donors.

On 25 February, the United States agreed to pay $85,800,000 to the Republic of Korea for full and final settlement of all unpaid Korean currency provided to the United States forces prior to 7 February 1953. This payment brought to $163,490,444.99 the total which the United States Government had paid for Korean currency provided by the Republic of Korea.

The United Nations Command stressed the shortage of trained medical personnel in Korea and acknowledged the valuable work of the Italian Red Cross and of a Swedish group in this field. It also acknowledged the aid provided by the American-Korean Foundation to help disabled persons. This group, the United Nations Command said, in conjunction with the Republic of Korea, the United Nations Korean Reconstruction Agency (UNKRA) and the United Nations Command, had initiated a programme of voluntary assistance from the people of the United States in the rehabilitation of Korean disabled civilian and military personnel—including medical, prostheses and training aspects.

In June the United Nations Command reported (S/3132) that the United Nations Civil Assistance Command (UNCACK) was reorganized and redesignated as the Korea Civil Assistance Command (KCAC), so as to operate under the direct supervision of the Commander-in-Chief, United Nations Command. The purpose of the change was to assure a more efficient administration of the economic assistance being extended to the Republic of Korea by Member States through the Unified Command. Under the new arrangement, the Korean Civil Assistance Command would administer all phases of civil assistance rendered by the United Nations Command to the Republic of Korea, including the formulation of programmes for the relief and support of the civilian population, the distribution of relief supplies and the carrying out of projects of reconstruction and rehabilitation other than those undertaken by the United Nations Korean Reconstruction Agency.

2. Consideration of the Korean Question by the General Assembly at its Resumed Seventh Session, between 24 February and 23 April 1953[9]

On 3 December 1952, the General Assembly adopted resolution 610 (VII)[10] setting forth pro-

[9] For discussions relating to Korea which took place under the agenda item "Measures to avert the threat of a new world war and to strengthen peace and friendship among nations", see pp. 269-72.

[10] For text, see Y.U.N., 1952, pp. 201-202.

posals for the repatriation of prisoners of war to be transmitted by the President of the Assembly to the Central People's Government of the People's Republic of China and the North Korean authorities. On 20 December the President reported (A/2354)[11] to the General Assembly on the implementation of that resolution stating, inter alia, that the Central People's Government of the People's Republic of China and the North Korean authorities had rejected the Assembly's proposals.

a. DISCUSSIONS IN THE FIRST COMMITTEE

The President's report came up for discussion at the resumed seventh session of the General Assembly in February 1953 and was considered by the First Committee during its consideration of the following other Korean items:

(1) the report of the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) (A/1881)[12] to the Assembly's sixth session, consideration of which had been deferred at that session in view of the armistice negotiations then proceeding in Korea;

(2) the Commission's report (A/2187)[13] to the seventh session of the Assembly, the discussion of which was begun at the first part of the seventh session;

(3) a report of the Agent General of the United Nations Korean Reconstruction Agency (UNKRA) (A/2222)[14] to the Assembly's seventh session;

(4) two supplementary reports of the Agent General of UNKRA (A/2222/Add.1; Add.2);[15] and

(5) an interim report from UNCURK (A/2298) containing the Commission's comments on the report and the first supplementary report of the Agent General.

At its 557th meeting on 25 February 1953, the First Committee decided to consider these items together. It discussed them at its 557th to 569th meetings, between 25 February and 9 March.

(1) Question of Inviting Representatives of North Korea

At the 557th meeting, the representative of the USSR submitted a draft resolution (A/C.1/L.19), providing that representatives of the Democratic People's Republic of Korea be invited to participate in the Committee's discussion of the Korean question.

The proposal was opposed by the representatives of Australia, Greece, Peru, Turkey, the United Kingdom and the United States, who shared the view that North Korea had been named an aggressor by the United Nations and had therefore no status in the Organization. Moreover, they held, the Committee had before it all the facts it needed for the consideration of the question, including the reply of the North Korean regime to the conciliatory proposal transmitted to it by the President regarding the repatriation of prisoners of war. Furthermore, it was stated, that regime had its spokesmen in the Committee who could place any new facts before it if they so desired.

In support of the USSR draft resolution, the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR, and the USSR said that the Korean question could not be discussed in the absence of the representatives of the Democratic People's Republic of Korea. They denied that it had been proved that North Korea was the aggressor in the Korean conflict, stating that the United States refusal to invite North Korean representatives stemmed from the fear of disclosure of the true facts regarding the war in Korea.

The representative of Indonesia considered, first, that by carrying on armistice negotiations with North Korea the United Nations had formally recognized North Korea as a party to the conflict and, secondly, that by inviting the North Koreans, a better climate might be created for a solution of the problem of an armistice.

The Committee rejected the USSR draft resolution by 35 votes to 16, with 6 abstentions.

At the following meeting, the representative of Pakistan, explaining his vote in favour of the USSR draft resolution, recalled that, when a similar proposal had been submitted at the 511th meeting, his delegation had stated that the presence of North Korean representatives in the Committee would have only one of two results: either, if they persisted in their rather unreasonable attitude, the position of the United Nations would be strengthened; or, if they contributed new elements, that might help the United Nations to attain its objectives more quickly.

(2) Discussion of the President's Report

Most of the discussion in the Committee centred in the report (A/2354) of the President on the implementation of the Assembly's proposals regarding the repatriation of the prisoners of war which had been transmitted to the Central People's Government of the People's Republic of China and to the North Korean authorities and which the latter had rejected in their replies[16] (A/2354,—Annexes II & III) dated 14 and 17 December 1952.

[11] For a summary of the report, see Y.U.N., 1952, pp. 203-204.
[12] For a summary of the report, see Y.U.N., 1951, pp. 230-31.
[13] For a summary of the report, see Y.U.N., 1952, pp. 175-78.
[14] See Y.U.N., 1952, pp. 208-12.
[15] See Y.U.N., 1952, pp. 208-12.
[16] See Y.U.N., 1952. pp. 203-204.

During the debate, the representative of the United States said that the American people desired a lasting peace through the United Nations and that no important group could be found in the country which did not believe in peace. The United States had therefore voted for the resolution of 3 December 1952, which spared no effort to meet the issues involved. The Chinese and North Korean regimes, however, had rejected that resolution and had virtually told the world that they would continue the struggle in Korea and that the Korean problem could be solved only on their terms. He charged the USSR with active support of the Chinese Communists and the North Korean authorities in the Korean war, and, in that connexion, submitted ten facts to show that the USSR had supplied them with equipment, including planes, tanks and heavy weapons, that the Chinese Communists who had entered Korea in 1950 had been almost completely equipped with weapons manufactured in the USSR and that the flow of USSR equipment had been constant and steady and on such a scale that it had made possible the aggression, which had originated from the North, and had determined its scope. He challenged the USSR representative to disprove those facts. The USSR, he said, could stop the war at will and its representative knew it. There was therefore little point in reformulating now the principles on which the resolution adopted by the General Assembly on 3 December 1952 was based. When the aggressors for any reason had a change of heart, it would not be difficult for them to show it. Failure to end the fighting in Korea was due to the frankly announced desire of the Communists to continue the war.

Endorsing the replies from the Ministers for Foreign Affairs of the People's Republic of China and the Democratic People's Republic of Korea regarding the General Assembly resolution of 3 December 1952, the USSR representative stated that it was the United States which had thwarted the conclusion of an armistice in Korea, although agreement on almost all the articles of the draft armistice agreement had been reached. At the same time, the United States had intensified its air raids over Korea and China and had undertaken a number of measures to expand the warfare in the Far East. The statement of the representative of the United States that love of peace applied to all Americans, without distinction as to party adherence, had been repudiated by his colleagues in both the Republican and Democratic parties. Republican members, for example, had introduced a resolution in the House of Representatives which, with a view to bringing the Korean war to a rapid conclusion, called for the use of the atomic weapon. This and other facts, the USSR representative said, fully repudiated false speeches that were made about the desire of the ruling circles of the United States for peace.

The representative of the USSR then adduced a number of facts which he said had never been refuted and which he believed disproved all claims about the aggression having originated from North Korea. In this connexion, he cited the professed intention, as early as 1949, of President Syngman Rhee to attack North Korea, the assistance allegedly provided by the United States to the "Syngman Rhee clique" for the contemplated attack and the strategic map allegedly found in the archives of the Syngman Rhee Government when those archives fell into the hands of North Korean forces. For the American ruling circles, he said, the Korean war was merely a phase in the preparation of a world war. To that end, the industry of the United States was being militarized and the programme of military preparation was being intensified. Aggressive blocs were being forged and those already in existence were being strengthened. The more the ruling circles of the United States prepared for war, the more they attempted to throw on to the peace-loving countries the responsibility for the growing threat to peace and security and to disguise their true aggressive purposes. That was the explanation of the supposed facts adduced by the representative of the United States, the USSR representative said. The USSR had never concealed the fact that it had sold and continued to sell armaments to its Chinese ally, while China sold the USSR various types of raw materials, including strategic materials, in line with the treaties of friendship and alliance between the two countries. The USSR had no treaty for mutual assistance with Korea and, consequently, did not sell armaments to Korea. However, as had been stated previously, the USSR, when it had withdrawn its troops from Korea in 1948, had sold to that country the surplus of USSR armaments on the spot. The representative of the Soviet Union said that the fact of USSR neutrality in the Korean campaign had been admitted even by the United States Press. The statement that the USSR could end the war in Korea at will was meaningless. It was the USSR which had taken the initiative for the armistice negotiations in Korea and had made proposals for the cessation of hostilities in Korea in August and October 1950, at the sixth session of the General Assembly in 1951, and during the earlier meetings of the seventh session—proposals which had all been rejected by the

United States and its allies. In the light of those facts, the statement of the representative of the United States was unfounded and false and was designed to cover up the refusal of the United States to accept the USSR proposals.

The representative of the United States replied that the USSR representative had admitted that his country had been assisting the Chinese Communist forces, which the United Nations had branded as aggressors. The report of the United Nations Commission on Korea in 1950 had cleared up the question of who had been the aggressor, a question decided by the United Nations on several occasions. The USSR representative had accused the United States of wanting to continue the Korean action and of rejecting his so-called peace proposals. The proposal (A/AC.1/729/Rev.1/Corr.1 & Rev.1/Corr.1/-Add.1)[17] submitted by the USSR earlier in the session had called for a commission of eleven States to consider the prisoner-of-war question and other political questions, and included the provision that there should be a two-thirds vote in that commission to reach a decision. Since four of the proposed eleven members would be Communists, it was obvious that the USSR "camp" would in effect have a veto. The USSR representative called for a cease-fire now, leaving the question of the prisoners of war to be decided later, but that would mean a cease-fire on condition that thousands of United Nations and Republic of Korea soldiers would be left in Communist hands as hostages.

The representatives of Australia, Belgium, Bolivia, Brazil, Canada, China, Colombia, Cuba, the Dominican Republic, Ecuador, Ethiopia, France, Greece, Mexico, the Netherlands, New Zealand, Paraguay, Peru, the Philippines, the Union of South Africa, the United Kingdom, Uruguay and Yugoslavia voiced their support of the views expressed by the representative of the United States.

The representative of Indonesia regretted the rejection of resolution 610 (VII) by North Korea and the People's Republic of China. While recognizing that the prospects for a cease-fire and armistice were dim, his delegation was anxious for an opportunity of bringing the parties closer together. It considered that there was a possibility of an approach through procedures for lessening world tensions and that a United Nations recommendation urging a meeting between the two principal Powers might open an avenue.

The representative of India recalled that, when submitting the draft resolution which had formed the basis of resolution 610(VII), his delegation had never said that its proposals were the last word on the subject. They had been designed to open the way to negotiations and not to act as a barrier against them. Negotiations could still go on either with the help of that resolution or of any proposals submitted previously. His delegation had no new proposal to put forward. It merely sought to promote agreement on the basis of international law and the Committee must continue patiently to speak with the voice of peace, reason and moderation and to work towards the restoration of peace in Korea.

The representative of Egypt, stressing that conciliation was essential, pointed to the statements of the representatives of Indonesia and of India as being directed towards that aim.

At the 569th meeting of the Committee, the Chairman stated that three draft resolutions concerning proposals for the repatriation of prisoners of war—which had been presented to the Committee at the first part of the seventh session and on which no decision had been taken in view of the adoption of the Indian draft resolution—had been withdrawn by their sponsors. These draft resolutions were: a 21-Power draft resolution (A/C.1/725), a Mexican draft resolution (A/C.1/730) and a Peruvian draft resolution (A/C.1/732).[18] Since no draft resolution was submitted on the President's report, the Committee took no formal action on the question.

(3) Consideration of the Reports of the Agent General of UNKRA

The Committee then turned to the consideration of the reports of the Agent General of UNKRA (A/2222 & Add.1 & 2). In this connexion, it also had before it an interim report of UNCURK (A/2298) containing comments on the report of the Agent General and his first supplementary report. The interim report noted that, while UNCURK did not have any comments on the details of the $70 million programme[19] proposed by UNKRA, it wished to emphasize the necessity of the Agency's beginning a programme on a significant scale immediately aiming at an early increase in Korean domestic production and providing for sustaining imports to help combat inflation.

The debate on the report of the Agent General centred on a joint draft resolution by Canada, Denmark, France, the Philippines, Thailand, the

[17] For summary of the proposal see Y.U.N., 1952, p. 183.

[18] For summaries of these draft resolutions and the discussion on them, see Y.U.N., 1952, pp. 183-84.

[19] See Y.U.N., 1952, pp. 211-12.

United Kingdom and the United States (A/C.1/-L.21), under which the General Assembly would, inter alia:

(1) take note of the reports of the Agent General on the work of UNKRA for the period February 1951 to 15 February 1953;

(2) note with approval that the Agent General had undertaken a programme of relief and rehabilitation projects for the period ending June 1953; and

(3) request all governments, specialized agencies and non-governmental organizations to assist in meeting the great and continuing need of the Korean people for relief and rehabilitation assistance.

An Egyptian amendment (A/C.1/L.22) to the draft resolution was accepted by the sponsors.

It provided that the assistance of governments, specialized agencies and non-governmental organizations referred to should be "within the limits of their financial possibilities and in accordance with the provisions of their constitutions and statutes".

The representatives of Canada, Ecuador, Ethiopia, Greece, India, Mexico and Uruguay spoke in favour of the draft resolution and commended the Agent General for the manner in which he had performed the task of providing for relief and rehabilitation needs of Korea. In this connexion, the representatives of Canada and Uruguay felt that the reconstruction of Korea must continue to be one of the great objectives of the United Nations. The representatives of Cuba and the Netherlands said that, although the stabilization of the military front had made substantial reconstruction feasible, the continuation of the war had caused further economic deterioration leading to inflation and plunging the inhabitants into frightful misery. The needs of the Korean people were so great, they felt, that only a well-planned effort in collective assistance could meet the difficulties.

The representative of the United Kingdom noted that, at the time the resolution establishing UNKRA was passed, it had been hoped that the fighting would soon come to an end and that UNKRA would start its work without delay. Unfortunately that hope had been still-born and relief work had to remain under the direct supervision of the United Nations military authorities. In those circumstances, the long-term plans of the Agency had to be kid aside, and the Agent General had worked out a more modest programme for the current year. The United Kingdom had contributed a sum of £2,800,000, and would do its utmost to make the programme a success. In summarizing his country's contribution to Korean relief, the representative of Australia stated that Australia had pledged itself in March 1951 to give the equivalent of nearly four and a half million dollars, including the amount of $400,000 already made available to the emergency programme. His Government felt that contributing governments should continue to make available amounts required as the programme expanded and as the actual need of the Agency for further funds arose when specific projects were put into operation in Korea, rather than handing over the full amount pledged in one payment. The Australian paid contribution was therefore one third of its total pledge.

In an appeal for economic assistance for his country, the representative of Korea stressed that the war reduced the Korean people to a disturbing state of misery. A recent report to the United Nations showed that the per capita consumption in South Korea was 25 per cent below of 1949, when the standard of living in Korea had already been far below normal. The Korean Minister for Trade and Industry had stated that 60 per cent of the textile industry had been put out of action, the coal mines and electric power stations had been drastically crippled, 65 per cent of the livestock had disappeared and total production had been reduced by at least a third compared with the pre-war level. The representative of the Republic of Korea emphasized certain points which, his Government felt, should underlie any programme of reconstruction, in particular that the main need was to rebuild towns, factories, mines and productive undertakings.

In conclusion, the representative of the Republic of Korea reviewed the work which had been accomplished in his country both under the emergency programme and by UNKRA. In supporting the draft resolution, he expressed the gratitude of the people and the Government of the Republic of Korea to all who were aiding them in their task of reconstruction; nevertheless, he stated their need continued to grow and was assuming alarming proportions. If immediate steps were not taken to remedy the economic devastation caused by the war the United Nations effort to fight aggression in Korea would have been in vain. That task, he concluded, could not be postponed until hostilities had ended.

The representatives of the Byelorussian SSR, Poland, the Ukrainian SSR and the USSR could not agree with the favourable assessment of the activities of the Agent General. UNKRA, it was stated, had done its utmost, not to perform the tasks assigned to it, but to assist the United Nations armed forces in their military operations. The prerequisites for the rehabilitation of Korea were, in fact, an immediate cessation of hostilities, the conclusion of an armistice and the evacuation of foreign troops. It was noted that more

than ten times as much was spent on the continuation of the war as was spent on the reconstruction of Korea. These representatives indicated that they would vote against the seven-Power draft resolution.

The representative of the United States, speaking at the dose of the debate, assessed the aid which governments had given for the relief and rehabilitation of the Republic of Korea. He said that under the emergency programme set up under Security Council resolution of 31 July 1950 (S/-1657), governments of 30 Members and non-members of the United Nations had, by the end of 1952, made contributions totalling $358 million, of which $321,688,000, exclusive of services, had been contributed by the United States, $17,389,-000 by other governments, and $20 million by United Nations specialized agencies and private voluntary organizations. This emergency programme had saved the population from starvation and epidemics under extremely difficult conditions. In addition, the United Nations Command had made substantial repairs to railroads, bridges and highways, to water systems and to power-generating and distributing systems.

UNKRA, he continued, was symbolic of the collective responsibility to supply means by which the Korean people could begin to rebuild their unhappy land. In recent months it had been possible to undertake an expansion in UNKRA's activities and, in co-operation with the Unified Command, a programme of $70 million had been approved, some of which was now under way. Under it, grain and consumer goods were being imported to combat inflation. The reorganization of the Taegu Medical College and Hospital was in progress. Supplies were being purchased for the production of vaccines at the National Veterinary Laboratory and preparations for restoring the harbour of Kunsan were under way. Engineers were surveying the possibilities of increased coal production and work had been started in housing, education, vocational training, school repair and health clinics. The free world could not allow free Koreans to suffer destruction without aid in the reconstruction of their economy any more than it could allow them to be overrun without coming to their assistance.

At its 569th meeting on 9 March, the Committee adopted the seven-Power draft resolution (A/C.1/L.21), as amended by Egypt, by 54 votes to 5.

(4) Report of UNCURK

With reference to the report of UNCURK (A/2187)[20], the First Committee had before it a draft resolution by the USSR (A/C.1/L.24), providing for the termination of the Commission as being incapable of fulfilling the tasks assigned to it. In support of the draft resolution, the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR expressed the view that the Commission had become a subsidiary organ of the United States Command in Korea and had done nothing for the unification and rehabilitation of Korea.

At its 569th meeting, the Committee rejected the USSR draft resolution (A/C.1/L.24) by 54 votes to 5.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The report of the First Committee (A/2368) was considered by the General Assembly at its 414th plenary meeting on 11 March 1953. The majority of the representatives made brief statements concerning the possibility of an early cessation of hostilities and the need for Korean reconstruction. The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR spoke in favour of a USSR draft resolution (A/L.144) requesting the termination of UNCURK as being incapable of discharging the tasks assigned to it. This draft resolution was rejected by 54 votes to 5 and the draft resolution submitted by the First Committee (A/2368) was adopted by 55 votes to 5, as resolution 701(VII). It read:

"The General Assembly

"1. Reaffirms the objective of the United Nations, adopted in General Assembly resolution 410 (V) of 1 December 1950, to provide relief and rehabilitation in assisting the Korean people to relieve their sufferings and to repair the great devastation and destruction in their country;

"2. Recognizes that the need of such relief and rehabilitation continues to be most urgent;

"3. Takes note of the reports of the Agent General on the work of the United Nations Korean Reconstruction Agency for the period February 1951 to 15 February 1953;

"4. Notes with approval that the Agent General has now undertaken, in co-operation with the Government of the Republic of Korea and the United Nations Command, and in consultation with the United Nations Commission for the Unification and Rehabilitation of Korea, a programme of relief and rehabilitation projects for the period ending June 1953, which has received the approval of the United Nations Advisory Committee to the Agent General, and looks forward to its successful execution;

"5. Expresses its appreciation of the contributions which have been made by governments, specialized agencies and non-governmental organizations;

[20] For summary of the report and discussion on it see Y.U.N., 1952, pp. 180-83.

"6. Requests those governments which have made pledges to the United Nations Korean Reconstruction Agency to make prompt payment of such pledges;

"7. Further requests all governments, specialized agencies and non-governmental organizations to assist, within the limits of their financial possibilities and in accordance with the provisions of their constitutions and statutes, in meeting the great and continuing need of the Korean people for relief and rehabilitation assistance."

3. Consideration by the General Assembly at its Resumed Seventh Session, between 17 and 28 August 1953

On 18 April 1953, during the consideration of the item entitled: "Measures to avert the threat of a new world war and to strengthen peace and friendship among nations",[21] the General Assembly adopted resolution 705(VII) to reconvene the Assembly session in order to resume consideration of the Korean question upon notification by the United Nations Command to the Security Council, of the signing of an armistice agreement, or when, in the view of a majority of Members, other developments in Korea required it.

In a letter (A/2425) dated 26 July 1953, the permanent representative of the United States informed the Secretary-General that, on 27 July, an Armistice Agreement had been entered into between the United Nations Command and the Commanders of the Korean People's Army and the Chinese People's Volunteers.[22]

In a cable of the same date, the President of the General Assembly informed the Governments of all Member States, that, in accordance with resolution 705(VII), the seventh session of the Assembly would reconvene on 17 August to resume consideration of the Korean question.

By a letter (A/2431; S/3079) dated 7 August, addressed to the Secretary-General, the acting permanent representative of the United States transmitted, for the information of the Security Council and the General Assembly, a special report of the Unified Command on the armistice in Korea, together with the official text of the Armistice Agreement entered into on 27 July.

At the 429th plenary meeting of the General Assembly, on 17 August, it was agreed that the First Committee should resume its consideration of the Korean question.

a. DISCUSSIONS IN THE FIRST COMMITTEE

The First Committee considered the question at its 613th to 625th meetings, between 18 and 27 August.

At the opening of the debate, a draft resolution was submitted by the representative of the USSR (A/C.1/L.49), providing, inter alia, that the Committee should invite representatives of the Democratic People's Republic of Korea and of the Chinese People's Republic to participate in the discussion of the Korean question. The Committee decided, by 34 votes to 18, with 7 abstentions, not to reconsider the question of inviting representatives of the Democratic People's Republic of Korea, and, thereafter, rejected, by 34 votes to 14, with 9 abstentions, the proposal to invite representatives of the Chinese People's Republic.

The Committee had before it the following draft resolutions and amendments:

(1) A joint draft resolution (originally submitted in the plenary meeting of the Assembly) entitled "Implementation of paragraph 60 of the Korean Armistice Agreement" submitted by fifteen of the sixteen nations having armed forces under the Unified Command: Australia, Belgium, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, Thailand, Turkey, the United Kingdom and the United States (A/L.151/Rev.1).

Under this draft resolution, the General Assembly would recommend:

(a) that the side contributing armed forces under the Unified Command should have as participants in the political conference to be held under paragraph 60 of the Armistice Agreement[23] those among the Member States contributing armed forces which desired to be represented, together with the Republic of Korea, and the participating governments should act independently at the conference with full freedom of action and should be bound only by decisions or agreements to which they adhered;

(b) that the United States Government, after consultation with the other participating countries on that side, should arrange with the other side for the political conference to be held as soon as possible, but not later than 28 October 1953, at a place and on a date satisfactory to both sides;

(c) that the Secretary-General should, if this was agreeable to both sides, provide the conference with services and facilities; and

(d) that the Member States participating should inform the United Nations when agreement was reached at the conference and keep the United Nations informed at other appropriate times. Finally, under the draft resolution, the General Assembly would reaffirm its intention to carry out its programme for relief and rehabilitation in Korea and appeal to all Member Governments to contribute to that task.

(2) As an alternative to the above draft resolution, the USSR submitted a draft resolution (A/C.1/L.48)

[21] See pp. 269-72.

[22] See under Section 1, United Nations Command Reports. The text of the Agreement is annexed to his chapter.

[23] For paragraph 60 of the Armistice Agreement, relating to the holding of a political conference, see p. 144.

by which the Assembly, "deeming it necessary to ensure the most favourable conditions for the successful work of the political conference", would recommend as participants the United States, the United Kingdom, France, the USSR, the Chinese People's Republic, India, Poland, Sweden, Burma, the People's Democratic Republic of Korea and South Korea. A later revision of the draft (A/C.1/L.48/Rev.1) added Czechoslovakia, Egypt, Indonesia, Mexico and Syria to the list of participants and omitted Sweden, which had expressed a wish not to participate. The revised draft resolution also provided that "the decisions of the conference will be deemed to have been adopted if they have the unanimous consent of both parties which have signed the Armistice Agreement."

The USSR also submitted the same proposals in the form of an amendment (A/C.1/L.52) to the fifteen-Power draft resolution on the composition of the conference. The amendment would delete the provision for participation of the Powers contributing armed forces under the Unified Command and further delete the provision asking the United States to arrange for the conference. It would then substitute the USSR proposals regarding the composition of the conference (see above).

(3) A joint draft resolution, originally submitted in plenary meeting, by Australia and New Zealand (A/L.152) later co-sponsored by Denmark (A/L.152/-Rev.1) and by Norway (A/L.152/Rev.2) providing that the General Assembly, having adopted the resolution entitled "Implementation of paragraph 60 of the Korean Armistice Agreement" (see above), recommend that the USSR participate in the political conference provided the other side desired it.

To this draft resolution, the USSR submitted an amendment (A/C.1/L.53) to delete the reference to the adoption of the resolution on the implementation of paragraph 60 of the Armistice Agreement and the words "provided the other side desires it" in the operative pan.

(4) A joint draft resolution, originally submitted in plenary meeting, by Australia, Canada, New Zealand and the United Kingdom (A/L.153), providing that the General Assembly, having regard to the resolution entitled "Implementation of paragraph 60 of the Korean Armistice Agreement" recommend that India participate in the political conference.

To this draft resolution the USSR submitted an amendment (A/C.1/L.53) to delete the reference in the preamble to the adoption of the fifteen-Power draft resolution.

(5) A joint draft resolution originally submitted in the plenary session, by the same fifteen Powers which had submitted the draft resolution regarding the composition of the conference (A/L.154/Rev.1). Under this draft resolution, the General Assembly would pay tribute to the soldiers who had fought under the United Nations Command in Korea.

The First Committee agreed that this draft resolution should be dealt with in a plenary meeting of the Assembly itself rather than in the Committee[24]

(6) A joint draft resolution by Burma, India, Indonesia and Liberia (A/C.1/L.50), requesting the Secretary-General to communicate the proposals on the Korean question submitted to the third part of the seventh session and those recommended by it, together with the records of the relevant proceedings of the General Assembly, to the Central People's Government of the People's Republic of China and to the Government of the Democratic People's Republic of Korea, and to report to the General Assembly as appropriate.

To this draft resolution an amendment was submitted by Peru (A/C.1/L.51), which would delete the words "report to the General Assembly as appropriate" and substitute the words "inform the Members of the United Nations of any communication received". On a statement by the representative of India that he would delete the words "to the General Assembly" if the representative of Peru would withdraw the amendment, the Peruvian amendment was withdrawn.

Most of the discussion in the Committee was concerned with the three draft resolutions on the composition of the conference: one submitted by the fifteen of the sixteen Member States having armed forces under the Unified Command in Korea, the second the alternative draft by the Soviet Union, and the third that concerning the participation of India submitted by Australia, Canada, New Zealand and the United Kingdom.

Introducing the fifteen-Power draft resolution, the representative of the United States stressed that paragraph 60 of the Armistice Agreement should be the basis of all decisions concerning the political conference. The United States, he said, adhered to that paragraph with its concept of two sides because it was one of the few things that seemed definite in the whole picture. If there was a desire for agreement, a conference of both sides could do as well as any other type of conference. The fifteen-Power draft resolution (A/L.151/Rev.1) provided that each government would be bound only by its own vote. That meant that, if two nations agreed, their agreement would apply as far as they were concerned. That seemed to be the best way to get results, the United States representative said. No results would be reached in a large conference where unanimity on all decisions was required. The fifteen-Power draft resolution further recommended that on the one side, in addition to the Republic of Korea, any nation which had contributed forces to the United Nations in Korea might attend the conference if it desired, since those nations had earned that right. The draft resolution did not deal with participants on the other side. If that side wished to have another country, such as the Soviet Union, participate on its side, the United States would have no objection. However, the Soviet Union could not take part as a neutral, since paragraph 60 did not contemplate the inclusion of any neutral. Moreover, the Soviet Union could certainly not qualify as a neutral nation in the conflict, the representative of the United States said. The matter of

[24] See below, under section b, Resolutions Adopted by the General Assembly.

who would participate on the other side was basically one for the other side to determine. The United States, he said, was willing to have the Soviet Union participate in the conference if for no other reason than to bear its share of the responsibility and accountability for peace.

The draft resolution, he stressed, made no provision for participation by other Members of the United Nations which did not properly belong on either side, under paragraph 60. There were several States which had a general interest in the area, and all Members of the United Nations had an interest in peace. None of them, however, had any greater interest in Korea than several others. If any other nations were to be invited, there was no logical reason for not inviting neighbours of Korea with direct interest in the area, and the question would be where the process would end.

Regarding the questions to be considered at the conference, the United States representative said that paragraph 60 again should be followed, and the details should be worked out at the conference itself. The United States favoured its concentrating on Korea and believed that the objective should be a unified, independent and democratic Korea. If the discussion developed in such a way as to suggest that consideration of other subjects in the Far East or elsewhere would be useful, the United States would be pleased, but it believed that such developments would call for another conference with different participants.

With regard to the USSR draft resolution, he considered that it was not a very democratic one, since it established two classes of nations. According to that resolution, he said, the Chinese People's Volunteers would have a final say as to whether agreements went into effect, whereas the Government of the Republic of Korea would be bound by the decisions of the conference without its consent being required. Moreover, the USSR draft resolution would exclude the majority of the countries whose young men gave their lives to repel aggression in Korea. Furthermore, that draft discriminated not only between members of the Neutral Nations Repatriation Commission, but even between the Soviet satellites. Some were chosen, while others were dropped.

The representative of France considered that the political conference should take place in a neutral country removed from the combat theatre and suggested that Geneva offered particular advantages.

With regard to participants, he believed that the terms of paragraph 60 should not be interpreted too literally. The conference should attain, in the best possible conditions, the re-establishment of peace in the Far East. All those who could usefully participate should be invited, and it was desirable that the conference should not consist of two opposing camps confronting one another.

The conference itself should decide upon its own competence; but the Korean question should be considered first, for until that was settled it would be useless to go further. The question, however, was not an isolated one. It was hard to see how there could be a valid peace in the Far East when war continued elsewhere in Asia.

The representative of the United Kingdom stated that his Government did not wish to perpetuate the concept of two sides and was gratified that the provision of the first fifteen-Power draft resolution (A/L.151/Rev.1), according to which the participating governments would act independently, would make it possible for many voices to be heard at the proposed conference.

He also considered that successful progress on Korean questions at the political conference should lead to discussions or negotiations on wider issues affecting the Far East.

Besides its sponsors, the fifteen-Power draft resolution was also supported by, among others, the representatives of Brazil, Chile, China, Cuba, Haiti, Israel, Liberia, Norway and South Africa. These representatives considered that the criterion applied in selecting the participants was a fair one. Under the draft resolution, it was pointed out, the participating governments would only be bound by decisions and agreements to which they adhered. That provision was sensible and realistic and avoided the concept of the conference consisting of two negotiating teams facing each other. Also, since Members whose participation on the United Nations side was proposed under the draft resolution would represent the United Nations as a whole, there was no question of excluding any one.

The sponsors of the joint draft resolution and other representatives supporting it expressed opposition to the USSR draft resolution concerning the composition of the conference. They considered that it was impossible to accept the proposition that from among those who fought on the United Nations side, only the United States, the United Kingdom, France and South Korea should be present. Australia, for example, its representative said, had an unassailable claim to participation, due to its contribution to the United Nations action in Korea and its geographical position. A similar claim to representation

was put forward by the representative of New Zealand.

It was stated that the last sentence of the USSR draft resolution, that "decisions of the conference will be deemed to have been adopted if they have the unanimous consent of parties which have signed the Agreement", provided in effect that the parties which had signed the Armistice Agreement were to have a veto. The United Nations side however, did not agree with the idea of vetoes. It agreed that any government which was to have any part in implementing any particular decision had to agree with that decision, which would otherwise have no effect. But it did not like the idea that every government represented at the conference had to agree to every word that was said. The only sensible basis for such a conference, it was emphasized, was contained in the joint draft resolution, which provided that the participating governments would be bound only by decisions or agreements to which they adhered.

The representative of the USSR considered that the views of the representative of the United States and the other sponsors of the first fifteen-Power draft resolution (A/L.151/-Rev.1) concerning the composition of the political conference were based on a fallacious interpretation of paragraph 60 of the Armistice Agreement. This, he considered, was made clear by the fact that a proper functioning of the conference was of interest not only to the sides mentioned in paragraph 60, but also to all peace-loving peoples and particularly to the peoples neighbouring Korea. The text of paragraph 60, he said, did not state that the representatives of the two sides could be only the countries which had actually taken part in the hostilities. In paragraph 60 it was recommended to the Governments of the countries concerned on both sides that a conference of a higher level of both sides should be held between representatives appointed respectively. It was clear that the question of participation as understood by the expression "countries concerned" was one thing, whereas the question of who should represent those countries at the conference was another matter altogether. Thus, participation by Members of the United Nations who had not taken part in the hostilities was not excluded by the wording of paragraph 60, which could not be construed as limiting participation in the conference to nationals of the two sides. In the opinion of his delegation the political conference was likely to succeed only if it was based on the principle of the round table at which not only the representatives of both sides would participate, but also representatives of other countries which were truly interested in the peaceful settlement of the Korean question.

The USSR draft resolution (A/C.1/L.48), he said, would limit the conference to a small number, for it was true that a large group would multiply the difficulties. While limiting the number, the Soviet Union held that it was necessary to have as participants some States which had not been engaged in hostilities and especially the neighbouring States. It considered that a neighbour had a greater interest in obtaining peace next door than a more distant State and that it was inadmissible to try to include the latter and exclude the neighbours on the basis of contribution of troops. From the political and practical point of view there should be included not only the Soviet Union but also such States as India, which had made a considerable contribution to the cessation of hostilities, and Poland, Czechoslovakia and Burma, which had made every effort in the United Nations to bring the war to a conclusion. The Soviet Union did not suggest that South Korea should be ruled out in the making of decisions. One of the basic principles of the USSR draft resolution was that North Korea and South Korea should be the principal parties whose consent would be required, since it was the view of the Soviet Union that the Korean people must settle their internal affairs by and between themselves.

The position that decisions would be adopted if they had the consent of the two parties which had signed the Armistice Agreement was, the representative of the USSR stated, also supported by the Foreign Minister of the Chinese People's Republic. The People's Republic of China, he said, wished that the conference should take the form of a round table conference, rather than the form of negotiations only between the parties which had signed the Agreement. Its views were that the decisions of the conference would be accepted only if they commanded the unanimous agreement of the parties which had signed the Agreement. Secondly, the scope of action and terms of reference should be in keeping with paragraph 60. There should first be settled by negotiation the question of the withdrawal of all foreign troops. Then a peaceful settlement in Korea should be negotiated and, thereafter, other questions should be discussed. Thirdly, the People's Republic of China supported the Soviet Union draft resolution regarding the membership of the conference and considered that all the countries whose troops participated on the side of the

United Nations might be regarded as one of the sides that signed the Armistice Agreement. Fourthly, the General Assembly had acted unreasonably in not inviting representatives of the People's Republic of China and of the Democratic People's Republic of Korea to take part in the consideration of the organization of the conference. Accordingly, to facilitate convening the conference, the General Assembly had the responsibility of keeping those Governments informed concerning all proposals and recommendations relating to the conference. Finally, any recommendations of the General Assembly in keeping with the foregoing principles would be considered by the Central People's Government as a possible basis for the carrying out of the political conference.

The representative of the USSR charged that the Mutual Security Treaty between the Republic of Korea and the United States was a link in a chain of measures taken with a view to ensuring military bases for United States forces for possible future use in aggressive military actions in the Pacific area, and that the sixteen-Power Declaration (A/2431; S/3079)[25] was tantamount to a threat to start a third world war if a new local incident were to arise in Korea. The representative of the United States declared that no secret agreement had been concluded between the United States and the Republic of Korea.

In reply to the assertion that the USSR draft resolution would oblige South Korea to accept any decisions reached between the two sides without its consent, the representative of the USSR said that that was a misinterpretation of his text. Politically and factually, he said, such a position would be utterly senseless. Without South Korea's consent no decision could be taken by the conference.

He stated further that four of the participants in the hostilities, proposed in his revised draft resolution, had been suggested to represent the side described as that of the United Nations. The other side would be represented by North Korea and the Chinese People's Volunteers, that was to say, two representatives. Therefore, there would be four countries on one side and two countries on the other along with nine neutrals of which six were Arab or Asian countries. That composition was based on the principle of a multilateral conference and the elimination of the notion of having only two sides opposing each other.

Supporting the USSR position, the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR expressed the view that the USSR draft resolution was correctly based on the principle of a round table conference thereby breaking with the concept of two opposite parties. The composition of the conference as proposed under that draft resolution stemmed from the fundamental position of the primary responsibility of the five Great Powers for the issues of world peace and international security.

The representative of the Republic of Korea expressed his Government's opposition to a round table conference. He stated that, in dealing with Communists, past experience had shown that it was dangerous to have more than two sides, because the intermediate side or sides seldom failed to serve the Communist ends. His delegation also wished that the membership of the conference should be limited to the parties to the war in Korea. The conference, he said, would finally decide whether Korea would go to the Communist empire or remain in the free world, and his Government felt that it should have at its side in the fateful conference only those who had sent military aid.

He also stated the Mutual Security Treaty between the Republic of Korea and the United States, as well as the sixteen-Power Declaration (A/2431, part I) were defence arrangements designed to counterbalance the military pacts between the North Korean regime and Communist China and between the latter and the USSR.

There was general support in the Committee for the five-Power draft resolution (A/L.152) concerning the participation of the USSR, most representatives expressing the view that for the success of the conference USSR participation was essential.

The United Kingdom representative stated that he considered that the USSR should be represented at the conference because it was a great Far Eastern Power having a land frontier with Korea and because its presence would be necessary for the success of the conference. The representatives of China, the Philippines and the United States, however, emphasized that, while it would be unrealistic to plan a political conference without the participation of the USSR, the invitation should come not from the United Nations but from the Chinese-North Korean side. They held that the USSR, on account of its sympathy with the aggressors and the assistance it had rendered to them, had lost the right to be invited by the United Nations to participate in the Conference.

[25] See p. 113.

While a majority of the Committee supported the participation of India, its participation was opposed by the representatives of Bolivia, Brazil, China, Colombia, Cuba, the Dominican Republic, El Salvador, Greece, Haiti, Israel, the Philippines, Peru and the United States, among others.

The United States representative stated that his delegation would not support the participation of India, because it believed that the conference was most likely to succeed if it was limited to the belligerents on both sides. It was not India that it opposed; it did not favour the inclusion of any non-belligerent. Secondly, a principal participant on the United Nations side was the Republic of Korea, and its consent was indispensable to any result at the conference. In view of the known attitude of the Republic of Korea, his delegation believed that the participation of India would jeopardize the success of the conference. Thirdly, there were other countries more directly concerned in Korean affairs than India, namely, Japan and Nationalist China. Thus, the inclusion of India or of any other non-belligerent would make the claim of the Governments of those countries to participate virtually undeniable.

On the other hand, the United Kingdom representative considered that India should be a participant because, as a major Asian Power, it could make an important contribution to the success of the conference. It had already contributed significantly towards the solution of the Korean problem and had provided the Chairman of the Neutral Nations Repatriation Commission.

Some representatives based their opposition on the interpretation of paragraph 60 of the Armistice Agreement, according to which the conference should be restricted to the belligerents, with the exception of the USSR which, it was said, occupied a special position as a great Power and a neighbour of Korea. Others, including the representatives of Brazil, China, Colombia, the Dominican Republican and Haiti, expressed the view that India's participation might endanger the conference in view of the uncompromising opposition to its participation expressed by the Republic of Korea. The representative of the Republic of Korea strongly opposed participation of India in the conference, arguing that India had followed a policy of appeasement towards the Communists.

The representative of India stressed that his country had no desire to seek a place in the conference unless it was clear that it could perform some useful function in the interests of peace and that the major parties concerned desired its assistance in the matter.

At its 625th meeting, the Committee voted on the draft resolutions and amendments before it (see above).

The two parts of the USSR amendment to the fifteen-Power draft (A/C.1/L.52) were rejected by roll-call votes; the first, to delete the provisions regarding participation in the conference and the provision that the United States arrange for the conference was rejected by 41 votes to 5, with 13 abstentions; and the second, to substitute the USSR proposals, by 40 votes to 5, with 14 abstentions.

The fifteen-Power draft resolution (A/L.151/-Rev.1), on the implementation of paragraph 60 of the Armistice Agreement, was voted on in parts, some of them by roll call. They were adopted in votes ranging from 59 to none to 42 to 5, with 12 abstentions. The draft resolution, as a whole, was adopted by 42 votes to 5, with 12 abstentions (A/2450, resolution A).

The USSR draft resolution (A/C.1/L.48/-Rev.1) concerning participation in the conference was rejected by 41 votes to 5, with 13 abstentions.

The USSR amendment (A/C.1/L.53) to the draft resolution by Australia, Denmark, New Zealand and Norway (A/L.152/Rev.2) on USSR participation was rejected; the first part, to delete the reference to the adoption of the resolution entitled "Implementation of paragraph 60 of the Korean Armistice Agreement", was rejected by 39 votes to 5, with 15 abstentions; and the second part, to delete the phrase "provided the other side desires it", by 36 votes to 15, with 8 abstentions. The draft resolution (A/L.152/Rev.2) was voted upon by paragraphs; the first paragraph was adopted by 43 votes to 6, with 10 abstentions, and the second by 54 votes to 2, with 3 abstentions. The resolution was adopted, as a whole, by 55 votes to 2, with 2 abstentions (A/2450, resolution B).

The USSR amendment (A/C.1/L.53) to the draft resolution (A/L.153) on India's participation, to delete the reference to the adoption of the resolution entitled "Implementation of paragraph 60 of the Korean Armistice Agreement", was rejected by 38 votes to 5, with 15 abstentions. The two paragraphs of the draft resolution were voted upon separately and adopted, the first by 37 votes to 7, with 11 abstentions, and the second by a roll-call vote of 27 to 21, with 11 abstentions. The draft resolution, as a whole, was adopted by a roll-call vote of 27 to 21, with 11 abstentions (A/2450, resolution C).

The draft resolution by Burma, India, Indonesia and Liberia (A/C.1/L.50), concerning the

communication of documentation to the People's Republic of China and the Democratic People's Republic of Korea, after inclusion of a drafting change by the sponsors, was adopted by 54 votes to 4, with 2 abstentions (A/2450, resolution D).

b. RESOLUTIONS ADOPTED BY THE GENERAL ASSEMBLY

The First Committee's report (A/2450) was considered by the General Assembly at its 430th plenary meeting on 28 August.

In a statement regarding the draft resolution concerning Indian participation, the representative of India explained that his delegation had not participated in any of the voting of the First Committee, except on the part of the fifteen-Power draft resolution stating that the General Assembly welcomed the holding of a political conference, because his Government considered that the Korean question had now emerged into a post-armistice period and that further negotiations should not rule out any possibility, provided all those possibilities moved in the one direction of peace. Taking everything into consideration, he thought that the purposes of peace were best reached by not forcing the draft resolution regarding India's participation in the political conference to a decision in the Assembly.

At the request of the representative of New Zealand, who spoke on behalf of the original sponsors of the draft resolution in question, the President suggested that the draft resolution be withdrawn, and the Assembly so decided.

The USSR submitted (A/L.157) a draft resolution on the composition of the political conference, identical to that (A/C.1/L.48/Rev.1) which had been rejected in the First Committee. It was rejected by the Assembly by 42 votes to 5, with 12 abstentions.

The USSR also reintroduced (A/L.155) the amendments (previously rejected in the Committee—A/C.1/L.52) to the draft resolution "A" recommended by the Committee on the implementation of paragraph 60 of the Armistice Agreement. These were rejected, respectively, by 40 votes to 5, with 11 abstentions, and 43 votes to 5, with 10 abstentions.

An amendment to this draft resolution was also submitted by Bolivia, Chile, Ecuador, El Salvador, Honduras, Paraguay and Peru (A/L.158). It provided that the words "Member States contributing armed forces" in the first operative paragraph, should be followed by the additional phrase "pursuant to the call of the United Nations". The amendment was adopted by 43 votes to 5, with 10 abstentions.

The four paragraphs of the preamble of draft resolution "A", were adopted, respectively, by 59, 59, 55 and 56 votes to none. The first operative paragraphs, as amended by the seven Powers, was adopted by 43 votes to 5, with 11 abstentions, and the second by 56 votes to none, with 1 abstention. The resolution as a whole, as amended, was adopted by 43 votes to 5, with 10 abstentions, as resolution 711 A (VII).

The USSR also submitted an amendment (A/L.156) to draft resolution "B" dealing with the participation of the USSR in the political conference. It would have deleted reference to the adoption of the above resolution and also the condition that the USSR should attend if the Chinese-North Korean side so desired. These amendments were rejected, respectively, by 39 votes to 5, with 15 abstentions, and 34 votes to 14, with 8 abstentions. Draft resolution "B" was adopted by 55 votes to 1, with 1 abstention, as resolution 711 B(VII).

The USSR submitted an amendment (A/L.156) to draft resolution "C" concerning India's participation. The amendment would have deleted reference to the adoption of resolution 711 A (VII). Since the draft resolution was withdrawn no vote was taken on the amendment.

Draft resolution "D" concerning the communication of the documentation to Peiping and Pyongyang was adopted by 54 votes to 3, with 1 abstention, as resolution 711 C (VII).

Resolution 711(VII) read:

A

IMPLEMENTATION OF PARAGRAPH 60 OF THE KOREAN ARMISTICE AGREEMENT

"The General Assembly:

"1. Notes with approval the Armistice Agreement concluded in Korea on 27 July 1953, the fact that the fighting has ceased, and that a major step has thus been taken towards the full restoration of international peace and security in the area;

"2. Reaffirms that the objectives of the United Nations remain the achievement by peaceful means of a unified, independent and democratic Korea under a representative form of government and the full restoration of international peace and security in the area;

"3. Notes the recommendation contained in the Armistice Agreement that "In order to ensure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.";

"4. Welcomes the holding of such a conference;

"5. Recommends that:

"(a) The side contributing armed forces under the Unified Command in Korea shall have as participants in the conference those among the Member States contributing armed forces pursuant to the call of the United Nations which desire to be represented, together with the Republic of Korea. The participating governments shall act independently at the conference with full freedom of action and shall be bound only by decisions or agreements to which they adhere;

"(b) The United States Government, after consultation with the other participating countries referred to in sub-paragraph (a) above, shall arrange with the other side for the political conference to be held as soon as possible, but not later than 28 October 1953, at a place and on a date satisfactory to both sides;

"(c) The Secretary-General of the United Nations shall, if this is agreeable to both sides, provide the political conference with such services and facilities as may be feasible;

"(d) The Member States participating pursuant to sub-paragraph (a) above shall inform the United Nations when agreement is reached at the conference and keep the United Nations informed at other appropriate times;

"6. Reaffirms its intention to carry out its programme for relief and rehabilitation in Korea, and appeals to the governments of all Member States to contribute to this task."

B

"The General Assembly,

"Having adopted the resolution entitled "Implementation of paragraph 60 of the Korean Armistice Agreement",

"Recommends that the Union of Soviet Socialist Republics participate in the Korean political conference provided the other side desires it."

C

"The General Assembly,

"Requests the Secretary-General to communicate the proposals on the Korean question submitted to the resumed meetings of the seventh session and recommended by the Assembly, together with the records of the relevant proceedings of the General Assembly, to the Central People's Government of the People's Republic of China and to the Government of the People's Democratic Republic of Korea and to report as appropriate."

At the 431st plenary meeting on 28 August, the General Assembly considered the second fifteen-Power draft resolution (A/L.154/Rev.1), submitted by Australia, Belgium, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, Thailand, Turkey, the United Kingdom and the United States.

This draft resolution was adopted with one amendment (see below).

An amendment to this draft resolution was submitted by Chile, Ecuador, El Salvador, Honduras and Mexico (A/L.160) to replace the words "under the auspices of" in the last paragraph, by the words "pursuant to the call". This amendment was adopted by 54 votes to 5. The draft resolution, as amended, was adopted by 53 votes to 5, as resolution 712(VII).

Resolution 712 (VII) read:

"The General Assembly,

"Recalling the resolutions of the Security Council of 25 June, 27 June and 7 July 1950 and the resolutions of the General Assembly of 7 October 1950, 1 December 1950, 1 February 1951, 18 May 1951 and 3 December 1952,

"Having received the report of the Unified Command dated 7 August 1953,

"Noting with profound satisfaction that fighting has now ceased in Korea on the basis of an honourable armistice,

"1. Salutes the heroic soldiers of the Republic of Korea and of all those countries which sent armed forces to its assistance;

"2. Pays tribute to all those who died in resisting aggression and thus in upholding the cause of freedom and peace;

"3. Expresses its satisfaction that the first efforts pursuant to the call of the United Nations to repel armed aggression by collective military measures have been successful, and expresses its firm conviction that this proof of the effectiveness of collective security under the United Nations Charter will contribute to the maintenance of international peace and security."

4. Report of UNCURK to the Eighth Session of the General Assembly

a. THE COMMISSION'S REPORT

The United Nations Commission for the Unification and Rehabilitation of Korea submitted a report (A/2441) to the eighth session of the General Assembly, covering the period from 28 August 1952 to 14 August 1953.

Outlining the attitude of the Government of the Republic of Korea towards the Armistice Agreement, signed in Korea on 27 July, the report stated that during the period preceding the signing, the President and the Government had expressed basically the view that an armistice that left Korea divided and Chinese Communist armies in North Korea would constitute a death sentence to the Republic of Korea. In an endeavour

to win the support of the Government of the Republic of Korea to an armistice, the President of the United States had sent a special envoy to Korea for conversations with President Rhee. At the conclusion of the discussions, which had lasted from 26 June to 11 July, the President of the Republic of Korea had given assurances that, although he did not agree with the proposed armistice terms, he would not take any action to obstruct the conclusion of an armistice or its implementation. Immediately following the signing of the Armistice Agreement, he had stated, inter alia, that his Government would not disturb an armistice while a political conference, provided for in the Agreement, undertook within a limited time to solve peacefully the problems of the liberation and re-unification of Korea. The Government's opposition to an armistice without unification had been fully supported by the National Assembly. After the signing of the armistice, the National Assembly, on 3 August, had unanimously adopted a resolution in which it had, inter alia, expressed its opposition to any plan for the unification of Korea which would contravene the sovereignty of the Republic. All political and social organizations which had expressed views had also joined in opposing an armistice without unification.

In a chapter dealing with the development of representative government in the Republic of Korea, the Commission expressed the view that the basic constitutional structure of the Republic of Korea remained representative and democratic, although much remained to be accomplished in establishing a satisfactory relationship between the executive and legislative branches of the government, and in resolving the difficulties which were inherent in an effort to combine the presidential and parliamentary systems in a single constitution.

As the main industrial resources were north of the 38th parallel, the continued division of the country imposed the need to develop power, transport and coal mining as a basis for further industrialization in the South, the report said. Although the conclusion of an armistice should provide greater opportunities, the problem of reconstruction was so immense that a period of stability and security was essential. As long as the Republic was obliged to maintain between sixteen and 20 divisions under arms, budgetary problems and inflationary pressures would continue. It would appear most unlikely that the Republic could develop a self-supporting economy, even given the high level of economic assistance currently expected, if it must bear the present burden for its security in a divided peninsula.

Unification of Korea was, therefore, not only an important political objective, but also a highly desirable goal as a means of re-uniting the complementary economies of the South and the North, and as a means of promoting security and stability. In the meantime, while unification was being sought and conditions of peace established, the burden of security must be collectively borne, if the Republic was to have a real opportunity to develop towards a self-sustaining economy.

In conclusion, the Commission stressed that the signing of the armistice had successfully concluded the military phase of the first effort to enforce the principle of collective security through a world-wide international organization. The Republic of Korea had gradually increased the strength of its armed forces until, at the time of the armistice, they were holding the greater portion of the battle field; consideration of its contribution to collective security should help to create a better understanding of the Republic. Close co-operation and mutual understanding between the United Nations and the Republic of Korea must be maintained. There was now the opportunity of seeking to achieve by peaceful means the common objective of the Republic of Korea and of the United Nations—a unified, independent and democratic Korea in accordance with the free expression of the will of the Korean people.

The Commission remained agreed on the analysis and general conclusions set out in its previous reports (A/1881 & A/2187). In particular, it believed that the cessation of hostilities in no way reduced the need for representation of the United Nations in Korea.

b. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS EIGHTH SESSION

The report of UNCURK was considered at the Assembly's eighth session at the 680th to 682nd meetings of the First Committee, from 5 to 7 December 1953.

The Committee had before it two draft resolutions, one by India (A/C.1/L.94/Rev.1) and one by Brazil (A/C.1/L.95).

The Indian draft resolution as revised (A/C.1/L.94/-Rev.1), provided that the General Assembly should resolve to stand recessed on or after 8 December 1953 to 9 February 1954, it being provided that the President might, for good and sound reasons, convene the Assembly on an earlier or later date for the further consideration of the Korean question.

The representative of India, stressing the responsibility of his Government, in view of the presence of the Indian custodial forces in Korea and Indian chairmanship of the Neutral Nations Repatriation Commission, explained that his draft resolution was a substantive proposal recommending to the Assembly that at the normal time for the termination of its proceedings, it should take into account the importance of the Korean problem and the necessity for its further consideration and fix a date for such consideration in the coming year. His Government wished to be able to present to the Assembly the problems which might arise with regard to India's responsibilities.

The Brazilian draft resolution (A/C.1/L.95), provided, inter alia, that the General Assembly should: (1) decide to defer consideration of the Korean question; and (2) request the President of the Assembly to reconvene the session whenever, in the opinion of a majority of Members, developments with regard to any aspect of this question required consideration.

The representative of Brazil considered that, by not undertaking a consideration of the Korean question at the present juncture, the Committee would facilitate the negotiations for the convening of a political conference. By not prescribing a date for the reconsideration of the Korean question, his draft resolution would afford an opportunity to the negotiators to agree on the preliminary issues regarding the conference.

On 7 December, Brazil and India replaced their separate draft resolutions by a joint draft resolution (A/C.1/L.96), providing that the General Assembly should:

(1) resolve that the eighth session stand recessed; and

(2) request the President of the Assembly to reconvene that session, with the concurrence of the majority of Member States, if (a) in her opinion developments in respect of the Korean question warranted such reconvening, or, (b) one or more Member States made a request to the President for such reconvening by reason of developments in respect of the Korean question.

In a statement outlining the situation with regard to the repatriation agreement and its relations to the Armistice Agreement, the representative of India stated that he had agreed to co-sponsor the joint draft resolution, which did not mention any date for reconvening the Assembly, because he felt that it was more important to obtain an agreement that the Assembly should adjourn and reconvene later.

To the joint draft, Poland submitted an amendment (A/C.1/L.97) to delete the words "with the concurrence of the majority of Member States".

The representative of the USSR disagreed with the view that discussion in the Committee might hamper the success of the negotiations for a political conference. Speaking in favour of the Polish amendment, he considered that the mandatory nature of the clause of the joint draft resolution requiring the concurrence of the majority would complicate a reconvening of the session because the majority might not endorse the views of the President.

The representative of the United States said that the principle of majority rule was found throughout the United Nations. He considered it a basic principle which could not be abandoned.

Statements in support of the joint draft resolution (A/C.1/L.96) were made by the representatives of Colombia, El Salvador, France, Iran, Peru, the United Kingdom and the United States who expressed the view that the Assembly should postpone discussion of the question pending the outcome of the negotiations for a political conference.

The representative of Poland considered that those who wished to discuss the Korean question at their own convenience opposed his amendment because the joint draft resolution would facilitate their tactics of postponement.

At the 682nd meeting on 7 December, the Polish amendment was rejected by 50 votes to 5, with 5 abstentions.

The draft resolution of Brazil and India was adopted by 55 votes to none, with 5 abstentions.

At its 470th plenary meeting, on 8 December, the General Assembly voted without discussion on the draft resolution recommended by the Committee (A/2621) and on an amendment (A/L.173) submitted by Poland, identical with the amendment (A/C.1/L.97) submitted in the Committee.

The Polish amendment (A/L.173) was rejected by 48 votes to 5, with 5 abstentions. The draft resolution recommended by the First Committee was adopted by 55 votes to none, with 5 abstentions, as resolution 716(VIII). It read:

"The General Assembly,

"1. Resolves that the eighth session of the General Assembly stand recessed;

"2. Requests the President of the General Assembly to reconvene the eighth session, with the concurrence of the majority of Member States, if (a) in the President's opinion developments in respect of the Korean

question warrant such reconvening, or (b) one or more Member States make a request to the President for such reconvening by reason of developments in respect of the Korean question."

5. Negotiations Relating to the Convening of a Political Conference Under Paragraph 60 of the Armistice Agreement

Following exchanges of communications between the United States, on the one hand, and the People's Republic of China and the People's Republic of Korea, on the other, representatives of both sides, on 26 October 1953 at Panmunjom, entered into negotiations relating to the convening of a political conference under paragraph 60 of the Armistice Agreement. On 13 December, these negotiations were interrupted by the representative of the United States, following allegations by the Chinese-North Korean side that the United Nations Command had acted in connivance with the Government of the Republic of Korea in the release of approximately 27,000 prisoners of war from United Nations prisoners-of-war compounds during the month of June.[26] The representative of the United States declared that he was ready to resume the negotiations if and when the allegations were withdrawn. At that stage, the negotiators had before them differing proposals regarding the convening, composition and functioning of the conference, submitted, respectively, by the Chinese-North Korean side, on 30 November (A/2616, annex I), and by the representative of the United States on 8 December (A/2628). With regard to the composition and place of the conference, the main points of the two proposals were as follows.

The Chinese-North Korean proposal stated:

(1) that the nations concerned on the two sides participating in the conference would be the Democratic People's Republic of Korea and the People's Republic of China, on the one hand, and the seventeen nations contributing armed forces to the United Nations Command, on the other;

(2) all decisions would be made by unanimous agreement among the nations concerned from both sides to the Armistice Agreement and would be binding upon each signatory nation;

(3) the conference would invite five neutral nations concerned, the USSR, India, Indonesia, Pakistan and Burma, to participate so as to facilitate agreement but not on either of the two sides, and without the right to vote.

The United States proposal stated:

(1) that the conference should have as voting participants the Democratic People's Republic of Korea, the People's Republic of China, the seventeen nations contributing armed forces to the United Nations Command, and the USSR;

(2) all decisions would be deemed to have been reached by agreement among the voting participants on the two sides referred to in the Armistice Agreement and the USSR only if a decision had received the affirmative vote of both sides and the USSR;

(3) all decisions would be binding upon each signatory Government;

(4) each side would determine its own procedure as to the manner in which it would signify concurrence or non-concurrence in decisions;

(5) each voting participant would be bound only by the specific agreements to which it had adhered;

(6) in consideration of their responsibilities in connexion with the stabilization of the armistice and consequent concern in a peaceful settlement in Korea, some or all of the governments whose nationals were then actually working there or who had current experience in Korea and were currently familiar with its problems should be invited by both sides to attend and to take part in the conference without vote on either of the two sides.

The Chinese-North Korean side proposed that the conference be held at New Delhi on 28 December 1953, while the United States proposal called for a conference at Geneva, Switzerland.

6. Relief and Rehabilitation of Korea[27]

a. CONSIDERATION BY THE ECONOMIC AND SOCIAL COUNCIL

At its fifteenth session, the Council, when considering its provisional agenda at its 673rd plenary meeting on 31 March 1953, decided to postpone the question of relief and rehabilitation of Korea until its sixteenth session.

This question was again before the Council at its sixteenth session and was discussed at the 750th plenary meeting on 5 August 1953. The Council had before it the reports of the Agent General of the United Nations Korean Reconstruction Agency (A/2222 & Add.1 & 2 and E/2334 & Add.1-3). In view of the circumstances created by the signature of the Armistice Agreement in Korea in July 1953, the Council agreed to defer the consideration of the question of the relief and rehabilitation of Korea to a subsequent session.

[26] See pp. 112-13.

[27] For General Assembly resolution 701 (VII) on this subject, see above under Consideration of the Korean Question by the General Assembly at its Resumed Seventh Session, between 24 February and 23 April 1953.

b. REPORT OF THE AGENT GENERAL TO THE EIGHTH SESSION OF THE GENERAL ASSEMBLY

The Agent General of UNKRA submitted an annual report (A/2543) to the eighth session of the General Assembly, covering the period from 15 September 1952 to 30 September 1953. He stated that, following the armistice in Korea, an expanded programme for the year 1954 had been launched with the participation of the Government of the Republic of Korea, the Unified Command and UNKRA. To co-ordinate UNKRA's programme with the programmes of the United States Government channelled through the United Nations Command, a civilian Economic Co-ordinator was appointed to the staff of the United Nations Commander-in-Chief. Also, a subordinate military organization of the United Nations Command, the Korea Civil Assistance Command (KCAC) replacing the United Nations Civil Assistance Command, was designated the operating organization in Korea for the total aid to be received from the United States Government.

The report stated that areas of responsibility for relief and rehabilitation work were reserved to UNKRA and the KCAC. UNKRA was charged primarily with long-range rehabilitation, e.g., power rehabilitation, mining and manufacturing reconstruction, irrigation, flood control and land reclamation as well as forestries, fisheries, housing and education. KCAC was assigned responsibility for health, welfare, public works, transportation, communication, the stimulation of agricultural production and the provision of food and other essential civilian requirements. UNKRA was also to co-operate with KCAC in reconstruction in the health, sanitation and welfare fields.

On 26 August, the Advisory Committee to the Agent General approved a plan of expenditure totalling $130 million for UNKRA's part of the programme for the financial year 1954. This figure, however, had to be cut by the Agent General to $85 million, due to lack of funds. The programme, it was stated, was basically to continue and expand many of the projects begun under the $70 million programme approved for the year ending June 1953, the implementation of which was still in progress. With the addition to the $85 million of the carry-over from the financial year 1953, $100 million would be available for obligation during 1954, the report said.

The report noted that substantial assistance had been provided in the field of food and agriculture. Imports of grain to the value of $11 million and fertilizers to the value of $9 million had helped in the increase of food production. Projects were undertaken to aid the Republic of Korea's programme of expanding irrigation facilities, to import materials for the rehabilitation of the farm tool industry, to vaccinate hogs against cholera, and to increase the knowledge of modern farming techniques. In addition, UNKRA developed some 155 community development projects in rural areas and assisted in building up cottage and village handicraft industries. Projects were also developed to assist in reafforestation and in the rehabilitation of fisheries.

A major portion of UNKRA's programme, the report stated, concerned industrial rehabilitation. Under the 1953 programme, UNKRA kid the groundwork for the restoration and expansion of the mining, textile, cement, briquetting flat glass, wire and paper industries. A dollar loan fund and a fund of hwan was established to aid small, privately-owned businesses.

Rehabilitation and expansion of power generating facilities and transmission and distribution lines were undertaken by UNKRA jointly with the United Nations Command. UNKRA made available $3,600,000, with which some 550 miles of transmission and distribution lines, as well as boilers, turbines and generators for existing power plants, were to be repaired and installed. Included in this category were plans to expand the power system on Cheju-do. To improve transportation facilities—a major bottleneck in Korea—trucks and cross and bridge ties for the railroads were imported. A harbour dredge was shipped to Korea to aid in improving the port facilities of a west coast city. The procurement of marine aids to navigation was begun.

Programmes were carried out for developing natural resources and for housing and education. Exploitation of the coal mines, drilling surveys for gold and silver placer deposits and the provision of an assay and ore-dressing laboratory were among the projects designed to develop natural resources. UNKRA also helped to improve mining techniques and provided training facilities for mine workers. In the field of housing UNKRA imported earth block machines for the construction of some 5,500 additional houses and worked with officials of the Government of the Republic of Korea on a housing programme. Educational projects were designed to emphasize the restoration of instructional materials and educational facilities damaged or destroyed during the war. To improve medical education facilities, UNKRA aided in the rehabilitation of the Taegu Medical College and Hospital, provided mobile clinics, helped to establish a centre for rehabilitating am-

putees and provided translations of textbooks for nursing education.

During 1953, UNKRA gave assistance to the voluntary agencies in the form of ocean freight to the value of $360,000 for the shipment of supplies worth $2,650,000 for voluntary agencies with installations in Korea. In addition, UNKRA gave these organizations direct programme grants totalling $240,000.

Under the programme of emergency aid, it was reported that, by 30 September, nineteen requests for assistance had been made by the Unified Command and transmitted by the Agency to governments and non-governmental and specialized agencies. By the same date, a total of 31 Member States and seven non-member States had responded to these appeals. Responses from governments, other than the United States Government, together with contributions from non-governmental and specialized agencies, totalled $48,765,178. In addition, $395,792,783 was provided for relief assistance by the United States through KCAC.

The Agent General gave an account of the work of the teams from the World Health Organization (WHO), the Food and Agriculture Organization of the United Nations (FAO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) in developing recommendations on the scope of long-range programmes in their respective fields. He stated that the final report of the joint UNESCO/UNKRA Educational Planning Mission was received in February 1953 and of the joint WHO/UNKRA Health Planning Mission on 26 November 1952. The preliminary report of the FAO/UNKRA Agricultural Planning Mission, dated March 1953, while not yet released for public distribution, had set forth valuable plans for agricultural rehabilitation and technical assistance. UNESCO, in co-operation with UNKRA, had extended its gift coupon programme, enabling individuals and voluntary agencies to aid Korean schools through purchase of books and periodicals and the financing of grants to selected Korean educators and specialists abroad. In connexion with the implementation of health projects under the $70 million programme, WHO had prepared specifications, jointly with the Swedish Red Cross and a panel of medical experts, and had recommended sources of supply for equipment, supplies and textbooks for the Taegu Medical College and Teaching Hospital.

Dealing with non-governmental organizations and international and national voluntary agencies, the report stated that by 30 September, the total value of contributions amounted to $26,115,219. In addition to these contributions to the Unified Command, relief supplies to the value of approximately $8 million had been shipped to Korea since November 1952 by voluntary agencies in support of their own programmes and in conformity with regulations of the Unified Command and the Government of the Republic of Korea.

The Agent General reported continuing general improvement in economic conditions since early 1953. However, he noted, despite this recovery, rates of production and consumption at mid-1953 were for the most part still below the 1949-50 levels.

He proposed that for the period from 1 July 1954 to 30 June 1955 UNKRA would make further commitments in the amount of $110 million, making the total commitment, from the inception of UNKRA to 30 June 1955, $266 million. He submitted a tentative plan of expenditure covering this amount.

The initial target figure established by the Negotiating Committee set up under General Assembly resolution 410 B (V) of 1 December 1950, the Agent-General pointed out, amounted to $250 million for the first year of UNKRA's full-scale operations. In order to authorize the total expenditure of $266 million by June 1955, he therefore requested the General Assembly to endorse at its eighth session an additional budgetary target of $16 million. He also asked the Assembly to urge governments to contribute to the programme in order that the proposed plan of expenditure might be executed, and to invite the Negotiating Committee for Extra-Budgetary Funds to initiate negotiations with Member and non-member States with a view to obtaining pledges and contributions toward the revised target.

The report noted that, at the expiration of the term of office of the Agent General, J. Donald Kingsley, the Secretary-General, in consultation with UNCURK and the UNKRA Advisory Committee, appointed Lt. General John B. Coulter, USA (Ret.), as Agent General effective 16 May 1953.

c. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS EIGHTH SESSION

The Agent General's report was considered by the Second Committee at its 283rd and 284th meetings on 2 December 1953.

In addition to this report, the Committee had before it the comments of UNCURK (A/2586) on the report. The Commission emphasized that the Republic of Korea was a long way from

establishing a viable economy even at a per capita level of consumption approximately equal to that of 1949-50. It noted the need for external assistance to combat inflation in order to promote financial stability. It reiterated its recommendation that UNKRA's programme should aim in particular at an early increase in Korean domestic production. The Commission noted that, in order to ensure continuity in planning and programme, the Agent General had prepared a proposed programme for the financial year 1955.

The Committee also had before it a joint draft resolution by Argentina, Canada, France, the Philippines, the United Kingdom and the United States (A/C.2/L.218), according to which the General Assembly would:

(1) commend the Agent General for his work;

(2) approve, subject to consultation between the Agent General and the Advisory Committee, the programmes for 1 July 1953 to 1 July 1954 and 1 July 1954 to 1 July 1955 set forth in the Agent General's report to the eighth session;

(3) note with concern that sufficient funds were not available to implement such programmes, urge all governments to give immediate consideration to the prompt payment of pledges already made or to the making of contributions within their financial possibilities if they had not already taken such action, and recommend that specialized agencies and non-governmental organizations should furnish all possible assistance to UNKRA; and

(4) request the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to the resolution adopted by the General Assembly on 5 October 1953,[28] to undertake, in addition to assigned tasks, negotiations with governments regarding their pledges to UNKRA.

In a statement outlining UNKRA's plans for the financial year 1953-54. the Agent General explained that, unfortunately, the outlay for the prospective programme had to be reduced from $130 million to $85 million so that many of the very important projects under way could not be implemented during the year.

He stated that UNKRA was seeking governmental contributions of $250 million, against estimates of Korea's needs which amounted to about $1,000 million. In his report, he had requested that the authorization be increased to $266 million to June 1955. Of the $207 million pledged to UNKRA, the Agency had received only $88,600,000, and unfulfilled pledges of $119 million must be collected. The total of uncollected and additional pledges required was $177 million; of the total, the collection of $67 million was required to meet 1954 plans and $110 million to meet 1955 plans.

He urged the Committee to adopt the proposals in his report and appealed to Member States to translate their pledges into funds.

Opening the debate, the representative of Canada, as Chairman of the Advisory Committee to the Agent General, introduced the joint draft resolution, expressing the hope that it would receive unanimous support and thus reaffirm the intention stated by the General Assembly in resolution 410(V). He urged governments and agencies to contribute to the programme. While Canada had pledged and paid $7,250,000 Canadian dollars towards the original target of $250 million set by the Negotiating Committee in 1950, his Government must consider what new financial commitments it could make to meet UNKRA's new requirements. He agreed with that part of the Agent General's report in which it was noted that it would be inadvisable to present in detail any plan covering the coming four or five years.

The representative of the United States urged widespread support for the draft resolution. The cease-fire, he said, offered Member States a new opportunity to demonstrate by deeds their belief in co-operative action. The United States was definitely committed to this concept, as demonstrated by its contributions to Korean relief and reconstruction. His Government believed that substantial aid should be given by as many United Nations countries as possible. The new phase in the efforts of UNKRA after the cease-fire had been closely followed by his Government. The progress registered had been impressive and the sponsors of the joint draft resolution had on that account congratulated UNKRA on its substantial achievements. A co-ordinated programme for 1953-54 had emerged, in which duplication of effort had been reduced to a minimum. As its contribution to UNKRA, the United States, to date, had given $65,750,000 out of the total received to implement the programme; this amounted to about 75 per cent of the funds advanced. The United States representative added that the rate at which his country's future contributions would actually be made available depended on the rate of payments of other countries.

He emphasized the need for substantial external assistance to enable Korea to produce sufficient goods and services to meet minimum consumption requirements and stated his belief that in time the Republic of Korea could achieve economic stability. The trend in industrial production was upward, the United States representative concluded, and improvements had been noted in the fishing industry, in power production and in the country's financial situation.

[28] See p. 105.

The representatives of Argentina, Australia, France, India and Mexico supported the joint draft resolution and the work of UNKRA, but stated that this support should not be taken as an indication that their Governments were prepared to make a contribution additional to that already pledged. The representative of the United Kingdom commended the Agent General and his staff for having dealt very successfully with a difficult problem. He suggested that, because of the political uncertainty in Korea, it might perhaps be wise for the Agency to concentrate now on programmes that could be completed by 30 June 1955, and, at the same time, to consider the advisability of transferring responsibility for the long-term projects to the Unified Command or to the Republic of Korea. He proposed that the General Assembly might then, under the terms of the programme proposed in the report, examine the situation at its ninth session. He urged governments to contribute to the UNKRA programme, and stated that the United Kingdom would have paid by April 1955 the equivalent of $20 million for Korean rehabilitation.

The representative of the USSR, opposing the draft resolution and its approval of the work of the Agent General, contended that UNKRA was under the control of the United States military authorities. The Agent General, he said, had directed his efforts towards co-operating with the United Nations Command in its strategic concerns, and had used funds to build bridges and roads, rather than for industrial and agricultural reconstruction.

He drew attention to the assistance to North Korea granted by the Soviet Union and the People's Republic of China. Under an agreement with the Democratic People's Republic of North Korea, he said, his Government had opened a credit of 10 thousand million rubles to be used for the construction of electric power stations and factories to replace destroyed plants. With that money, North Korea would be able to rehabilitate the indispensable branches of the economy and supply the population with essential consumer goods. It would be able to undertake the construction of iron and cement works, restore communications, develop fisheries and stock-raising and build hospitals and schools. Gratifying results had already been obtained in the reconditioning of hydro-electric plants, in the working of non-ferrous ores, in the textile industry and in the production of preserved foods. In addition, under an agreement concluded at Peking between the Central People's Government of the People's Republic of China and North Korea, the Central People's Government had renounced the right to repayment of the sums due to it in respect of the economic aid already furnished to North Korea. The People's Republic of China had also undertaken to provide Korea with cotton, cereals, capital goods, ships, railway rolling stock and the raw materials needed for industrial reconstruction.

The representative of Czechoslovakia supported the view expressed by the USSR representative that UNKRA was under the control of the United States authorities.

The representative of China stated that any aid, in money or kind, granted by the People's Republic of China to North Korea could only come from the forced labour of those imprisoned in concentration camps and from an exorbitant demand upon the very limited resources of the agricultural population. The Chinese delegation would vote for the draft resolution and would inform the Negotiating Committee for Extra-Budgetary Funds of the Chinese Government's position with regard to the further contributions requested.

The Agent General stated that the Agency was not subordinate to any other body in Korea but operated in accordance with the provisions of General Assembly resolution 410(V). Its activities were supervised by an Advisory Committee of five nations: Canada, India, the United Kingdom, the United States and Uruguay.

The representative of the United States recalled that the Agent General had specifically advised the Economic Co-ordinator that UNKRA's participation in a co-ordinated programme must be fully consistent with UNKRA's responsibilities to the United Nations.

At the request of the representative of the Byelorussian SSR, the draft resolution (A/C.2/-L.218) was voted upon in parts and adopted in votes ranging from 33 to 5 to 32 to none, with 6 abstentions. It was adopted, as a whole, by 33 votes to none, with 5 abstentions.

At its 468th plenary meeting on 7 December 1953, the General Assembly adopted, without discussion, the draft resolution recommended by the Second Committee (A/2603), by 52 votes to none, with 5 abstentions, as resolution 725 (VIII). It read:

"The General Assembly,

"Recalling General Assembly resolution 410(V) of 1 December 1950,

"Taking note of the report of the Agent General on the work of the United Nations Korean Reconstruction Agency for the period 15 September 1952 to 30 September 1953,

"Noting that the work undertaken by the United Nations Korean Reconstruction Agency is bringing substantial benefits to the distressed people of Korea,

"Noting with satisfaction that the programmes of the Agency are implemented in close co-operation with the Government of the Republic of Korea and the United Nations Command and in consultation with the United Nations Commission for the Unification and Rehabilitation of Korea,

"1. Commends the Agent General of the United Nations Korean Reconstruction Agency for his work;

"2. Approves, subject to consultation between the Agent General and the Advisory Committee, the programmes for the periods 1 July 1953 to 1 July 1954 and 1 July 1954 to 1 July 1955 set forth in paragraphs 122, 123 and 124 of the Agent General's report to the General Assembly at its eighth session;

"3. Notes with concern that sufficient funds are not available to implement such programmes, urges all governments to give immediate consideration to the prompt payment of pledges already made or to the making of contributions within their financial possibilities if they have not already taken such action; and recommends that specialized agencies and non-governmental organizations furnish all possible assistance to the United Nations Korean Reconstruction Agency;

"4. Requests the Negotiating Committee for Extra-Budgetary Funds, appointed pursuant to General Assembly resolution 759(VIII) of 5 October 1953, to undertake, in addition to already assigned tasks, negotiations with governments regarding their pledges to the United Nations Korean Reconstruction Agency."

ANNEX I. ARMISTICE AGREEMENT OF 27 JULY 1953

Agreement between the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, concerning a military armistice in Korea.

PREAMBLE

The undersigned, the Commander-in-Chief, United Nations Command, on the one hand, and the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, on the other hand, in the interest of stopping the Korean conflict, with its great toll of suffering and bloodshed on both sides, and with the objective of establishing an armistice which will insure a complete cessation of hostilities and of all acts of armed force in Korea until a final peaceful settlement is achieved, do individually, collectively, and mutually agree to accept and to be bound and governed by the conditions and terms of armistice set forth in the following Articles and Paragraphs, which said conditions and terms are intended to be purely military in character and to pertain solely to the belligerents in Korea.

ARTICLE I

MILITARY DEMARCATION LINE AND DEMILITARIZED ZONE

1. A Military Demarcation Line shall be fixed and both sides shall withdraw two (2) kilometers from this line so as to establish a Demilitarized Zone between the opposing forces. A Demilitarized Zone shall be established as a buffer zone to prevent the occurrence of incidents which might lead to a resumption of hostilities.

2. The Military Demarcation Line is located as indicated on the attached map (Map 1).[29]

3. The Demilitarized Zone is defined by a northern and a southern boundary as indicated on the attached map (Map 1).

4. The Military Demarcation Line shall be plainly marked as directed by the Military Armistice Commission hereinafter established. The Commanders of the opposing sides shall have suitable markers erected along the boundary between the Demilitarized Zone and their respective areas. The Military Armistice Commission shall supervise the erection of all markers placed along the Military Demarcation Line and along the boundaries of the Demilitarized Zone.

5. The waters of the Han River Estuary shall be open to civil shipping of both sides wherever one bank is controlled by one side and the other bank is controlled by the other side. The Military Armistice Commission shall prescribe rules for the shipping in that part of the Han River Estuary indicated on the attached map (Map 2). Civil shipping of each side shall have unrestricted access to the land under the military control of that side.

6. Neither side shall execute any hostile act within, from, or against the Demilitarized Zone.

7. No person, military or civilian, shall be permitted to cross the Military Demarcation Line unless specifically authorized to do so by the Military Armistice Commission.

8. No person, military or civilian, in the Demilitarized Zone shall be permitted to enter the territory under the military control of either side unless specifically authorized to do so by the Commander into whose territory entry is sought.

9. No person, military or civilian, shall be permitted to enter the Demilitarized Zone except persons concerned with the conduct of civil administration and relief and persons specifically authorized to enter by the Military Armistice Commission.

10. Civil administration and relief in that part of the Demilitarized Zone which is south of the Military Demarcation Line shall be the responsibility of the Commander-in-Chief, United Nations Command; and civil administration and relief in that pan of the Demilitarized Zone which is north of the Military Demarcation Line shall be the joint responsibility of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. The number of persons, military and civilian, from each side who are permitted to enter the Demilitarized Zone for the conduct of civil administration and relief shall be as determined by the respective Commanders, but in no case shall the total number authorized by either side exceed one thousand (1,000) persons at any one time. The number of civil police and the arms to be carried by them shall be as pre-

[29] The maps referred to in the text are not included in this volume.

scribed by the Military Armistice Commission. Other personnel shall not carry arms unless specifically authorized to do so by the Military Armistice Commission.

11. Nothing contained in this Article shall be construed to prevent the complete freedom of movement to, from, and within the Demilitarized Zone by the Military Armistice Commission, its assistants, its Joint Observer Teams with their assistants, the Neutral Nations Supervisory Commission hereinafter established, its assistants, its Neutral Nations Inspection Teams with their assistants, and of any other persons, materials, and equipment specifically authorized to enter the Demilitarized Zone by the Military Armistice Commission. Convenience of movement shall be permitted through the territory under the military control of either side over any route necessary to move between points within the Demilitarized Zone where such points are not connected by roads lying completely within the Demilitarized Zone.

ARTICLE II

CONCRETE ARRANGEMENTS FOR CEASE-FIRE AND ARMISTICE

A. General

12. The Commanders of the opposing sides shall order and enforce a complete cessation of all hostilities in Korea by all armed forces under their control, including all units and personnel of the ground, naval, and air forces, effective twelve (12) hours after this Armistice Agreement is signed. (See Paragraph 63 hereof for effective date and hour of the remaining provisions of this Armistice Agreement.)

13. In order to insure the stability of the Military Armistice so as to facilitate the attainment of a peaceful settlement through the holding by both sides of a political conference of a higher level, the Commanders of the opposing sides shall:

(a) Within seventy-two (72) hours after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the Demilitarized Zone except as otherwise provided herein. All demolitions, minefields, wire entanglements, and other hazards to the safe movement of personnel of the Military Armistice Commission or its Joint Observer Teams, known to exist within the Demilitarized Zone after the withdrawal of military forces therefrom, together with lanes known to be free of all such hazards, shall be reported to the Military Armistice Commission by the Commander of the side whose forces emplaced such hazards. Subsequently, additional safe lanes shall be cleared; and eventually, within forty-five (45) days after the termination of the seventy-two (72) hour period, all such hazards shall be removed from the Demilitarized Zone as directed by and under the supervision of the Military Armistice Commission. At the termination of the seventy-two (72) hour period, except for unarmed troops authorized a forty-five (45) day period to complete salvage operations under Military Armistice Commission supervision, such units of a police nature as may be specifically requested by the Military Armistice Commission and agreed to by the Commanders of the opposing sides, and personnel authorized under Paragraphs 10 and 11 hereof, no personnel of either side shall be permitted to enter the Demilitarized Zone.

(b) Within ten (10) days after this Armistice Agreement becomes effective, withdraw all of their military forces, supplies, and equipment from the rear and the coastal islands and waters of Korea of the other side. If such military forces are not withdrawn within the stated time limit, and there is no mutually agreed and valid reason for the delay, the other side shall have the right to take any action which it deems necessary for the maintenance of security and order. The term "coastal islands", as used above, refers to those islands which, though occupied by one side at the time when this Armistice Agreement becomes effective, were controlled by the other side on 24 June 1950; provided, however, that all the islands lying to the north and west of the provincial boundary line between HWANGHAE-DO and KYONGGI-DO shall be under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, except the island groups of PAENG-YONG-DO (37°58'N, 124°40'E), TAECHONG-DO (37°50'N, 124°42'E), SOCHONG-DO (37°46'N, 124°46'E), YONPYONG-DO (37° 38'N, 125°40'E), and U-DO (37°36'N, 125°58'E), which shall remain under the military control of the Commander-in-Chief, United Nations Command. All the islands on the west coast of Korea lying south of the above-mentioned boundary line shall remain under the military control of the Commander-in-Chief, United Nations Command. (See Map 3.)

(c) Cease the introduction into Korea of reinforcing military personnel; provided, however, that the rotation of units and personnel, the arrival in Korea of personnel on a temporary duty basis, and the return to Korea of personnel after short periods of leave or temporary duty outside of Korea shall be permitted within the scope prescribed below. "Rotation" is defined as the replacement of units or personnel by other units or personnel who are commencing a tour of duty in Korea. Rotation personnel shall be introduced into and evacuated from Korea only through the ports of entry enumerated in Paragraph 43 hereof. Rotation shall be conducted on a man-for-man basis; provided, however, that no more than thirty-five thousand (35,000) persons in the military service shall be admitted into Korea by either side in any calendar month under the rotation policy. No military personnel of either side shall be introduced into Korea if the introduction of such personnel will cause the aggregate of the military personnel of that side admitted into Korea since the effective date of this Armistice Agreement to exceed the cumulative total of the military personnel of that side who have departed from Korea since that date. Reports concerning arrivals in and departures from Korea of military personnel shall be made daily to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include places of arrival and departure and the number of persons arriving at or departing from each such place. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the rotation of units and personnel authorized above, at the ports of entry enumerated in Paragraph 43 hereof.

(d) Cease the introduction into Korea of reinforcing combat aircraft, armored vehicles, weapons, and ammunition; provided, however, that combat aircraft, armored vehicles, weapons, and ammunition which are destroyed, damaged, worn out, or used up during the period of the armistice may be re-

placed on the basis of piece-for-piece of the same effectiveness and the same type. Such combat aircraft, armored vehicles, weapons, and ammunition shall be introduced into Korea only through the ports of entry enumerated in Paragraph 43 hereof. In order to justify the requirement for combat aircraft, armored vehicles, weapons, and ammunition to be introduced into Korea for replacement purposes, reports concerning every incoming shipment of these items shall be made to the Military Armistice Commission and the Neutral Nations Supervisory Commission; such reports shall include statements regarding the disposition of the items being replaced, Items to be replaced which are removed from Korea shall be removed only through the ports of entry enumerated in Paragraph 43 hereof. The Neutral Nations Supervisory Commission, through its Neutral Nations Inspection Teams, shall conduct supervision and inspection of the replacement of combat aircraft, armored vehicles, weapons, and ammunition authorized above, at the ports of entry enumerated in Paragraph 43 hereof.

(e) Insure that personnel of their respective commands who violate any of the provisions of this Armistice Agreement are adequately punished.

(f) In those cases where places of burial are a matter of record and graves are actually found to exist, permit graves registration personnel of the other side to enter, within a definite time limit after this Armistice Agreement becomes effective, the territory of Korea under their military control, for the purpose of proceeding to such graves to recover and evacuate the bodies of the deceased military personnel of that side, including deceased prisoners of war. The specific procedures and the time limit for the performance of the above task shall be determined by the Military Armistice Commission. The Commanders of the opposing sides shall furnish to the other side all available information pertaining to the places of burial of the deceased military personnel of the other side.

(g) Afford full protection and all possible assistance and co-operation to the Military Armistice Commission, its Joint Observer Teams, the Neutral Nations Supervisory Commission, and its Neutral Nations Inspection Teams, in the carrying out of their functions and responsibilities hereinafter assigned; and accord to the Neutral Nations Supervisory Commission, and to its Neutral Nations Inspection Teams, full convenience of movement between the headquarters of the Neutral Nations Supervisory Commission and the ports of entry enumerated in Paragraph 43 hereof over main lines of communication agreed upon by both sides (See Map 4), and between the headquarters of the Neutral Nations Supervisory Commission and the places where violations of this Armistice Agreement have been reported to have occurred. In order to prevent unnecessary delays, the use of alternate routes and means of transportation will be permitted whenever the main lines of communication are closed or impassable.

(b) Provide such logistic support, including communications and transportation facilities, as may be required by the Military Armistice Commission and the Neutral Nations Supervisory Commission and their Teams.

(i) Each construct, operate, and maintain a suitable airfield in their respective part of the Demilitarized Zone in the vicinity of the headquarters of the Military Armistice Commission, for such uses as the Commission may determine.

(j) Insure that all members and other personnel of the Neutral Nations Supervisory Commission and of the Neutral Nations Repatriation Commission hereinafter established shall enjoy the freedom and facilities necessary for the proper exercise of their functions, including privileges, treatment, and immunities equivalent to those ordinarily enjoyed by accredited diplomatic personnel under international usage.

14. This Armistice Agreement shall apply to all opposing ground forces under the military control of either side, which ground forces shall respect the Demilitarized Zone and the area of Korea under the military control of the opposing side.

15. This Armistice Agreement shall apply to all opposing naval forces, which naval forces shall respect the waters contiguous to the Demilitarized Zone and to the land area of Korea under the military control of the opposing side, and shall not engage in blockade of any kind of Korea.

16. This Armistice Agreement shall apply to all opposing air forces, which air forces shall respect the air space over the Demilitarized Zone and over the area of Korea under the military control of the opposing side, and over the waters contiguous to both.

17. Responsibility for compliance with and enforcement of the terms and provisions of this Armistice Agreement is that of the signatories hereto and their successors in command. The Commanders of the opposing sides shall establish within their respective commands all measures and procedures necessary to insure complete compliance with all of the provisions hereof by all elements of their commands. They shall actively co-operate with one another and with the Military Armistice Commission and the Neutral Nations Supervisory Commission in requiring observance of both the letter and the spirit of all of the provisions of this Armistice Agreement.

18. The costs of the operations of the Military Armistice Commission and of the Neutral Nations Supervisory Commission and of their Teams shall be shared equally by the two opposing sides.

B. Military Armistice Commission

1. Composition

19. A Military Armistice Commission is hereby established.

20. The Military Armistice Commission shall be composed of ten (10) senior officers, five (5) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and five (5) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Of the ten members, three (3) from each side shall be of general or flag rank. The two (2) remaining members on each side may be major generals, brigadier generals, colonels, or their equivalents.

21. Members of the Military Armistice Commission shall be permitted to use staff assistants as required.

22. The Military Armistice Commission shall be provided with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing record-keeping, secretarial, interpreting, and such other functions as the Commission

may assign to it. Each side shall appoint to the Secretariat a Secretary and an Assistant Secretary and such clerical and specialized personnel as required by the Secretariat. Records shall be kept in English, Korean, and Chinese, all of which shall be equally authentic.

23. (a) The Military Armistice Commission shall be initially provided with and assisted by ten (10) Joint Observer Teams, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission.

(b) Each Joint Observer Team shall be composed of not less than four (4) nor more than six (6) officers of field grade, half of whom shall be appointed by the Commander-in-Chief, United Nations Command, and half of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. Additional personnel such as drivers, clerks, and interpreters shall be furnished by each side as required for the functioning of the Joint Observer Teams.

2. Functions and Authority

24. The general mission of the Military Armistice Commission shall be to supervise the implementation of this Armistice Agreement and to settle through negotiations any violations of this Armistice Agreement.

25. The Military Armistice Commission shall:

(a) Locate its headquarters in the vicinity of PANMUNJOM (37°57'29"N, 126°40'00"E). The Military Armistice Commission may re-locate its headquarters at another point within the Demilitarized Zone by agreement of the senior members of both sides on the Commission.

(b) Operate as a joint organization without a chairman.

(c) Adopt such rules of procedure as it may, from time to time, deem necessary.

(d) Supervise the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

(e) Direct the operations of the Joint Observer Teams.

(f) Settle through negotiations any violations of this Armistice Agreement.

(g) Transmit immediately to the Commanders of the opposing sides all reports of investigations of violations of this Armistice Agreement and all other reports and records of proceedings received from the Neutral Nations Supervisory Commission.

(h) Give general supervision and direction to the activities of the Committee for Repatriation of Prisoners of War and the Committee for Assisting the Return of Displaced Civilians, hereinafter established.

(i) Act as an intermediary in transmitting communications between the Commanders of the opposing sides; provided, however, that the foregoing shall not be construed to preclude the Commanders of both sides from communication with each other by any other means which they may desire to employ.

(j) Provide credentials and distinctive insignia for its staff and its Joint Observer Teams, and a distinctive marking for all vehicles, aircraft, and vessels, used in the performance of its mission.

26. The mission of the Joint Observer Teams shall be to assist the Military Armistice Commission in supervising the carrying out of the provisions of this Armistice Agreement pertaining to the Demilitarized Zone and to the Han River Estuary.

27. The Military Armistice Commission, or the senior member of either side thereof, is authorized to dispatch Joint Observer Teams to investigate violations of this Armistice Agreement reported to have occurred in the Demilitarized Zone or in the Han River Estuary; provided, however, that not more than one half of the Joint Observer Teams which have not been dispatched by the Military Armistice Commission may be dispatched at any one time by the senior member of either side on the Commission.

28. The Military Armistice Commission, or the senior member of either side thereof, is authorized to request the Neutral Nations Supervisory Commission to conduct special observations and inspections at places outside the Demilitarized Zone where violations of this Armistice Agreement have been reported to have occurred.

29. When the Military Armistice Commission determines that a violation of this Armistice Agreement has occurred, it shall immediately report such violation to the Commanders of the opposing sides.

30. When the Military Armistice Commission determines that a violation of this Armistice Agreement has been corrected to its satisfaction, it shall so report to the Commanders of the opposing sides.

3. General

31. The Military Armistice Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the senior members of both sides; provided, that such recesses may be terminated on twenty-four (24) hour notice by the senior member of either side.

32. Copies of the record of the proceedings of all meetings of the Military Armistice Commission shall be forwarded to the Commanders of the opposing sides as soon as possible after each meeting.

33. The Joint Observer Teams shall make periodic reports to the Military Armistice Commission as required by the Commission and, in addition, shall make such special report as may be deemed necessary by them, or as may be required by the Commission.

34. The Military Armistice Commission shall maintain duplicate files of the reports and records of proceedings required by this Armistice Agreement The Commission is authorized to maintain duplicate files of such other reports, records, etc., as may be necessary in the conduct of its business. Upon eventual dissolution of the Commission, one set of the above files shall be turned over to each side.

35. The Military Armistice Commission may make recommendations to the Commanders of the opposing sides with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

C. Neutral Nations Supervisory Commission

1. Composition

36. A Neutral Nations Supervisory Commission is hereby established.

37. The Neutral Nations Supervisory Commission shall be composed of four (4) senior officers, two (2) of whom shall be appointed by neutral nations nominated by the Commander-in-Chief, United Nations

Command, namely, SWEDEN and SWITZERLAND, and two (2) of whom shall be appointed by neutral nations nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, namely, POLAND and CZECHOSLOVAKIA. The term "neutral nations" as herein used is defined as those nations whose combatant forces have not participated in the hostilities in Korea. Members appointed to the Commission may be from the armed forces of the appointing nations. Each member shall designate an alternate member to attend those meetings which for any reason the principal member is unable to attend. Such alternate members shall be of the same nationality as their principals. The Neutral Nations Supervisory Commission may take action whenever the number of members present from the neutral nations nominated by one side is equal to the number of members present from the neutral nations nominated by the other side.

38. Members of the Neutral Nations Supervisory Commission shall be permitted to use staff assistants furnished by the neutral nations as required. These staff assistants may be appointed as alternate members of the Commission.

39. The neutral nations shall be requested to furnish the Neutral Nations Supervisory Commission with the necessary administrative personnel to establish a Secretariat charged with assisting the Commission by performing necessary record-keeping, secretarial, interpreting, and such other functions as the Commission may assign to it.

40. (a) The Neutral Nations Supervisory Commission shall be initially provided with, and assisted by, twenty (20) Neutral Nations Inspection Teams, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. The Neutral Nations Inspection Teams shall be responsible to, shall report to, and shall be subject to the direction of, the Neutral Nations Supervisory Commission only.

(b) Each Neutral Nations Inspection Team shall be composed of not less than four (4) officers, preferably of field grade, half of whom shall be from the neutral nations nominated by the Commander-in-Chief, United Nations Command, and half of whom shall be from the neutral nations nominated jointly by the Supreme Commander of the Korean People's Army, and the Commander of the Chinese People's Volunteers. Members appointed to the Neutral Nations Inspection Teams may be from the armed forces of the appointing nations. In order to facilitate the functioning of the Teams, sub-teams composed of not less than two (2) members, one of whom shall be from a neutral nation nominated by the Commander-in-Chief, United Nations Command, and one of whom shall be from a neutral nation nominated jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, may be formed as circumstances require. Additional personnel such as drivers, clerks, interpreters, and communications personnel, and such equipment as may be required by the Teams to perform their missions, shall be furnished by the Commander of each side, as required, in the Demilitarized Zone and in the territory under his military control. The Neutral Nations Supervisory Commission may provide itself and the Neutral Nations Inspection Teams with such of the above personnel and equipment of its own as it may desire; provided, however, that such personnel shall be personnel of the same neutral nations of which the Neutral Nations Supervisory Commission is composed.

2. Functions and Authority

41. The mission of the Neutral Nations Supervisory Commission shall be to carry out the functions of supervision, observation, inspection, and investigation, as stipulated in Sub-paragraphs 13c and 13d and Paragraph 28 hereof, and to report the results of such supervision, observation, inspection, and investigation to the Military Armistice Commission.

42. The Neutral Nations Supervisory Commission shall:

(a) Locate its headquarters in proximity to the headquarters of the Military Armistice Commission.

(b) Adopt such rules of procedure as it may, from time to time, deem necessary.

(c) Conduct, through its members and its Neutral Nations Inspection Teams, the supervision and inspection provided for in Sub-paragraphs 13c and 13d of this Armistice Agreement at the ports of entry enumerated in Paragraph 43 hereof, and the special observations and inspections provided for in Paragraph 28 hereof at those places where violations of this Armistice Agreement have been reported to have occurred. The inspection of combat aircraft, armored vehicles, weapons, and ammunition by the Neutral Nations Inspections Teams shall be such as to enable them to properly insure that reinforcing combat aircraft, armored vehicles, weapons, and ammunition are not being introduced into Korea; but this shall not be construed as authorizing inspections or examinations of any secret designs or characteristics of any combat aircraft, armored vehicle, weapon, or ammunition.

(d) Direct and supervise the operations of the Neutral Nations Inspection Teams.

(e) Station five (5) Neutral Nations Inspection Teams at the ports of entry enumerated in Paragraph 43 hereof located in the territory under the military control of the Commander-in-Chief, United Nations Command; and five (3) Neutral Nations Inspection Teams at the ports of entry enumerated in Paragraph 43 hereof located in the territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers; and establish initially ten (10) mobile Neutral Nations Inspection Teams in reserve, stationed in the general vicinity of the headquarters of the Neutral Nations Supervisory Commission, which number may be reduced by agreement of the senior members of both sides on the Military Armistice Commission. Not more than half of the mobile Neutral Nations Inspection Teams shall be dispatched at any one time in accordance with requests of the senior member of either side on the Military Armistice Commission.

(f) Subject to the provisions of the preceding Sub-paragraph, conduct without delay investigations of reported violations of this Armistice Agreement, including such investigations of reported violations of this Armistice Agreement as may be requested by the Military Armistice Commission or by the senior member of either side on the Commission.

(g) Provide credentials and distinctive insignia for its staff and its Neutral Nations Inspection Teams, and a distinctive marking for all vehicles, aircraft,.

and vessels, used in the performance of its mission.

43. Neutral Nations Inspection Teams shall be stationed at the following ports of entry:

Territory under the military control of the United Nations Command

INCHON	(37°28'N, 126°38'E)
TAEGU	(35°52'N, 128°36'E)
PUSAN	(35°06'N, 129°02'E)
KANGNUNG	(37°45'N, 128°54'E)
KUNSAN	(35°59'N, 126°43'E)

Territory under the military control of the Korean People's Army and the Chinese People's Volunteers

SINUIJU	(40°06'N, 124°24'E)
CHONGJIN	(41°46'N, 129°49'E)
HUNGNAM	(39°50'N, 127°37'E)
MANPO	(41°09'N, 126°18'E)
SINANJU	(39°36'N, 125°36'E)

These Neutral Nations Inspection Teams shall be accorded full convenience of movement within the areas and over the routes of communication set forth on the attached map (Map 5).

3. General

44. The Neutral Nations Supervisory Commission shall meet daily. Recesses of not to exceed seven (7) days may be agreed upon by the members of the Neutral Nations Supervisory Commission; provided, that such recesses may be terminated on twenty-four (24) hour notice by any member.

45. Copies of the record of the proceedings of all meetings of the. Neutral Nations Supervisory Commission shall be forwarded to the Military Armistice Commission as soon as possible after each meeting. Records shall be kept in English, Korean, and Chinese.

46. The Neutral Nations Inspection Teams shall make periodic reports concerning the results of their supervision, observations, inspections, and investigations to the Neutral Nations Supervisory Commission as required by the Commission and, in addition, shall make such special reports as may be deemed necessary by them, or as may be required by the Commission. Reports shall be submitted by a Team as a whole, but may also be submitted by one or more individual members thereof; provided, that the reports submitted by one or more individual members thereof shall be considered as informational only.

47. Copies of the reports made by the Neutral Nations Inspection Teams shall be forwarded to the Military Armistice Commission by the Neutral Nations Supervisory Commission without delay and in the language in which received. They shall not be delayed by the process of translation or evaluation. The Neutral Nations Supervisory Commission shall evaluate such reports at the earliest practicable time and shall forward their findings to the Military Armistice Commission as a matter of priority. The Military Armistice Commission shall not take final action with regard to any such report until the evaluation thereof has been received from the Neutral Nations Supervisory Commission. Members of the Neutral Nations Supervisory Commission and of its Teams shall be subject to appearance before the Military Armistice Commission, at the request of the senior member of either side on the Military Armistice Commission, for clarification of any report submitted.

48. The Neutral Nations Supervisory Commission shall maintain duplicate files of the reports and records of proceedings required by this Armistice Agreement. The Commission is authorized to maintain duplicate files of such reports, records, etc., as may be necessary in the conduct of its business. Upon eventual dissolution of the Commission, one set of the above files shall be turned over to each side.

49. The Neutral Nations Supervisory Commission may make recommendations to the Military Armistice Commission with respect to amendments or additions to this Armistice Agreement. Such recommended changes should generally be those designed to insure a more effective armistice.

50. The Neutral Nations Supervisory Commission, or any member thereof, shall be authorized to communicate with any member of the Military Armistice Commission.

ARTICLE III

ARRANGEMENTS RELATING TO PRISONERS OF WAR

51. The release and repatriation of all prisoners of war held in custody of each side at the time this Armistice Agreement becomes effective shall be effected in conformity with the following provisions agreed upon by both sides prior to the signing of this Armistice Agreement.

(a) Within sixty (60) days after this Armistice Agreement becomes effective, each side shall, without offering any hindrance, directly repatriate and hand over in groups all those prisoners of war in its custody who insist on repatriation to the side to which they belonged at the time of capture. Repatriation shall be accomplished in accordance with the related provisions of this Article. In order to expedite the repatriation process of such personnel, each side shall, prior to the signing of the Armistice Agreement, exchange the total numbers, by nationalities, of personnel to be directly repatriated. Each group of prisoners of war delivered to the other side shall be accompanied by rosters, prepared by nationality, to include name, rank (if any) and internment or military serial number.

(b) Each side shall release all those remaining prisoners of war, who are not directly repatriated, from its military control and from its custody and hand them over to the Neutral Nations Repatriation Commission for disposition in accordance with the provisions in the Annex hereto: "Terms of Reference for Neutral Nations Repatriation Commission."

(c) So that there may be no misunderstanding owing to the equal use of three languages, the act of delivery of a prisoner of war by one side to the other side shall, for the purpose of this Armistice Agreement, be called "repatriation" in English ( ) (SONG HWAN) in Korean, and ( ) (CH'IEN FAN) in Chinese, notwithstanding the nationality or place of residence of such prisoner of war.

52. Each side insures that it will not employ in acts of war in the Korean conflict any prisoner of war released and repatriated incident to the coming into effect of this Armistice Agreement.

53. All the sick and injured prisoners of war who insist upon repatriation shall be repatriated with priority. Insofar as possible, there shall be captured medical personnel repatriated concurrently with the sick and injured prisoners of war, so as to provide medical care and attendance en route.

54. The repatriation of all of the prisoners of war required by Sub-paragraph 51a hereof shall be completed within a time limit of sixty 60) days after this Armistice Agreement becomes effective. Within this time limit each side undertakes to complete the repatriation of the above-mentioned prisoners of war in its custody at the earliest practicable time.

55. PANMUNJOM is designated as the place where prisoners of war will be delivered and received by both sides. Additional place(s) of delivery and reception of prisoners of war in the Demilitarized Zone may be designated, if necessary, by the Committee for Repatriation of Prisoners of War.

56. (a) A Committee for Repatriation of Prisoners of War is hereby established. It shall be composed of six (6) officers of field grade, three (3) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and three (3) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for the repatriation of prisoners of war and for supervising the execution by both sides of all of the provisions of this Armistice Agreement relating to the repatriation of prisoners of war. It shall be the duty of this Committee to coordinate the timing of the arrival of prisoners of war at the place(s) of delivery and reception of prisoners of war from the prisoner of war camps of both sides; to make, when necessary, such special arrangements as may be required with regard to the transportation and welfare of sick and injured prisoners of war; to coordinate the work of the joint Red Cross teams, established in Paragraph 57 hereof, in assisting in the repatriation of prisoners of war; to supervise the implementation of the arrangements for the actual repatriation of prisoners of war stipulated in Paragraphs 53 and 54 hereof; to select, when necessary, additional place(s) of delivery and reception of prisoners of war; to arrange for security at the place(s) of delivery and reception of prisoners of war; and to carry out such other related functions as are required for the repatriation of prisoners of war.

(b) When unable to reach agreement on any matter relating to its responsibilities, the Committee for Repatriation of Prisoners of War shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Repatriation of Prisoners of War shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

(c) The Committee for Repatriation of Prisoners of War shall be dissolved by the Military Armistice Commission upon completion of the program of repatriation of prisoners of war.

57. (a) Immediately after this Armistice Agreement becomes effective, joint Red Cross teams composed of representatives of the national Red Cross Societies of the countries contributing forces to the United Nations Command on the one hand, and representatives of the Red Cross Society of the Democratic People's Republic of Korea and representatives of the Red Cross Society of the People's Republic of China on the other hand, shall be established. The joint Red Cross teams shall assist in the execution by both sides of those provisions of this Armistice Agreement relating to the repatriation of all the prisoners of war specified in Sub-paragraph 51a hereof, who insist upon repatriation, by the performance of such humanitarian services as are necessary and desirable for the welfare of the prisoners of war. To accomplish this task, the joint Red Cross teams shall provide assistance in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war, and shall visit the prisoner of war camps of both sides to comfort the prisoners of war and to bring in and distribute gift articles for the comfort and welfare of the prisoners of war. The joint Red Cross teams may. provide services to prisoners of war while en route from prisoner of war camps to the place(s) of delivery and reception of prisoners of war.

(b) The joint Red Cross teams shall be organized as set forth below:

(1) One team shall be composed of twenty (20) members, namely, ten (10) representatives from the national Red Cross Societies of each side, to assist in the delivering and receiving of prisoners of war by both sides at the place(s) of delivery and reception of prisoners of war. The chairmanship of this team shall alternate daily between representatives from the Red Cross Societies of the two sides. The work and services of this team shall be coordinated by the Committee for Repatriation of Prisoners of War.

(2) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the Korean People's Army and the Chinese People's Volunteers. This team may provide services to prisoners of war while en route from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war. A representative of the Red Cross Society of the Democratic People's Republic of Korea or of the Red Cross Society of the People's Republic of China shall serve as chairman of this team.

(3) One team shall be composed of sixty (60) members, namely, thirty (30) representatives from the national Red Cross Societies of each side, to visit the prisoner of war camps under the administration of the United Nations Command. This team may provide services to prisoners of war while en route from the prisoner of war camps to the place(s) of delivery and reception of prisoners of war. A representative of a Red Cross Society of a nation contributing forces to the United Nations Command shall serve as chairman of this team.

(4) In order to facilitate the functioning of each joint Red Cross team, sub-teams composed of not less than two (2) members from this team, with an equal number of representatives from each side, may be formed as circumstances require.

(5) Additional personnel such as drivers, clerks, and interpreters, and such equipment as may be required by the joint Red Cross teams to perform their missions, shall be furnished by the Commander of each side to the team operating in the territory under his military control.

(6) Whenever jointly agreed upon by the representatives of both sides on any joint Red Cross team, the size of such team may be increased or

decreased, subject to confirmation by the Committee for Repatriation of Prisoners of War.

(c) The Commander of each side shall cooperate fully with the joint Red Cross teams in the performance of their functions, and undertakes to insure the security of the personnel of the joint Red Cross team in the area under his military control. The Commander of each side shall provide such logistic, administrative, and communications facilities as may be required by the team operating in the territory under his military control.

(d) The joint Red Cross teams shall be dissolved upon completion of the program of repatriation of all of the prisoners of war specified in Sub-paragraph 51a hereof, who insist upon repatriation.

58. (a) The Commander of each side shall furnish to the Commander of the other side as soon as practicable, but not later than ten (10) days after this Armistice Agreement becomes effective, the following information concerning prisoners of war:

(1) Complete data pertaining to the prisoners of war who escaped since the effective date of the data last exchanged.

(2) Insofar as practicable, information regarding name, nationality, rank, and other identification data, date and cause of death, and place of burial, of those prisoners of war who died while in his custody.

(b) If any prisoners of war escape or die after the effective date of the supplementary information specified above, the detaining side shall furnish to the other side, through the Committee for Repatriation of Prisoners of War, the data pertaining thereto in accordance with the provisions of Sub-paragraph 58a hereof. Such data shall be furnished at ten-day intervals until the completion of the program of delivery and reception of prisoners of war.

(c) Any escaped prisoner of war who returns to the custody of the detaining side after the completion of the program of delivery and reception of prisoners of war shall be delivered to the Military Armistice Commission for disposition.

59. (a) All civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief, United Nations Command, and who, on 24 June 1950, resided north of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Commander-in-Chief, United Nations Command, to return to the area north of the Military Demarcation Line; and all civilians who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, and who, on 24 June 1950, resided south of the Military Demarcation Line established in this Armistice Agreement shall, if they desire to return home, be permitted and assisted by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers to return to the area south of the Military Demarcation Line. The Commander of each side shall be responsible for publicizing widely throughout territory under his military control the contents of the provisions of this Sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians who desire to return home.

(b) All civilians of foreign nationality who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers shall, if they desire to proceed to territory under the military control of the Commander-in-Chief, United Nations Command, be permitted and assisted to do so; all civilians of foreign nationality who, at the time this Armistice Agreement becomes effective, are in territory under the military control of the Commander-in-Chief United Nations Command, shall, if they desire to proceed to territory under the military control of the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers, be permitted and assisted to do so. The Commander of each side shall be responsible for publicizing widely throughout the territory under his military control the contents of the provisions of this Sub-paragraph, and for calling upon the appropriate civil authorities to give necessary guidance and assistance to all such civilians of foreign nationality who desire to proceed to territory under the military control of the Commander of the other side.

(c) Measures to assist in the return of civilians provided for in Sub-paragraph 59a hereof and the movement of civilians provided for in Sub-paragraph 59b hereof shall be commenced by both sides as soon as possible after this Armistice Agreement becomes effective.

(d) (1) A Committee for Assisting the Return of Displaced Civilians is hereby established. It shall be composed of four (4) officers of field grade, two (2) of whom shall be appointed by the Commander-in-Chief, United Nations Command, and two (2) of whom shall be appointed jointly by the Supreme Commander of the Korean People's Army and the Commander of the Chinese People's Volunteers. This Committee shall, under the general supervision and direction of the Military Armistice Commission, be responsible for coordinating the specific plans of both sides for assistance to the return of the above-mentioned civilians, and for supervising the execution by both sides of all of the provisions of this Armistice Agreement relating to the return of the above-mentioned civilians. It shall be the duty of this Committee to make necessary arrangements, including those of transportation, for expediting and coordinating the movement of the above-mentioned civilians; to select the crossing point(s) through which the above-mentioned civilians will cross the Military Demarcation Line; to arrange for security at the crossing point(s); and to carry out such other functions as are required to accomplish the return of the above-mentioned civilians.

(2) When unable to reach agreement on any matter relating to its responsibilities, the Committee for Assisting the Return of Displaced Civilians shall immediately refer such matter to the Military Armistice Commission for decision. The Committee for Assisting the Return of Displaced Civilians shall maintain its headquarters in proximity to the headquarters of the Military Armistice Commission.

(3) The Committee for Assisting the Return of Displaced Civilians shall be dissolved by the Military Armistice Commission upon fulfillment of its mission.

ARTICLE IV

RECOMMENDATIONS TO THE GOVERNMENTS CONCERNED ON BOTH SIDES

60. In order to insure the peaceful settlement of the Korean question, the military Commanders of both sides hereby recommend to the governments of the countries concerned on both sides that, within three (3) months after the Armistice Agreement is signed and becomes effective, a political conference of a higher level of both sides be held by representatives appointed respectively to settle through negotiation the questions of the withdrawal of all foreign forces from Korea, the peaceful settlement of the Korean question, etc.

ARTICLE V

MISCELLANEOUS

61. Amendments and additions to this Armistice Agreement must be mutually agreed to by the Commanders of the opposing sides.

62. The Articles and Paragraphs of this Armistice Agreement shall remain in effect until expressly superseded either by mutually acceptable amendments and additions or by prevision in an appropriate agreement for a peaceful settlement at a political level between both sides.

63. All of the provisions of this Armistice Agreement other than Paragraph 12, shall become effective at 2200 hours on 27 July 1953.

Done at Panmunjom, Korea, at 1000 hours on the 27th day of July 1953, in English, Korean and Chinese, all texts being equally authentic.

KIM IL SUNG
Marshal, Democratic People's Republic of Korea
Supreme Commander,
Korean People's Army

PENG TEH-HUAI
Commander,
Chinese People's Volunteers

MARK W. CLARK
General, United States Army
Commander-in-Chief,
United Nations Command

PRESENT

NAM IL
General, Korean People's Army
Senior Delegate,
Delegation of the Korean People's Army and the Chinese People's Volunteers

WILLIAM K. HARRISON, Jr.
Lieutenant General, United States Army
Senior Delegate,
United Nations Command Delegation

ANNEX

TERMS OF REFERENCE
FOR
NEUTRAL NATIONS
REPATRIATION COMMISSION
(See Sub-paragraph 51b)

I

GENERAL

1. In order to ensure that all prisoners of war have the opportunity to exercise their right to be repatriated following an armistice, Sweden, Switzerland, Poland, Czechoslovakia and India shall each be requested by both sides to appoint a member to a Neutral Nations Repatriation Commission which shall be established to take custody in Korea of those prisoners of war who, while in the custody of the detaining powers, have not exercised their right to be repatriated. The Neutral Nations Repatriation Commission shall establish its headquarters within the Demilitarized Zone in the vicinity of Panmunjon, and shall station subordinate bodies of the same composition as the Neutral Nations Repatriation Commission at those locations at which the Repatriation Commission assumes custody of prisoners of war. Representatives of both sides shall be permitted to observe the operations of the Repatriation Commission and its subordinate bodies to include explanations and interviews.

2. Sufficient armed forces and any other operating personnel required to assist the Neutral Nations Repatriation Commission in carrying out its functions and responsibilities shall be provided exclusively by India, whose representative shall be the umpire in accordance with the provisions of Article 132 of the Geneva Convention, and shall also be chairman and executive agent of the Neutral Nations Repatriation Commission. Representatives from each of the other four powers shall be allowed staff assistants in equal number not to exceed fifty (50) each. When any of the representatives of the neutral nations is absent for some reason, that representative shall designate an alternate representative of his own nationality to exercise his functions and authority. The arms of all personnel provided for in this Paragraph shall be limited to military police type small arms.

3. No force or threat of force shall be used against the prisoners of war specified in Paragraph 1 above to prevent or effect their repatriation, and no violence to their persons or affront to their dignity or self-respect shall be permitted in any manner for any purpose whatsoever (but see Paragraph 7 below). This duty is enjoined on and entrusted to the Neutral Nations Repatriation Commission. This Commission shall ensure that prisoners of war shall at all times be treated humanely in accordance with the specific provisions of the Geneva Convention, and with the general spirit of that Convention.

II

CUSTODY OF PRISONERS OF WAR

4. All prisoners of war who have not exercised their right of repatriation following the effective date of the Armistice Agreement shall be released from the military control and from the custody of the detaining side as soon as practicable, and, in all cases, within sixty (60) days subsequent to the effective date of the Armistice Agreement to the Neutral Nations Repatriation Commission at locations in Korea to be designated by the detaining side.

5. At the time the Neutral Nations Repatriation Commission assumes control of the prisoner of war installations, the military forces of the detaining side shall be withdrawn therefrom, so that the locations specified in the preceding Paragraph shall be taken over completely by the armed forces of India.

6. Notwithstanding the provisions of Paragraph 5 above, the detaining side shall have the responsibility for maintaining and ensuring security and order in the areas around the locations where the prisoners of war are in custody and for preventing and restraining any armed forces (including irregular armed forces) in the area under its control from any acts of disturbance and intrusion against the locations where the prisoners of war are in custody.

7. Notwithstanding the provisions of Paragraph 3 above, nothing in this agreement shall be construed as derogating from the authority of the Neutral Nations Repatriation Commission to exercise its legitimate functions and responsibilities for the control of the prisoners of war under its temporary jurisdiction.

HI

EXPLANATION

8. The Neutral Nations Repatriation Commission, after having received and taken into custody all those prisoners of war who have not exercised their right to be repatriated, shall immediately make arrangements so that within ninety (90) days after the Neutral Nations Repatriation Commission takes over the custody, the nations to which the prisoners of war belong shall have freedom and facilities to send representatives to the locations where such prisoners of war are in custody to explain to all the prisoners of war depending upon these nations their rights and to inform them of any matters relating to their return to their homelands, particularly of their full freedom to return home to lead a peaceful life, under the following provisions:

(a) The number of such explaining representatives shall not exceed seven (7) per thousand prisoners of war held in custody by the Neutral Nations Repatriation Commission; and the minimum authorized shall not be less than a total of five (5);

(b) The hours during which the explaining representatives shall have access to the prisoners shall be as determined by the Neutral Nations Repatriation Commission, and generally in accord with Article 53 of the Geneva Convention Relative to the Treatment of Prisoners of War;

(c) All explanations and interviews shall be conducted in the presence of a representative of each member nation of the Neutral Nations Repatriation Commission and a representative from the detaining side;

(d) Additional provisions governing the explanation work shall be prescribed by the Neutral Nations Repatriation Commission, and will be designed to employ the principles enumerated in Paragraph 3 above and in this Paragraph;

(e) The explaining representatives, while engaging in their work, shall be allowed to bring with them necessary facilities and personnel for wireless communications. The number of communications personnel shall be limited to one team per location at which explaining representatives are in residence, except in the event all prisoners of war are concentrated in one location, in which case, two (2) teams shall be permitted. Each team shall consist of not more than six (6) communications personnel.

9. Prisoners of war in its custody shall have freedom and facilities to make representations and communications to the Neutral Nations Repatriation Commission and to representatives and subordinate bodies of the Neutral Nations Repatriation Commission and to inform them of their desires on any matter concerning the prisoners of war themselves, in accordance with arrangements made for the purpose by the Neutral Nations Repatriation Commission.

IV

DISPOSITION OF PRISONERS OF WAR

10. Any prisoner of war who, while in the custody of the Neutral Nations Repatriation Commission, decides to exercise the right of repatriation, shall make an application requesting repatriation to a body consisting of a representative of each member nation of the Neutral Nations Repatriation Commission. Once such an application is made, it shall be considered immediately by the Neutral Nations Repatriation Commission or one of its subordinate bodies so as to determine immediately by majority vote the validity of such application. Once such an application is made to and validated by the Commission or one of its subordinate bodies, the prisoner of war concerned shall immediately be transferred to and accommodated in the tents set up for those who are ready to be repatriated. Thereafter, he shall, while in the custody of the Neutral Nations Repatriation Commission, be delivered forthwith to the prisoner of war exchange point at Panmunjon for repatriation under the procedure prescribed in the Armistice Agreement.

11. At the expiration of ninety (90) days after the transfer of custody of the prisoners of war to the Neutral Nations Repatriation Commission, access of representatives to captured personnel as provided for in Paragraph 8 above, shall terminate, and the question of disposition of the prisoners of war who have not exercised their right to be repatriated shall be submitted to the Political Conference recommended to be convened in Paragraph 60, Draft Armistice Agreement, which shall endeavor to settle this question within thirty (30) days, during which period the Neutral Nations Repatriation Commission shall continue to retain custody of those prisoners of war. The Neutral Nations Repatriation Commission shall declare the relief from the prisoner of war status to civilian status of any prisoners of war who have not exercised their right to be repatriated and for whom no other disposition has been agreed to by the Political Conference within one hundred and twenty (120) days after the Neutral Nations Repatriation Commission has assumed their custody. Thereafter, according to the application of each individual, those who choose to go to neutral nations shall be assisted by the Neutral Nations Repatriation Commission and the Red Cross Society of India. This operation shall be completed within thirty (30) days, and upon its completion, the Neutral Nations Repatriation Commission shall immediately cease its functions and declare its dissolution. After the dissolution of the Neutral Nations Repatriation Commission, whenever and wherever any of those above-mentioned civilians who have been relieved from the prisoner of war status desire to return to their fatherlands, the authorities of the localities where they are shall be responsible for assisting them in returning to their fatherlands.

V

RED CROSS VISITATION

12. Essential Red Cross service for prisoners of war in custody of the Neutral Nations Repatriation Commission shall be provided by India in accordance with regulations issued by the Neutral Nations Repatriation Commission.

VI

PRESS COVERAGE

13. The Neutral Nations Repatriation Commission shall insure freedom of the press and other news media in observing the entire operation as enumerated herein, in accordance with procedures to be established by the Neutral Nations Repatriation Commission.

VII

LOGISTICAL SUPPORT FOR PRISONERS OF WAR

14. Each side shall provide logistical support for the prisoners of war in the area under its military control, delivering required support to the Neutral Nations Repatriation Commission at an agreed delivery point in the vicinity of each prisoner of war installation.

15. The cost of repatriating prisoners of war to the exchange point at Panmunjon shall be borne by the detaining side and the cost from the exchange point by the side on which said prisoners depend, in accordance with Article 118 of the Geneva Convention.

16. The Red Cross Society of India shall be responsible for providing such general service personnel in the prisoner of war installations as required by the Neutral Nations Repatriation Commission.

17. The Neutral Nations Repatriation Commission shall provide medical support for the prisoners of war as may be practicable. The detaining side shall provide medical support as practicable upon the request of the Neutral Nations Repatriation Commission and specifically for those cases requiring extensive treatment or hospitalization. The Neutral Nations Repatriation Commission shall maintain custody of prisoners of war during such hospitalization. The detaining side shall facilitate such custody. Upon completion of treatment, prisoners of war shall be returned to a prisoner of war installation as specified in Paragraph 4 above.

18. The Neutral Nations Repatriation Commission is entitled to obtain from both sides such legitimate assistance as it may require in carrying out its duties and tasks, but both sides shall not under any name and in any form interfere or exert influence.

VIII

LOGISTICAL SUPPORT FOR THE NEUTRAL NATIONS REPATRIATION COMMISSION

19. Each side shall be responsible for providing logistical support for the personnel of the Neutral Nations Repatriation Commission stationed in the area under its military control, and both sides shall contribute on an equal basis to such support within the Demilitarized Zone. The precise arrangements shall be subject to determination between the Neutral Nations Repatriation Commission and the detaining side in each case.

20. Each of the detaining sides shall be responsible for protecting the explaining representatives from the other side while in transit over lines of communication within its area, as set forth in Paragraph 23 for the Neutral Nations Repatriation Commission, to a place of residence and while in residence in the vicinity of but not within each of the locations where the prisoners of war are in custody. The Neutral Nations Repatriation Commission shall be responsible for the security of such representatives within the actual limits of the locations where the prisoners of war are in custody.

21. Each of the detaining sides shall provide transportation, housing, communication, and other agreed logistical support to the explaining representatives of the other side while they are in the area under its military control. Such services shall be provided on a reimbursable basis.

IX

PUBLICATION

22. After the Armistice Agreement becomes effective, the terms of this agreement shall be made known to all prisoners of war who, while in the custody of the detaining side, have not exercised their right to be repatriated.

X

MOVEMENT

23. The movement of the personnel of the Neutral Nations Repatriation Commission and repatriated prisoners of war shall be over lines of communication as determined by the command(s) of the opposing side and the Neutral Nations Repatriation Commission. A map showing these lines of communication shall be furnished the command of the opposing side and the Neutral Nations Repatriation Commission. Movement of such personnel, except within locations as designated in Paragraph 4 above, shall be under the control of, and escorted by, personnel of the side in whose area the travel is being undertaken; however, such movement shall not be subject to any obstruction and coercion.

XI

PROCEDURAL MATTERS

24. The interpretation of this agreement shall rest with the Neutral Nations Repatriation Commission. The Neutral Nations Repatriation Commission, and/or any subordinate bodies to which functions are delegated or assigned by the Neutral Nations Repatriation Commission, shall operate on the basis of majority vote.

25. The Neutral Nations Repatriation Commission shall submit a weekly report to the opposing Commanders on the status of prisoners of war in its custody, indicating the numbers repatriated and remaining at the end of each week.

26. When this agreement has been acceded to by both sides and by the five powers named herein, it shall become effective upon the date the Armistice becomes effective.

Done at Panmunjon, Korea, at 1400 hours on the 8th day of June 1953, in English, Korean, and Chinese, all texts being equally authentic.

NAM IL
General, Korean People's Army
Senior Delegate,
Delegation of the Korean People's Army and the Chinese People's Volunteers

WILLIAM K. HARRISON, JR.
Lieutenant General, United States Army
Senior Delegate,
United Nations Command Delegation

ANNEX II. UNITED NATIONS KOREAN RECONSTRUCTION AGENCY: STATEMENT OF GOVERNMENT PLEDGES AND CONTRIBUTIONS AS AT 31 DECEMBER 1953[30]

(Expressed **in terms** of **U. S.** Dollars)

Country	Pledge	Total Received	Balance Outstanding
Argentina	500,000	500,000	
Australia	4,002,710	1,330,733	2,671,977
Belgium	200,000	100,000	100,000
Burma	49,934	49,934	
Canada	6,904,762	6,904,762	
Chile	250,000		250,000[31]
Denmark	860,000	289,555	570,445
Dominican Republic	10,000		10,000
Egypt	28,716		28,716
El Salvador	500	500	
Ethiopia	40,000	40,000	
Honduras	2,500	2,500	
Indonesia	100,000	100,000	
Israel	33,600	33,600	
Lebanon	50,000	50,000	
Liberia	15,000	15,000	
Luxembourg	40,000	30,000	10,000
Netherlands	263,158	263,158	
New Zealand	557,900	74,542	483,358
Norway	829,000	52,377	776,623
Panama	3,000		3,000
Paraguay	10,000	10,000	
Saudi Arabia	20,000	20,000	
Sweden	966,518	322,237	644,281
United Kingdom	28,000,000	12,740,000	15,260,000
United States	162,500,000	65,750,000	96,750,000
Venezuela	70,000	70,000	
TOTAL	206,307,298	88,748,898	117,558,400
Non-Member States			
Austria	162,936	162,936	
Italy	1,173,333	1,173,333	
Monaco	286	286	
Switzerland	23,256	23,256	
Vietnam	10,000	10,000	
TOTAL	1,369,811	1,369,811	
GRAND TOTAL	207,677,109	90,118,709	117,558,400

[30] As furnished by the Office of the United Nations Korean Reconstruction Agency.

[31] 5,000 tons of nitrates, to the value of $250,000, have been made available by the Government at a Chilean port.

B. THE QUESTION OF ATROCITIES COMMITTED BY THE NORTH KOREAN AND CHINESE COMMUNIST FORCES AGAINST UNITED NATIONS PRISONERS OF WAR IN KOREA

In a letter dated 30 October (A/2531), the Chairman of the United States delegation to the eighth session of the General Assembly requested the inclusion of the following item in the agenda of the session: "Question of atrocities committed by the North Korean and Chinese Communist forces against United Nations prisoners of war in Korea".

In an explanatory memorandum (A/2531/-Add.1), it was stated that, in the course of the United Nations action in Korea to repel aggression and restore international peace and security in the area, evidence had been uncovered at various times of atrocities committed by North Korean and Chinese Communist forces. Tens of thousands of United Nations soldiers and Korean civilians, it was stated, had subsequently been killed by beatings, deliberately planned starvation, cold-blooded murder, mutilation and torture. The extent and nature of these atrocities should be brought to the attention of the General Assembly, particularly since these atrocities had been committed against the forces of United Nations Members engaged, under the authority of United Nations resolutions, in a collective action against aggression which had many elements of continuing concern to the General Assembly.

The General Committee, at its 90th meeting on 2 November, considered the United States proposal and, by 12 votes to 2, decided to recommend (A/2536) that the item be included in the Assembly's agenda. It also recommended that the item be considered by the General Assembly without reference to a Committee. The recommendation of the General Committee was adopted by the General Assembly, at its 457th meeting on 11 November, by 53 votes to 5, with 2 abstentions.

The representatives of the United Kingdom and the United States, speaking in favour of the inclusion of the item in the agenda, stated that evidence that atrocities had been committed by the North Koreans and Chinese Communist forces against Korean civilians and against members of armed forces acting under the United Nations Command and pursuant to a United Nations mandate to repel aggression in Korea and restore peace in that area had begun to appear in the late summer of 1950 and had continued to be collected during the three years of hostilities. In view of the record and the concern of the United Nations for observance of international standards of civilized conduct, they held, the question of atrocities against United Nations forces was properly and necessarily of concern to the General Assembly.

The representatives of Indonesia, Mexico, Syria and Yugoslavia supported the inclusion of the item in the agenda on the ground that if such matters were brought before the Assembly it should discuss them. The representative of Syria stated that his vote in favour of inclusion should not, however, be taken as indicating any view on the substance of the matter, and the other three representatives expressed doubts regarding the timeliness of discussing the question while the talks at Panmunjom were encountering serious obstacles.

The representatives of the USSR and Poland, in both the General Committee and the General Assembly, argued against the inclusion of the item in the agenda. They contended that the item was a calumny based on falsification of the facts and gross lies, and had obviously been brought up for purposes of provocation. Its purpose, they said, was to prevent the peaceful settlement of the Korean question, to foment war hysteria and to prevent that easing of international tension for which most of the countries of the world longed.

Explaining his abstention, the representative of India stated that, on general principles, his delegation had always voted for the inclusion of items for the purpose of discussion. One of the parties concerned, however, was not present in the Assembly. Furthermore, as India was the Chairman of the Neutral Nations Repatriation Commission in Korea, it would appear improper for it to take part in the discussion of a matter which might go before the proposed political conference on Korea. India, therefore, would not participate in any of the future proceedings on this item, nor would it participate in any vote on any draft resolution on this question.

The General Assembly considered the item at its 462nd to 467th plenary meetings, from 30 November to 3 December.

In connexion with the item, the representative of the United States transmitted, on 26 November, a compilation of documents (A/2563), obtained largely through investigations of the War Crimes Division of the Judge Advocate Division, Headquarters, Korean Communications Zone,

United States Army, together with copies of a letter dated 23 November from the United States Under Secretary of Defense, transmitting the documents to the United States Under Secretary of State, and of a letter of transmittal, dated 24 November, to the representative of the United States.

The Assembly also had before it a draft resolution by Australia, France, Turkey, the United Kingdom and the United States (A/L.169), providing that the General Assembly would:

(1) express its grave concern at reports that North Korean and Chinese Communist forces had employed inhuman practices against the soldiers of forces under the United Nations Command in Korea and against the civilian population of Korea; and

(2) condemn such acts as a violation of rules of international law and basic standards of conduct and morality.

Opening the debate, the representative of the United States stated that the Assembly was faced with a series of acts involving citizens of Belgium, Korea, Turkey, the United Kingdom and the United States.

The Geneva covenants, he said, had been broken by the aggressors and the violations involved were, considering the scale of the Korean war, at least as vast as those committed in any war of the present century. He stressed that the cases reported in document A/2563 were only a sample illustrating the character of the atrocities, the nature of the evidence obtained, and the careful manner in which that evidence had been compiled from different sources. Many of the case files on the hundreds of atrocities incidents were still in Korea, where further evidence was being obtained, and all of them were available for inspection.

The examples given in the selected documents, he said, fell into four categories:

(1) the killing of prisoners of war at or near the scene of battle;

(2) the killing of Korean civilians for political reasons;

(3) long marches far behind the battle zone, in which prisoners of war had died from violent abuse, systematic neglect and outright killing; and

(4) the death of prisoners of war from the same causes in temporary or permanent prison camps.

The probable number of victims of battle atrocities had been reckoned by the War Crimes Division at about 11,600. While the cases varied widely, they were held together by one consistent pattern: the killing of prisoners in a battle situation, usually just before retreating, in order to gain a military advantage. The pattern was so widespread, he stated, that it clearly suggested a high-level policy on the part of the enemy. With regard to atrocities against civilians, they accounted for a probable total of some 17,000 victims, all Koreans. Most often the perpetrators had been North Korean Communist political security police, sometimes with help from units of the North Korean Army; these atrocities were, by their very nature, political A preliminary estimate of the number of victims of the third type of atrocities indicated that 1,940 prisoners had died in the course of a total of about 81 separate death marches behind the battle zone. Of these 1,367 were Americans, 342 were from the Republic of Korea, and 231 were of unknown nationality. In those cases, there was no battle situation involved, no threat that the prisoners would be recaptured, and the Chinese Communists as well as North Korean forces were involved. Out of the 81 separate marches recorded, the Chinese Communists had been exclusively in charge of 50 and jointly responsible for four. The preliminary and tentative estimate regarding fatalities in the prison camps came to over 7,300. About 1,100 of them were of uncertain nationality, while the remainder was about equally divided between Republic of Korea and United States forces. A clear division of responsibility for these deaths between North Korean and Chinese Communists camp custodians was difficult, at best. It was clear that both groups were heavily involved. The North Koreans had been in charge of a total of 53 of the camps where atrocities had been reported. The Chinese Communists had had charge of six camps, and another six had been under the supervision of both groups at one time or another. The Chinese Communists, however, he stated, had played a much larger part than these figures would suggest, since they had had charge of several large camps.

In connexion with his explanation concerning the different categories dealt with above, the United States representative also gave details of a number of the cases submitted in document A/-2563. He stated that the tentatively estimated total for all four categories was close to 38,000, of which 19,700 were military victims. Nearly 9,000 of the latter belonged to the Republic of Korea army and about 10,700 to United Nations contingents, principally to those of the United States. The Assembly, said the United States representative, had before it a clear record of the wholesale violation of numerous articles of the 1949 Geneva Convention on prisoners of war, and these violations had occurred on such a scale as to indicate irresistibly that they reflected a conscious policy. While the mass executions of Korean civilians had been carried out by authority

of the North Korean political security police, which was a purely political agency, the killing of prisoners of war had been closely connected with the incessant probing and manipulations of the prisoners in the camps. It could not be ignored, he said, that the leading men of the North Korean regime and Army were, for the most part, Soviet citizens and that Soviet officers were at the top of the command structure over the prison camps in North Korea. With regard to battle atrocities, some 27 per cent had been committed by Chinese Communist military units, where military and political training, he said, go hand in hand. In some reported cases the so-called cultural officer of the unit involved had ordered the killing of the prisoners.

He considered that the record now before the Assembly was significant for the following reasons. It told of human actions which offended every civilized conscience. It revealed a vast, systematic and deliberate assault upon basic standards of international conduct and morality—standards which were precious and essential to freedom and civilization. These acts had been taken by an authority having close connexion with the Soviet Union, and were in conformity with actions tragically typical of so many absolutist systems throughout history. They had been committed by forces whose aggression the United Nations had resisted and repelled, and which still stood fully armed facing the United Nations forces. The United Nations, he considered, should speak dearly in defence of the civilized standards of conduct which had found expression in the Geneva Conventions.

The representatives of Argentina, Australia, Belgium, Brazil, Canada, China, Ecuador, France, Greece, the Netherlands, New Zealand, Peru, the Philippines, Turkey, the Union of South Africa, the United Kingdom and Uruguay spoke in support of the joint draft resolution. They considered that there was no doubt that atrocities against United Nations troops and Korean civilians had been committed, and committed on a large scale. In their view the General Assembly must express in clear terms the grave concern it felt towards such atrocities and it should condemn the commission of those atrocities as a violation of rules of international law and basic standards of conduct and morality and as affronting human rights. They felt that that was the least the General Assembly could do; for the victims of those atrocities were to a considerable extent men from various Member States which the United Nations itself had called upon to uphold the principles of the Charter. They said that if the Assembly should ignore the report on atrocities it would be guilty of a callousness unworthy of the United Nations, and would lower its status in the eyes of world opinion. By adopting the draft resolution, the General Assembly would demonstrate to the world that the United Nations was aware of its duty and responsibility to those who had fought under its flag. The reports of those atrocities had caused revulsion throughout the world, and it was proper that the Chinese and North Korean Governments should be made aware of this fact and reminded of the obligations which they and all governments have towards prisoners of war and towards civilians who have the misfortune to find themselves in a theatre of war.

The representatives of Australia, China and Turkey, while expressing the view that the joint draft resolution was not sufficiently strong to express the full measure of the Assembly's horror, nevertheless considered that its wording would ensure a greater acceptance by the Assembly.

The representative of the USSR stated that the whole subject of so-called atrocities constituted a slanderous falsification and dealt with facts and events which had actually never taken place. The submission of the question was motivated, in his view, by considerations similar to those which, in November 1951, had led to the publication of Colonel Hanley's report on atrocities[32] in an attempt to wreck the armistice negotiations which were taking place in Korea at that time. That provocative design had collapsed. The report had been disavowed by General Ridgway's staff on the ground that the accusations were not based on facts and were contrary to reality. According to the New York Times of 29 October 1953, the new move was, like the old one, a manoeuvre of psychological warfare. The material submitted in support of the accusations (A/2563) consisted of nothing but rough drafts which exposed the authors as falsifiers and forgers of documents, as shown by the facts that some material had been destroyed or eliminated from the files, and that a special procedure had been drawn up to obtain the necessary information from the prisoners of war. New efforts, he said, were being made to renew the practice of the fabrication of documents and evidence by means of hand-picked witnesses, specially processed for the purpose.

He stated that the original investigation of all the alleged cases had been carried out by the South Korean police with the use of barbarous and atrocious methods. Under court martial con-

[32] In November 1951, Colonel James Hanley of the United States War Crimes Division published a report alleging the murder by the Chinese-North Koreans of over 5,000 United States soldiers in the Korean war.

ditions, he said, there were no guarantees of proper investigatory procedure, no limitations had been imposed on the arbitrariness of the interrogators and, moreover, the investigations showed substantial organic defects and abnormal features, such as the absence of registration of graves and the absence of any corpses, which eliminated the possibility of verification and control of the allegations. Any sort of figures had been just invented in accordance with the tastes and fancies of the interrogators, or rather of their commanders who supplied them with instructions. In fact, there had been no such thing as an investigation of events or even any attempt at it. The aim of the whole story was to intensify the cold war and international tensions in general.

Analysing a number of the cases reported in document A/2563, he drew attention to a number of testimonies and statements of facts which, he said, were contradictory or built on hearsay and indicated that the case files had been partly falsified and partly invented, and that, in many cases, the alleged atrocity victims had been killed in the United States air raids.

The whole subject had, in his view, been presented for political purposes, in an attempt by American reactionary circles to bring false accusations against the North Korean armed forces that were defending their fatherland and the Chinese volunteers who had gone to their assistance. The truth, he said, was being sacrificed by those who were interested in increasing the present international tension.

It was the United States which had repeatedly infringed and violated all norms and standards of international law relating to the protection of prisoners of war. There were many well-known facts, he said, concerning the barbarous extermination by American armed forces of the peaceful civilian population of Korea. He also referred to a letter, dated 18 December 1950, addressed to President Syngman Rhee by two representatives of the International Committee of the Red Cross, regarding death by starvation of inmates in two jails in Seoul, and two reports by United States press correspondents, in July and December 1950, concerning the killing of political detainees. According to incomplete data, he said, the number of killed, wounded and maimed as a result of the brutalities of United States and Syngman Rhee armed forces amounted to several tens of thousands. Atrocities against prisoners of war, he stated, had been committed by the American armed forces, acting under the order of their Commander. The repeated communications addressed to the Security Council by the Government of the People's Republic of Korea in 1950, insisting that the Council take measures to call a halt to these atrocities, had not induced the United Nations to do anything. Over the next two years, the atrocities of the American and Syngman Rhee armed forces had continued, despite the protests of the Government of the Democratic People's Republic of Korea and despite the protests and intervention of international organizations and the demands voiced by wide sections of the public and organizations of a democratic character, all of which had appealed for observance of the Hague Conventions. These Conventions, he charged, had been systematically violated by the American armed forces which had turned Korean towns and villages into ruins.

The five-Power draft resolution (A/L.169), he said, did not contain one paragraph which could be supported by any truly peace-loving person. Even where unchallengeable points were made, as was the case in the second and third paragraphs of the preamble, they could not be approved because they were submitted in a context which besmirched the North Korean armed forces, the Chinese People's Volunteers, the North Korean people, the Chinese people and all other peace-loving peoples. The General Assembly could not become a tool of the foreign policy of the United States and of certain other countries. It must repudiate any attempt to wreck the peaceful settlement of the Korean question.

In conclusion, he stated that the examination of the item by the Assembly was only one manifestation of the course of current United States foreign policy designed to prevent any reduction of international tension and to leave the United States free to incite the armaments race and to prepare for a new world war. That was why reactionary circles of the United States stood in need of these charges at a time when the Government of the Soviet Union was doing everything in its power to alleviate international tension and to bring about the settlement of unresolved international questions.

Statements expressing views similar to those of the USSR were made by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR. The question before the Assembly, they argued, showed the extent to which slander, falsification and fabrication had been resorted to in order to increase the existing international tension and to obstruct the pacific settlement of the most important international problems, especially the Korean question. A close study of the documents submitted, they said, showed that the facts and figures adduced therein

were so incredible and unfounded that it was obvious that the whole scheme was intended to mislead, first of all the American people, and then the peoples of the world. The campaign of lies and slander was also designed to divert attention from the preparations for a new world war being made by reactionary circles in the United States. The ruling circles of the United States, they contended, were trying to divest themselves of their responsibility for the bombardments of peaceful towns and villages in Korea and the commission of atrocities against Korean and Chinese prisoners of war in camps on Koje and Pongnam islands and elsewhere.

The representative of Pakistan stressed that his delegation saw no reason to conclude that the evidence adduced in support of the charges had been invented or manufactured. However, there had been no opportunity to hear the other side or even to know whether the other side wished to be heard. This constituted a disquieting tendency in the Assembly to secure ex parte hearings and to record ex parte verdicts. For this reason, his delegation would abstain in the vote on the joint draft resolution if the first operative paragraph was adopted. The representative of Indonesia explained after the voting that his abstention had been motivated by the same consideration.

On 3 December 1953, the joint draft resolution (A/L.169) was adopted by a roll-call vote of 42 to 5, with 10 abstentions. The voting was as follows:

In favour: Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela.

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

Abstaining: Afghanistan, Burma, Egypt, Indonesia, Iraq, Pakistan, Saudi Arabia, Syria, Yemen, Yugoslavia.

The resolution (804(VIII)) read:

"The General Assembly,

"Having considered the item "Question of atrocities committed by the North Korean and Chinese Communist forces against United Nations prisoners of war in Korea" proposed by the United States of America in documents A/2531 and A/2531/Add. 1 of 30 and 31 October 1953,

"Recalling that basic legal requirements for humane treatment of prisoners of war and civilians in connexion with the conduct of hostilities are established by general international law and find authoritative reaffirmation in the Geneva Conventions of 1929 and 1949 relative to the treatment of prisoners of war and in the Geneva Convention of 1949 relative to the protection of civilian persons in time of war,

"Recalling that these Conventions also embody precise and detailed provisions for giving effect to the basic legal requirements referred to above, and that these provisions, to the extent that they have not become binding as treaty law, have been accorded most general support by the international community,

"Desiring to secure general and full observance of the requirements of international law and of universal standards of human decency,

"1. Expresses its grave concern at reports and information that North Korean and Chinese Communist forces have, in a large number of instances, employed inhuman practices against the heroic soldiers of forces under the United Nations Command in Korea and against the civilian population of Korea,

"2. Condemns the commission by any governments or authorities of murder, mutilation, torture, and other atrocious acts against captured military personnel or civilian populations, as a violation of rules of international law and basic standards of conduct and morality and as affronting human rights and the dignity and worth of the human person."

C. THE QUESTION OF IMPARTIAL INVESTIGATION OF CHARGES OF USE BY UNITED NATIONS FORCES OF BACTERIAL WARFARE

1. Consideration by the General Assembly at its Seventh Session

By a letter, dated 20 October 1952 addressed to the Secretary-General (A/2231), the United States requested that the item "Question of impartial investigation of charges of use by United Nations forces of bacteriological warfare" be placed on the agenda of the seventh session of the General Assembly. In an accompanying explanatory memorandum, the United States delegation stated that, since February 1952, the world had been exposed to a false campaign conducted by the USSR and the Soviet bloc States, to the effect that the United Nations forces in Korea had resorted to bacterial warfare. The charges had been categorically denied as false and unfounded by responsible officials of the United States and by the Unified Command. The offer of the International Committee of the Red Cross

and the World Health Organization to assist in investigating the charges had been rejected.

In June 1952, it was stated, the United States had brought the matter before the United Nations Security Council and submitted a resolution requesting the International Committee of the Red Cross to investigate the charges and report the results to the Security Council. This resolution received ten affirmative votes in the Security Council, but failed of adoption because of the veto of the Soviet Union.[33] Although the Soviet Union had used its veto to block an impartial investigation, the charges had been repeated again in the General Assembly. These false charges, the persistent refusal of those making them to agree to an impartial investigation, and the propaganda campaign based upon these charges impaired friendly relations and created a situation which should be considered by the General Assembly as an urgent and important matter on which appropriate action should be taken.

The item was considered at the second part of the seventh session between 27 March and 8 April 1953, at the 590th to 593rd meetings of the First Committee.

The following documents relating to the question were circulated to the Committee.

(1) A cablegram dated 24 October 1952 from the Minister for Foreign Affairs of the Democratic People's Republic of Korea to the President of the General Assembly (A/C.1/727), in which he reiterated the accusation of the use of bacterial weapons by "the American interventionists" in North Korea, protested against unilateral discussion at the current session of the Assembly without the participation of genuine representatives of the Democratic People's Republic of Korea and requested such participation.

(2) A cablegram dated 27 October 1952 from the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China to the President of the General Assembly (A/C.1/728), also requesting participation in the debate.

(3) A letter dated 5 March 1953 from the head of the USSR delegation, forwarding statements of captured United States air force officers (A/C.1/L.28), including the signed statements of Colonel F. H. Schwable and Major Roy H. Bley, admitting and giving a detailed account of the use of bacterial weapons by the United States troops fighting in Korea.

(4) A note dated 27 March 1953 from the representative of the United States, transmitting statements by members of the United States armed forces in Korea (A/C.1/L.37), contradicting the confessions of Colonel Frank H. Schwable and Major Roy H. Bley.

At the 590th meeting of the First Committee, the representative of the USSR submitted a draft resolution (A/C.1/L.35), according to which the representatives of the People's Republic of China and the Democratic People's Republic of Korea would be invited to participate in the discussion of the question in the First Committee.

The representatives of Poland, the Ukrainian SSR and the USSR spoke in support of the draft resolution, stating that the two Governments were directly interested in the matter and could furnish the United Nations with full and authentic information. Those Governments, they said, had been the first to alert the United Nations and world public opinion to the fact that the United States was using bacterial weapons in the Korean war, weapons which were banned by international law and, particularly, by the Geneva Protocol of 1925. The two States mentioned were those directly affected by the utilization of bacterial weapons and a truly objective and impartial investigation could not be made without their participation. They recalled that the Security Council, in September 1950, and the First Committee, in November 1950,[34] had extended invitations to representatives of the People's Republic of China. There was no reason to deviate from that practice.

The representatives of India, Indonesia and Syria supported the USSR proposal, arguing that since the charges had been made by the Central People's Government of China and the North Korean authorities, they should obviously be in the best position to inform the Committee of the situation. Only after hearing the charges and the replies to them, could the Committee be in a position to arrive at an impartial judgment as to how to proceed in the matter. It could not be decided beforehand that either party would indulge in propaganda, and it should not in all fairness be inferred that the views expressed by either party were insincere, until the truth or falsity of the charges had been proved through an impartial investigation. There were several precedents for inviting the parties involved in the consideration of a question affecting them. For instance, when the question of German elections[35] had been discussed by the General Assembly, the parties directly concerned, although representing opposing views, had been invited prior to any consideration of the setting up of an impartial investigating committee.

The representatives of Australia, China, Greece, Peru and the United States spoke against the USSR draft resolution, explaining that the present task of the Committee was to appoint a commission which would be assisted by technical experts.

[33] See Y.U.N., 1952, pp. 327-31.
[34] See Y.U.N., 1950, pp. 291 and 294.
[35] See Y.U.N., 1951, pp. 317-19.

Once that impartial body was set up, the parties could submit to it all the evidence they might deem necessary, but the General Assembly should not attempt to turn itself into an investigating tribunal. The documents already available to the Committee provided a sufficient basis for taking a decision on whether an impartial investigation was needed. Those documents had come directly from the North Korean and Chinese Communist authorities and there was no need, therefore, for the representatives of those regimes to be given the opportunity to come to the United Nations to repeat their charges. Thus, the Chinese Communists and the North Koreans, who were aggressors, had no reason to participate in the meetings of the Committee. The proposed commission of experts would surely function in the territories of China and North Korea if those authorities would agree to receive it, and it would therefore be easy for the representatives of those Governments to lay before the experts all the proofs which they had to present.

The USSR draft resolution (A/C.1/L.35) was rejected by 40 votes to 15, with 5 abstentions.

At the 590th meeting on 27 March 1953, Australia, Belgium, Canada, Colombia, Ethiopia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, Thailand, Turkey, the Union of South Africa, the United Kingdom and the United States submitted a joint draft resolution (A/C.1/L.36), providing that the General Assembly should, inter alia:

(1) establish, after the President of the Assembly had received an indication from all the governments and authorities concerned of their acceptance of the proposed investigation, a commission composed of five States to carry out immediately an investigation of the charges;

(2) call upon the governments and authorities concerned to enable the commission to travel freely throughout such areas of North and South Korea, the Chinese mainland and Japan, as the commission might deem necessary, and otherwise to facilitate its task;

(3) request the President of the Assembly to transmit the resolution immediately to the governments and authorities concerned, requesting them to indicate their acceptance of the proposed investigation;

(4) request the President to report to the Assembly at the earliest practicable date on the results of his efforts;

(5) direct the commission to enlist the aid of scientists of international reputation; and

(6) direct the commission, after acceptance of the proposed investigation, to report to the Members of the Assembly, through the Secretary-General, no later than 1 September 1953.

The representative of the United States declared that his Government's purpose in submitting the item was that the General Assembly should institute and supervise an impartial investigation of the charges of use by the United Nations forces of bacterial warfare. Those charges, he said, were intended to spread hatred and suspicion in the minds of men and to undermine the collective efforts of the United Nations forces in meeting aggression in Korea, and to isolate the friendly world from the United States by attempting to single it out for special condemnation. From March 1952 until the present time, the United States representative continued, offers of an impartial investigation of the charges of bacterial warfare had been repeatedly made by the United Nations, the World Health Organization, the International Committee of the Red Cross, as well as by the United States Government, but there had been no response from the "Soviet bloc". When the Security Council had wished to decide on an investigation, the Soviet Government had vetoed the proposal. One device used by the Communists in building up their campaign was the use of so-called investigations. The first investigating body had been composed of Chinese Communists, and its Chairman had declared that the purpose was to gather "the various criminal facts on bacteriological warfare waged by the American imperialists". The second investigation had been staged by a committee of the Communist front organ called the International Association of Democratic Lawyers. The third investigation commission had been the International Scientific Commission for the investigation of facts concerning bacterial warfare in Korea and China, organized by the Chinese People's Committee for World Peace. The partiality of the composition and aims of the three commissions was obvious. A second device had been to make use of confessions extorted from prisoners of war by various techniques, including physical and psychological torture. Documents circulated to the members of the Committee showed that those so-called confessions were totally false in their general assertions and in their specific allegations.

In view of these facts, his delegation and other States whose forces were engaged in repelling aggression in Korea had presented the joint draft resolution to set up a commission of investigation. This commission, he suggested, should examine all prisoners of war who were alleged to have made confessions. Prior to their examination those prisoners should be taken to a neutral area where they would remain under the responsibility and custody of the United Nations until the conclusion of the hostilities.

With regard to the Geneva Protocol, the representative of the United States said that his

Government did not think that it met the need for security against the use of bacterial weapons, for it merely collected promises not to use them first. The Geneva Protocol permitted the manufacturing and stockpiling of bacterial weapons and made no provision for effective, honest, international control The United States considered that the Disarmament Commission should continue its efforts to evolve comprehensive and coordinated plans for the elimination and prohibition of all weapons of mass destruction, including bacterial ones.

The other sponsors of the draft resolution stated that the question before the Committee involved the prestige of the United Nations as a whole. Although the supporters of aggression in Korea had singled out the United States as the responsible party, every country which had forces in Korea and which had endorsed the principle of fighting aggression was directly concerned in the question. The charges of bacterial warfare brought against the United Nations Command had already been discussed in the Disarmament Commission[36] and in the Security Council during the summer of 1952. At that time, the attempt to secure an impartial investigation approved by ten of the eleven members of the Council had been frustrated by the sole opposition of the USSR. The question was now before the Assembly and the only new evidence was contained in the alleged confessions of two United States prisoners of war, which had been circulated in document A/C.1/-L.28. Those confessions were false and had been extracted by coercive methods. Several scientific associations, organizations or personalities in the free world had studied and denounced the lack of scientific value of the evidence adduced in support of the allegations of the use of germ warfare by the United Nations forces. The evidence given in the report of the International Scientific Commission which had been organized by the Chinese People's Committee for World Peace (S/2802) was no more acceptable than the rest. It was clear that all the scientists that had produced the report had been selected by the executive committee of the World Peace Council. Hence, the opinion it gave could only be regarded as a partisan statement.

If there had been the slightest grounds for such accusations, all the nations now engaged in United Nations action in Korea would have come to know something about it. It was for this reason that all the nations concerned would welcome an impartial investigation. The joint draft resolution offered another opportunity for such an investigation and if the Communist authorities were not afraid of the truth they would welcome that opportunity. If they again refused an investigation, the world would know the falsity and baselessness of the accusations. If, however, the Soviet Union were not prepared to accept it, that Government should clearly state what kind of body it would like to see carry out an impartial inquiry to the satisfaction of the conscience of the world.

The representatives of Czechoslovakia, Poland and the USSR spoke against the joint draft resolution. They reiterated that they would be prepared to consider the question of investigation which was on the agenda, provided that the representatives of the People's Republic of China and the Democratic People's Republic of Korea were heard in the First Committee. But the General Assembly had rejected that proposal. In those circumstances, how could the First Committee seriously assert that it was dealing with a question of an impartial investigation?

The fact, these representatives stated, was that the United States was engaged in the mass production of bacterial weapons and was using them under the flag of the United Nations. It was well-known that during and after the Second World War the United States had conducted research on bacterial warfare. A report of 3 January 1946, published by the United States War Department mentioned the establishment of research centres in Maryland, Mississippi, Indiana and Utah. The fact was also confirmed by statements of officers of the chemical corps. Further proof of the culpability of the United States was, it was stated, its refusal to accede to the Geneva Protocol and to undertake not to produce or use bacterial weapons. If the United States was really concerned about the problem, the simplest and most expedient way of proving it would be to denounce publicly the use of bacterial weapons and to proceed immediately to ratify the Geneva Protocol of 1925. The reason for the United States refusal to do so was that it feared to lose its profits if bacterial warfare was prohibited. The fact that the United States had used bacterial warfare had been thoroughly established by the report of the members of the Commission of the International Association of Democratic Lawyers, the International Scientific Commission, the Commission of Chinese Scientific Workers and the Women's International Democratic Federation, these representatives said. Not merely ordinary soldiers, but senior officers had admitted

[36] See Y.U.N., 1952, p. 313.

the fact, as proved by document A/C.1/L.28. No counter-arguments had been produced and the existing evidence could not be shaken.

The truth was that the United States Government did not want an investigation and did not wish the substance of the question to be considered, as was shown by its refusal to discuss the matter with the parties concerned. The United States idea of an impartial investigation was to entrust the task to the so-called "International" Committee of the Red Cross which, these representatives said, was nothing but a Swiss institution in no way public or international, or to the World Health Organization which, far from carrying out its universal and humanitarian tasks, had engaged in discriminatory practices against certain States, a fact which had forced the Soviet Union, the Byelorussian SSR, Romania and Czechoslovakia to leave it. It was obvious that investigations could be made only by organizations enjoying general confidence. The real aim of the proposal before the Committee was not to initiate an objective investigation but to confuse world public opinion, which had shown its uneasiness at the use of that terrible weapon. That uneasiness, it was said, could not be dispelled by merely charging the Soviet Union, the People's Republic of China and the Democratic People's Republic of Korea with false propaganda.

At the 593rd meeting on 8 April, the sixteen Powers submitted a revision (A/C.1/L.36/Rev.2) of their joint draft resolution, proposing that the commission should be composed of Brazil, Egypt, Pakistan, Sweden and Uruguay.

The revised draft resolution was adopted at the same meeting by 52 votes to 5, with 3 abstentions.

The question was considered by the General Assembly at the 427th and 428th plenary meetings on 18 and 23 April.

The draft resolution recommended by the First Committee (A/2384) was adopted by a roll-call vote of 51 to 5, with 4 abstentions. Voting was as follows:

In favour: Afghanistan, Argentina, 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, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Sweden. Syria, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela, Yemen, Yugoslavia.

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

Abstaining: Burma, India, Indonesia, Saudi Arabia.

The resolution (706(VII)) read:

"The General Assembly,

"Noting that accusations have been made by certain governments and authorities charging the use of bacteriological warfare by United Nations Forces, and that the Unified Command has repeatedly denied such charges,

"Recalling that when the charges were first made the Unified Command had requested that an impartial investigation be made of them,

"Noting that the Central People's Government of the People's Republic of China and the North Korean authorities have so far refused to accept an offer by the International Committee of the Red Cross to carry out an investigation,

"Noting that the draft resolution submitted in the Security Council by the Government of the United States of America proposing an investigation of these charges by the International Committee of the Red Cross failed to carry because of the negative vote of the Union of Soviet Socialist Republics,

"Desiring to serve the interests of truth,

"1. Resolves that, after the President of the General Assembly has received an indication from all the governments and authorities concerned of their acceptance of the investigation proposed in the present resolution, a Commission, composed of Brazil, Egypt. Pakistan, Sweden and Uruguay, shall be set up and shall carry out immediately an investigation of the charges that have been made;

"2. Calls upon the governments and authorities concerned to enable the Commission to travel freely throughout such areas of North and South Korea, the Chinese mainland and Japan as the Commission may deem necessary in the performance of its task and to allow the Commission freedom of access to such persons, places and relevant documents as it considers necessary for the fulfilment of its task and to allow it to examine any witness, including prisoners of war, under such safeguards and conditions as the Commission shall determine: all prisoners of war who are alleged to have made confessions regarding the use of bacteriological warfare shall, prior to examination by the Commission, be taken to a neutral area and remain under the responsibility and custody of the Commission until the end of the Korean hostilities;

"3. Requests the President of the General Assembly to transmit the present resolution immediately to the governments and authorities concerned, requesting them to indicate their acceptance of the investigation proposed in the present resolution;

"4. Requests the President of the General Assembly to report to the General Assembly at the earliest practicable date on the results of his efforts;

"5. Directs the Commission, when set up, to enlist the aid of such scientists of international reputation, especially epidemiologists, and such other experts as it may select;

"6. Directs the Commission, after acceptance of the investigation proposed in the present resolution by all the governments and authorities concerned, to report to the Members of the General Assembly through the Secretary-General as soon as possible and no later than 1 September 1953;

"7. Requests the Secretary-General to furnish the Commission with the necessary staff and facilities."

2. Consideration by the General Assembly at its Eighth Session

On 28 July 1953, the President of the General Assembly reported (A/2426) that Assembly resolution 706(VII) had been duly communicated to the Governments of the United States, the Democratic People's Republic of Korea, the People's Republic of China, the Republic of Korea and Japan. The United States, the Republic of Korea and Japan had accepted the proposed investigation but no other replies had been received.

At its 435th meeting on 17 September 1953, the General Assembly decided to include in its agenda the item proposed by the United States: "Question of impartial investigation of charges of use by United Nations forces of bacterial warfare". The item was considered by the First Committee at its 648th to 653rd meetings, from 26 to 31 October 1953.

By a letter dated 26 October (A/C.1/L.66), the representative of the United States transmitted copies of ten sworn statements by members of the United States armed forces, made following their release as prisoners of war, concerning the charges of the use of bacterial warfare in Korea. This document contained, inter alia, photostatic copies of sworn statements of Colonel Frank H. Schwable and Major Roy H. Bley, First Lieutenants John S. Quinn, Paul R. Kniss, Floyd B. O'Neal, and Kenneth Enoch, which stated categorically that the confessions had been extorted from them during their captivity and were false.

On 26 October, the USSR submitted a draft resolution (A/C.1/L.67), to have the Assembly call upon all States which had not acceded to or ratified the Geneva Protocol of 17 June 1925 for the prohibition of the use of bacterial weapons to accede to the Protocol or ratify it.

On 28 October, the United Kingdom, Canada, Colombia, France and New Zealand submitted a draft resolution (A/C.1/L.68), providing that the General Assembly should:

(1) refer to the Disarmament Commission the USSR draft resolution (A/C.1/L.67) for such consideration as deemed appropriate under its plan of work and pursuant to the terms of reference of that Commission as set forth in General Assembly resolutions 502(VI) of 11 January 1952[37] and 704(VII) of 8 April 1953[38]; and

(2) transmit to the Disarmament Commission for its information the records of the First Committee in which this item was discussed.

During the discussion, the representative of the United States recalled the previous consideration by the Security Council and the General Assembly (see above) of the charges of use by United Nations forces of bacterial warfare. He referred to the report by the President (A/2426), stating that the absence of a reply from the Chinese Communists and the North Korean Communists showed clearly that they feared the presence of impartial investigators because they knew that their charges were false.

Dealing with the statements his delegation had presented from United States fliers (A/C.1/L.66), he said that it should be recalled that the "confessions" of some of those fliers that they had waged bacterial warfare in Korea had perhaps been the most important and publicized feature of the Communist accusations. The USSR had built its case in the United Nations especially on six individual cases of so-called confessions. On 1 October 1952, the USSR delegation had transmitted to the United Nations the document entitled "Report of the International Scientific Commission for the investigation of facts concerning bacterial warfare in Korea and China" (S/2802). That "Commission", which had been composed mainly of well-known collaborators with Communist organizations, had placed great emphasis upon the statements of four United States air force officers, First Lieutenants John S. Quinn, Paul R. Kniss, Floyd B. O'Neal, and Kenneth Enoch. Later, on 12 March 1953, the USSR representative had circulated two additional so-called "confessions" from Colonel Schwable and Major Bley (A/C.1/L.28). The document that the United States delegation was now submitting to the Committee (A/C.1/L.66) contained sworn statements by the six officers concerned, who had all stated categorically that they had never waged bacterial warfare and that the so-called confessions had been false and had been extorted by the coercive Communist methods which were well-known to the world. The entire germ warfare propaganda drive had been developed to give expression to a broad Communist policy governing the conduct of the Korean aggression which was aimed at discrediting the United States in the eyes of the free world and thus helping to isolate it from its allies. The only individuals marked for "confessions" had been United States prisoners.

In reply to the assertions of the representatives of the USSR, the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, the

[37] See Y.U.N., 1951, pp. 176-77.
[38] See under Disarmament.

representative of the United States said that the impartiality of the investigation proposed under General Assembly resolution 706(VII), which was to be conducted by a commission composed of Brazil, Egypt, Pakistan, Sweden and Uruguay, could not be questioned, while, on the contrary, the composition of the International Scientific Commission could be legitimately taxed as partisan. The USSR representative had maintained that the statements in which the captured airmen had repudiated their alleged confessions had been obtained by the worst methods of pressure. He had even asserted that the United States Secretary of Defense had published veritable threats for that purpose. However, the statement in question by Mr. Wilson had been published on 16 October, i.e. long after the repatriated airmen had repudiated their so-called confessions and the United States Press had reported the change on their return to freedom, as could be seen from articles published in the New York Times of 6 September and in the U.S. News & World Report of 18 September. The history of bacterial warfare propaganda was now known. The record was conclusive and showed clearly that the charges were false and that the most brutal coercion had been used to extract confessions.

Turning to the USSR draft resolution (A/C.1/L.67), the representative of the United States said that it was in substance the same as that submitted to the Security Council in June 1952 and to the General Assembly at its seventh session and which was now before the Disarmament Commission at the request of the USSR. Although the USSR proposal was not connected with the item under discussion, it should be remembered that the Geneva Protocol had been the expression of an effort made by nations of good will in an era of good feeling to give further effect to their hope that armaments could be limited. Since then, the political structure of the world had undergone a radical change. The Soviet Union was responsible for this and had shown that its word was not to be trusted. As far as bacterial weapons were concerned, the USSR had only ratified the Geneva Protocol with reservations, one of which had said that the Protocol would cease to be binding in regard to all enemy States whose armed forces did not respect the restrictions which were the object of the Protocol. By foisting on the world the charge that bacterial weapons had been used, the Soviet Union had served notice that it would not hesitate to evade its obligations under the Geneva Protocol. The United States Government had nothing but praise for those who had drafted, signed and ratified the Protocol, in that era long past. But States could not embark upon the momentous task of disarmament without iron-clad guarantees of performance by all parties. The history of the disarmament efforts in the United Nations in the past seven years illustrated that truth. No people hoped more fervently than the people of the United States for the day when the basic conditions for genuine peace could be established. The United States delegation felt therefore that the Soviet draft proposal should be referred to the Disarmament Commission and would support the five-Power draft resolution (A/C.1/L.68) calling for this reference.

The representative of the USSR said that, from the outset, the United States had opposed any objective and comprehensive consideration of the issue. When the Soviet Union had insisted that representatives of the Chinese People's Republic and the Democratic People's Republic of Korea should participate in the discussion, its proposal had been rejected in violation of the principles of the Charter and, particularly, of Article 32.[39] By discriminating against the Chinese and Korean People's Republics, with the aid of the votes of its supporters, the United States had chosen to have the question considered unilaterally. At the same time, it had demanded that those two Governments admit to their territories persons hand-picked by the United States to carry out so-called inquires. In those circumstances, there could be no question of any objective investigation and it was not surprising that no results had followed.

At present, the United States was trying to dispute the testimony of the American fliers, particularly Colonel Schwable and Major Bley, as to the use of bacterial weapons by the United States armed forces. In this connexion, the United States had been forced to use the statements of four unknown airmen, whose names appeared in document A/C.1/L.66 and who claimed to have been tortured while in captivity and to have refused to give testimony. It was obviously not difficult for the American military authorities to find soldiers and officers who, after due indoctrination, would be ready to sign any deposition useful to their commanding officers. Attention should be drawn to the fact that, while Colonel Schwable and Major Bley were prisoners, the United States had rejected any objective consideration of the matter in the United Nations

[39] This Article states, inter alia, that any State which is not a Member of the United Nations, if it is a party to a dispute under consideration by the Security Council, shall be invited to participate, without vote, in the discussions relating to the dispute.

and had demanded that those two officers and other prisoners be interrogated on neutral territory by a neutral commission. That demand had been forgotten as soon as those officers had been released and brought to the United States, where the officers had been interrogated by military authorities with no external control nor observers. Thus, the United States had extorted the repudiations which it was now trying to present as genuine testimony. It was false to state that the Governments of North Korea and China had opposed any impartial study of the matter; they had in fact been prevented from taking part in such an impartial study. It was also wrong to state that the Soviet Union had criticized the composition of the commission appointed for the so-called impartial investigation. The USSR had merely objected that such an examination was contrary to the Charter in the absence of the Chinese and North Korean representatives.

The task of the General Assembly was not to inquire into those matters, but to invite those States which had not signed and ratified the Geneva Protocol of 1925 to do so as soon as possible. The Geneva Protocol, with its provisions prohibiting chemical and bacterial weapons, was an important part of international law. On the instructions of its Government, the USSR delegation proposed that the General Assembly should address itself to all States which had not ratified the Geneva Protocol and appeal to them to do so as soon as possible. The United States representative had attempted to justify the refusal of his Government to ratify the Geneva Protocol on the ground that the Soviet Union had made certain reservations in ratifying that instrument. But seventeen other signatories had made the same reservations and that in no way detracted from the importance of the Geneva Protocol and the moral, political and legal obligations it involved. If the United States ratified the Protocol with the same reservations as the Soviet Union, it would still be valid. The USSR delegation, both in the Disarmament Commission and in the Security Council had, he said, already refuted the United States argument concerning the difference between the situation in 1925 and in 1953. The United States representative had also tried to link the question of the Geneva Protocol with that of disarmament. But that was only a pretext by which the United States had continually sought to oppose the examination of the question of bacterial warfare by any commission whatsoever. The USSR representative recalled that in the Disarmament Commission his delegation had asked that bacterial warfare should be prohibited. But its proposal had been rejected by those who now proposed that the new USSR resolution should be transmitted to the Disarmament Commission. The five-Power draft resolution (A/C.1/L.68) was obviously an attempt to shelve the USSR draft resolution permanently. The USSR representative urged all Member States to adopt his draft resolution (A/C.1/L.67). The accession to and ratification of the Geneva Protocol by all States would be a great contribution to international peace and security, he said.

Sharing the view expressed by the representative of the USSR, the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR said that the Democratic People's Republic of Korea and the Chinese People's Republic had made every effort to have the use of bacterial weapons investigated in their countries by a truly impartial international body. A large number of legal and scientific experts from the International Association of Democratic Lawyers and the International Scientific Commission had carried out an inquiry on the spot. Those two commissions had found that there was evidence supporting the accusations. The Chinese and North Korean Governments had not subsequently raised any objections to a fresh investigation of the question by a truly impartial international body, but had rightly opposed a unilateral investigation such as that proposed in Assembly resolution 706(VII), adopted under United States pressure.

The statements made by the United States representative were, these representatives said, nothing but slanderous propaganda and reflected no willingness to discuss the facts and evidence. The United States had launched a campaign to prove mistreatment of prisoners of war by the Chinese and North Koreans, but many statements from returned prisoners of war and many Press reports, particularly in the Australian Press, had commented favourably on the good physical and moral state of the repatriated prisoners. At the present session, the United States had sought to deceive public opinion by using statements by released prisoners repudiating their previous testimony. It should be noted that many of those statements showed that the prisoners had not been subject to coercion during their captivity and the repudiation of their previous confessions was due to their fear of punishment for having revealed the United States methods of warfare, especially as the United States Secretary of Defense, Mr. Wilson, had stated that soldiers making statements while prisoners of war would be subject to the provisions of military law.

These representatives recalled that the USSR had always voted for the prohibition of weapons of mass destruction. After ratifying the Geneva Protocol, it had proposed, in 1929, to the Preparatory Commission for the Disarmament Conference, that the Protocol should be supplemented by articles for the outlawing of all substances capable of being used for bacterial or chemical warfare. At that time, the Soviet Union had proposed that an appeal should be made to States which had not already ratified the Protocol to do so and had repeated its request in 1932. In 1949 and in 1952 the Soviet Union had again taken similar steps both at Geneva and in the United Nations Disarmament Commission and the Security Council. But the United States Government had always thwarted those efforts. The argument that the Geneva Protocol had lost some of its significance failed to recognize the facts. During the Second World War, even the Fascist States had not dared to violate the Protocol.

There was no objection in principle to referring the USSR draft resolution to the Disarmament Commission, these representatives said, but the wisest plan would be to adopt the proposal, since it would strengthen the work of the Disarmament Commission and at the same time would confirm the decision taken in 1946 concerning the absolute necessity of prohibiting weapons of mass destruction. The adoption of the USSR proposal would not prevent the Disarmament Commission from dealing further with the matter within the general framework of the prohibition of weapons of mass destruction, but, in view of the difficulties which had arisen in drawing up new conventions for such prohibition, it was surely better in those conditions to strengthen an existing instrument which had proved useful during the last 20 years.

A majority of representatives, including those of Australia, Canada, Cuba, the Dominican Republic, France, Greece, the Netherlands, New Zealand, the Philippines, Turkey and the United Kingdom, spoke against the USSR draft resolution (A/C.1/L.67) and in favour of the five-Power draft (A/C.1/L.68). They regretted that the charges of bacterial warfare against the United Nations troops in Korea had again been brought before the Assembly. Since the General Assembly had considered it its duty to adopt resolution 706(VII) by an overwhelming majority, important new aspects had emerged: (1) an armistice had been signed in Korea, which might be said to give a rather academic tone to the discussion of the charges; (2) the repatriated American airmen had repudiated their alleged confessions which had been extorted from them under pressure; and (3) while the United States, the Republic of Korea and Japan had agreed to an impartial investigation in accordance with the Assembly's wish, the Chinese and North Korean Communists had sent no reply.

It was recalled that the Assembly's offer was to send a commission composed of competent scientists from countries not involved in the Korean fighting. The USSR representative's contention that the proposed commission could only have presented conclusions dictated by the United States must have overlooked the fact that the countries represented on the commission would be Brazil, Egypt, Pakistan, Sweden and Uruguay. The question was what kind of body the Soviet Union would be prepared to regard as impartial. The International Committee of the Red Cross and the World Health Organization had been denied the capacity to investigate the germ warfare charge. Who then could have been given the task of interrogating the prisoners of war returning from Korea? Under the Charter, the USSR had undertaken to develop friendly relations among nations. If it brought charges without allowing an impartial investigation, it could hardly be said to be fulfilling its obligations.

The USSR draft resolution (A/C.1/L.67), these representatives considered, appeared to be a diversionary move designed to confuse the issue; it dealt primarily with matters that came within the competence of the Disarmament Commission, and was designed to distract the Committee's attention from the USSR refusal to submit the charge of bacterial warfare to an impartial investigation.

The value of the 1925 Geneva Protocol obviously depended on the good faith of the signatories. Many governments which had ratified the Protocol had made certain reservations. One could not help fearing that the USSR, which had falsely accused the United States of the use of bacterial weapons, had declared that its opponents were using them in order to release itself from its obligations under the Protocol. It would therefore seem apparent that only limited security could be provided by the Protocol. Considering that weapons of mass destruction came within the competence of the Disarmament Commission, the Assembly should refer to that Commission the Soviet draft resolution and should support the five-Power draft resolution (A/C.1/L.68), which contained such a provision.

The representative of China felt that the General Assembly should: (1) declare that the Communist charges were false; (2) instruct the Un-

ited Nations representatives at the political conference in Korea to demand that the Communists should punish those responsible for the torture of the prisoners of war and for the extraction of false confessions and to demand the return of prisoners of war still in Communist hands; and (3) condemn the "Soviet bloc," and the USSR in particular, for having deliberately falsified the truth, in violation of the principles of the Charter and for purposes of hate propaganda.

The representative of Peru pointed out that the statements obtained from the prisoners of war during their detention by the Chinese and North Korean authorities had been discussed in the Committee as though they were admissible. He recalled that prisoners of war must be protected against all acts of violence and intimidation. Under the Geneva Convention, a prisoner of war might be interrogated only as to his surname, first name, rank, date of birth, and regimental, personnel or serial number. The very fact of interrogation of prisoners of war could not be accepted as permissible.

The representatives of Egypt, Saudi Arabia, and Yugoslavia declared that they would abstain from voting on the two draft resolutions.

The representative of Yugoslavia stated that, as a signatory of the Geneva Protocol, his Government would have been willing to ask all States to ratify it. However, the USSR draft resolution had been submitted in a context which would imply condemnation of a country without investigation and proof. On the other hand, the five-Power draft would prejudge the Disarmament Commission's decisions and even the decision the Assembly might take on that body's future.

The representative of Egypt said that, in the interest of an impartial investigation, his country had accepted membership of the commission which he had expected would have come to conclusions conducive to peace and understanding. However, the course which the debate had taken in the Committee had made him feel that it was better to abstain on both draft resolutions.

The representative of Saudi Arabia stated that those who had accused the United Nations of atrocities had damaged their own cause by refusing an impartial inquiry. However, to refer the USSR proposal to the Disarmament Commission would, he considered, hold up that body's work.

At the 653rd meeting on 31 October, the representative of the United Kingdom moved that the five-Power draft resolution (A/C.1/L.68) should be put to the vote first. This motion, which was opposed by the representative of the USSR, was adopted by 44 votes to 5, with 11 abstentions. The Committee then adopted, by 47 votes to none, with 13 abstentions, the five-Power draft resolution.

At the same meeting, the Committee decided, by 38 votes to 5, with 15 abstentions, that, in view of the adoption of the five-Power draft resolution, it would not vote on the USSR draft resolution (A/C.1/L.67).

The report of the First Committee (A/2535) containing the draft resolution recommended by it was considered by the General Assembly at its 456th plenary meeting on 3 November 1953. The representative of the USSR submitted the same draft resolution (A/L.165) which he had presented to the First Committee. The President first put to the vote the draft resolution submitted by the First Committee, which was adopted by 47 votes to none, with 12 abstentions.

The representative of the United Kingdom then moved that, in accordance with rule 91 of the rules of procedure, the General Assembly should not vote upon the USSR draft resolution. The United Kingdom motion was adopted by 39 votes to 5, with 15 abstentions.

The resolution (714(VIII)) adopted by the General Assembly read:

"The General Assembly

"1. Refers to the Disarmament Commission the draft resolution of the Union of Soviet Socialist Republics contained in document A/C.1/L.67 for such consideration as deemed appropriate under its plan of work and pursuant to the terms of reference of that Commission as set forth in General Assembly resolutions 502 (VI) of 11 January 1952 and 704 (VII) of 8 April 1953;

"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."

D. COMPLAINT BY THE UNION OF BURMA REGARDING AGGRESSION AGAINST IT BY THE GOVERNMENT OF THE REPUBLIC OF CHINA

1. Consideration by the General Assembly at its Seventh Session

On 25 March 1953, Burma proposed (A/-2375) that the item "Complaint by the Union of Burma regarding an aggression against her by the Kuomintang Government of Formosa" be included in the agenda of the seventh session of the General Assembly. On 31 March, the General Assembly decided to include the item under the amended title "Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China".

In an explanatory memorandum, the Foreign Minister of Burma stated that, in 1949, some Kuomintang troops had retreated south west and crossed into Indochina, where they had been disarmed and interned, and that, early in 1950, some 1,700 Kuomintang troops had crossed the border into the Kengtung State of Burma, preyed upon the countryside and caused great hardship to local inhabitants by their demands for food, transport and services. Units of the Burmese army had contacted these troops and demanded that they should either leave Burmese territory forthwith or submit to disarmament and internment in accordance with international law. On the refusal of the Kuomintang troops to comply with either of these alternatives, units of the Burmese army had taken offensive action to enforce compliance with their demand. After several engagements in the latter half of 1950, the Kuomintang troops were dislodged from the area in which they had established themselves. It was subsequently found that they had withdrawn westward and had established a new headquarters at Mong Hsat near the Burma-Thailand frontier, where they constructed a regular airfield to facilitate the receipt of supplies from sources outside Burma. New recruits had been obtained from the Burma-Yunnan border area; the number of the troops was currently estimated at about 12,000. The commanding general of these forces, General Li Mi, had been moving between Mong Hsat and Formosa (Taiwan) and there was other evidence of a direct link with the Kuomintang Government. At the end of 1952, the troops which had so far been operating in areas east of the Salween River, had extended their activities to areas west of the river in conjunction with elements in active rebellion against the Government of Burma.

The memorandum further stated that Burma, since the middle of 1950, had enlisted the good offices of some friendly governments, particularly the United States, which had been requested to make repeated demarches to the Government of Formosa, since Burma had severed diplomatic relations with that Government. Attempts to find a solution through diplomatic channels had so far proved unsuccessful. The refusal of the Kuomintang forces to submit to disarmament and internment in accordance with international law, their hostile acts against Burmese troops and their depredations against the civilian population amounted to aggression, the explanatory memorandum stated. In the opinion of the Burmese Government, the Kuomintang troops were being directed and supported in their illegal activities by the Government of Formosa.

a. DISCUSSIONS IN THE FIRST COMMITTEE

The item was considered by the First Committee at its 605th to 612th meetings, from 17 to 22 April 1953.

Together with its explanatory memorandum, Burma submitted a draft resolution (A/C.1/-L.42), by which the General Assembly would:

(1) note that "the armed troops of the Kuomintang Government of Formosa have committed acts of infringement against the territorial integrity of the Union of Burma and acts of violation of its frontiers"; and

(2) recommend to the Security Council to "condemn the Kuomintang Government of Formosa for the said acts of aggression" and to "take all necessary steps to ensure immediate cessation" of such acts.

The Assembly would further call upon all States "to respect the territorial integrity and the political independence of the Union of Burma and to be guided by the principles of the Charter in their relations with the Union of Burma".

The representative of Burma stated that his Government recognized the Central People's Government of the People's Republic of China as the only legitimate Government of China; he would thus use the word "Kuomintang" to designate the authorities of Formosa, for the sake of clarity and not in any derogatory sense.

He stated that the Kuomintang troops now in Burma called themselves the Anti-Communist Nationalist Salvation Army. General Li Mi was their over-all commander, while General Liu Kuo Chwan appeared to be the actual com-

mandant. The area in which they operated was divided into three zones: zone No. 1 was the area east of the Salween River, containing some 4,000 men; zone No. 2, in the north-eastern sector, contained about 3,000 men; zone No. 3 comprised the Mong Hsat and Mong Pan area, with some 4,000 men.

The representative of Burma then gave a geographical description of the general area around Mong Hsat, explaining that the open spaces in the immediate vicinity of Mong Hsat provided excellent air drop zones and training grounds. The Kuomintang forces had set about improving and enlarging the air strip which had been built by the Allied forces during the war as an emergency landing strip at Mong Hsat. Photographs taken of the airfield at Mong Hsat, together with photographs of Kuomintang troops undergoing training at Mong Nyen training camp, gave evidence of these facts.

Emphasizing the rapid expansion of the Kuomintang troops in Eastern Burma at the beginning of 1952, the representative of Burma stated that, as early as January 1952, contact had been established between those troops and the Karen insurgents in the Mawchi area, and early in 1952 Kuomintang troops had been sent to join with the insurgents in their fight against Burmese forces. By the middle of 1952, about 1,000 Kuomintang troops had been fighting side by side with the insurgents in the area in which the Karen rebellion had been still active. At the same time, small groups of Kuomintang troops had made their way westward and northward across the Salween River and by December 1952 the Kuomintang concentrations in the Mong Hsu and the Mong Pan areas had become so great that they had been able to take forcible possession of those States in the following months. The significant fact about all the activities was that they had occurred in widely separated parts of the Union of Burma at approximately the same time. That fact, the representative of Burma stated, indicated the existence of a concerted attempt on the part of the Kuomintang High Command to gain control of areas within the Union of Burma extending from the extreme northern limits of the Shan State to the sea coasts at Moulmein and as far westward as Loi Kaw, in the Kayah State. The Burmese Government, he said, had conclusive evidence that the linking of the Kuomintang troops with the Karen insurgents was no mere accident but part of a deliberate policy of the Kuomintang High Command to undermine the authority of the Government of the Union of Burma.

The Kuomintang forces had also interfered in the internal affairs of Burma, it was stated, and had everywhere engaged in subversive propaganda against the Government. For example, when they had occupied the Mong Hsu area, they had deposed the ruling chief and replaced him with one of their own, to whom they had given a Chinese bride. They also had issued leaflets in Burmese and Shan inciting the citizens of the Union of Burma to rebel. Their objective was obviously to set the minority groups inhabiting the eastern portions of the Union of Burma against the lawfully established government. It was obvious therefore that those self-styled anti-Communist crusaders were not fighting the troops of the People's Republic of China but were undermining the authority of the Burmese Government in the hope that they would eventually succeed in replacing it with a government more amenable to their desires. There could be no clearer case of aggression than that.

Referring to some of the depredations carried out by the Kuomintang troops against the civilian population, the representative of Burma said that the most common crime had been forcible demands for supplies or services. Since the eastern portion of the Shan State was comparatively poor, whole villages had been abandoned, owing to inability to meet the demands of the troops. In other instances, the villages had been ransacked or burnt down. The Kuomintang troops had demanded, in addition to food, building material and labour. The Mong Hsat airfield had been enlarged and improved by forced labour. The local population had also been subjected to taxation and tolls of various kinds. There had been instances where villagers had been seized and held for ransom. Some had been killed even though the ransom had been paid. In other cases, villagers had been seized and put to death on suspicion of being spies of the Government or otherwise unfriendly to the Kuomintang troops. Civilian officials of the Government had been killed as part of a deliberate policy of disrupting the administration. Women had not been spared. Furthermore, the Kuomintang troops had engaged in large-scale smuggling of opium and in organized gambling.

The representative of Burma then explained why his Government held that the activities of the Kuomintang troops in Burma were directed and supported by the Taipei Government. General Li Mi, he said, was the recognized leader of these forces. After the withdrawal of his forces to Mong Hsat towards the end of 1951, the General, according to newspaper dispatches, had

returned to Formosa. A Hong Kong newspaper had reported on 14 January 1952 that General Li Mi had returned to Formosa to confer with the chiefs of staff on guerrilla warfare. According to that account, the most important request made by General Li Mi had been for more financial aid and for skilled personnel. Documents seized in 1952 also showed that officers and men of his forces had, around the same time, been dispatched to Formosa for training. There was reason to believe that General Li Mi had been back and forth between Formosa and Mong Hsat since that time and that the last visit to Formosa had been early in March 1953.

The representative of Burma referred to documents circulated to the Committee which had been seized in the course of military operations and which, he said, lent strong support to the charge that General Li Mi's troops were under the direction of the Taipei Government. He also referred to Press reports in support of this charge. A Reuters report from Taipei of 23 January 1953 said that a Chinese Nationalist spokesman, although denying that Kuomintang troops had joined Karen rebels, stated that the Kuomintang troops fought only Chinese Communists. In a statement attributed by the Times of London to Patrick Soong, Chargé d'affaires of the Kuomintang Embassy at Bangkok, it was admitted that the Kuomintang troops, which numbered 12,500, were under the direct command of military headquarters in Formosa and that the operations were an extension of the struggle against Communism in Korea, Indonesia and Malaya. This clear admission of Mr. Soong, the Burmese representative said, constituted absolute proof.

Additional and substantial evidence of Taipei's complicity, he continued, was also provided by the phenomenal improvement in the armaments carried by the Kuomintang forces in Burma. In contrast to their light equipment in 1950, they were now armed almost exclusively with infantry and heavier weapons of United States manufacture. Burma air force planes, in recent sorties, had even encountered light anti-aircraft fire. Obviously, the growth of the force from 1,500 comparatively light-armed men to 12,000 well-armed men in less than three years could not happen in the hinterland of Burma unless some outside Power were furnishing the leadership, direction and equipment. Even without other evidence, the process of elimination would have led to the conclusion that that Power was Formosa. It was probably true, as had been said, that some of the 12,000 men who at present constituted the army of General Li Mi had been locally recruited, but those recruits had been trained and equipped with outside help, which constituted intervention. If the Government of Formosa wished or intended to respect Burmese sovereignty, why had not Chiang Kai-shek openly ordered the withdrawal of those troops from Burma and dissociated himself from the campaign conducted by General Li Mi?

The representative of Burma said that his Government had tried hard to settle the question outside the United Nations. As soon as the Kuomintang forces had entered Burma, there had been an unsuccessful attempt to settle the matter at the military level. His Government had then been informed through the United States Embassy, which was friendly both with Formosa and Burma, that orders had been issued by Formosa for the forces to withdraw. The forces had, however, moved to the Mong Hsat area where they had proceeded to entrench themselves. Efforts at settlement had continued through the United States Embassy but, despite the encouragement and hope given to his Government, the size and equipment of the Kuomintang forces had increased. Further diplomatic efforts had been made in 1952, but his Government had reached the end of its endurance and had come to the conclusion that it had no alternative but to lay the full facts before the United Nations in order that suitable action might be taken to ensure that the Kuomintang forces should submit to disarming and internment or leave the country.

Turning to the Burmese draft resolution (A/C.1/L.42), the representative of Burma said that some representatives had privately expressed the view that its wording was too strong; but this was justified because foreign troops had forced their way into his country, embarrassed the Government and harmed its citizens. His Government's contention was that those troops were part of the Kuomintang army and were maintained by Formosa and, if that were so, the action of the Kuomintang Government certainly called for condemnation. His Government did not demand any particular form of action but asked only that the Security Council should be requested to take appropriate action.

During the debate, the Burmese delegation circulated to the members of the First Committee a folder containing a number of photostats and seized documents from invading Chinese troops.

The representative of China declared that the charge of aggression made by the Government of Burma was a serious one; but the idea of aggression against Burma had never entered the mind

of the Chinese Government. He recalled the traditional friendship between Burma and China, stating that in the Second World War the Chinese Government had sent its forces into Burma to fight Japanese aggression. The Chinese delegation in the United Nations had sponsored the resolution in the Security Council recommending the admission of Burma to the United Nations.

The charge related to an army called the Anti-Communist Nationalist Salvation Army, which was led and commanded by General Li Mi, who had been born in a village on the border between Burma and China. The men under his command had banded together to fight Communism and for the liberation of their country, and because their homes and families had been ruined by the Communist regime. Those men were regarded as heroes by all free Chinese all over the world, from whom they received financial aid. The representative of China said he wished to make it clear that he was speaking as the representative of his Government and not as the representative of the Anti-Communist Nationalist Salvation Army nor as an apologist for General Li Mi's forces; he wanted only to show the popularity of General Li Mi and his followers in China and among Chinese everywhere.

The forces, which had originally numbered about 1,700 men, had started with a core of the Chinese army, but had developed and grown into an army which was not part of the regular army of the Republic of China nor under the physical control of its Government. If these forces now numbered 12,000 men it was as a result of recruiting on the spot; the Government of China had not sent a single soldier to reinforce that army. While it was true that the Chinese Government had some influence over General Li Mi and some of the officers, that influence varied from time to time, as did General Li Mi's influence over his scattered forces.

In so far as the Government of China had influence over General Li Mi, it had used it to further the wishes of the Government of Burma. From the beginning, his Government had warned General Li Mi not to enter Burma. The representative of China noted that the boundary between China and Burma was long and complicated and even in the demarcated section it was difficult to tell where one country began and the other ended. It was even more difficult in the undemarcated area. It might be expected that his Government should pronounce a moral condemnation regarding the collection of funds by the representatives of those forces among the free Chinese, but it was psychologically impossible for his Government to do so.

The representative of Burma had furnished the Committee with a number of documents which showed quite clearly the nature of the Anti-Communist Nationalist Salvation Army. For example, the reference in one of the documents to discussions and decisions taken in a battalion "sub-committee" indicated unmistakably that the army was not centrally controlled or supplied. The Burmese representative's evidence concerning appeals for supplies and money was also hardly characteristic of a regular army. In support of his thesis that the forces in Burma were not part of the Chinese regular army, the representative of China also referred to certain errors that representatives of those forces had committed and which were shown by the documents produced by the representative of Burma. One of the documents, for example, showed that one unit had demanded the release of certain Chinese merchants in Burma. The representative of China argued that the protection of citizens abroad was one of the functions of a diplomatic service and a regular army would not have taken upon itself to demand such release. Another document emanating from the forces in Burma referred to diplomatic relations between the Republic of China and Burma. Since no diplomatic relations existed between the two countries, the document which contained that error could not have emanated from an agency of the Chinese Government.

In response to the appeal of the United States Ambassador at Taipei the Chinese Government had given assurances that, despite the difficulties involved, it would try to stop the collection of funds by the agents of that army. That was a big effort on the part of his Government to meet the wishes of the Government of Burma. His Government had also given assurances that it would not give clearance to any aircraft taking off from any airfield on Taiwan (Formosa) flying to that border region. He explained that his Government had never allowed any of its aircraft to be used to take supplies to that army; any supplies had been taken in chartered and private aircraft, to which his Government would now refuse clearance for such purposes. In view of the state of mind of the Chinese people, that was not an easy step to take; it indicated the extent to which the Chinese Government wished to co-operate with and assist the Government of Burma.

The representative of China said that the actions of the Burmese Government had made it

more difficult for the Government of China to exercise its moral influence over General Li Mi. Burma had not only brought the question and the monstrous charge of aggression before the United Nations, but also, in dealing with the situation by force, had chosen to use some Burmese Communist units against the Anti-Communist Salvation Army, an action which made the problem still more **acute.**

The Chinese Government, its representative said, remained ready to use the good offices offered by the United States Embassy at Taipei. It did not wish to resort to paper promises or official documents which might not solve the problem. The question required careful study and his Government could not commit itself to something which it could not carry out within the appointed time. If the Government of Burma wished to use force, that was its business, but if it wanted the Government of China to use its moral influence in the matter, it should not put further difficulties in the way of a solution. The Burmese draft resolution was neither helpful nor just and was not acceptable.

In conclusion, the representative of China said that he appreciated the constructive intentions of other proposals which had been submitted to the Committee, whose aim was to find a settlement in accordance with the principles of the Charter. His Government would give the United Nations the utmost co-operation in achieving its objective in that matter.

During the discussion, a number of representatives, including those of Afghanistan, India, Indonesia, Iran, Israel, Yemen and Yugoslavia, declared their support of the Burmese draft resolution. They particularly deplored that aggression had been taking place for three years and they considered that the United Nations should put an end to that situation. All available evidence, they stated, confirmed the charges made by Burma. No responsible Government could tolerate a situation such as that depicted, nor could the United Nations conceal its concern.

The Chinese representative had declared that his Government had never had any intention of committing aggression against Burma and that in entering Burma the Chinese armed forces had acted contrary to its orders. Yet the responsibility of the Chinese Government was manifest, for there was regular liaison between the Chinese troops in Burma and in Formosa and there were links between those troops and the Chinese Government. The Chinese representative had even said that his Government was prepared to call on them to stop fighting. Besides, the supplies and the modern equipment for those armed forces could obviously come only from Formosa. General Li Mi himself had declared repeatedly that the purpose of his visits to Taiwan was to submit reports to Chiang Kai-shek and, as the official commander of his armed forces, he maintained a constant liaison with the authorities in Taiwan about his military operations. The Chinese representative also claimed that General Li Mi and his men were fighting for their country under the banner of anti-Communism. But for the past three years, General Li Mi had been fighting, not against Communism, but against Burma.

These representatives said that those bands would have been eliminated by the armed forces of Burma, but for the assistance and direct support given to them in their aggressive activities. The situation was serious, the more so as the aggression had been committed in a particularly sensitive area of the globe, where an incident was likely to start a chain reaction. It was particularly unjustifiable as it had been committed against an under-developed country. These representatives concluded by stating that the best proof of the Chinese Government's professed friendship towards Burma would be for it to issue a clear order to General Li Mi to surrender his army to the Burmese Government to be disarmed or interned. The Chinese Government was urged to agree to such action.

The representative of the USSR, supported by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, emphasized that the aim of the Kuomintang bands in Burma was not only to extend the occupation of Burma by Chinese Nationalist forces but to carry out aggressive operations against the People's Republic of China. They had already tried to attack China in 1951 but had been hurled back. That invasion was designed to undermine the peaceful and constructive work of the liberated people of China. It was obvious that the tremendous task of rehabilitation and reconstruction which was being successfully carried out in China had aroused hatred and rage among the Kuomintang group. Thus, the presence and activities of the Kuomintang bands in Burma and their links with Taiwan were contributing to international tension. The United Nations should therefore consider the problem, not only because of its importance to Burma, but because of its vital bearing on the international situation in general and on South East Asia in particular. These representatives expressed their sympathy with the Burmese and their support for the Burmese draft resolution.

The representatives of Australia, Canada, Egypt, France, the Netherlands, New Zealand, Sweden and the United Kingdom, among others, while agreeing that the Burmese complaint was well-founded, felt that they could not unreservedly support the Burmese draft resolution. The Burmese complaint, made under Article 51 of the Charter and requesting that the Chinese troops on Burmese territory should comply with the principles of international law, was certainly legitimate. No government could tolerate on its territory foreign troops which lived off the land, engaged in depredations on the civilian population and became involved in hostilities with the official forces of that State.

It was another matter, however, for the Assembly to declare that the Government of the Republic of China was wholly responsible for the activities of General Li Mi's forces. The question was who really controlled those troops.

Without adequate proof, it could not be assumed that they were acting on the orders of the Government of the Republic of China. Captured documents and press cuttings, it was argued, were not convincing evidence.

The representative of China had indicated his Government's willingness to use its influence to seek the withdrawal of Chinese troops in Burma. It thus seemed that Burma and the Republic of China were following similar aims. The United Nations was entitled to expect the co-operation of the Government in Taipei either for internment or for evacuation. It seemed that a reasonable approach to the question would be to urge a practical solution on the following points: prevention by all governments of the passage of supplies of any kind to the irregular Chinese troops; continued negotiations and the use of good offices of friendly States by the parties; full co-operation by the Government of the Republic of China and, in particular, the use of all that Government's influence with the command of the irregular forces; an injunction to those forces to submit to internment; and the co-operation of neighbouring governments.

These representatives suggested that a more appropriate draft resolution would be one, which, recognizing the established facts of the case and the principles of international law, would place the main emphasis upon the paramount hope of reaching a practical solution by negotiations between the parties directly concerned, with such assistance as might be rendered by third parties.

The representative of Thailand said that the complaint of the Burmese Government was a delicate question as far as his country was concerned, since the dispute was between two States with which it maintained friendly relations. Although there was no justification for their presence and activities in Burma, he did not think that the Chinese troops had been introduced into Burma with aggressive intent. Their presence there had been brought about by the vicissitudes of the war in China. Nevertheless, they should lay down their arms and surrender to the Burmese authorities. Thailand had already taken measures to reinforce control of traffic across the Thailand-Burma frontier, thus giving Burma practical co-operation. Nevertheless, since the frontier between the two countries was an undeveloped tropical area, it could not be completely sealed. The cause of the dispute between Burma and the Republic of China could be eliminated by the disarming and internment or by the evacuation of the Chinese armed forces in Burma. If it should be decided to evacuate the Chinese troops after they had been disarmed in Burma, his Government was prepared to assist in the evacuation of those troops through Thailand.

The representative of the United States said that, as the Governments of Burma and of the Republic of China did not maintain diplomatic relations with each other, the United States, at Burma's request, had acted as an intermediary and had vigourously sought to bring the parties to an agreed method of meeting the situation. The Chinese Government should first agree in principle to co-operate to the best of its ability to effect a withdrawal of General Li Mi's troops. The hostile activities should cease and feasible methods for withdrawing the troops should be discussed, followed by disarming and evacuation of the troops from Burma. That was the type of solution the United States Government sought to achieve. It remained to be seen, however, whether all those irregular troops would agree to leave Burma. Nevertheless, it was to be hoped that, if the negotiations were successful, a substantial number of the men would leave Burma and that would reduce the problem to manageable proportions for the Burmese Government.

At the 610th meeting on 21 April, Mexico submitted a draft resolution (A/C.1/L.44/Rev.2), which was adopted by the Committee with certain amendments (for text, as amended, see below) at its 612th meeting on 22 April. At that meeting the Committee adopted an Iranian proposal to give priority in voting to the Mexican draft resolution.

It adopted, by 53 votes to none, with 7 abstentions, an amendment to the Mexican draft resolu-

tion submitted jointly by Argentina and Chile, which, as later revised (A/C.1/L.45/Rev.1), provided for the insertion of a new paragraph to the effect that the Assembly would recommend that the negotiations then in progress through the good offices of certain Member States should be pursued, in order to put an end to the existing serious situation by means of the immediate disarmament and withdrawal of the said forces from the territory of Burma or by means of their disarmament and internment.

On presentation of the joint amendment, the representative of Argentina withdrew a draft resolution (A/C.1/L.43), which he had introduced on 21 April, proposing that the Government of Burma, the Government of China and other parties directly concerned should enter into negotiations with a view to bringing about the immediate withdrawal of the troops from Burma. The Committee also adopted certain clarifying amendments proposed by Lebanon (A/C.1/L.46):

(1) To specify in the third paragraph of the preamble that in addition to any assistance which enabled the foreign forces to continue their hostile acts, any assistance enabling them to "remain in the territory of Burma" was also contrary to the Charter. (Adopted by 22 votes to 11, with 27 abstentions.)

(2) To redraft the fourth paragraph of the preamble to have the Assembly state that the refusal of those forces to submit to disarmament or internment was contrary to international law and practice (instead of, as in the Mexican draft, note that the Burmese Government had reported that those forces refused to submit to disarmament or internment in accordance with international law and practice). (Adopted by 26 votes to 10, with 24 abstentions.)

(3) To amend the first operative paragraph to state that the Assembly deplored the situation and condemned the "presence" of those forces, as well as their hostile acts. (Adopted by 25 votes to 2, with 32 abstentions.)

(4) To add in the final paragraph the provision that States would refrain from giving assistance to those forces which would enable them to "remain in the territory of Burma", as well as assistance enabling them to continue their hostile acts. (Adopted by 27 votes to 2, with 31 abstentions.)

The Mexican draft resolution, as a whole, as amended, was adopted by 58 votes to none, with 2 abstentions.

The Committee did not vote on the Burmese draft resolution.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The draft resolution recommended by the First Committee (A/2391) was adopted by the General Assembly at its 428th plenary meeting on 23 April by 59 votes to none, with 1 abstention.

During the explanation of votes, the representative of Burma stated that he had voted for the resolution although Burma would have preferred its own resolution, which sought condemnation of the Kuomintang Government for the acts of aggression, but it had been impressed by the sympathetic and helpful attitude of the Member States and had therefore identified itself with the resolution which had the approval of all the Member States except China. The representative of China declared that he agreed with the resolution insofar as it only stated that aggression had been committed by certain "foreign forces". However, it was the first time judgment had been passed on grave charges without careful examination, including investigation on the spot. His delegation had therefore abstained from voting.

The resolution (707(VII)) adopted by the Assembly read:

"The General Assembly,

"Having examined the complaint by the delegation of the Union of Burma regarding the presence, hostile activities and depredations of foreign forces in the territory of the Union of Burma,

"Considering that these facts constitute a violation of the territory and sovereignty of the Union of Burma,

"Affirming that any assistance given to these forces which enables them to remain in the territory of the Union of Burma or to continue their hostile acts against a Member State is contrary to the Charter of the United Nations,

"Considering that the refusal of these forces to submit to disarmament or internment is contrary to international law and usage,

"1. Deplores this situation and condemns the presence of these forces in Burma and their hostile acts against that country;

"2. Declares that these foreign forces must be disarmed and either agree to internment or leave the territory of the Union of Burma forthwith;

"3. Requests all States to respect the territorial integrity and political independence of the Union of Burma in accordance with the principles of the Charter;

"4. Recommends that the negotiations now in progress through the good offices of certain Member States should be pursued, in order to put an end to this serious situation by means of the immediate disarmament and withdrawal of the said forces from the territory of the Union of Burma or by means of their disarmament and internment;

"5. Urges all States:

"(a) To afford the Government of the Union of Burma on its request all the assistance in their power to facilitate by peaceful means the evacuation of these forces from Burma; and

"(b) To refrain from furnishing any assistance to these forces which may enable them to remain in the territory of the Union of Burma or to continue their hostile acts against that country;

"6. Invites the Government of the Union of Burma to report on the situation to the General Assembly at its eighth session."

2. Report by the Government of Burma to the General Assembly's Eighth Session and Statements by the Chinese Foreign Minister and by the Joint Military Committee

a. REPORT BY THE GOVERNMENT OF BURMA

By a letter dated 29 June 1953 (A/2423), the delegation of Burma submitted copies of the documents used in support of its complaint regarding aggression by the Government of the Republic of China and requested that they be issued as United Nations documents.

On 10 September 1953, in accordance with General Assembly resolution 707(VII), the permanent representative of Burma submitted to the Assembly his Government's report (A/2468) on the presence of foreign forces in its territories. The report stated that, to facilitate the evacuation of foreign forces from Burma, approaches had been made to the United States Embassy at Rangoon. Due to the efforts of the Ambassador and of the American envoys in Bangkok and Taipei, a four-nation committee (later referred to as the Joint Military Committee) composed of representatives of the United States, Thailand, Burma and the Republic of China, had been formed to discuss the means and procedures for evacuating these troops.

At the first meeting of this Committee on 20 May 1953, the Chinese delegate had taken the position that his Government could only use its influence to persuade General Li Mi's troops to go to Taiwan. The repatriation, he had said, could only be on a voluntary basis. This stand had disappointed the Burmese Government, the report said, especially as it followed in the wake of General Li Mi's Press interview with a correspondent of Time, reported in the issue of 18 May 1953, in which he had stated falsely that Burmese action was inspired by the People's Republic of China. He had also stated falsely that the Burmese Foreign Minister had visited China. General Li Mi was quoted as having said that "rather than evacuate, we could still turn into bandits and plunder to stay alive."

On 23 May the delegation of Burma had submitted a plan for a cease-fire in the Mong Hsat area and along the corridor leading from Mong Hsat to the Thailand border, together with alternative plans of evacuation by road, by air and by road and air from Burma to Thailand On 25 May these plans were conveyed to the Chinese representative who maintained the position that, since the Chinese Government maintained no control over these forces, it could not be held legally responsible for any possible failure to carry out in full the United Nations resolution. A draft agreement later presented by the Chairman and accepted by the Thai and Burmese representatives was not acceptable to the Chinese representative, who said that he would have to go to Taipei for instructions.

On 14 June, the Chinese representative, who was expected to come back fully authorized to make decisions, stated that Formosa was willing to accept only those troops who wanted to go there. With regard to the proposed visit of the Committee to Mong Hsat to work out details of this evacuation, he said that he could not guarantee the safety of the Burmese members. He had then made the demand that all Chinese (civilians and military personnel alike), kept under detention for collaboration with General Li Mi's troops, should be released forthwith. However, at further meetings, and by 17 June, the Chinese representative had accepted the draft agreement in principle, except that he continued to insist upon the inclusion in the agreement of the release of Chinese collaborators. At that point, there were no great divergencies of views and if the matter had been left to the decision of the Government of Burma, a satisfactory solution would most probably have been evolved. The question of the expenses of evacuation was also discussed and, by the end of June, the prospects of an agreement among the four nations appeared to be bright.

At this stage, one of Li Mi's generals, Lt. General Lee Yu-foo, who with other officers had been invited to come to Bangkok to satisfy themselves concerning the proposed scheme of evacuation, had made a provoking statement, in which he had said that General Li Mi's troops were not going to withdraw from Burma because, as they were not represented during the discussion leading to its adoption, they considered the United Nations resolution as unlawful. Stating that his troops were protecting all main routes which would have to be used in a Chinese Communist invasion of South East Asia, General Lee said that those troops could be of immeasurable assistance to the Chinese Nationalist Government when Generalissimo Chiang Kai-shek gave the order for invasion of the Chinese mainland. On 15 July, General Li Mi made another statement that he could not issue orders to his troops to withdraw. Representations were made to Taipei and a deputy of General Li Mi was despatched from Formosa to meet the Committee. However no results followed his arrival.

The Burmese Government regretted that the evasive and delaying action of the Chinese rep-

resentatives on the Committee and the conduct of the authorities in Formosa led to the conclusion that General Li Mi's troops would continue to stay in the territories of Burma on the false excuse that they were combating Communism. No authoritative person in Formosa had, at any moment, expressed the least sympathy for the Burmese or had deplored publicly the presence of foreign troops in Burma. General Li Mi was residing in Formosa as an honoured hero. During all this time, financial assistance continued to flow from Formosa and planes continued to land at Mong Hsat.

On 10 August, the report continued, the United States Ambassador at Rangoon had informed the Burmese Government that Shao Yu-lin, formerly Chinese Ambassador in South Korea, was at Bangkok and on his way to Mong Hsat as a personal representative of President Chiang to explain the position to the officers and men.

While the Government of Burma placed on record its thanks to the United States and Thailand Governments, it felt that the talks in Bangkok would not lead to any great results. Even at this stage, the Chinese representative, although agreeing to the evacuation of these troops in principle, made the reservation that only those willing to be repatriated would be taken to Formosa.

By a letter dated 28 October 1953 (A/C.1/L.70), the Burmese delegation transmitted, for the Assembly's information, various documents relating to the question.

b. STATEMENT BY THE CHINESE FOREIGN MINISTER

By a letter dated 26 October (A/C.1/L.69), the representative of China transmitted a copy of a statement issued by the Minister for Foreign Affairs of China on 8 October 1953 on the question of evacuation of the Chinese irregulars under General Li Mi's command in Burma. This document stated that since the adoption of the General Assembly resolution of 22 April 1953, the Chinese Government had exercised its utmost persuasive influence in trying to get as many of them evacuated to Taiwan from Burma as possible. The majority of those forces however, consisted of local inhabitants from the different Yunnan-Burma border regions who, as victims of Communist oppression, had gathered under General Li Mi's banner to fight against their common oppressors. It was beyond the power of the Chinese Government to force these people to leave their native places and to accept evacuation, together with their families, to Taipei.

During the past few months, the Chinese Government had fully co-operated with the four-Power Joint Military Committee in Bangkok in devising a feasible plan for the withdrawal of those irregulars who would agree to evacuation. Despite great difficulties, the Chinese Government had now succeeded in persuading some two thousand irregulars, together with a few hundred of their dependants, to evacuate to Taiwan.

Immediately before the conclusion of the evacuation plan, the Burmese representative, on 16 September, had submitted a demand for the evacuation of all Chinese irregulars from Burma and after the Chinese representatives had said that that was definitely beyond the powers of his Government, the Burmese representative had withdrawn from the conference. The Chinese Government had, however, continued its efforts towards an evacuation of those men who had pledged to leave Burmese territory and had requested that the Committee remain in session to finalize the plan, which had been agreed to by the Governments of Thailand and the United States.

The statement charged that the Burmese air force had made incessant raids on several places where the Chinese irregulars who had pledged to leave Burma had been assembled. The bombing had seriously affected the operation and the Chinese Government was as yet unable to assess how far such attacks had obstructed the evacuation plans. It was still prepared to sign the evacuation plan as agreed upon by the Governments of Thailand, the United States and China, although results would depend entirely upon the course of action to be taken by the Burmese Government.

c. STATEMENT OF THE JOINT MILITARY COMMITTEE

By a letter dated 29 October 1953 (A/C.1/L.71), addressed to the President of the General Assembly, the United States transmitted a statement issued by the Joint Military Committee in Bangkok on 29 October 1953. This stated that the Government of the Republic of China had assured Thailand and the United States that about two thousand foreign forces together with their dependants would be evacuated from Burma, that all foreign forces refusing to leave Burma were disavowed by the Chinese Republic and that it would not help those remaining there with any supplies.

3. Consideration by the General Assembly at its Eighth Session

At its 435th plenary meeting on 17 September 1953, the General Assembly decided to include

in its agenda the item entitled "Complaint by the Union of Burma regarding aggression against it by the Government of the Republic of China: Report of the Government of the Union of Burma" and referred it to the First Committee.

The First Committee considered the item during two series of meetings: the 653rd to 657th meetings, from 31 October to 5 November, and the 677th to 679th meetings, from 27 November to 4 December 1953.

a. DISCUSSIONS IN THE FIRST COMMITTEE FROM 31 OCTOBER TO 5 NOVEMBER

At the 653rd to 657th meetings of the First Committee, from 31 October to 5 November, the following statements were made.

The representative of Burma stated that, despite the optimism of Mr. Shao Yu-lin, personal representative of Chiang Kai-shek, who had made a tour of the Mong Hsat area, no progress had been made in the evacuation of Chinese forces in Burma.

In order to obtain definite pledges, the Burmese representative on the Joint Military Committee had asked for the evacuation of 5,000 men in three months, a very reasonable request involving the evacuation of only 200 men daily. However, the representative of the Republic of China had rejected that figure and had made no counter-proposal, with the result that the negotiations had collapsed. The Kuomintang had later decided to accept an evacuation scheme, details of which had been worked out by the Committee in the absence of the representative of Burma. The figure proposed was 2,000 men. Although the United States Embassy at Rangoon had informed Burma that the Formosan Government was serious in its efforts to evacuate the troops, General Li Mi still refused to give the order for evacuation. Meanwhile, the Kuomintang marauders were continuing their depredations and penetrating deeply into Burma. They were also continuing their traffic in opium and wolfram. Burma, after having stayed its hands at the request of its friends, had resorted to the bombing of hideouts and strongholds. That action had led to strong protests from the Taipei authorities and had been made much of the Chinese statement (A/C.1/L.69). Those raids, however, had been carried out before any preparations for evacuation had been made, if indeed any such preparations had been made at all. On hearing that there was a chance of withdrawal, the Burmese Government had stopped the raids. The only places bombed after 1 October had been areas north and south of Mong Hsat, where, Burma had been informed, there were bandit forces not under the control of General Li Mi, and there had been no bombing operations since 14 October. On 6 October it was learned that between 1,500 and 2,000 men could be evacuated. That meant that 10,000 men would still be left to embarrass the Burmese Government in its domestic and international relations. They would have to be fought in difficult terrain. Nevertheless, the Burmese Government had replied, on 14 October, that it would not interfere with the departure of the 2,000 men, against whom operations would cease until 15 November, but it had emphasized that the Government of the Republic of China, which had brought the original force and expanded it, should be held responsible for the removal of the entire body from Burma.

Referring to the communique of 29 October of the Joint Military Committee (A/C.1/L.71), the Burmese representative said that it remained to be seen whether the 2,000 men would really be withdrawn by 15 November. The communique also mentioned that the Republic of China would give no assistance to those remaining in Burma, which, incidentally, he said, proved once more that the Chinese forces in Burma were maintained by Formosa. The disavowal of the Chinese remaining behind in Burma was a matter of concern to the Burmese Government, for it was not in compliance with Assembly resolution 707(VII), which called for the withdrawal of the entire Chinese force. There was reason to fear that Taipei's disavowal of those unwilling to leave Burma was part of a strategy to make a token removal at the time of the Assembly. The representative of Burma then read to the Committee certain documents which purported to show that there was an army, 3,000 men strong, in the vicinity of Bhamo, far north of Mong Hsat, which would not be prepared to evacuate from Burma if ordered to do so. Li Mi's new plan was merely to shift his headquarters. If the Formosa Government moved out a token force, it would naturally be from the base which it intended to abandon. As for the troops in the Bhamo area, north of Mong Hsat, and the Mawchi area, south of Mong Hsat, the Chinese representative in the Joint Military Committee had said that it was unnecessary to make any evacuation plans for them, because General Li Mi did not control them.

The Burmese representative said that his Government would consider the evacuation of 2,000 men as merely the shadow of a solution. Moreover, the withdrawal of the troops which had entered Burma could not be made conditional on the signing of an agreement which Burma could not

be blamed for not wanting to sign. The fact was that the Chinese would like to get out of the venture without loss by merely evacuating 2,000 men. But Chiang Kai-shek and Li Mi were under a moral obligation to remove their entire force and to disarm the local recruits who did not wish to go to Formosa. The Burmese delegation, while refraining from submitting any new draft resolution, reiterated that the activities of the Kuomintang army in Burma were fostered by the authorities in Formosa and that they should be branded as aggressors. Burma was deeply grateful for the efforts of the United States to settle the question, but it could not agree with the view expressed by the United States representative that the evacuation of 2,000 men would be a substantial implementation of the Assembly's resolution. In dealing with the authorities in Formosa, moral pressure was perhaps not enough. General Chiang Kai-shek should be persuaded to repudiate, at the presidential level, the troops involved. If the Formosa authorities were threatened with a suspension of foreign aid or with ouster from their seat in the United Nations, the Kuomintang bands would disappear within a month, the Burmese representative declared. It was hard to believe that Formosa would be allowed to continue to flout the authority of the United Nations.

The representative of China stated that there were a number of contradictions in some of the documents submitted to the Committee and, particularly, in document A/C.1/L.70. He referred to the results of the negotiations undertaken by the Joint Military Committee, which had met at Bangkok in accordance with the Assembly's recommendations at the seventh session. The statement issued by the Committee on 29 October 1953 (A/C.1/L.71) represented positive results. The figure of 2,000 men to be evacuated was approximate, for it did not include the families of those persons. But it was in no sense restricted; the Chinese Government had never placed any limit on the number of irregular troops to be evacuated and was prepared to welcome all those who could be induced to return. The figure of 2,000 was merely the one which had been given to the Chinese Government by the leaders of the forces. Furthermore, the Chinese Government had completely and unreservedly disavowed all those who refused to leave Burmese soil.

The representative of China then referred to the difficulties involved in such an operation. In the first place, it was difficult to estimate the exact number of the forces to be evacuated. It was also difficult to ascertain the composition of those forces, which comprised not only Chinese, but also Karens, Kachins, Chins, Shans and Burmese. They had a fanatic faith in their anti-Communist mission, which they envisaged in their own peculiar way. The Chinese Government had done its best to conform to General Assembly resolution 707(VII). United Nations documents on the subject had been transmitted to Formosa and distributed to General Li Mi and his supporters. Mr. Tsiang himself had gone to Formosa to explain the matter to the legislature and describe the position of the United Nations. He had actually had an interview with General Li Mi, whom he had attempted to convince. But he had encountered a fanatic who thought he was responsible for the campaign against Communism in South East Asia. The Chinese representative then referred to the mission of Ambassador Shao Yu-lin who had been sent by the Chinese Government into the Burmese jungle with promises of welcome for those who returned and severe warnings to those who stayed in Burma against the wishes of the Chinese Government. Partly as a result of those efforts, the leaders of the Anti-Communist Nationalist Salvation Army had agreed to evacuate the six places specified by the representative of Burma in the Joint Military Committee, and to try to persuade as many as possible to agree to leave Burma. In mid-September, the leaders had informed Taipei that they had induced 2,000 soldiers to return to Formosa with their families. The Chinese Government would have preferred to start evacuation in August without defining the number to be evacuated. It had hoped that once evacuation had started the early evacuees would help to promote further evacuation

As to the suggestion made by the representative of Burma that the President of the Chinese Government should repudiate General Li Mi, the representative of China said that his Government had not repudiated General Li Mi because it was using his influence to induce 2,000 men to leave. It hoped that he would openly proclaim the dissolution of the whole force. Once Li Mi's influence was exhausted, the question of repudiation might arise, but before that stage was reached, repudiation would not be helpful. The fact that the Chinese Government had undertaken not to supply the irregulars had been misinterpreted. What it had undertaken, and would take stronger and firmer steps to do, was to prevent further supplies from being smuggled out of Formosa. Difficulties still existed which could be overcome with the assistance of all the Member States, including China and Burma. One way in which the Burmese Government could help would be in implementing the assurances which it had given

with regard to the abstention from military action against people assembled for evacuation. If the evacuees were to suffer heavy casualties, the Chinese Government could not fulfil its undertakings to the leaders of the irregular forces and the evacuation plans might be upset.

During the discussion, the representatives of India, Indonesia, Israel, Liberia, Pakistan and Yugoslavia, among others, expressed the view that the continued presence of foreign forces in Burma and the refusal of the Taiwan authorities to order the generals to submit to disarming and internment constituted a clear case of aggression. They maintained that the Taiwan authorities had continued to give those forces moral and material support in disregard of Assembly resolution 707 (VII). Their responsibility was evident, it was stated, from the manner in which General Li Mi maintained close liaison with them and from their knowledge of the exact situation in Burma. The evacuation of a token force of 2,000, it was stated, was entirely inadequate. These representatives further considered that the mere disavowal of the remaining 10,000 would pose graver problems for Burma. The disavowal of the remaining forces by Formosa, it was stated, instead of helping to remedy the situation, would lead to the intensification by those forces of their marauding activities. These representatives deplored the lack of an appeal by the Chinese Foreign Minister to the leaders of the forces in Burma to lay down their arms. They also emphasized the need for an order from Generalissimo Chiang Kai-shek for the troops to surrender to disarming and internment.

The USSR representative and the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR stated that the aggressive activities of the Kuomintang bands in Burma were a constant threat to peace and security in the Far East. Their task was to maintain a trouble spot in South East Asia in the hope of provoking a flare-up by an aggression against the People's Republic of China. The Chiang Kai-shek regime had been making preparations for such an aggression for a number of years with the knowledge and support of the Government of the United States. The continued toleration of the Chiang Kai-shek regime by certain countries had aroused legitimate and world-wide criticism and had served to aggravate the situation in the Far East. Cessation of assistance and of the delivery of arms and equipment to the Kuomintang would make it impossible for them to keep up their aggressive attitude, to maintain themselves in Burmese territory, or to continue their hostile acts directed against a Member State. The situation had been made possible only by the United States support of the Kuomintang; the United States had every means of bringing the activities of the Kuomintang bands in Burma to an immediate end if it threatened to suspend its assistance to Taiwan. The Government of Thailand, it was stated further, was playing an unedifying role in the whole affair in allowing passage through its territory of armaments and equipment for the Kuomintang bands in Burma.

The representatives of Australia, Belgium, Canada, Egypt, France, New Zealand, Sweden and the United Kingdom expressed their appreciation for the agreement which had been reached to evacuate 2,000 men from Burma and paid tribute to those who had contributed to that achievement, which constituted a first step towards the implementation of Assembly resolution 707(VII). It was said, however, that the figure of 2,000 men was obviously not very large and that it was understandable that the Burmese representative should consider that that measure would not solve the problem. Nevertheless, there was hope that a larger number might agree to be evacuated later and that the rest would disperse of their own accord. The Chinese Government had declared that it would disavow those who remained, a measure which might strengthen the position of the Burmese Government and lead to further steps in solving the over-all problem.

There certainly was a limit to what could be achieved by international action, but the United Nations could not claim that the problem was solved until the whole force had been permanently dispersed. The Assembly should therefore not give the impression that it regarded the matter as closed. It should keep in touch with events in order to see whether appropriate action followed from its debates. The complete liberation of Burma from foreign troops should be realized gradually under international control, but without constraint. Because of the limited scope of international action, the solution of the problem lay, on the one hand, with the Burmese Government and, on the other side, with the Chinese Nationalist Government.

The representative of the United States surveyed the work of the Joint Military Committee, stating that after Burma had left that Committee, the United States had acted as an intermediary to ensure the execution of the evacuation plan. On 27 October, the representative of the Chinese Government at Bangkok had stated that the first group of evacuees would reach the Burma-Thailand border by 5 November; hence the com-

muniqué of the Joint Military Committee which was now before the First Committee (A/C.1/-L.71). It had then been possible to make practical arrangements for the evacuation: an air lift from Thailand to Formosa; the dispatch of Burmese observers; the reception of the evacuees at the border and their transit through the territory of Thailand; the furnishing of food, shelter and care; and the provision of security troops. All those services were being furnished by Thailand, without whose co-operation and hospitality the operation could not have been carried out. The Chinese Government had clearly stated that it intended to remove as many irregulars as possible, but it was clear that that Government exercised a very limited influence over those troops.

In reply to accusations made during the debate, the United States representative stated categorically that his Government was in no way involved in the activities of the foreign forces on Burmese soil; it deplored their continued presence in Burma and it was a monstrous charge to suggest that the United States would even for one moment consider giving them aid or support. The role of the United States in dealing with this problem had consistently been to extend its good offices in a sincere effort to arrive at a solution. He believed the agreement reached to be a substantial implementation of Assembly resolution 707(VII), but considered that it was not in the power of other governments to secure the complete evacuation of all those troops by peaceful means.

In response to the question as to whether the announced plan would actually be carried out, he reported that on 28 October 1953 officials of the United States Embassy at Bangkok had entered into a contract for the air lift to Taipei of the troops evacuated from North Burma. The contract provided for the non-stop flight of those foreign troops to Taipei at a rate of approximately 200 a day. The cost of the evacuation would be defrayed by the United States, China and Thailand. The first of those evacuees would be expected to arrive on the Thailand border on 7 November. The Burmese Government had accepted the evacuation plan in principle and had given assurances of full co-operation. His Government's interest in the problem, he said, would not cease with the present evacuation of troops and their dependants. After that evacuation it hoped to be able again to consult with the interested parties regarding further action and, as long as the countries directly concerned found its efforts helpful, it would be ready to render what service it could.

The representative of Thailand emphasized his Government's concern over the question and recalled the Thai representative's suggestion at the seventh session of the Assembly to the effect that a body might be designated to assist the parties in finding a solution. Thailand had also offered facilities for the evacuation of forces through its territory. The difficulties encountered during the negotiations had been caused not so much by the preparation of the evacuation plan or the details of its implementation as by the necessity of securing the concurrence of the parties in a plan which would attain the objective of the United Nations and be capable of practical application within the means at the disposal of the Joint Military Committee. It could be expected that the programme of evacuating 2,000 men and a number of their dependants would be carried out successfully and that its scope might later be enlarged. If the solution did not cover the whole problem, the United Nations was nevertheless on the right path.

In reply to certain references to his country's role in the matter, he said that the representatives of Thailand had worked without stint on the Joint Military Committee and outside it to ensure the implementation of the General Assembly's resolution. They had offered to spend about 160,000 dollars to effect the evacuation. They were making available transportation, food, lodging and medical care for the thousands of evacuees who would cross Thailand's territory. Those endeavours were made without ulterior motives.

It was, in fact, Thailand's overriding interest to help quell the political unrest in South East Asia and hence to achieve the best solution of this problem. In view of the unfounded charges which had been made, his Government might be compelled to conclude that it would be improper for it to assume any longer the responsibility for the ungrateful task of permitting its territory to be used for evacuation purposes.

On 5 November, Australia, Brazil, Canada, India, Mexico, New Zealand and the United Kingdom submitted a draft resolution (A/C.1/-L.73), providing that the First Committee, having considered the report of the Government of Burma (A/2468), the letter dated 26 October from the representative of China (A/C.1/L.69) and the letter dated 29 October 1953 from the United States delegation (A/C.1/L.71), should decide to adjourn further consideration of this question to a date not earlier than 23 November 1953. At its 657th meeting, on 5 November, the Committee adopted the seven-Power draft resolution by 50 votes to 3, with 6 abstentions.

b. DISCUSSIONS IN THE FIRST COMMITTEE FROM 27 NOVEMBER TO 4 DECEMBER

By letters dated 26 and 27 November and 2 December 1953 (A/C.1/L.89, A/C.1/L.91 and A/C.1/L.93), the representative of the United States transmitted messages received by his Government from the Joint Military Committee in Bangkok, reporting on the progress achieved in the evacuation of foreign forces from the territory of the Union of Burma. These reports stated that a total of 770 persons had been evacuated by 21 November and that a further 143 had been evacuated by 30 November 1953.

The First Committee resumed its meetings on the Burmese question on 27 November 1953. On that date, Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden and the United Kingdom submitted a draft resolution (A/C.1/L.90), providing that the General Assembly, having considered the report dated 31 August 1953 (A/2468) of the Government of the Union of Burma on the situation relating to the presence of foreign forces in its territory, would:

(1) note that limited evacuation of personnel of these foreign forces had begun as from 7 November 1953;

(2) express concern that few arms had been surrendered by them;

(3) appreciate the efforts of the United States and Thailand in striving for the evacuation of these forces;

(4) urge that efforts be continued for the evacuation or internment of these foreign forces and the surrender of all arms;

(5) reaffirm General Assembly resolution 707 (VII) of 23 April 1953;

(6) urge upon all States to refrain from furnishing any assistance to these forces which might enable them to remain in the territory of Burma or to continue their hostile acts against that country; and

(7) invite the Government of Burma to report on the situation to the General Assembly as appropriate.

On 1 December, Thailand and the United States submitted amendments (A/C.1/L.92) to the eight-Power draft resolution:

(1) to insert in the preamble, a reference to the reports of the Joint Military Committee in Bangkok;

(2) to state in the fourth operative paragraph that efforts should be continued by "those concerned" for the evacuation of the troops and the surrender of arms; and

(3) to insert in the last paragraph a provision whereby both the Joint Military Committee and the Government of Burma would report to the General Assembly.

On 4 December, Australia, Canada, India, Indonesia, New Zealand, Norway, Sweden and the United Kingdom, together with Uruguay as an additional co-sponsor, submitted a revision (A/C.1/L.90/Rev.1) of their draft resolution.

The revised draft included in the first paragraph of the preamble, in addition to the reference to the report of the Burmese Government (A/2468) a reference to all other information on the subject laid before the Assembly. It revised the fourth operative paragraph in accordance with the joint amendments and inserted a new operative paragraph to invite the governments concerned to inform the Assembly of any action that they had taken to implement the present resolution, and to revise the last operative paragraph to request rather than invite Burma to report on the situation to the Assembly as appropriate.

The amendments (A/C.1/L.92) of Thailand and the United States were thereupon withdrawn.

On the same date, the representative of the USSR proposed an oral amendment to delete the third operative paragraph of the revised nine-Power draft resolution expressing appreciation of the efforts of Thailand and the United States.

The representative of Burma made a statement concerning the situation prevailing in his country. On 29 October the Joint Military Committee at Bangkok had decided that the troops to be evacuated would bring their arms with them and that such arms would be destroyed. On 7 November the evacuation had begun and the first group of evacuees had crossed the border. At the time, Burmese observers had not been able to proceed to the border and that first hitch had aroused his Government's apprehension. On that day, 150 men had crossed the borders without bringing their arms, on the pretext that they had wanted to avoid a dash with Burmese troops during the evacuation. The evacuees had been flown to Taipei in General Chennault's plane. That group had brought either no weapons at all or obsolete light arms sometimes unserviceable and always in small quantities. Drawing the Committee's attention to the report by the Joint Military Committee (A/C.1/L.89), the Burmese representative pointed out that, on 8 November, there had been among the evacuees 38 Shans who could not speak Chinese and had been recruited only one week before. Moreover, there had been among the evacuees, not only a number of sick or wounded, but even old men, women and children. It was obvious that the Burmese Government could not be satisfied with such an evacuation.

The withdrawal of 2,000 persons and the surrender of 40 worthless weapons meant little in relation to the forces remaining in Burma. The Chinese Government, which had left the troops in question behind in 1950, still refused to give them official orders to withdraw. So long as such

an order was not forthcoming from Formosa, the men would remain in the jungle. The Burmese Government had shown great patience since the adoption of the Assembly's resolution of 23 April 1953. The time limit for the cease-fire had been extended twice. If the evacuation became more serious and tangible progress was made, the Burmese Government would continue to co-operate.

Answering the representative of Thailand's assertion that the efforts of the Joint Military Committee had not been fully appreciated, he expressed his Government's gratitude towards that Committee for the good will it had displayed but, he said, it had to be remembered that the Joint Military Committee was not an organ of the United Nations. For that reason, his delegation thought that there was no reason to use the term Joint Military Committee in the draft resolution.

The Burmese delegation was not entirely satisfied with the draft resolution, believing that aggressors should be labelled as such; it wished to re-emphasize that what was happening in Burma was a clear act of aggression, a word which some representatives disliked. However, the representative of Burma indicated, he would support the draft resolution in the hope that it would be adopted unanimously.

The representative of China stated that the information contained in the message of the Joint Military Committee (A/C.1/L.89) was in accordance with that at the disposal of his Government. The first evacuations had not proceeded as satisfactorily as the Chinese Government had hoped. The first difficulty had arisen on 8 November, when 38 persons had been refused evacuation allegedly because they were Burmese and not Chinese nationals. He explained that in that part of Asia, some tribes were distributed over parts of China, Burma, Thailand and Laos. The complexity of the ethnical situation in that area was great and made a sound identification of the evacuees a difficult matter.

Another difficulty that had arisen related to the small number of weapons brought out by the evacuees; but one must recall that the forces in question were poorly equipped. The leaders had also explained that the likelihood of conflict and misunderstanding would be lessened if they came out of the jungle without arms. It was the intention of the leaders to collect the weapons and to deliver them en bloc to the receiving committee at the border.

The representative of China again expressed his surprise that the term "aggression" was used. It was especially peculiar to speak of aggression when the evacuation was progressing daily. In actual fact, since the resolution had been adopted, practical steps had been taken to implement it and substantial progress had been achieved. The Chinese delegation deeply appreciated the efforts of the United States, Thailand and the Joint Military Committee, but it felt that the co-operation given to the latter body by its Government had not always been appreciated; the difficult conditions in which the evacuation was taking place were often overlooked. The Committee should realize that the situation was changing from hour to hour. Information had come that weapons had just been shipped from Mong Hsat and would soon be surrendered to the Joint Military Committee. Consequently, the expediency of another resolution seemed open to doubt. The Chinese delegation understood the intentions of the sponsors of the draft resolution; however, in view of the fluid situation prevailing, it would abstain from the vote.

The representative of the United States recalled that the debate on the question had been adjourned on 5 November in order that the matter might be considered further in the light of what had meanwhile been accomplished with regard to the evacuation of some 2,000 members of the Chinese Nationalist forces. He stated that 1,278 persons had been evacuated to date to Taiwan by air; on 29 November, 150 persons were expected; and an additional group of 150 persons were expected on 2, 4, 6 and 8 December 1953. Only 2 per cent of the evacuees had been medical cases, 60 per cent had been between the ages of 20 and 40 and 12 per cent between fifteen and nineteen. There was a high percentage of officers. There had been some unavoidable delays due to various factors: bad weather, doubts concerning the national origin of some individuals and the late arrival of the Burmese observer liaison group which was due to a misunderstanding of some formalities by the observers.

In an operation of such a scope, difficulties were unavoidable. For example, the question of turning over the arms remained to be solved. The Joint Military Committee was dealing with the matter. Arms were being collected at Mong Hsat and it was to be hoped that they soon would be turned over to the Joint Military Committee. The United States Government felt that most of the difficulties had now been overcome and that, in the end, the number of evacuees would even exceed the original estimated figure of 2,000.

The revised eight-Power draft resolution, he considered, fulfilled the aims sought by the United

States and Thailand in their amendments. The United States delegation would vote for that resolution.

The representative of Thailand also referred to the difficulties which had arisen but pointed out that the Burmese Government had agreed to an extension of the cease-fire time limit until 15 December. He regretted that the joint draft resolution chose to ignore the Joint Military Committee, which was the organ responsible for the evacuation of foreign troops from Burma. The resolution also appeared to place undue emphasis on the efforts to be made by the United States and Thailand. His country had done its best and it should be left to it to determine what further efforts it would make. His delegation felt that insufficient emphasis was placed in the joint proposal on the role played by the parties concerned, namely Burma and China. The General Assembly should never lose sight of the fact that the interested parties should bear, if not all the expense, at least a very large part of the responsibility. It therefore seemed desirable that Burma should participate not only in the process of evacuation but also in the work of the Joint Military Committee, as long as that body was in existence. Another defect which seemed apparent in the joint draft resolution was that it excluded all assistance other than that of the two parties and the two countries assisting them. In view of the interest and concern shown during the debate on the question, it might be expected that, in addition to the good offices offered, there might also be offers of services. For those reasons, his delegation had joined with the United States in presenting certain amendments to the eight-Power draft resolution. However, since the co-sponsors had agreed to take account of the main objections which he had voiced, he would not press for a vote on the amendments.

The representatives of Czechoslovakia, Poland and the USSR criticized the draft resolution, and especially the third paragraph which would express appreciation of the efforts of the United States. They charged that the United States bore joint responsibility with the Kuomintang for the aggression in Burma, maintaining that the United States had assisted and equipped the Kuomintang detachments and its planes had ensured liaison between those detachments and Taiwan. The ruling circles of the United States, they said, were interested in maintaining and developing centres of war in Asia and in the Far East. The United States delegation had clearly shown that it only sought to strengthen the Kuomintang position and that it was not concerned with helping Burma to defend itself against aggression. The question of Burma was not an isolated one, but was part of a chain of aggressive acts on the part of the Kuomintang.

The representatives of Guatemala, India, Indonesia, Pakistan, Peru, the United Kingdom, Uruguay, and Yugoslavia spoke in favour of the joint draft resolution.

The representatives of Indonesia and India, however, expressed misgivings as to the effectiveness of the evacuation and the fear that, after the evacuation of the 2,000 men, the remaining 10,000 irregular forces would continue their plundering and depredations and would augment their strength with new recruits. The efficacy of the limited evacuation thus remained extremely doubtful. They wondered whether the authorities of Formosa were not really capable of effecting a complete evacuation of the foreign forces in Burma if they really wanted to do so. It might be feared that the remaining 10,000 or more forces remaining would not treat very seriously the disavowal of a Government which kept their leader in high esteem. The latest report from the Joint Committee stated that the evacuees had brought only small quantities of arms. The General Assembly should ensure that all foreign forces were disarmed and that they either left the country or were interned; unless all the forces were removed, the Assembly would have made only a futile gesture. Their delegations were co-sponsoring the joint draft resolution in the hope that a second expression of the Assembly's will might yet induce the desirable results.

The representative of the United Kingdom said that the accomplishments of the evacuation plan were only satisfactory as a beginning. It was disturbing that neither the quantity nor the quality of the arms handed over was of a high order. Continued efforts were required to achieve the evacuation or internment of the foreign forces in Burma and for the surrender of their arms.

At the 679th meeting on 4 December, the Committee rejected the USSR amendment to the revised nine-Power draft resolution by 49 votes to 5, with 2 abstentions, and adopted the revised nine-Power draft resolution by 51 votes to none, with 6 abstentions.

c. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The First Committee's report (A/2607) was considered by the General Assembly at its 470th plenary meeting on 8 December. The representative of Burma emphasized that nobody could deny that aggression had been committed against his

country, and he would have preferred a resolution which would have clearly recognized that fact. However, the Burmese delegation would give its support to the draft resolution proposed by the Committee in the interests of unanimity. He expressed the hope that world public opinion would make the authorities on Formosa recall the troops.

The representative of China informed the Assembly that the number of troops to be evacuated from Burma would far exceed the 2,000 which had been agreed upon so far. There was reason to hope that the final number might even exceed 5,000. He expressed the hope that the Government of Burma would see fit to continue the present cease-fire agreement beyond 15 December 1953 so that further troops might be evacuated. The Chinese delegation considered the resolution before the Assembly as superfluous and would not participate in the vote.

The representatives of the USSR and Poland said that, in view of the fact that the most interested party in this case, Burma, attached certain hopes to the eight-Power draft resolution, they were prepared to vote for it, although the third paragraph was unacceptable to them.

The draft resolution was adopted by 46 votes to none, with 1 abstention.

It read (resolution 717(VIII)):

The General Assembly,

"Having considered the report dated 31 August 1953 of the Government of the Union of Burma on the situation relating to the presence of foreign forces in its territory, and all other information on the subject laid before the Assembly,

"1. Notes that limited evacuation of personnel of these foreign forces has begun as from 7 November 1953;

"2. Expresses concern that few arms have been surrendered by them;

"3. Appreciate the efforts of the United States of America and Thailand in striving for the evacuation of these forces;

"4. Urges that efforts be continued on the part of those concerned for the evacuation or internment of these foreign forces and the surrender of all arms;

"5. Reaffirms General Assembly resolution 707 (VII) of 23 April 1953, and in particular;

"6. Urges upon all States to refrain from furnishing any assistance to these forces which may enable them to remain in the territory of the Union of Burma or to continue their hostile acts against that country;

"7. Invites the governments concerned to inform the General Assembly of any action that they have taken to implement the present resolution;

"8. Requests the Government of the Union of Burma to report on the situation to the General Assembly as appropriate."

E. THE INDIA-PAKISTAN QUESTION

At its 611th meeting on 23 December 1952, the Security Council adopted a resolution (S/2883),[40] which, among other things, urged the Governments of India and Pakistan to enter into immediate negotiations under the auspices of the United Nations Representative in order to reach agreement on the specific number of forces to remain on each side of the cease-fire line at the end of the period of demilitarization. That number was to be between 3,000 and 6,000 armed forces on the Pakistan side and between 12,000 and 18,000 on the Indian side, such specific numbers to be arrived at bearing in mind the principles or criteria contained in paragraph 7 of the United Nations Representative's proposal of 4 September 1952 (S/2783, Annex 8). The United Nations Representative was requested to continue to make his services available to the two Governments, which in turn were requested to report to the Council not later than 30 days from the date of adoption of the resolution. The Council also requested the United Nations Representative to keep it informed of any progress.

On 23 January 1953, the United Nations Representative informed (S/2910) the Security Council that the Governments of India and Pakistan had agreed that a meeting of representatives of the two Governments at ministerial level should be held under his auspices in Geneva, beginning 4 February 1953. The negotiations were to be continued on the basis of the United Nations Commission for India and Pakistan (UNCIP) resolutions of 13 August 1948 (S/995) and 5 January 1949 (S/1196),[41] bearing in mind the assurances, clarifications and elucidations given to the Governments of India and Pakistan by UNCIP. That basis was to be without prejudice to a further consideration, if necessary, of the twelve proposals of the United Nations Representative.

By a letter dated 27 March 1953 (S/2967), the United Nations Representative transmitted his fifth report to the Security Council In the report, the Representative set forth the views of the parties on the implementation of part II, A (1) and (2) (relating to the withdrawal of tribesmen and of Pakistan troops and Pakistan nationals not

[40] See Y.U.N., 1952, p. 241.

[41] The texts of these two resolutions are also given in Background Paper No. 72(ST/DPI/SER.A/72).

normally resident in the State) and B (1) and (2) (relating to the withdrawal of the bulk of Indian forces and the maintenance of Indian forces to assist local authorities in maintaining law and order pending a final settlement of the situation) of the UNCIP resolution of 13 August 1948. The results of the meetings and conversations on that question, the United Nations Representative reported, had led him to the conclusion that agreement was not possible at that time between the two Governments on a truce agreement based solely on part II of the 13 August 1948 resolution, and it had appeared to him that the same difficulties which had existed as early as 1949 were still the main obstacles in the way of carrying out the commitments embodied in part II. He had not felt that he could continue that approach because the figures proposed by each side were not negotiable with the other side. In accordance with the terms of reference agreed upon between the two Governments for the conference, further consideration of the Representative's twelve proposals had ensued.

Having met separately with the representatives of the two Governments, on 14 February, the United Nations Representative had presented to them for discussion revised proposals, the text of paragraph 7 providing, inter alia, that, at the end of the period of demilitarization, there would remain on the Pakistan side of the cease-fire line an armed force of 6,000 separated from the administrative and operational command of the Pakistan High Command and without armour or artillery. At the end of that period an Indian armed force of 21,000, including State armed forces, was to remain on the Indian side of the cease-fire line. That force was also to be without armour or artillery.

Among the comments of the parties on paragraph 7 of the revised proposals were the following. The Government of India was unable to agree to retention of any military forces in the so-called Azad Kashmir territory. It held that the function of preventing violations of the cease-fire line on the Azad Kashmir side could be effectively performed by a civil armed force consisting of 2,000 armed and 2,000 unarmed men. The Government of India was willing to agree to some increase in the number of that proposed civil armed force.

The Government of Pakistan held that paragraph 7 contravened the Security Council resolution (S/2883) of 23 December 1952. The arbitrary raising of the figure of the numbers on the Indian side to 21,000, as against 6,000 Azad Kashmir forces, would put the security of the Azad Kashmir area in serious jeopardy and would destroy the safeguard that the demilitarization should be carried out in such a way as to involve no threat to the cease-fire agreement either during or after the period of demilitarization. The figures proposed, the Government of Pakistan maintained, amounted to a clear indication to the Government of India that its sustained attitude of intransigence would ultimately procure the formulation of a truce agreement on its own terms.

After thorough consideration and further conversations with the parties, the United Nations Representative had felt that there was no ground left at that stage on which to continue the conference and therefore, in agreement with the two representatives, he had decided to end it.

Dealing with the issue covered in paragraph 7 of his proposals, namely the number and character of forces to remain on each side of the cease-fire line, the United Nations Representative said that he held no brief for the lower figures of 3,000 to 12,000 or the higher figures of 6,000 to 21,000. As a mediator whose responsibility had been to keep striving for a settlement, he had hoped that a basis for the negotiation of an agreement might be found. It appeared obvious that the Government of India, under the two UNCIP resolutions, had some larger responsibilities on its side of the cease-fire line than had the local authorities in the evacuated territory on the other side. Without recognition of the Azad Kashmir Government and without prejudice to the sovereignty of the State of Jammu and Kashmir, it also appeared obvious that there should be in the evacuated territory effective local authorities and effective armed forces. In the Azad Kashmir territory, it was proposed, those armed forces would be organized out of the remainder of the Azad Kashmir forces without armour or artillery, and thereafter would be commanded by local officers under the local authorities, under the surveillance of the United Nations. The United Nations Representative observed that the difference over definite numbers, important as it was, was not as great as the difference between inducting and not inducting the Plebiscite Administrator into office. The transformation in the situation which would come from the simple fact of induction into office of the Administrator was most important for the great objective of the self-determination of the people of the State.

The Security Council did not discuss this report during 1953.

F. 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 considered by the General Assembly at its first, second, third, fifth, sixth and seventh sessions. At the seventh session, the Assembly, in resolution 615(VII) of 5 December 1952,[42] established a United Nations Good Offices Commission with a view to arranging and assisting in negotiations between the Government of the Union of South Africa and the Governments of India and Pakistan, so that the question might be solved satisfactorily in accordance with the Purposes and Principles of the Charter and the Universal Declaration of Human Rights. The Commission was asked to report to the Assembly's eighth session. Cuba, Syria and Yugoslavia were appointed to serve on the Commission.

1. Report of the United Nations Good Offices Commission

The Good Offices Commission submitted its report (A/2473) on 14 September 1953 to the General Assembly. In that report, the Commission stated that on 20 March 1953 it had decided to send a letter to the Ministers for Foreign Affairs of India, Pakistan and the Union of South Africa, informing them that the Commission was at their disposal and that it would appreciate any suggestions concerning the manner in which it could render assistance, as well as any information or views which might contribute to the accomplishment of its task. On 20 May, the Secretary-General forwarded to the members of the Commission a copy of a letter addressed to him on 13 May by the permanent representative of the Union of South Africa, stating that the Union Government regarded General Assembly resolution 615 (VII) as unconstitutional and could grant no recognition to the Commission appointed under that resolution. The Good Offices Commission informed the General Assembly that, in view of the response of the Government of South Africa, it had been unable to carry out its task to arrange and assist in negotiations between the Governments concerned. Among documents annexed to the report was a communication dated 9 March 1953 from the permanent representative of India addressed to the Secretary-General, drawing attention to the intended early proclamation, by the Government of the Union, of Group Areas in implementation of the Group Areas Act, in deliberate disregard of the General Assembly's resolutions of 1950, 1951 and 1952 on the matter. Also annexed to the report was a letter dated 9 July 1953 from the Minister for External Affairs of India to the Good Offices Commission, in which the Government of India welcomed the appointment of the members of the Commission and deplored the refusal of the Government of South Africa to recognize that organ. Recalling that the Union Government had on the plea of domestic jurisdiction rejected all the United Nations resolutions on that question since 1946, the Minister for External Affairs recapitulated the events which had taken place since that date. He concluded that, instead of correcting its policies in accordance with international opinion, South Africa was building up a social and political structure based on the doctrine of apartheid which, in practice, meant the segregation of non-Europeans and the denial of their rights of citizenship and other human rights.

2. Consideration by the General Assembly at its Eighth Session

Pursuant to resolution 615(VII), the question was placed on the provisional agenda of the General Assembly's eighth session.

In the General Committee and at the Assembly's 435th plenary meeting on 17 September, the representative of South Africa protested against the inclusion in the agenda of that item, reiterating the view put forward by his Government at previous Assembly sessions that Article 2, paragraph 7, of the Charter prohibited the Organization from intervening in the domestic affairs of Member States.

The General Assembly decided to place the item on the agenda by 45 votes to 1, with 11 abstentions. The item was thereupon referred to the Ad Roc Political Committee, which considered it at its 13th to 22nd meetings, from 16 to 29 October.

a. DISCUSSIONS IN THE Ad Hoc POLITICAL COMMITTEE

The Committee had before it a seventeen-Power joint draft resolution (A/AC.72/L.10) by Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria and

[42] See Y.U.N., 1952, p. 297.

Yemen. Under that draft resolution, as subsequently revised by its sponsors (A/AC.72/L.10/-Rev.1), the General Assembly would:

(1) recall that it had given consideration to the subject at six earlier sessions;

(2) recall its previous resolutions on the subject;

(3) recall that resolutions 395(V), 511(VI) and 615(VII) had successively called on the Government of the Union of South Africa to refrain from implementing or enforcing the Group Areas Act;

(4) take note of the report of the Good Offices Commission, and in particular the Commission's conclusion that, in view of the response of the Government of the Union of South Africa, it had been unable to carry out its task to arrange and assist in negotiations between the Governments concerned;

(5) express its regret that the South African Government: (a) had refused to make use of the Commission's good offices or to utilize any of the alternative procedures for the settlement of the problem recommended by the four previous Assembly resolutions; (b) had continued to implement the Group Areas Act in contravention of three previous resolutions; and (c) was proceeding with further legislation contrary to the Charter and the Universal Declaration of Human Rights including the Immigrants Regulation Amendment Bill which sought to prohibit the entry into South Africa of wives and children of South African nationals of Indian origin;

(6) consider that those actions of the Union Government were not in keeping with its obligations and responsibilities under the Charter of the United Nations;

(7) decide to continue the Good Offices Commission and urge the Government of the Union of South Africa to co-operate with that Commission;

(8) request the Commission to report to the next session the extent of progress achieved, together with its own views on the problem and any proposals which, in its opinion, might lead to peaceful settlement of it;

(9) again call upon the Union Government to refrain from implementing the provisions of the Group Areas Act; and

(10) decide to include the item in the provisional agenda of its ninth regular session.

On behalf of the sponsors, the representative of India accepted an oral amendment by Costa Rica to substitute the words "in spite of" for the words "in contravention of" in paragraph 5(b) of the draft resolution.

During the discussion in the Committee, the representative of India traced the history of the question from the year 1885 when, he said, discriminatory legislation against the Indians in South Africa was first enacted, inflicting severe hardships on the Indian population. From 1906 to 1913, when the first Gandhi-Smuts agreement was signed, India had shown willingness to negotiate. Subsequently, the question had been discussed at the imperial conferences of 1917, 1921, 1924 and 1926. Thus, the Indian representative said, it could not be claimed that the question was an exclusively South African concern—nor could it be argued that India had taken unfair advantage of the existence of the United Nations to bring the question before the world public opinion. India, its representative said, had made great concessions, such as giving its agreement to measures of voluntary repatriation. The Cape Town Agreement of 1927 and the second round table agreement of 1932 between the Indian community and India, on the one hand, and South Africa, on the other, had provided that no changes in the status of the Indian community would be introduced without further negotiations and consent. However, those provisions had been infringed and India had been forced to apply trade sanctions against South Africa, after due warning, as late as 1946.

The representative of India referred to the Immigrants Regulation Amendment Bill which was being currently debated in the South African parliament and which, it was stated, proposed severe restrictions on the entry into South Africa of the wives and children of South African nationals of Indian origin. The regulation, it was contended, violated the Gandhi-Smuts Agreement of 1914, the Cape Town Agreement of 1927 and the Universal Declaration of Human Rights. He also referred to the Group Areas Act which, he said, involved a series of measures aimed at uprooting many thousand members of the Indian and Pakistan communities and the eventual economic strangulation of these communities. The representative of India cited plans of the Nationalist Party and other groups for the segregation of these communities in four principal South African cities, plans which, he said, would affect half the Indo-Pakistan population of South Africa.

The Indian representative then dealt with the question of the Assembly's competence in the matter. This, he said, had been denied by the South African delegation on the basis of Article 2, paragraph 7, of the Charter which forbids intervention in matters "essentially" within the domestic jurisdiction of any State. In the first place, he said, all recommendation was not "intervention" and secondly the question of whether a matter could be considered to be "essentially" within the domestic jurisdiction of a State could be determined only by its origins, the sequence of events and their consequences. The origins of the case at issue, he argued, did not concern one nation but several, the sequence of events was also a matter involving a number of nations and the consequences of those events could not be said to be matters of purely national concern. Moreover, the argument that the Assembly lacked competence was futile because the Assembly had affirmed

its competence in the matter by giving it consideration at several previous sessions.

The representative of India then invoked Article 10 of the Charter which, he said, gave the Assembly the right to consider any matter within the scope of the Charter. He also drew the Committee's attention to the particular relevance of Article 13, paragraph b, which provides that the General Assembly shall initiate studies and make recommendations for the purpose of assisting in the realization of human rights and fundamental freedoms without distinction as to race, sex, language or religion. In addition, he stated, Articles 14, 55, 56, 62 and 76 all enjoin on Member States the observance of human rights, whatever saving clause there might be in Article 2, paragraph 7.

Referring to a proposal made during the debate (see below) that the question of competence might be referred to the International Court of Justice, the Indian representative drew attention to the fact that the Court's Opinion on South West Africa had already been rejected by the South African Government. Moveover, he said, by referring the matter to the Court the Assembly would invalidate its own resolution 395(V), adopted by a large majority in 1950. It would also create a precedent for referring every disputed issue to the Court.

The representative of India said that between 1926 and 1946 the Indian Government had repeatedly endeavoured to arrive at a settlement round a conference table, but had found the South African Government unwilling to do so. In 1946, the General Assembly had adopted resolution 44(I) urging the parties to confer on the points at issue between them. On that occasion, the Union Government had stated that the conference could not be held unless the Indian Government sent back its High Commissioner, which had been unacceptable to the Indian Government. In 1950, the parties had agreed to meet in South Africa to draw up a preliminary agreement about the holding of a conference. A formula had eventually been agreed on by the two sides, but immediately afterwards the Group Areas Act had been enacted by the Union Government, thus making it clear that the necessary conditions for a settlement did not exist. Consequently the joint draft resolution (A/AC.72/L.10/Rev.1) called on the South African Government to refrain from implementing the provisions of the Group Areas Act. As for the condition imposed by the Union Government that the negotiations must be conducted outside the United Nations, it was tantamount to suggesting that the provisions of the Charter were such as to militate against the chances of a settlement.

Turning to the joint draft resolution, the representative of India said that there was nothing in it to which the Committee could object. It merely recalled past actions and requested the continuance of the Good Offices Commission; even if the matter were said to be within the domestic jurisdiction of the South African Government, the exercise of good offices was not ruled out, he concluded.

Explaining his Government's position, the representative of the Union of South Africa said that Article 2, paragraph 7, of the Charter precluded the United Nations from considering the question. For that reason, the Union Government could not legally be required to submit the matter for settlement under the Charter. It had therefore been unable to recognize the Good Offices Commission, set up under the unconstitutional General Assembly resolution 615(VII) of 5 December 1952. In reply to the points raised by the Indian representative, the representative of the Union of South Africa said that the plans quoted by the Indian representative regarding the implementation of the Group Areas Act had no official status but were applications made to the Government by certain groups. No official decisions had yet been taken, and those representations, with others made by various interested sections, would be considered when the time came for final decision.

As regards the entry of families of Indians domiciled in South Africa, the representative of the Union Government said that it was true that, in 1913 and 1914, the South African parliament had passed two acts authorizing the families of Indians domiciled in the Union to enter South Africa under a special concession. But that was a privilege conferred upon the Indians not shared by nationals of any other country and was due to the fact that, at that time, the proportion of men to women among the domiciled Indians was 67 to 37 persons. Now that the number of Indians of both sexes was approximately equal, the Union Government considered itself fully justified in withdrawing that concession. The Indian assertion that the concession had been perpetuated in subsequent agreements was incorrect since during the entire existence of the League of Nations India had never sought to register any such agreements.

The Indian representative had repeated that the South African Government was not protected by Article 2, paragraph 7, of the Charter. Neverthe-

less, said the representative of South Africa, the word "intervene" in that paragraph could not have the meaning attributed to it by the Indian representative since only the Security Council, not the General Assembly, had the power of "intervening" in a dictatorial sense. Nor could South Africa accept the Indian interpretation of the word "essentially", which widened, rather than narrowed, the scope of domestic jurisdiction. It had been said that other Articles, such as Articles 10, 13, paragraph 1 b, 14, 55, 56, 62 and 76 were not affected by Article 2, paragraph 7. But the South African interpretation was in accordance with the intentions expressed by the founders of the United Nations, and there could be no doubt that the provisions of Article 2, paragraph 7, excluded everything in the Charter except the provisions for enforcement measures. Dealing with suggestions for an advisory opinion of the International Court of Justice, the representative of South Africa stated that no State was obliged to accept such an advisory opinion. He recalled, however, that his delegation had vainly suggested in 1946 that an advisory opinion should be requested on the present item.

In 1950, he recalled, the South African Government had agreed on a formula which would permit a round table conference with the Governments of India and Pakistan. It was still prepared to accept such a solution, on the understanding that the matter would be settled outside the United Nations. By rejecting the solution proposed by South Africa and bringing the problem before the United Nations, India was trying to persuade the whole world that it was championing the oppressed.

The South African Government, he said, could not agree to suspend properly enacted legislation as a prior condition for a conference, as had been requested by the Indian representative. The Cape Town formula which the Indian representative had quoted contained no condition, and envisaged a full and free discussion without prejudice to the legal stand of the parties. While stating that it could not negotiate while hostile actions continued, India maintained the strict application of the trade embargo under the Reciprocity Act. South Africa had not requested the repeal of that Act, but had merely suggested a round table conference according to the Cape Town formula.

Dealing with the joint draft resolution, the representative of the Union said that the first five paragraphs enumerated provisions which infringed upon South Africa's domestic jurisdiction. In the fifth paragraph, South Africa was censured for not accepting the Commission's good offices. But the Union Government saw no valid reason for the creation of that Commission since it had told the other parties that the door was open for negotiations. The draft resolution also expressed regret that the Group Areas Act had been implemented, thus interfering in domestic legislation. The other passages in the draft resolution were equally improper and objectionable. Since the Union was free to accept recommendations or not, there could be no "contravention" of them. The passage about Indian wives and children was based on false premises. Lastly, it was unnecessary to provide for automatic inclusion of the item in next year's agenda. To do so might prejudice the negotiations desired by the Committee, the representative of the Union of South Africa concluded.

The representative of Pakistan said that the representative of the Union of South Africa, in his speech, had appeared to imply that the Pakistan Government was prepared to join a round table conference outside the United Nations. That, he said, was not Pakistan's stand. His Government believed that the United Nations was fully competent to deal with the question, which was one of international importance and could not be shelved on technical grounds. The whole history of the problem showed that it had always been regarded as one for negotiation between India and South Africa. The indentured labour system had been the subject of negotiations between India and Natal, and the Governments of both had recognized their joint responsibility in the matter, the Indian Government on behalf of the immigrants and the Natal Government, and hence its successor the South African Government, as trustee. It was therefore too late to say that the matter was one of purely domestic jurisdiction. His Government, however, he said, did not look at the juridical issues involved in a "pettifogging" way. Despite its belief that the United Nations had been quite within its rights in adopting its resolutions, his Government would not press the technical point of jurisdiction, should the Union Government choose to deny it. Pakistan would be willing to participate in any conference under any auspices as long as it was held in the spirit of the Charter. By that phrase he meant, he explained, that the round table conference should be held in full consciousness of the fact that it had been convened because millions of people in the world realized that something was seriously wrong with certain laws enacted by the Union Government. The conference must recognize that fact and discuss the remedies.

A logical prerequisite of that conference would be that the Union Government should postpone

the implementation of the Group Areas Act. It should not proceed with the delimitation of areas into which Asians were to be herded and deprived of equal rights. Such action, he said, depended entirely on the executive branch of the government and a recommendation concerning it could not be said to be an interference in the legislation of a State.

The representative of Pakistan then asked whether, in the event of a conference being held, the South African Government would be prepared to accept decisions taken by the conference, whatever their nature, and whether, if the case should arise, it would be prepared to abrogate or render inoperative the discriminatory laws. The conference would be in danger of failing if, as had happened in 1949, the Union Government was merely prepared to discuss the return of a part of the Indian and Pakistan community to their country of origin. That, he said, was not a humanitarian solution and would raise serious problems for India and Pakistan.

The representatives of Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, Indonesia, Iran, Iraq, Lebanon, Liberia, the Philippines, Saudi Arabia, Syria and Yemen, co-sponsors with India and Pakistan of the draft resolution, regretted that the treatment of people of Indian origin in South Africa needed once again to be considered by the Assembly and that the efforts of the Good Offices Commission had failed. The text of the Charter had established the obvious competence of the General Assembly, these representatives maintained; moreover, the fact that for seven years the General Assembly had been dealing with that problem had not left any doubt on the matter. The fundamental rights in which the people of the United Nations had proclaimed their faith were at stake. Even if the joint draft resolution would not have more practical effect than the earlier resolutions adopted by the General Assembly, at least it would give expression to the Assembly's continuing interest in the problem. While, therefore, they would heartily welcome a conference between the three nations concerned, they asked the Committee to support the joint draft resolution in case that conference should not take place. The draft resolution in no way infringed the national sovereignty of the Union, they said. It merely expressed the hope of its authors that the Union Government would see its way clear to alleviating the distress of the population concerned.

Fully supporting the stand taken by the representatives of India and Pakistan and the joint draft resolution submitted by the seventeen Powers, the representatives of Czechoslovakia and the USSR maintained that South Africa had violated the agreements of 1927 and 1931 with India, under which the Union had undertaken to guarantee normal living conditions for the Indian community within its borders. As the matter was dealt with in bilateral agreements, the argument that it was exclusively within the domestic jurisdiction of South Africa was unfounded. Racial discrimination, they held, continued to be practised against people of Indian origin in South Africa and the Union Government was ignoring Assembly resolutions and enforcing fresh discriminatory measures. Such a violation of the Purposes and Principles of the Charter fully justified the General Assembly's concern, they concluded.

Speaking in support of the joint draft resolution, the representatives of Costa Rica, El Salvador, Ethiopia, Mexico, Uruguay and Yugoslavia affirmed the competence of the United Nations, stating that the violation of the Principles of the Chatter and of the Universal Declaration of Human Rights in the Union of South Africa constituted a threat to peace and security and was, therefore, of international concern. The General Assembly, they agreed, could not impose a solution but it could invite South Africa to co-operate in finding an amicable solution through the machinery provided by the United Nations or, eventually, by direct negotiation. Not only should the Good Offices Commission continue its efforts until the policy of racial discrimination was ended, but it should also express its own views on the problem and offer its good offices, these representatives said.

The representative of Brazil, while agreeing with these representatives, expressed regret that the Assembly had not asked the International Court for an advisory opinion so that the plea of domestic jurisdiction should be finally settled. He suggested that it would be wise to ask the Court, before putting the proposal to the vote, whether the draft resolution was consistent with the Chatter.

The representatives of Australia, Belgium, Canada, France, Greece, the Netherlands, New Zealand, Peru, Turkey and the United Kingdom opposed the joint draft resolution, expressing grave doubts of the Assembly's competence in the matter. They also expressed their concern about the efficacy of the draft resolution which, they held, as drafted, was in the nature of a reproof to South Africa. They emphasized that the best chance of reaching a settlement of the question lay in the opportunity of direct negotiations held either under or outside the auspices of the United

Nations. Even if direct negotiations had failed so far, the result might have been different if the United Nations had decided from the very beginning that that was the only means of settling the problem and if it had refrained from intervening in matters which fell within the domestic jurisdiction of the parties concerned. The negative results of past efforts were ample proof that the Assembly was pursuing a wrong course.

While stating that they would vote in favour of the draft resolution as a whole, the representatives of China, Ecuador and the United States opposed some of its provisions. The representative of China declared that he would abstain from voting on the sixth paragraph, which expressed the view that the actions of the Union Government were inconsistent with the Charter, because he wished to avoid anything that might hamper the work of the Good Offices Commission. The representative of Ecuador announced that he would abstain from voting on the third paragraph, on sections (b) and (c) of the fifth paragraph and on the ninth paragraph, which concerned the passing and enforcement of national legislation that lay entirely, he said, within the jurisdiction of the South African Government.

The United States representative said that in this problem the Committee was not concerned with isolated instances of racial discrimination, but with a whole trend of governmental policy. That was why the general obligations undertaken by the signatories of the Charter were relevant to the present issue. However, the question before the Committee was essentially the outcome of local conditions and an attempt made from the outside to modify the complex relationship involved might not only be ignored but might cause further intolerance. There were, therefore, practical limitations to the possibility of the United Nations being able to improve the situation. Under the Charter, the General Assembly could only make recommendations and they could be given effect only if accepted by the nations concerned. Since 1946, all the Assembly's efforts on this question had been unsuccessful. It must be noted, however, that the South African Government, which denied the competence of the Assembly in the matter, had declared itself willing to negotiate outside the United Nations. That was a hope not to be neglected.

The history of the question appeared to indicate that it would be useless to set up further mediating bodies, the United States representative considered. Actually, the Assembly's basic task was to bring about direct discussions between the parties and it should make no further recommendations until the Governments concerned had made further efforts in that direction.

The United States delegation, he added, was not in favour of the matter being automatically placed on the agenda of the ninth session, since that might prejudice negotiations. Nor was a recommendation addressed only to South Africa advisable. The United States also considered it harmful and inappropriate to include, in any draft resolution on the question, expressions of regret over past actions, taken by one or another of the parties, or references to any particular domestic legislation.

The representatives of Argentina and Denmark considered that the Assembly was competent to deal with that matter. They would vote in favour of the continuance of the Good Offices Commission in the hope that the South African Government would reconsider its position. They felt, however, that the provisions of the draft resolution passing condemnation of the South African policy would only complicate the work of the Good Offices Commission and could be deleted. The representative of Denmark suggested also the deletion of the last part of the eighth paragraph providing for the submission of proposals by the Commission to the Assembly. By definition, he said, the task of the Good Offices Commission was confined to assisting the parties to reconcile their views; it should not, on its own initiative, put forward its own views. He would further propose that the authors of the draft resolution modify the text insofar as it expressed regret and criticisms about the South African Government's continued implementation of the Group Areas Act and its intention to enact further legislation.

At its 21st meeting on 28 October, the Ad Hoc Political Committee adopted the joint draft resolution, as amended by Costa Rica, paragraph by paragraph, by votes ranging from 48 to 1, with 7 abstentions, on paragraph 1, to 32 to 15, with 11 abstentions, on paragraph 5 c (for text, see below). The second part of paragraph 8, concerning the extent of the role of the Good Offices Commission, was adopted by a roll-call vote of 37 to 13, with 9 abstentions.

The draft resolution, as a whole, was adopted by a roll-call vote of 38 to 2, with 19 abstentions.

At the next meeting, the representatives of Honduras, Argentina, Ecuador, Brazil, Sweden, China, Iceland and Cuba explained their votes. Most of them recorded their reservations on certain paragraphs, mainly on paragraphs 3, 5 b and c, and 9. The representative of Sweden said that his delegation continued to feel that the United

Nations was competent to discuss the item; he had, however, abstained, due to the uncertainty of the extent of that competence.

The representative of Cuba declared that, as a member of the Good Offices Commission, Cuba had refrained from taking part in the general debate. He had voted, he said, for the joint draft resolution in the hope that the three parties could be persuaded to enter into negotiations.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

At its 457th plenary meeting on 11 November 1953, the General Assembly adopted the draft resolution proposed in the report of the Ad Hoc Political Committee (A/2352) by a roll-call vote of 42 to 1, with 17 abstentions. The vote was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian SSR, Chile, China, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian SSR, USSR, United States, Uruguay, Yemen, Yugoslavia.

Against: Union of South Africa.

Abstaining: Argentina, Australia, Belgium, Canada, Colombia, Denmark, Dominican Republic, France, Greece, Luxembourg, Netherlands, New Zealand, Norway, Sweden, Turkey, United Kingdom, Venezuela.

The resolution (719(VIII)) read:

"The General Assembly

"1. Recalls that at its first, second, third, fifth, sixth and seventh sessions it has given consideration to the question of the treatment of people of Indian origin in the Union of South Africa;

"2. Further recalls:

"(a) That resolution 44 (I) of 8 December 1946 expressed the opinion that the treatment of Indians in the Union of South Africa should be in conformity with the international obligations under the agreements concluded between the Governments of India and the Union of South Africa and the relevant provisions of the Charter and requested the two Governments to report to the General Assembly on the measures adopted to this effect;

"(b) That resolution 265 (HI) of 14 May 1949 invited the Governments of India, Pakistan and the Union of South Africa to enter into discussion at a round table conference, taking into consideration the Purposes and Principles of the Charter and the Declaration of Human Rights;

"(c) That resolution 395 (V) of 2 December 1950 held that a policy of 'racial segregation' (apartheid) was necessarily based on doctrines of racial discrimination; repeated its recommendation that a round table conference be held; and further recommended that, in the event of failure to hold a conference or reach agreement thereat, a commission of three members be set up to assist the parties in carrying through appropriate negotiations;

"(d) That resolution 511(VI) of 12 January 1952 reaffirmed the recommendation of resolution 395 (V) that a three-member commission be established and further requested the Secretary-General, in the event of failure to establish such a commission, to lend his assistance to the Governments concerned and if necessary to appoint an individual who would render any additional assistance deemed advisable;

"(e) That resolution 615 (VII) of 5 December 1952 established a three-member United Nations Good Offices Commission to arrange and assist in negotiations between the Governments concerned in order that a satisfactory solution in accordance with the Purposes and Principles of the Charter and the Universal Declaration of Human Rights might be achieved;

"3. Also recalls that resolutions 395(V), 511(VI) and 615(VII) successively called on the Government of the Union of South Africa to refrain from implementing or enforcing the provisions of the Group Areas Act;

"4. Takes note of the report of the United Nations Good Offices Commission, and in particular its conclusion that 'in view of the response of the Government of the Union of South Africa, it has been unable to carry out its task to arrange and assist in negotiations between the Governments concerned';

"5. Expresses its regret that the Government of the Union of South Africa:

"(a) Has refused to make use of the Commission's good offices or to utilize any of the alternative procedures for the settlement of the problem recommended by the four previous resolutions of the General Assembly;

"(b) Has continued to implement the provisions of the Group Areas Act in spite of the provisions of three previous resolutions;

"(c) Is proceeding with further legislation contrary to the Charter and the Universal Declaration of Human Rights, including the Immigrants Regulation Amendment Bill which seeks to prohibit the entry into South Africa of wives and children of South African nationals of Indian origin;

"6. Considers that these actions of the Government of the Union of South Africa are not in keeping with its obligations and responsibilities under the Charter of the United Nations;

"7. Decides to continue the United Nations Good Offices Commission and urges the Government of the Union of South Africa to co-operate with that Commission;

"8. Requests the Commission to report to the General Assembly at its next regular session the extent of progress achieved, together with its own views on the problem and any proposals which, in its opinion, may lead to a peaceful settlement of it;

"9. Again calls upon the Government of the Union of South Africa to refrain from implementing the provisions of the Group Areas Act;

"10. Decides to include this item in the provisional agenda of the ninth session of the General Assembly."

G. THE QUESTION OF RACE CONFLICT IN SOUTH AFRICA RESULTING FROM THE POLICIES OF APARTHEID OF THE GOVERNMENT OF THE UNION OF SOUTH AFRICA

The question of race conflict in South Africa was first discussed by the General Assembly at its seventh session. On 5 December 1952, the Assembly adopted resolution 616 A (VII), establishing a Commission, consisting of three members, to study the racial situation in the Union of South Africa in the light of the purposes and principles of the Charter, with due regard to the provisions of Article 2, paragraph 7, as well as the provisions of Article 1, paragraphs 2 and 3, Article 13, paragraph 1b, Article 55c and Article 56 of the Charter, and the resolutions of the United Nations on racial persecution and discrimination, and to report its conclusions to the General Assembly at its eighth session.[43]

On 30 March 1953, the General Assembly decided at the suggestion of the President, that the Commission should consist of Dames Bellegarde, Henri Laugier and Hernán Santa Cruz, who were designated in their personal capacities.

1. Report of the Commission

On 3 October 1953, the United Nations Commission on the Racial Situation in the Union of South Africa submitted its report (A/2505 & Add. 1) to the Assembly's eighth session.

The Commission stated that one of the reasons why its report was not as complete as the Assembly was entitled to expect was the lack of co-operation from the Government of the Union. The Commission had sought that co-operation, in accordance with resolution 616 A (VII). In response, the Union Government's Secretary for External Affairs had replied, on 26 June 1953, that the Secretary-General of the United Nations had already been advised of the Union Government's attitude towards the Commission. It had been pointed out that since the Union Government had consistently regarded the question of its racial policy as a domestic matter, it regarded resolution 616 A (VII) as unconstitutional and could not therefore recognize the Commission established under it. Consequently, the Commission stated, its report had been based essentially on an analysis of the legislative and administrative provisions in force in the Union, on the study of books, documents and statements by witnesses, and on information communicated by certain Member States.

The Commission had assumed that, in inviting it to have regard to various Articles of the Charter in carrying out its terms of reference, the Assembly wished it to study the extent to which those Articles might determine, condition or restrict the competence of the United Nations. After thorough study, the Commission concluded that the Assembly, assisted by the commissions which it authorized, was permitted by the Charter to undertake any studies and make any recommendations which it might deem necessary in connexion with the implementation of the principles to which the Member States had subscribed by signing the Charter. That right, it said, was absolutely incontestable with regard to general questions concerning human rights and particularly those rights of protection against discrimination for reasons of race, sex, language or religion. The exercise of such functions did not constitute an intervention within the domestic jurisdiction of States prohibited by Article 2, paragraph 7, of the Charter.

After giving a geographic, historic, political and demographic sketch of the Union of South Africa, the report observed that the racial problem in the Union resulted from a policy of segregation, which had existed almost from the beginning of the European colonization. That segregation had been established either spontaneously as the result of the historical circumstances attending the contact between European and non-White groups and strengthened by the religious and racial prejudices peculiar to the era or by legislation originating in vestiges of concepts associated with the colonial periods of the nation's life.

The Nationalist Party, which had held power since 1948, had, it was said, initiated and developed the doctrine of apartheid, which it intended to apply to its full extent. That doctrine laid down the principle that full and complete segregation was a desirable end, likely to promote the parallel development of the various ethnic groups, and that it constituted the best method for the subsequent achievement of equal opportunity and, possibly, an equal standard of living for those groups, in a diversity which was deemed advisable by the authors of the doctrine but which was fundamentally irreconcilable with humane thinking. The doctrine was based on the theory

[43] See Y.U.N., 1952, pp. 297-306.

that the White race was in duty bound to maintain inviolate and to perpetuate its position in Western Christian civilization, and must at any cost, although in numerical minority, maintain its dominating position over the Coloured race. It denied the principle of civic equality and therefore could not grant the Natives or Bantus, or any other non-White groups, such as the Coloured persons and Indians, the political rights which it conferred on the White population in the management of public affairs. The doctrine also encouraged ethnic groups to safeguard the purity of their racial characteristics.

The report reviewed the principal acts and orders providing for differences in the treatment of the various groups in the Union of South Africa which the Nationalist Party had been applying in accordance with its apartheid doctrine. It then described the effects of that legislation on the various groups of the population and reviewed it in the light of the provisions of the Charter relating to human rights and of the Universal Declaration of Human Rights.

In view of the differences observed between certain groups or specific geographic areas, those legislative and administrative measures affected, it was stated, to a greater or lesser degree, nearly all aspects of the domestic, social, political and economic life of the non-White population, which made up 79 per cent of the total population. They affected its most fundamental rights and freedoms: political rights, freedom of movement and residence, property rights, freedom to work and to practise occupations, freedom of marriage and other family rights. They established obvious inequality before the law in relation to the rights, freedoms and opportunities enjoyed by the remaining 20 per cent of the population. These facts constituted obvious racial discrimination. Four fifths of the population were thereby reduced to a humiliating level of inferiority which was injurious to human dignity and made the full development of personality impossible or very difficult.

The report stated that the apartheid policy had given rise to serious internal conflicts and maintained a condition of latent and ever-increasing tension in the country. The Commission, it was stated, had given special attention to the campaign of so-called "Defiance of Unjust Laws" conducted in 1952 by the two main Bantu and Indian organizations in connexion with their efforts to secure the repeal of legislation regarded as discriminatory. The campaign, in which volunteers committed "technical" offences such as contraventions of the apartheid regulations governing the use of seats in public conveyances, had resulted in the imprisonment of 8,065 persons by the end of 1952. The Government's legislative countermeasures against the civil disobedience movement were described in the report.

The report noted that the non-White population was increasing more rapidly than the so-called European population and that studies showed that the economic needs of the country would compel the increasing use of non-European manpower in industry, contrary to the purposes of apartheid. Aspirations towards the enjoyment of all the opportunities open to persons free from discrimination could not fail to grow, it was stated, as a result of the aggressive information which modern technical civilization distributes, of the increasing contacts between the discriminators and the manpower subject to discrimination, and of the daily growing need of the former for the latter.

Among the population subjected to discrimination were 365,000 persons of Indian origin. Their countries of origin, India and Pakistan, were watching with increasing anxiety the development of that policy. The Commission noted the profound alarm which was spreading in Africa, the Middle East and wherever the spirit of solidarity among Coloured persons had resented the attack made upon it. The Commission was convinced that the pursuit of that policy could not fail immediately and seriously to increase the anti-White sentiment in Africa resulting from nationalist movements, the force of which must not be underestimated. There could be no doubt that the position in the Union of South Africa was, to say the least, "likely to impair the general welfare or friendly relations among the nations", in the sense of Article 14 of the Charter.

The Commission considered that the doctrine of racial superiority on which the apartheid policy was based was scientifically false and extremely dangerous to internal peace and international relations.

All the discriminatory measures described conflicted with the declaration in the Preamble of the Charter in which the signatories stated their determination to "reaffirm faith in fundamental human rights, in the dignity and worth of the human person....." Those measures were also contrary to the purposes of international economic and social co-operation laid down in Article 55 of the Charter and therefore constituted a failure by the Union Government to observe its obliga-

tions under Article 56.[44] Instead of pursuing a policy for the progressive elimination of discriminatory measures, that Government had adopted new measures likely to aggravate the situation.

The Commission's study of previous General Assembly resolutions on racial persecution and discrimination showed that the Union Government's policy was also contrary to the Universal Declaration of Human Rights, resolution 377 E (V) of 3 November 1950 entitled "Uniting for peace", and resolutions 103 (I) of 19 November 1946 and 616 B (VII) of 5 December 1952.[45]

The members of the Commission had reached, it was declared, the following conclusions. It was highly unlikely that the policy of apartheid would ever be willingly accepted by the masses subjected to discrimination. They could not be convinced that the policy was based on justice and a wish to promote their material and moral interests, and not on a pride of race and a will to domination. As the apartheid policy developed, the situation was constantly being aggravated and daily becoming less open to settlement by conciliation, information or education, daily more explosive and menacing to international peace and to the foreign relations of the Union of South Africa. Soon, any solution would be precluded and the only way out would be through violence. There was a danger that the forces of agitation and subversion, which the Government was resisting by strong legislative measures, would find an increasingly favourable soil.

The report concluded with certain suggestions which the Commission stated that it felt it was in duty bound to make, at the risk of reproach for an unduly wide interpretation of its terms of reference, concerning the assistance which the United Nations could and should give to help a Member, the Union of South Africa, to solve those problems at a difficult moment in its history. The United Nations might, for instance, express the hope that the Union Government would reconsider its policy towards various ethnic groups and itself suggest ways and means in which the Union might draw up a new policy. The racial problems, nevertheless, could not be solved by the mere wish of a Government to change its policy. The effects of the historical, religious, social and economic factors from which the problem had arisen and which the apartheid policy had co-ordinated could, even in the most favourable circumstances, disappear only gradually. The economic development of the whole country, the actual diminution of the social inequality and the opening of real opportunities for individual and collective progress, together with the sincere wish of the Government and of the European population progressively to eliminate discrimination, had to be combined if the situation was to be appreciably improved.

2. Consideration by the General Assembly at its Eighth Session

In accordance with resolution 616 A (VII), the question of race conflict in South Africa was placed on the provisional agenda of the eighth session. At its 87th meeting on 16 September, the General Committee, after hearing the representative of the Union of South Africa record his Government's protest against inclusion of the item, decided to recommend that it be included. The Assembly considered the recommendation at its 435th plenary meeting, on 17 September.[46]

The representative of the Union of South Africa contested the inclusion of the item in the Assembly's agenda. Recalling the salient features of his argument at the seventh session, he argued that the Assembly was barred from considering the question by Article 2, paragraph 7, of the Charter which forbade interference in the domestic affairs of States. This prohibition, he said, applied also in regard to the promotion of human rights. After citing the records of the San Francisco Conference on that subject, he argued that if the United Nations were to be permitted to intervene under Article 55c of the Charter, concerning human rights, then it would be equally permitted to intervene in regard to economic and social matters, set out in Article 55a and b. No State, he said, would tolerate that. Articles 55 and 56, read with Article 13 of the Charter, indicated how the pledge contained in Article 56 of the Charter was to be carried out, e.g., through the Economic and Social Council, the establishment of the specialized agencies, the Commission on Human Rights, etc. Neither the Charter nor any other internationally binding instrument, he noted, contained any definition of fundamental human rights.

[44] Under Article 55c, the United Nations is to promote universal respect for, and observance of, human rights and fundamental freedoms for all without discrimination. Under Article 56, all Members pledge themselves to take joint and separate action in cooperation with the Organization for the achievement of the purposes set forth in Article 55.

[45] For texts of these resolutions, see Y.U.N., 1950, pp. 193-95, Y.U.N., 1946-47, p. 178 and Y.U.N., 1952. p. 306.

[46] The report of the United Nations Commission (see 1. above) had not yet been submitted at this time.

Had they done so, there would have been no need for the current drafting of covenants on human rights with internationally binding force in respect of all signatory States.

Referring to the explanatory memorandum (A/2183)[47] of the States which had placed the item on the Assembly's agenda, he said that none of the charges listed against South Africa involved any matter affecting the legitimate rights of another State. Those matters were: the regulation of the occupation of land and premises in South Africa by South African nationals; public service facilities; the means employed in South Africa to repress Communism; the composition of South Africa's armed forces; voting rights and educational and housing facilities for non-European citizens. Those were domestic matters which fell within the exclusive domestic jurisdiction of any sovereign State. If those matters did not fall within Article 2, paragraph 7, that provision, without which few, if any, of the small States would have found it possible to sign or ratify the Charter, became purposeless.

For the same reason his Government denied the constitutionality of the Commission established by the General Assembly to study South Africa's racial policies. The report of that Commission, he said, would not render the General Assembly competent to intervene in the domestic affairs of the Union because such intervention was forbidden by the Charter. He therefore requested the General Assembly not to include the item in its agenda.

The representative of the United Kingdom also opposed inclusion of the item. The representatives of Greece and India spoke in favour of including the item in the agenda.

The Assembly decided, by 46 votes to 7, with 7 abstentions, to include this item and referred it to the Ad Hoc Political Committee, which considered it at its 31st to 43rd meetings from 20 November to 5 December 1953.

a. DRAFT RESOLUTIONS CONSIDERED BY THE Ad Hoc POLITICAL COMMITTEE

The Committee had before it the following draft resolutions:

(1) A draft resolution by the Union of South Africa (A/AC.72/L.13), submitted under rule 120 of the rules of procedure, by which the Committee would:

(a) note that the matters to which the item under consideration related and which were referred to in the explanatory memorandum (A/2183) of the Powers which had placed it on the agenda and in the report of the United Nations Commission on the Racial Situation in South Africa (A/2505), "such as the policies and legislation of a Member State in regard to land tenure, conditions of employment in public services, regulation of transport, suppression of communism, combat service in the armed forces, nationality, the franchise, movement of population, residence, immigration, the work and practice of the professions, social security, education, public health, criminal law, taxation, housing, regulation of the liquor traffic, regulation of labour and wages, marriage, food subsidies, local government, pensions, workmen's compensation", were "among matters which are essentially within the domestic jurisdiction of a Member State";

(b) would note also "that by Article 2(7) of the Charter nothing contained in the Charter shall authorize the United Nations to intervene in matters essentially within the domestic jurisdiction of any State"; and

(c) would decide that the Committee had no competence to intervene in the matters listed above to which the said item related.

(2) A draft resolution by Afghanistan, Bolivia, Burma, Egypt, Guatemala, Haiti, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Syria, Saudi Arabia and Yemen (A/AC.72/L.14), under which the General Assembly, after noting certain conclusions of the United Nations Commission, would, in the operative part:

(1) express appreciation of the work of the Commission;

(2) request the Commission (a) to continue its study of the development of the racial situation in the Union of South Africa: (i) with reference to the various implications of that situation on the populations affected; and (ii) in relation to the provisions of the Charter and in particular to Article 14;[48] and (b) to suggest measures which would help to alleviate the situation and promote a peaceful settlement;

(3) invite the Union Government to extend its full co-operation to the Commission; and

(4) request the Commission to report to the General Assembly at its ninth session.

The following amendments to the joint seventeen-Power draft were proposed:

(1) A Chilean amendment (A/AC.72/L.15) to add a new paragraph reaffirming Assembly resolutions 103(I) of 19 November 1946, 377 A (V), Section E, of 3 November 1950 and 616 B (VII) of 5 December 1953.

(2) A joint amendment by Chile and Uruguay (submitted orally) to add a new paragraph deciding that members of the Commission unable to continue their membership should, if the Assembly were not sitting, be replaced by the President of the General Assembly in consultation with the Secretary-General.

This amendment was withdrawn subsequently, since the representatives sponsoring it felt that the problem could be dealt with when the General Assembly took up the Committee's report.

[47] See Y.U.N., 1952, p. 297.

[48] This Article provides that the Assembly may recommend measures for the peaceful settlement of disputes regardless of origin which it deems likely to impair the general welfare or friendly relations among nations, including violations of the Charter provisions concerning the Purposes and Principles of the United Nations.

b. DISCUSSIONS IN THE Ad Hoc POLITICAL COMMITTEE

On 20 November the Chairman-Rapporteur of the United Nations Commission on the Racial Situation in the Union of South Africa, with the consent of the Committee, was invited to take a seat at the Committee table. In this connexion, the representative of the Union of South Africa stated that, if the Commission were represented at the discussions of the Committee, the presence of his delegation must not be construed as recognition by the Union Government of the Commission, which it continued to regard as unconstitutional. At that meeting, the Chairman-Rapporteur made a statement introducing the Commission's report; at subsequent meetings he gave certain clarifications of the report and replied to criticisms made by various members of the Committee, including, in particular, the representative of the Union of South Africa.

The representative of the Union declared that his Government's viewpoint had not changed since his statement before the Ad Hoc Political Committee at the seventh session.[49] Participation in the discussion was without prejudice to bis Government's legal position that the United Nations was not competent to consider the question. The argument that the United Nations had dealt with the matter in the past did not render it competent and could not justify intervention of the General Assembly in the question of racial conflict in South Africa, unless (1) the Charter provisions authorized the Assembly to intervene in matters of essentially domestic concern, or (2) the item in question did not relate to matters essentially within the domestic jurisdiction of South Africa.

Regarding the first question, he stated that all Member States had safeguarded themselves at San Francisco through the introduction of Article 2, paragraph 7, which imposed an obligation on the United Nations not to intervene in the internal affairs of Member States, and stated the right of those States to maintain absolute sovereignty in that field. He reviewed his delegation's interpretation of Article 2, paragraph 7,[50] as follows:

First, the word "nothing" in the initial phrase had an over-riding effect regardless of any other provision of the Charter, except enforcement measures with which the General Assembly was not competent to deal. Secondly, the word "intervene" had its ordinary dictionary meaning and included interference; it could not mean dictatorial interference, as had been alleged, since only the Security Council could so interfere in a question of enforcement measures under Chapter VII. Thirdly, the word "essentially" had been used in order to widen, and not narrow, the scope of domestic jurisdiction. The words "domestic jurisdiction", according to international law, concerned the relationship between a State and its nationals, which was universally recognized as a matter of allowing of no interference by another State or by any external organization, subject only to treaty obligations.

With regard to the second question, the representative of the Union Government argued that all those matters to which the racial conflict in South Africa related, such as movement of population, residence, marriage, etc. were without any doubt essentially within the domestic jurisdiction of the Union of South Africa; they covered the whole field of domestic administration. To accept the thesis that the United Nations was entitled to intervene in such matters was tantamount to denying the principle of national sovereignty and to repudiating Article 2, paragraph 1, of the Charter which affirms the sovereign equality of all Member States.

As for the contention that the matters in question were outside domestic jurisdiction because they involved human rights, the fact that the United Nations had deemed it necessary to draft an international covenant defining human rights demonstrated that they had not yet been defined and that there was as yet no international instrument imposing specific obligations on Member States with respect to them.

The preposterous allegations that the racial policy of his Government constituted a threat to international peace or was likely to impair friendly relations among nations, thus calling for action under Article 14 of the Charter, reflected a desire to exploit the basic purpose of the United Nations for tendentious purposes. Domestic legislation designed solely for the welfare of the people of South Africa in no way affected other peoples and could hardly be charged to constitute a threat, direct or indirect, to the territorial integrity or political independence of a State.

Turning to the Commission's report, the South African representative pointed out that his Gov-

[49] See Y.U.N., 1952, pp. 298-99.

[50] This paragraph reads: "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any State or shall require the Members to submit such matters to settlement under the present Charter; but this principle shall not prejudice the application of enforcement measures under Chapter VII."

eminent had not recognized the Commission because it considered it illegally constituted and he declared that the report contained a biased analysis of the internal affairs of South Africa. As for its conclusions, the Commission had gone beyond its terms of reference and had set forth a series of obiter dicta which constituted an incredible attack upon the national sovereignty of the Union; for those conclusions implied the exercise over a sovereign State of a supervision comparable to that exercised by a guardian over a ward and recognition of the United Nations as the arbiter of the destiny of the Union of South Africa.

The statement by the Chairman of the Commission, in introducing the report, that the situation in South Africa was daily becoming less amenable to treatment by conciliation and was leading to a deadlock which could only be broken by resort to force was completely unwarranted, irresponsible, and little short of an incitement to revolt. Such statements would make the Committee more easily realize why the Union Government had not co-operated with the Commission and would never be able to co-operate with such commissions in the future.

At the following meeting, the Chairman-Rapporteur of the Commission replied to the South African representative's charges of partiality and lack of objectivity on the part of the Commission, and reviewed the methods of work which the Commission had been compelled to follow owing to the absence of co-operation on the part of the South African Government.

The representative of India considered that the Commission had compiled an impressive report. He had hoped that the South African representative would submit definite observations about the facts of racial discrimination established in the report. Public opinion could not be blamed for drawing its own conclusions regarding South Africa's deliberate refusal to co-operate with a duly established commission.

Endorsing the Commission's conclusions regarding the competence of the General Assembly, he stated that those who persisted in denying such competence appeared to be claiming for the Union the unchallengeable right to disturb the peace of Africa, to impair the development of friendly relations among nations and to violate without compunction the principles of the Charter.

Racial conflict in South Africa, the representative of India said, was the consequence of a systematically developed basic policy of apartheid. Enlightened opinion unreservedly accepted the view that the problems of multi-racial communities could only be solved by the full equality and co-operative development of all their elements. Member States had accepted those principles in signing the Charter. The South African Government's racial policy was not based upon the principles of Western civilization nor on the precepts of the Christian religion, but on the idea that the interests of the White minority in South Africa could only be protected by a policy of racial domination. Such a solution was contrary to the Charter and was not supported by the experience of history. A solution based on force and domination could only generate hatred and eventually make change by violence inevitable. Further, he stated, the economic effect of segregation was not, as had been alleged, to ensure the equal, though separate, economic development of all races; he quoted figures to show that the policy was directed primarily towards maintaining non-Europeans in a position of permanent inferiority, denying them access to skilled occupation and reducing them to economic serfdom.

While measures of racial and social discrimination existed in other Member States, he continued, discrimination was a diminishing and condemned social practice everywhere except in South Africa where it was a norm of social behaviour, enjoying the Government's full support. The policy of apartheid made the application of the Charter illegal in the Union. The struggle against discrimination had not ceased although the campaign of passive resistance mentioned in the Commission's report had been suspended. The Coloured people, comprising two thirds of the world's population, viewed the struggle of the non-European population of South Africa for its fundamental rights as the symbol of the struggle for human dignity and would judge the United Nations by the results obtained.

The Indian representative endorsed the Commission's conclusions and urged that the United Nations should take action in accordance with its findings.

During the course of the discussion, statements in support of the seventeen-Power draft resolution and in reply to its opponents were also made by other sponsors of the joint draft resolution. The representative of Pakistan stated that, under Article 10 of the Charter, the Assembly could discuss any matter within the scope of the Charter and, under Article 13, it should initiate studies to assist in the realization of human rights. Neither Article, he said, made any reservation in respect of the provisions of Article 2, paragraph 7. The initiation of a study by the General Assembly did not constitute intervention in the internal

affairs of a Member State. How, he asked, could the Committee ignore previous Assembly decisions and decide that it was not competent, although no new element had supervened?

The representative of Syria said that the Union Government's policy of discrimination was based on the myth of the supremacy of European civilization; it was directed towards frustrating the natural rights of the indigenous majority, who were the true masters of the country. Not only was it a form of racism stemming from a premise which history had shown to be false; it was in fact an insult, an affront to true European humanism. The degradation caused by South Africa's racial policies could not be defended in the name of European civilization.

The representative of Indonesia said that there remained in certain countries which had suffered from Western colonialism a feeling of hostility towards Westerners sometimes described as "anti-White" sentiment. His delegation regretted that the Western Powers invoked legalistic arguments in order to side with the Union of South Africa, thereby preventing the United Nations from dealing with a question that affected fundamental relations of peoples of the world.

In addition to the sponsors of the joint draft resolution, a majority of representatives, including those of Brazil, Chile, Cuba, Ecuador, El Salvador, Ethiopia, Guatemala, Israel, Mexico, Uruguay and Yugoslavia, affirmed the competence of the General Assembly, opposed the South African draft resolution and strongly supported the joint draft resolution. They congratulated the Commission on its report and stressed the need for United Nations action in connexion with the policy of racial discrimination in the Union of South Africa. The view was generally shared that there was no intention of intervening in the internal affairs of the Union and there was no animosity towards that country. However, it was felt, respect for human rights was a matter of international concern, for it was an integral element in the principles of the Charter that all Member States had solemnly pledged to defend. Accordingly, to inquire into violations of those rights, to ascertain whether such violations had been committed and to make appropriate recommendations in no way constituted intervention in domestic affairs. It was also stated that the practices of the Union Government constituted a threat to the peace since, in the present world, the way in which the people of one area lived affected all other peoples of the world. It was true that the Universal Declaration of Human Rights was not legally binding in the sense that the Charter was; but respect for human rights was a universally accepted principle and required no legal force to be binding on all.

In expressing their opposition to the South African draft resolution and their strong support for the seventeen-Power draft resolution, the representatives of Czechoslovakia, Poland, the Ukrainian SSR and the USSR emphasized the connexion between the policy of apartheid and colonialism.

They said that the policy of racial discrimination applied against the non-European population of the Union of South Africa was an insult to all the non-White peoples of Asia, Africa and South America, who constituted more than half of the population of the world. It created dangerous tension between the States concerned. They maintained that the position taken by the colonial Powers and members of the "North Atlantic bloc" completely destroyed the myth that the Western world was a "free world". A society which oppressed millions of human beings because of the colour of their skin could obviously not claim to be "free". It was stated that certain States, in particular the Union of South Africa, were not respecting the obligations incurred under the Charter. In the Union of South Africa, these representatives held, exploiters thirsting for gain were holding down the indigenous and non-European population in a state of slavery. But the oppressed peoples were growing more and more vocal and movements toward national liberation were assuming unprecedented dimensions.

While recording the opposition of their Governments to any policy of racial discrimination, the representatives of Australia, Belgium, Canada, Colombia, France, Greece, the Netherlands, New Zealand and the United Kingdom supported, in general, the position taken by South Africa on the question of competence and the unconstitutionality of the United Nations Commission and its report. All opposed the seventeen-Power joint draft resolution and, with the exception of the representatives of Canada, the Netherlands and New Zealand, who abstained, supported the South African draft resolution.

The representative of Belgium declared that the prohibition in Article 2, paragraph 7, against intervention in matters essentially within the domestic jurisdiction of a State was a general one, affecting all the United Nations organs and all provisions of the Charter. It made no distinction between provisions imposing international obligations on States, such as those concerning respect for human rights, and those which did not do so. That prohibition, therefore, could not be evaded by invoking the existence of international

obligations resulting from the provisions of the Charter.

The view that, so long as there was no dictatorial interference, the General Assembly could undertake any discussions or studies whatsoever and even formulate recommendations misconstrued the nature of the General Assembly's powers, he said. Since the Assembly had only powers of recommendation, it was constitutionally incapable of dictatorial interference. After reviewing the proceedings of the San Francisco Conference, the Belgian representative concluded that Member States had assumed certain obligations under the Charter affecting essentially domestic questions and had recognized their imperative character, but they had not intended to make it possible for the machinery of the Charter to be used against them in such matters. The aim of Article 2, paragraph 7, was to place the reserved sphere outside the ordinary law of the Charter; and it was in that sense that the word "intervene" must be interpreted. The discussions at San Francisco, he added, also proved that United Nations organs, including the General Assembly, could not decide on their own competence when a State invoked that Article.

There was no incompatibility, it was argued, between Article 2, paragraph 7, and Articles 10 and 14 of the Charter. These Articles allowed the Assembly broad powers of recommendation in matters within domestic jurisdiction, either in the form of general provisions or else, with the consent of the State concerned, in particular cases.

The representative of the United Kingdom held that questions relating to human rights did not by virtue of Articles 55 and 56 of the Charter cease to be domestic problems and acquire an international character. Under such an interpretation, the United Nations would acquire the right to intervene in all the internal affairs of its Member States, including economic and social problems. The argument would be valid only if Article 56 created specific international obligations with respect to particular rights. Article 56 however merely pledged co-operation for the achievement of the purposes set forth in Article 55. Noting that the Commission in its report had referred to a statement by the representative of France affirming the Assembly's competence on the question of observance of human rights in Bulgaria, Hungary and Romania which was discussed at the Assembly's fourth session, the representative of France stated that in that question the United Nations had invoked a wholly exceptional competence. Similarly, on the question of forced labour the United Nations resolution had referred to a general inquiry involving all States. The two cases were quite different from the problem before the Committee.

The representative of Colombia maintained that there could be no question of making the United Nations a forum for political minorities, yet the Commission had studied every aspect of South African rights. Supporters of the seventeen-Power joint draft resolution seemed to have forgotten that while the Union of South Africa was now being indicted by a group of countries, another nation might later find itself in the same situation. It had been said that such a development was impossible because opposition groups would have to find spokesmen in the United Nations where only Member States had the right to make such charges. But certain governments might have affinities with opposition groups in other countries and might be induced to press for discussion of questions within the domestic jurisdiction of countries other than their own. Until the Charter should be amended, the provisions of Article 2, paragraph 7, remained in force.

Canada, said its representative, was not convinced that the Assembly had absolute powers to deal with questions of human rights. That argument might create a dangerous tendency to attempt to impose the will of groups of nations on others and to encroach upon individual sovereignty. His delegation believed that a practical approach was possible. It was to be hoped that the current discussion regarding South Africa's racial policy, which many regarded as being in conflict with the Charter, would have some effect in bringing public opinion to bear on Member States. That was not intervention in the form prohibited by the Charter. It was questionable, however, whether the Assembly should go beyond discussion and the expression of concern and take the further steps suggested in the joint draft resolution. The Commission had not achieved an improvement in the racial situation and a further investigation did not seem likely to bring results. If continuance of the Commission were to cause a stiffening of attitudes instead of greater co-operation tending to better observance of human rights, it would be bad policy to extend the Commission's mandate. The Assembly must avoid rash and harmful action and work for a solution of human rights problems in a spirit of co-operation.

A number of representatives, including those of Argentina, China, Denmark, Norway, Peru, Sweden, Turkey, the United States and Venezuela, either abstained on or opposed the South African draft resolution, but all abstained on the seventeen-Power draft resolution. These representatives

generally agreed that discussion of the question of apartheid did not constitute intervention. They believed in the Assembly's right to make general recommendations in the matter but questioned whether it could adopt specific recommendations. However, they emphasized that the right to discuss the problem should be exercised with self-restraint and tolerance. The representative of Norway felt that the joint draft resolution should be amended so as to refer to racial discrimination in general, not to the policy of a particular country.

The representative of the United States noted that the question of race conflict in South Africa brought before the Assembly the entire programme of a Member State's legislation concerning the treatment of its nationals on the basis of their racial origin. While her Government did not share the extreme view that the item could not even be discussed in view of the reservations made in Article 2, paragraph 7, the United States had observed with increasing concern the tendency of the General Assembly to place on its agenda subjects the international character of which was doubtful. Action in advancing human rights in accordance with the Charter must be taken with the greatest circumspection and the highest degree of responsibility. The United States from its own experience recognized the difficulty of the problems confronting South Africa, and appreciated how acute the problems of racial relations could be rendered by shifts of population, consequent upon economic development and industrialization, and by the state of development of different groups within a population. Her delegation was convinced that resolution 616 B (VII) was the best way in which the Assembly could discharge its responsibilities. That resolution maintained the framework of solidarity of all Members of the United Nations and set forth a standard of conduct by which each one of them must judge its own policies.

During the debate, a large number of supporters of the seventeen-Power draft resolution expressed agreement with the views of the representatives of India and Pakistan that the South African draft resolution was misleading on the question of competence. Even if the matters enumerated in its preamble were essentially matters of domestic jurisdiction, the agenda item was not primarily or solely concerned with them but with the question of race conflict, which was clearly within the competence of the United Nations and which was affecting the daily life of the non-White population in South Africa. Many representatives declared that their votes against the South African draft resolution should not be construed as an expression of the view that the matters enumerated were not within the domestic jurisdiction of the Union of South Africa.

To dear up misunderstanding of his delegation's draft resolution, the representative of the Union of South Africa stated that the contention that the General Assembly and its Committees, having once rejected a South African draft resolution on competence, could not re-open the question was not supported by the rules of procedure or by the established practice. Criticism had been levelled at the wording of the resolution. The item before the Committee constituted a charge against his country that an alleged situation had developed in consequence of its policies. The substance of the item could not be discussed without touching upon the matters listed in the original explanatory memorandum (A/2183) and the Commission's report. The South African draft resolution did no more than state that the matters constituting the item were essentially within the domestic jurisdiction of a State. Those who contended that the draft resolution should have been differently worded were seeking to escape from the implications for their own countries of the possible rejection of that draft resolution.

In a final statement, the representative of the Union Government stated that his delegation's position remained unchanged. Its silence on the substance of the question was not due to its inability to refute the charges made against the Union of South Africa, but arose from the legal position that the discussion was unconstitutional. His Government would give any information required on the racial situation in South Africa, provided that such information were given outside the United Nations.

Arguments against the South African position could, he said, be summarized as follows: first, that the question of racial conflict in the Union of South Africa involved human rights and could not therefore be regarded as essentially within the domestic jurisdiction of the Union of South Africa; secondly, that because the policy of apartheid of the South African Government was a threat to international peace it fell within the competence of the United Nations; and, thirdly, that the General Assembly was the master of its own competence.

With regard to the first contention, his delegation had shown that neither the Charter nor the Universal Declaration of Human Rights imposed legal obligations on Member States. The second allegation was unfounded. The third allegation amounted to declaring in effect that the General

Assembly had unlimited powers, when, in fact, its functions were explicitly defined in the Charter. The Assembly could not exceed those powers.

The South African delegation, he continued, remained convinced that the Commission had displayed partiality in compiling its report and this admittedly incomplete report had been used by certain speakers to present a distorted picture of the facts. The Commission, he declared, had endorsed virtually all the charges made against the Union by India, which, since 1946, had been conducting a veritable propaganda campaign of hostility against the Union. For reasons unconnected with the principles which the Union's accusers were allegedly championing, Members had been given a completely false picture of the situation in the Union of South Africa.

In concluding remarks, the representative of India observed that the most salient point of the debate had been the complete absence of any attempt to defend the South African Government's racial policies. The debate on competence had followed much the same lines as the previous sessions; the chief purpose of the South African draft resolution was to convince delegations that if the Assembly's competence in the particular case before it were once admitted, every aspect of their own governments' domestic policy would be subject to review by the United Nations. The legislation of a Member State, he argued, was relevant in so far as it indicated the existence of discriminatory practices; the question of human rights and non-discrimination had been taken out of the sphere of what was essentially domestic, so that discussion of violation of those rights did not represent intervention within the meaning of Article 2, paragraph 7, which had certainly never been intended to deprive the United Nations of the power to demand that the principles of the Charter be respected. In each instance, the extent of the limitations imposed by that provision should be determined by the whole body of the United Nations and not by the States directly concerned. It was evident, he said, that intervention would not be arbitrary so long as a two-thirds majority was required. Moreover, those denying the competence of the United Nations should consider the effects of such a denial. Were human rights to be systematically denied without remedy? Were the basic provisions of the Charter to be violated with impunity?

The only point in the Commission's findings which had been challenged was the statement that the policy of apartheid represented a threat to international peace. In that connexion, he pointed out, the preamble to the Universal Declaration of Human Rights made it dear that friendly international relations depended on the protection of human rights, whereas, he said, in South Africa the law not only did not protect them but provided for their systematic violation.

The South African representative had suggested that a connexion existed between the non-White civil resistance movement and the Indian Government, but it was fantastic to imagine that the movement was due to any cause except spontaneous resentment against unjust laws.

A general resolution such as some delegations had suggested, affirming the Assembly's belief in the human rights provisions in the Charter, would evade the implications of the specific report with which the Committee was concerned and which dealt with racial discrimination in a particular country. The position in South Africa was unique. Discrimination certainly existed in other countries, but the distinctive feature about its application in South Africa was that it was the dominant element in the Government's philosophy and legislation.

Regarding doubts expressed about the usefulness of continuing the Commission, he said that it had not completed its task and could now proceed to formulate constructive suggestions.

In conclusion he pointed to the gravity of the effects of the situation in South Africa on the non-White populations of the world.

At its 43rd meeting on 5 December 1953, the Ad Hoc Political Committee voted on the two draft resolutions and the amendment to the seventeen-Power draft.

The representative of Bolivia proposed that the South African draft resolution (A/AC.72/L.13) be voted on paragraph by paragraph, but the representative of the Union of South Africa objected that the draft was a complete unit bearing on the question of competence and the Bolivian motion was rejected by 20 votes to 15, with 16 abstentions. The South African draft resolution was rejected by a roll-call vote of 42 to 7, with 7 abstentions.

The Chilean amendment (A/AC.72/L.15) to the seventeen-Power draft resolution (A/AC.72/-L.14) was adopted by 41 votes to 4, with 7 abstentions, and the joint draft resolution was adopted in paragraph-by-paragraph votes, ranging from 41 to 7, with 7 abstentions, to 29 to 14, with 13 abstentions. The draft resolution, as a whole,

as amended, was adopted by a roll-call vote of 37 to 10, with 9 abstentions.

c. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The report of the Ad Hoc Political Committee (A/2610) was considered by the General Assembly at its 469th plenary meeting on 8 December 1953.

The representative of the Union of South Africa introduced a draft resolution (A/L.172), by which the Assembly, having regard to Article 2, paragraph 7, would decide that it had no competence to adopt the draft resolution proposed by the Committee. The South African draft resolution was rejected by a roll-call vote of 42 to 8, with 10 abstentions. Voting was as follows:

In favour: Australia, Belgium, Colombia, France, Greece, Luxembourg, Union of South Africa, United Kingdom.

Against: Afghanistan, Bolivia, Brazil, Burma, Byelorussian SSR, Chile, China, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian SSR, USSR, Uruguay, Yemen, Yugoslavia.

Abstaining: Argentina, Canada, Dominican Republic, Netherlands, New Zealand, Panama, Peru, Turkey, United States, Venezuela.

Chile and Uruguay orally reintroduced the proposal, previously placed before the Ad Hoc Political Committee, to add a new paragraph to the draft resolution proposed by the Committee under which the Assembly would decide that any members of the Commission unable to continue their membership should, if the Assembly were not sitting, be replaced by persons appointed by the current President of the General Assembly in consultation with the Secretary-General. The joint amendment was adopted by 36 votes to 8, with 15 abstentions.

The Assembly then adopted the draft resolution proposed by the Committee in paragraph-by-paragraph votes; the paragraphs of the preamble were adopted by votes ranging from 40 to 10, with 7 abstentions, to 34 to 12, with 9 abstentions, and the paragraphs in the operative part by votes ranging from 44 to 3, with 9 abstentions, to 32 to 15, with 7 abstentions. The operative paragraph requesting the Commission to continue its study of the racial situation in the Union of South Africa was voted on by roll call and adopted by 38 votes to 15, with 7 abstentions. Voting was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian SSR, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian SSR, USSR, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, China, Colombia, Denmark, France, Greece, Luxembourg, Netherlands, New Zealand, Panama, Sweden, Union of South Africa, United Kingdom.

Abstaining: Argentina, Dominican Republic, Norway, Peru, Turkey, United States, Venezuela.

The draft resolution, as a whole, as amended, was adopted by a roll-call vote of 38 to 11, with 11 abstentions. Voting was as follows:

In favour: Afghanistan, Bolivia, Brazil, Burma, Byelorussian SSR, Chile, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Pakistan, Paraguay, Philippines, Poland, Saudi Arabia, Syria, Thailand, Ukrainian SSR, USSR, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Canada, Colombia, France, Greece, Luxembourg, Netherlands, New Zealand, Union of South Africa, United Kingdom.

Abstaining: Argentina, China, Denmark, Dominican Republic, Norway, Panama, Peru, Sweden, Turkey, United States, Venezuela.

The resolution adopted by the Assembly (721 (VIII)) read:

"The General Assembly,

"Having considered the report of the United Nations Commission on the Racial Situation in the Union of South Africa established by resolution 616 A (VII) of 5 December 1952,

"Noting with concern that the Commission, in its study of the racial policies of the Government of the Union of South Africa, has concluded that these policies and their consequences are contrary to the Charter and the Universal Declaration of Human Rights,

"Noting that the Commission had also concluded that:

"(a) 'It is highly unlikely, and indeed improbable, that the policy of apartheid will ever be willingly accepted by the masses subjected to discrimination', and

"(b) That the continuance of this policy would make peaceful solutions increasingly difficult and endanger friendly relations among nations,

"Noting further that the Commission considers it desirable that the United Nations should request the Government of the Union of South Africa to reconsider the components of its policy towards various ethnic groups,

"Considering that, in the Commission's own opinion, the time available was too short for a thorough study of all the aspects of the problems assigned to it,

"Considering also the Commission's view that one of the difficulties encountered by it was the lack of co-operation from the Government of the Union of South Africa and, in particular, its refusal to permit the Commission to enter its territory,

"1. Reaffirms its resolutions 103 (I) of 19 November 1946, 377 A (V), section E, of 3 November 1950 and 616 B (VII) of 5 December 1952, particularly the passages in those resolutions which state respectively that 'it is in the higher interests of humanity to put an immediate end to religious and so-called racial persecution and discrimination'; that 'enduring peace will not be secured solely by collective security arrangements against breaches of international peace and acts of aggression, but that a genuine and lasting peace depends also upon the observance of all the Principles and Purposes established in the Charter of the United Nations, upon the implementation of the resolutions of the Security Council, the General Assembly and other principal organs of the United Nations intended to achieve the maintenance of international peace and security, and especially upon respect for and observance of human rights and fundamental freedoms for all and on the establishment and maintenance of conditions of economic and social well-being in all countries'; and that 'in a multi-racial society harmony and respect for human rights and freedoms and the peaceful development of a unified community are best assured when patterns of legislation and practice are directed towards ensuring the equality before the law of all persons regardless of race, creed or colour, and when economic, social, cultural and political participation of all racial groups is on a basis of equality';

"2. Expresses appreciation of the work of the United Nations Commission on the Racial Situation in the Union of South Africa;

"3. Decides that should any of the members of the Commission be unable to continue their membership, the member or members concerned shall, if the General Assembly is not sitting, be replaced by a person or persons appointed by the present President of the General Assembly in consultation with the Secretary-General;

"4. Requests the Commission:

"(a) To continue its study of the development of the racial situation in the Union of South Africa:

"(i) With reference to the various implications of the situation for the populations affected;

"(ii) In relation to the provisions of the Charter and, in particular, to Article 14;

"(b) To suggest measures which would help to alleviate the situation and promote a peaceful settlement;

"5. Invites the Government of the Union of South Africa to extend its full co-operation to the Commission;

"6. Requests the Commission to report to the General Assembly at its ninth session."

H. THE MOROCCAN QUESTION

On 19 December 1952, the General Assembly adopted resolution 612(VII), inter alia:

(1) expressing its confidence that, in pursuance of its proclaimed policies, the Government of France would endeavour to further the fundamental liberties of the people of Morocco, in conformity with the Purposes and Principles of the Charter;

(2) expressing the hope that the parties would continue negotiations on an urgent basis towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations; and

(3) appealing to the parties to conduct their relations in an atmosphere of good will, mutual confidence and respect and to settle their disputes in accordance with the spirit of the Charter, thus refraining from any acts or measures likely to aggravate the tension.

By a letter dated 9 July 1953 (A/2406), the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen requested that the Moroccan question be included in the provisional agenda of the eighth regular session of the General Assembly. They stated, in an explanatory memorandum (A/2406/Add.1) that, despite the Assembly's recommendation, the policies pursued by France had aggravated the situation. Approaches made to the French Government to urge it to take liberal measures had been ignored. Mass arrests, deportations, extorted "confessions" had been carried out under the cover of the martial law which had been declared in Morocco in 1914 and had been in operation ever since. The information contained in a letter and enclosures addressed to the Secretary-General (communication dated 29 May 1953, SCA 264/23/02) had, it was stated, given an idea of the conditions prevailing in Morocco. The situation had been further aggravated by continuous threats and attempts to depose the Sultan. Those attempts, which had started in February 1951, had taken a very alarming aspect since May 1953. Such a serious situation, if allowed to continue, would imperil international peace and security. The United Nations could not afford to ignore it and the General Assembly, at its eighth session, should again consider the question of Morocco with a view to recommending to the French Government the action necessary to remedy the situation and to bring about peace in that part of the world.

1. Consideration by the Security Council

By a letter dated 21 August 1953 (S/3085), the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria, Thailand and Yemen requested the President of

the Security Council, under Article 35, paragraph 1, of the Charter, to call an urgent meeting to investigate the international friction and the danger to international peace and security which had arisen from the unlawful intervention of France in Morocco and the overthrow of its legitimate sovereign and to take appropriate action under the Charter.

These representatives, except those of Lebanon and Pakistan, which were members of the Council, requested (S/3088) that they be allowed to participate in the discussion of the item in accordance with the rules of procedure.

The Security Council at its 619th to 624th meetings from 26 August to 3 September considered the question of including the item in the agenda.

The representative of France stated that his Government had always refused on legal grounds, as explained in detail to the General Assembly by the French Foreign Minister[51], to allow the United Nations to interfere in its relations with the Protected States of Tunisia and Morocco.

Reviewing recent events in Morocco which had led to the dethronement of the Sultan, the representative of France said that dissatisfaction against the Sultan had been mounting, due to accusations by religious and political leaders of Morocco that the Sultan, instead of being impartial and above factions, had been favouring one religious faction to the prejudice of others and jeopardizing the Moslem faith. The French authorities had been repeatedly petitioned by Moroccan caids and pashas to remove the Sultan and public demonstrations had been made against him. France, acting as mediator, had urged the Sultan to grant the reforms demanded by the people. On 15 August, the Sultan and the French Resident-General had announced the forthcoming reforms but, meanwhile, over 4,000 chiefs and notables opposing the Sultan had gathered round the Pasha of Marrakech, El Glaoui, and, despite the efforts of French authorities to mediate, had proclaimed Sidi Mohamed Ben Moulay Arafa as religious leader. This had been a purely religious decision and the French Government was not entitled to take sides, the French representative said.

If in the larger cities the Sultan's supporters had staged some minor demonstrations in his favour, in the rural areas and among the tribes the Moroccans and their leaders had rallied almost unanimously within the next few days around the new religious leader. Under the present theocratic regime, such a separation of the spiritual and the temporal powers could not be endured, and throughout the Empire an irresistible movement was being launched to deprive the Sultan of a power which Moslems considered to be illegal because irreligious. On an appeal by the Sultan, the French Government had given the Resident General instructions to try to save the Sultan by every peaceful means, but his proposals had been rejected absolutely by the Pasha. In the meantime, Rabat, the capital, had been virtually beleaguered by all the tribes which had converged to depose the Sovereign and it became apparent that the Sultan could be saved only at the price of a bloody conflict. The only remaining duty of the French authorities was to ensure the personal security of the Sultan and the continuation of the Alaouite dynasty. At the request of the Resident General, the Sultan, unprotesting, had taken a plane to Corsica. The same evening, the entire Sherifian Government had proclaimed Sidi Mohamed Ben Moulay Arafa, from the Alaouite dynasty, as the only legitimate Sovereign of the Sherifian Empire. The next day, the ceremonies of allegiance to the new Sovereign had been held throughout the territory without any disturbance of the public order. Thus, France had fulfilled the three-fold obligation provided in article 3 of the 1912 Treaty of Fez. It had preserved the personal safety of the Sultan, safeguarded the continuity of the throne and of the Alaouite dynasty, and saved the peace of the Sherifian Empire from an armed internecine conflict.

France denied the competence of the United Nations in the matter. Though Morocco had remained a sovereign State, it had, by the Treaty of Fez, transferred to France the exercise of its external sovereignty. By the terms of that Treaty, Morocco had agreed that no dispute between France and itself could be referred by it to the judgment either of an international judicial organ or of an international political organ. Any matter covered by the Treaty of Protectorate fell in essence within the national jurisdiction of France, its representative declared. It was actually internal in a two-fold sense: before falling essentially within France's national competence by virtue of the Treaty of Fez, it fell within the national competence of Morocco. An intervention from the United Nations in such matters would therefore be a double violation of Article 2, paragraph 7, of the Charter.

There was no basis for the request to inscribe the question in the agenda; there was no dispute between the French and the Sherifian Governments, and obviously there was no threat to international security.

[51] See Y.U.N., 1952, p. 279.

Besides, the representative of France argued, if the Council decided to grant the request, it would be difficult for it to propose any action. It could not condemn Morocco for deposing its Sovereign and rallying peacefully around his successor, nor could it condemn France for not changing its mediation into compulsion and not maintaining by force of arms a Sovereign rejected by his people. It could not initiate collective measures to restore the Sultan to power, imposing him at the same time on Morocco as Sultan and on the Protecting Power as protégé. The Council should not cast doubts on the position of the new Sovereign by reopening discussions and engaging in recriminations.

The Security Council, therefore, could do nothing other than reject the request, the representative of France concluded.

The representatives of Lebanon and Pakistan, in the course of various statements, insisted that the purpose of the request for the inclusion of the question in the agenda was only to allow the Council to decide whether the subject matter constituted a situation the continuance of which endangered the maintenance of international security. The Security Council could not refuse to be informed about a situation which had alarmed at least fifteen Member States. It should include the item in the agenda and, in any case, give the thirteen countries which were co-sponsors of the request the opportunity of participating in the discussion.

As to the legal aspects of the case, these representatives contended that the matter did not lie within domestic jurisdiction and Article 2, paragraph 7, of the Charter did not therefore apply. Morocco was not a pan of France and it had been determined by the International Court of Justice in a judgment dated 27 August 1952 that France did not have jurisdiction to legislate in respect of Morocco.[52] Consequently, it could not be claimed that the internal affairs of Morocco were "essentially" within the domestic jurisdiction of France. Moreover, under the Act of Algeciras of 1906, Morocco was a sovereign State and the question therefore was of an international character. Further, the fact that this Act had been signed by twelve States meant that such a fundamental change as the deposition of the Sultan had international implications. It was true that, on account of the 1912 Treaty, Morocco could not submit the dispute between itself and France directly to the Security Council but, it was contended, this Treaty itself was in question and its very existence removed the matter from domestic jurisdiction. Moreover, the consideration of this matter during the seventh session of the General Assembly had already established that the question was not within the domestic jurisdiction of France under Article 2, paragraph 7, of the Charter. The situation was undoubtedly an international one.

By resolution 612(VII), the General Assembly had enjoined France to take the path of negotiation and conciliation. Disregarding that resolution, France had used every effort to stage a revolt against the Sultan it had itself installed on the throne 26 years ago. In fact, the trend of events in Morocco could only be interpreted as instigated by France to sabotage the Moroccan national movement.

The Sultan, since the adoption of the resolution, had addressed three memoranda to the President and the Government of the French Republic for a resumption of negotiations. France had answered by deposing the Sultan and converting Morocco into a colony.

The representative of Lebanon contended that the French Press, in France as well as in Morocco, had repeatedly expressed the opinion that the events in Morocco had been created by the French authorities because the Sultan had not yielded to French demands. He quoted various Press articles and declarations made by French authorities to that effect

In 1951, he recalled, when the Sultan had refused to disavow the Istiqlal Nationalist Party, the French Resident-General had threatened him with deposition. But the Sultan had not surrendered and a so-called congress had been held in Fez, attended by El Glaoui, Pasha of Marrakech, together with some French officials, to condemn publicly the Istiqlal Party. Later, a so-called petition had been signed by 270 caids and assistants demanding the dethronement of the Sultan. Of those signatories, the name of El Glaoui had been the only one published. The Assembly of Ulamas, the only body entitled to invest or dethrone the Sultan, had immediately addressed a telegram of protest to the French Government. Besides a popular Moroccan reaction, several French organizations had emphasized the repercussions that the violation of the religious traditions of Morocco could not fail to bring about. However, when the Sultan had refused to sign some decrees, the authorities, in pursuance of their policy, had ordered a certain "High Council of 12 Caids and Pashas", under the chairmanship of El Glaoui, to choose a new Sultan. Then the series of events

[52] **I.C.J. Reports 1952, p. 176; see also** Y.U.N., 1952, **pp.** 776-84.

had followed which had led to the exile of the Sultan.

The situation, it was stated, was so tense that peace and security were at stake. Not only might there be conflict between France and Morocco, but international complications might arise from the fact that the Sultan had jurisdiction over the whole Moroccan territory; his removal involved Spain, the Protecting Power of Spanish Morocco, and the international territory of Tangier. Such complications could come also from the strategic interests of the United States in Morocco and from the dose cultural and political ties existing between the people of Morocco and the Arab Moslem and Eastern peoples in general. The Council could not refuse to consider a situation which could produce resonant reverberation of such an evidently international character.

The representatives of Colombia, the United Kingdom and the United States opposed the inclusion of the item in the agenda.

Emphasizing that the present discussions were limited to the procedural point of the inclusion of the item in the agenda, the United States representative said that, despite the fact that his country favoured increasing self-government in Morocco and elsewhere, it considered that the situation in Morocco did not in fact endanger international peace and security. For the Security Council to depart from its primary function of maintaining peace to deal with other questions under the guise of international security was the surest way for it to undermine its position.

The representative of the United Kingdom recalled that in April 1952 the Security Council had been faced with a very similar situation in regard to Tunisia.[53] The Council had then decided not to include the Tunisian item in its agenda. The United Kingdom delegation had expressed its opinion on the matter at that time and again when the Moroccan question had been discussed in the General Assembly.[54] The consideration of the question would have involved interference in the domestic affairs of a Member State, in violation of Article 2, paragraph 7, of the Charter. Under the Franco-Moroccan Protectorate Treaty, which had been recognized by the Permanent Court of International Justice and the International Court of Justice, the entire conduct of the external affairs of Morocco was vested in France, and therefore the relations between the two States fell within French domestic jurisdiction.

The proper function of the Council was to deal with threats to international peace. Not only did such threats not exist in Morocco, but experience had shown that the United Nations debates on both Tunisia and Morocco were usually accompanied by immediate outbreaks of violence in those countries. Interference by the United Nations, therefore, might well provoke the very international friction which it was intended to

As for the request by the thirteen countries (S/3088) to participate in the Council's consideration of the question, it would be unusual to invite countries which were not members of the Council to take a seat at the table before the Council had decided the preliminary question of the adoption of the agenda. If the representatives of those thirteen countries were invited to make statements, the debate would be inevitably extended far beyond the immediate question of the adoption of the agenda.

The representative of Colombia stated that under the Protectorate system, the protected State retained its full internal sovereignty while ceding to its protector the right to exercise its sovereignty in foreign affairs. Actually, the judgment of the International Court, to which reference had been made, had dealt exclusively with fiscal and jurisdictional matters which had always been within the domestic sovereignty of States. The Court did not and could not state that Moroccan sovereignty in those matters had proved that Morocco had recovered the right to exercise its sovereignty in external affairs.

General Assembly resolution 612(VII) had merely expressed the hope that France would continue to fulfil its obligations under Articles 73 and 74 of the Charter; it could not be interpreted to mean that Morocco had resumed the right to exercise sovereignty in external matters which it had ceded to France by the Treaty of Fez.

On the other hand, Morocco had retained its sovereignty in internal matters. The Council could not pass judgment on the way in which the Moroccan people had acquired a new government without intervening in Morocco's domestic affairs.

It had been asserted that France had violated the provision of the Treaty of Fez under which it undertook to protect the Sovereign against any danger to his person or his throne. But to interpret the provision as meaning that that protection should be confined to one particular Sovereign would imply an obligation to intervene in the domestic affairs of Morocco in support of that Sovereign against his own people. In any case, if the signatories of the Treaty of Fez thought that

[53] See Y.U.N., 1952, p. 266.
[54] See Y.U.N., 1952, p. 282.

it had been violated and if they were parties to the Statute of the International Court of Justice, the proper course would have been for them to refer the matter to the Court, in accordance with its Statute.

The representative of Greece stated that he would abstain from voting on the inclusion of the item in the agenda. In the opinion of his Government, the United Nations should be willing to consider any problem within the purview of its purposes and activities, provided such consideration did not run counter to the relevant articles of the Charter. In the present case, however, the views expressed had been so diametrically opposed that there was little hope of achieving any positive solution. Any substantive discussion of the Moroccan case would, he felt, unavoidably result in recriminations and a decision on the matter would ultimately be blocked by a veto. Such treatment could not benefit the situation. He also drew the attention of those countries proposing the item to Article 12 of the Charter, according to which, if the item were on the agenda of the Security Council, the General Assembly, which would meet a few weeks later, could not make any recommendations on the matter.

The representatives of Chile, China and the USSR, on the other hand, considered that the item should be included in the Council's agenda. The representatives of Chile and the USSR also stated that they would support the request of thirteen States to participate in the Council's discussions.

The representative of the USSR stated that, despite what had been said by the colonial Powers, the situation which had arisen in Morocco undoubtedly called for the attention of the Security Council. The Treaty of Fez establishing the French Protectorate over Morocco limited Moroccan sovereignty only as regards foreign affairs. It did not follow, however, that no quarrel between France and Morocco could fall outside the framework of that Protectorate. Furthermore, the 1906 Act of Algeciras, which enshrined in its preamble the principle of Moroccan sovereignty, had been signed by ten other countries in addition to France, Spain and Morocco. This multilateral international agreement recognized Moroccan sovereignty and, consequently, the United Nations was competent to consider the present situation.

Morocco, he said, was one of the Non-Self-Governing Territories falling within the scope of Chapter XI of the Charter. The United Nations was thus entitled to take an interest in the situation there. When the responsible Power had violated its obligations and thus endangered international security, it became an urgent duty for the United Nations to deal with the question.

The USSR representative considered that the thirteen States which had requested participation in the Council debates should be invited to take part during the discussion on the inclusion of the item in the agenda because before a decision on that question was reached the Council should acquaint itself with all the relevant facts.

The representative of Chile said that the state of tension now prevailing in Morocco had seriously affected friendly relations between France and that country and also between France and Spain, and therefore constituted a serious threat to peace. The problem had moreover caused deep concern to fifteen Members of the United Nations. There could therefore be no doubt that those events were endangering international peace and security, the maintenance of which was the chief purpose of the Security Council.

The representative of China favoured the inclusion of the item in the agenda, but without prejudice to the question of the Council's competence. The broad fact remained, he said, that there were troubles in Morocco concerning the relations between France and that country. The Security Council should decide on its competence only after more detailed consideration. The representative of France had contended that the recent events in Morocco were doubly domestic in the sense that they were largely the work of different groups of the Moroccan people. It would be most extraordinary, however, if the Sultan could have been deposed and a successor installed against the wishes of the French Government. It had been said that the events in Morocco did not in the least threaten peace and security, but, actually, where deep nationalistic aspirations were not satisfied, momentary quiet could not be construed as peace. There was a further contention that the Security Council could not do anything about Morocco. Last year, some members of the Council had taken the same view about Tunisia. If question after question was dismissed on the ground that the Council could not do anything about them, the world might get the impression that the Security Council and the entire United Nations could do nothing for the promotion of peace.

The representative of China stated that he would vote against the request that representatives of thirteen States be given a hearing on the adoption of the agenda. The Chinese delegation considered that rule 37, under which the request had been made, could not be interpreted to mean participation in a procedural debate such as the present one.

The representatives of Lebanon and Pakistan added that, even if the foreign affairs of Morocco must, under the Treaty of Fez, be dealt with by France, the French Government was only a vehicle for the expression of the foreign policy of the Government of Morocco and had no discretion in the matter, beyond conveying to foreign governments the desires of the Moroccan Government. They asserted that, before being forcibly deposed, the Sultan had handed over to the French Resident General a written request to the Security Council to investigate the grave situation under Article 35 of the Charter. It might therefore be argued that the Security Council had been approached through the proper channels with a request to consider the matter.

The representative of France strongly denied that any appeal to the United Nations or to the Security Council had been transmitted to the French Resident General by the Sultan before his departure from Morocco, either directly or indirectly.

At the Council's 624th meeting, a motion by Pakistan that the thirteen delegations which were co-sponsors of the request and not members of the Security Council be invited to appear before the Council to explain their case (S/3088) was rejected by 5 votes (Colombia, Denmark, France, United Kingdom, United States) to 4 (Chile, Lebanon, Pakistan, USSR), with 2 abstentions (China, Greece). Another motion, presented by Lebanon, according to which the Security Council would agree to listen to two representatives of that group, was rejected by 5 votes in favour (Chile, Greece, Lebanon, Pakistan, USSR) to 5 against (Colombia, Denmark, France, United Kingdom, United States), with 1 abstention (China.)

The provisional agenda was then voted on but was not adopted, receiving 5 votes in favour (Chile, China, Lebanon, Pakistan, USSR), 5 against (Colombia, Denmark, France, United Kingdom, United States), and 1 abstention (Greece).

2. Consideration by the General Assembly at its Eighth Session

At its 435th plenary meeting on 17 September, the General Assembly, on the recommendation of the General Committee, decided to include the question in its agenda and referred it to the First Committee for consideration and report.

In a letter dated 7 October (A/C.1/L.58), the representative of France informed the Chairman of the First Committee that the French delegation would abstain, as it had in the previous session, from participating in the Committee's debate on the Moroccan question. The French Government considered that such discussion represented outright intervention by the United Nations in matters which fell essentially within the domestic jurisdiction of France, and thus contravened the provisions of Article 2, paragraph 7, of the Charter.

a. DISCUSSIONS IN THE FIRST COMMITTEE

The First Committee considered the question at its 629th to 640th meetings from 7 to 19 October. In the first of these meetings, Pakistan submitted a draft resolution (A/C.1/L.59) providing that the Chairman of the First Committee, on behalf of the members of the Committee, should request the Government of France to reconsider its decision to abstain from the debate on the Moroccan question in the Committee and, by its presence, assist the Committee to come to an equitable solution. At the next meeting on 8 October, the representative of Pakistan withdrew his draft resolution since it appeared, he said, that it would not obtain the unanimous support of the members of the Committee.

(1) Thirteen-Power Draft Resolution

On 9 October, Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen submitted a joint draft resolution (A/C.1/L.60), which provided, inter alia, that the General Assembly should:

(1) recommend that the existing state of martial law and all other exceptional measures in Morocco should be terminated, that political prisoners should be released and that all public liberties should be restored;

(2) recommend that democratic representative institutions for the people of Morocco through free elections on the basis of universal suffrage should be established;

(3) recommend that all necessary steps should be taken to ensure within five years the complete realization by the people of Morocco of their rights to full sovereignty and independence; and

(4) request the Secretary-General to communicate with the French Government with a view to the implementation of the resolution and to report to the General Assembly at its ninth session.

In the course of the discussion, many of the speakers referred to the statements they had made on the Moroccan question at the previous session of the General Assembly[55] and at the Security

[55] See Y.U.N., 1952, p. 278-84.

Council's meetings the previous month (see above).

The representatives of Afghanistan, Burma, Czechoslovakia, Egypt, Guatemala, India, Indonesia, Iraq, Lebanon, Liberia, Pakistan, Saudi Arabia, Syria, the USSR, Yemen and Yugoslavia spoke in support of the thirteen-Power draft resolution. They pointed out that, far from justifying the confidence expressed in resolution 612(VII), the French Government had replied by deposing the Sultan who advocated Moroccan independence and the re-establishment of a democratic form of government, and by declaring the Istiqlal party illegal. The sole purpose of the action had been to eliminate all opposition to the so-called reforms prepared at the request of the French settlers. Those reforms, which degraded the Protectorate to the status of a colony, had been enacted only two weeks after the banishment of the Sultan. Under the new regime, the votes of the various Councils were assured by the fact that the French residents had 50 per cent of the seats while the remainder went mainly to their followers. The Councils were consultative in nature and were controlled as to the subject of their discussions. Legislative and executive powers had been vested in a special authority composed of two Councils, the members of which were appointed by and were subservient to the Resident General. Under such a regime, which conferred upon French nationals unjustified political rights, contrary to the Act of Algeciras and the Treaty of Fez and to the principles of the Charter and the rules of international law, neither the Moroccan throne and the Moroccan people nor France exercised any authority; the authority was in fact in the hands of the French residents in Morocco, who enjoyed considerable influence on the Paris Government. Their practical programme had been carried out almost completely by the machinery of military occupation. Thus, they had obtained the deposition of the Sultan, the removal of his heir, the increase in the powers of the Resident General and then the implementation of the French plan of reforms.

The General Assembly's responsibility in this matter had become all the more serious since the Security Council had just refused to discuss the matter, and had not even allowed thirteen out of the fifteen Member States which had drawn the Council's attention to the situation to participate in a simple procedural debate which preceded the decision.

The absence of the French delegation was most regrettable. Such a negative attitude certainly did not justify the confidence in France demonstrated by the General Assembly at the seventh session. It was a challenge to the powers of the Assembly itself as defined in Article 10 of the Charter.

The Sultan, after the adoption of resolution 612(VII), had sent to the President and the Government of the French Republic three memoranda, in which he endeavoured to fulfil the hopes expressed by the General Assembly by asking the French Government to enter forthwith into negotiations with a view to developing the free political institutions of the Moroccan people with due regard to the legitimate rights and interests of France and the French settlers in accordance with established principles. In reply, the French Government had brought increasing pressure to bear on the Sovereign to compel him to accept the so-called plan of reforms which he had repeatedly rejected since 1947

Despite the French representative's statement that the question of Morocco fell essentially within France's domestic jurisdiction, the General Assembly, in deciding the previous year and again in the present year to discuss the question, and by adopting its resolution 612(VII), had confirmed its competence in the matter. Moreover, the General Assembly's competence was based on several factors, such as the violation by the French Government of the Act of Algeciras and the Treaty of Fez, the infringement of the obligations of the French Government under Chapter XI of the Charter, dealing with Non-Self-Governing Territories, and the violation of human rights and of the rules of international law. The General Act of Algeciras signed by thirteen States in 1906 was a kind of international Charter of modern Morocco. It formally recognized the Sultan's sovereignty and independence, the integrity of his domains and the economic liberty of Morocco on an equal footing with all States trading with that country. It was a multilateral international treaty which continued to be operative and to govern the present situation.

As for the Treaty of Fez of 1912, a close scrutiny of it revealed that:

(1) the Treaty had been imposed by force;

(2) assuming that it was valid, it did not extinguish Morocco as a sovereign State;

(3) the rights conferred upon France in Morocco derived from an international treaty, thereby negating the principle of French domestic jurisdiction in the case; and

(4) the Treaty of Fez was only a link in the chain of international treaties related to the question.

The intervention of the United Nations was essential in order to bring about an orderly evolution through the process of real negotiations be-

tween Morocco and France. It was all the more necessary since the Act of Algeciras and the Treaty of Fez had no fixed time-limit. The Treaty of Fez could not be eternal and should not be kept in force if its objectives were attained, nor if France pursued a policy directly opposed to those objectives. In the latter case, the very actions of France would constitute a reason for terminating the Treaty.

Actually, France was undertaking actions and practising policies in Morocco in contravention of the spirit and letter of its treaty obligations. The first important step in French policy was a policy of occupation and direct rule. The French forces were not intended to provide collective security, but merely to help protect French interests against the Moroccans. Another example of that policy was the over-burdening of the Moroccan budget by the cost of a double administration: a Moroccan one, which was only for show, and the real French one. French policy was also leading to the disruption of Moroccan unity and the undermining of its existence as a nation, and of its Arab culture. It was clear that, within the last four decades, France had resorted to a policy which to-day proved to be wrong, inexpedient and impracticable. Thus, the French had arbitrarily divided Morocco into so-called Arab and Berber regions in order to encourage local tendencies as opposed to the common life of the nation. Another attempt to divide the country had been made by the creation of three types of region, namely civil, military, and forbidden regions, thereby restricting the free circulation of the Moroccan people. A further effort at breaking the unity of Morocco had been made by encouraging and subsidizing fraternities in schismatic activities.

Since the end of the Second World War, a policy of French settlement had been officially instituted. The colonists were favoured by the tax policy and were assured of legal, administrative and financial facilities for the expropriation of land and for subsoil concessions. They had the benefit of family allowances, social security and trade union rights. They enjoyed advantages in education and health expenditures. Disregarding the fundamental rights of the Moroccan people, the French settlers ruled the whole territory exclusively in their own interests.

The representatives of Australia, Belgium, Brazil, Canada, Chile, Cuba, the Dominican Republic, Ecuador, Haiti, Israel, the Netherlands, New Zealand, Norway, Peru, South Africa, Turkey, the United Kingdom, the United States and Uruguay stated that they would vote against the thirteen-Power draft resolution. Some of them based their opposition on the doubts which had already been expressed concerning the competence of the United Nations in the matter. The Treaty of Fez, which had been expressly accepted by all the signatories to the Act of Algeciras, provided that the conduct of Morocco's external affairs was the sole responsibility of France. France could not conduct a dispute with itself and it followed that, if there were any dispute between France and Morocco, it must necessarily be an internal and not an international dispute. The fact that the Assembly accepted information regarding Morocco transmitted by France in accordance with Article 73e of the Charter supported the case. It could not be maintained both that Morocco was a Non-Self-Governing Territory, about which information had to be transmitted, and also that it possessed those attributes of sovereignty which would make a dispute between it and France an international question.

The question of Morocco might have been considered an international one had there been other States signatories to the Treaty of Fez. But that was not the case. Consequently, there was no other party which had the right to pronounce upon the interpretation of the Treaty. It had been claimed that the situation in Morocco had led or was likely to lead to a threat to international peace and security; but there certainly was no other State which feared invasion from France and Morocco. The most that had been suggested, rightly or wrongly, was that peace and security were in danger within Moroccan territory itself, and that would raise an internal and not an international problem. Nor could the clauses in the Charter concerning human rights be invoked, even if such issues were in fact involved, because they were not matters of precise international obligation. Article 2, paragraph 7, of the Charter was categorical. The sole exception which it permitted related to the application of enforcement measures under Chapter VII. No such exception had been made with regard to the application of the clauses in the Charter concerning human rights, nor to the authority of the General Assembly under Articles 10 and 11, nor to that of the Security Council under Article 34.

The representative of the United Kingdom pointed out that any matter which was within the domestic jurisdiction of any State was, by virtue of Article 2, paragraph 7, automatically removed from the scope of the Charter as mentioned in Article 10. That Article, he said, referred equally to discussion and to the making of recommendations and gave no grounds for the view that discussion, as distinct from recommendations, did

not amount to intervention under the terms of Article 2, paragraph 7,

Furthermore, some of those speakers expressed their fears that, far from having a useful effect, the discussion would lead to a stiffening of attitude, inflame feelings and prevent the parties concerned from progressing towards agreement. Experience had shown, they said, that discussion of subjects of that kind in the United Nations had not best served the interests of the people concerned. The result had too often been disturbances, bloodshed and the suspension of all negotiations on the spot, at any rate for the duration of the debate. This opinion was shared by some representatives who, although they considered the Organization was competent, would not support the draft resolution.

The representatives of Bolivia, China, Greece, Mexico, Sweden and Thailand declared that they would abstain from voting on the draft resolution in its present form.

Some of them underlined that, as the final objective of French policy was to grant self-government of Morocco, the quarrel was not concerned with an issue of principle, but with the question of how soon that objective would be attained. It must be realized, they said, that the pace of evolution was slow in such a matter. It would therefore be unwise for the United Nations to impose a solution or set a time-limit. The whole question was one of creating at atmosphere conducive to the success of negotiations between the French and the Moroccans. Those representatives were ready to support any resolution which would achieve that result. They did not feel, however, that the thirteen-Power proposal, in its present form, could be of any help in the matter.

At its 640th meeting on 19 October, the Committee rejected the thirteen-Power draft resolution (A/C.1/L.60) by a roll-call vote of 28 to 22, with 9 abstentions.

(2) Bolivian Draft Resolution

Meanwhile, at the 638th meeting on 16 October, the representative of Bolivia stated that outright rejection of the thirteen-Power draft resolution might be interpreted in two ways: (1) as giving France a free hand to take such action as it deemed fit with regard to the Moroccan people and as justifying all its actions and possible mistakes of policy; and (2) as a tacit condemnation of resolution 612(VII).

Bolivia therefore submitted a draft resolution (A/C.1/L.61) which provided, inter alia,

that the General Assembly, considering that "the purposes and objectives" of its resolution of 19 December 1952 continued to have the merit of "expressing a general desire" for the development of free political institutions of the Moroccan people, and considering also that the inclusion of the present item in the agenda indicated that "that desire" had not been fulfilled, would renew its appeal for the reduction of tension in relation to the question of Morocco and again express its confidence and hope that the free political institutions of the people of Morocco would be developed in conformity with the spirit of the Charter. (For text of resolution as adopted by the Committee, see below).

Several representatives, including those of Brazil, China, Cuba, Uruguay and Venezuela, who had opposed the thirteen-Power draft resolution considered that the Bolivian draft resolution was in fact a re-statement of General Assembly resolution 612(VII) and announced their intention of supporting it. Others, including the representatives of the Dominican Republic, Ecuador, Peru and the United Kingdom, said they could not vote for it, either because they formally contested the competence of the Assembly to deal with the matter or because they felt that the draft resolution, in its fourth paragraph, improperly passed judgment on French policy.

At the 640th meeting on 19 October, India, Indonesia and Burma jointly submitted four amendments (A/C.1/L.62, see below) to the Bolivian draft resolution. In introducing the amendments, the representative of India said that they did not change the fundamental objectives of the Bolivian draft resolution but merely sought to give those objectives greater precision and solidity. Without those changes, the Bolivian draft resolution could not contribute effectively to the peaceful realization of the Moroccan people's right to self-determination. The most it could be said to do was to express the confidence that that right would be implemented in due course. Recent events in Morocco had done nothing to justify the confidence reposed in France by the General Assembly the previous year, and to reaffirm that sentiment in the face of events would be both ineffective and unreal. For those reasons, if the amendments proposed to the Bolivian draft resolution were not adopted, India would be unable to support it.

At the 640th meeting the Committee adopted the four joint amendments and the amended draft resolution in paragraph-by-paragraph votes.

The first amendment proposed to refer in the preamble to the "motives and objectives", instead of to the "purposes and objectives", of Assembly resolution 612(VII) and to state that that resolution had the merit of "recognizing the necessity", instead of "expressing a general desire", for the development of Moroccan free political institutions. It was adopted by

33 votes to 15, with 10 abstentions, and the third paragraph, as thus amended, was adopted by 34 votes to 17, with 5 abstentions.

The second amendment proposed to state in the fourth paragraph that it was indicated that "those objectives" instead of "that desire" had not been fulfilled. It was adopted by 30 votes to 18, with 9 abstentions, and the fourth paragraph, as thus amended, was adopted by 31 votes to 21, with 7 abstentions.

The third amendment, to add a fifth paragraph to the preamble recognizing the Moroccan people's right to self-determination, was adopted by a roll-call vote of 36 to 13, with 9 abstentions.

The fourth amendment, to substitute a new text (see below; for the operative paragraph of the Bolivian draft resolution, was adopted by 30 votes to 18, with 9 abstentions.

The first two paragraphs of the Bolivian draft resolution were adopted, with some drafting changes, by 40 votes to 9, with 9 abstentions.

The draft resolution, as a whole, as amended, was adopted by a roll-call vote of 31 to 18, with 9 abstentions.

The First Committee therefore recommended (A/2526) to the General Assembly the adoption of the following resolution:

"The General Assembly,

"Having considered the question of Morocco proposed by fifteen Member States in document A/2406,

"Recalling General Assembly resolution 612(VII) of 19 December 1952,

"Considering that the motives and objectives of that resolution had and continue to have the merit of recognizing the necessity of the development of the free political institutions of the people of Morocco,

"Considering that the fact that this item has been included in the agenda of the General Assembly at its eighth session indicates that those objectives have not yet been fulfilled,

"Recognizing the right of the people of Morocco to complete self-determination in conformity with the Charter,

"Renews its appeal for the reduction of tension in Morocco and urges that the right of the people of Morocco to free democratic political institutions be ensured."

b. CONSIDERATION BY THE GENERAL ASSEMBLY

At its 455th plenary meeting on 3 November 1953, the General Assembly considered the draft resolution recommended by the First Committee. The representatives of Australia, Brazil, Colombia, India, Indonesia and Pakistan made statements along the lines of those they had made in the First Committee.

The representatives of India, Indonesia and Pakistan stated that they would support the draft resolution submitted to the General Assembly. They deplored the fact that the thirteen-Power draft resolution had been rejected in the First Committee. There was nothing revolutionary in that proposal, which undoubtedly was within the competence of the Assembly. However, a majority of the members of the Committee considered they could not support it. These representatives noted that thirteen Members of the United Nations had opposed the fifth paragraph of that draft resolution, thus refusing to recognize the right of the people of Morocco and, implicitly, of any other dependent peoples to self-determination in conformity with the Charter. Instead of that thirteen-Power proposal, the Committee had adopted the amended Bolivian draft resolution, in which there was nothing to which anyone in the General Assembly could possibly take exception. It was full of good intentions. There was not a word in it of condemnation or reproach. It would be most unfortunate and would increase the sense of frustration of the Moroccan people if the General Assembly were to fail to adopt any resolution at all and they therefore appealed for its adoption.

The representatives of Australia, Brazil and Colombia opposed the draft resolution proposed by the First Committee. The representative of Brazil stated that, far from promoting the attainment of the legitimate aspirations shared by all the freedom-loving peoples, such a proposal would only hinder a process of development which had reached a delicate juncture. Only political sagacity, tact, moderation, patience and the necessary time could lead safely to the desired goal.

The representatives of Australia and Colombia protested against the interpretation given to the negative vote cast by certain Member States on the fifth paragraph of the draft resolution. For those who considered that the Assembly was not competent to deal with such matters, the only course open was to vote against each paragraph, since if they abstained, the draft resolution might be adopted. They opposed the text, not on the grounds that it was good or bad, tut because they thought the Assembly should not adopt any resolution.

The draft resolution was voted on paragraph-by-paragraph by roll call.

The first paragraph was adopted by 41 votes to 9, with 9 abstentions; the second paragraph by 36 votes to 8, with 15 abstentions; the third paragraph by 35 votes to 14, with 10 abstentions; and the fifth paragraph by 37 votes to 13, with 9 abstentions. The fourth paragraph obtained 31

votes in favour, 23 against and 5 abstentions, and was rejected, having failed to obtain the required two-thirds majority. The sixth paragraph, containing the operative part of the draft resolution, obtained 32 votes in favour, 22 against and 5 abstentions. Voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Byelorussian SSR, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian SSR, USSR, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Brazil, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Paraguay, Peru, Turkey, Union of South Africa, United Kingdom, United States.

Abstaining: Canada, El Salvador, Greece, Israel, Venezuela.

The operative part of the draft resolution having failed to obtain the required two-thirds majority, the draft resolution (A/2526) recommended by the First Committee was rejected.

I. THE TUNISIAN QUESTION

In resolution 611(VII) of 17 December 1952,[56] the General Assembly, inter alia:

(1) expressed its confidence that, in pursuance of its proclaimed policies, the Government of France would endeavour to further the effective development of the free institutions of the Tunisian people, in conformity with the Purposes and Principles of the Charter;

(2) expressed the hope that the parties would continue negotiations on an urgent basis with a view to bringing about self-government for Tunisians in the light of the relevant provisions of the Charter; and

(3) appealed to the parties concerned to conduct their relations and settle their disputes in accordance with the spirit of the Charter and to refrain from any acts or measures likely to aggravate the existing tension.

In a letter dated 16 March 1953 (A/2371), addressed to the President of the General Assembly, the representatives of Afghanistan, Burma, Egypt, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen drew attention to the dangerous situation still existing in Tunisia and the repressive measures which, they believed, continued to be taken by the French Government. They stated that the French Government was insisting that negotiations proceed only on the formula of its own choice and only with a so-called Tunisian Government of its own making. It had, they said, extended and intensified its policy of repression both through its armed forces and through the machinery of the military tribunals in Tunisia. It had taken no effective measures to curb the campaign of terrorism directed by underground organizations against nationalist leaders. That policy of the French Government was contrary both to the spirit of the Charter and to the appeal to both parties in resolution 611(VII) to refrain from any acts or measures likely to aggravate the existing tension.

On 9 July 1953, the permanent representatives of the same fourteen Members and of Thailand requested (A/2405) the inclusion of the Tunisian question in the provisional agenda of the Assembly's eighth session. In an explanatory memorandum (A/2405/Add.1), those representatives stated that the French Government had taken no effective measures to implement the Assembly's recommendations. On the contrary, it had imposed so-called reforms which were incompatible with the aspirations of the Tunisian people. The French Government had created, and continued to maintain permanently unsettled conditions which, if allowed to continue, might dangerously threaten international peace and security. In view of those circumstances, they stated, the Tunisian question was again brought to the attention of the Assembly, so that it might consider the steps necessary to prevent a further deterioration of the situation, and make recommendations for its peaceful settlement.

The question was referred by the Assembly to the First Committee. In a letter dated 7 October 1953 (A/C.1/L.58), the representative of France informed the Chairman of the First Committee that the French delegation would abstain, as it had at the previous session, from participating in the Committee's discussions on the Tunisian question. The French Government considered that the General Assembly could not, without contravening Article 2(7) of the Charter, interfere in the relations between France and its two North African protectorates, and, in those circumstances, the French delegation was unable to associate itself with discussions which, in its opinion, represented outright intervention by the United Nations in matters which were essentially within the domestic jurisdiction of France.

The First Committee considered the Tunisian question at its 641st to 647th meetings from 21 to 26 October.

[56] See Y.U.N., 1952, p. 278.

On 22 October, the representatives of Afghanistan, Burma, Egypt, Indonesia, Iran, Iraq, Lebanon, Pakistan, the Philippines, Saudi Arabia, Syria and Yemen submitted the following joint draft resolution (A/C.1/L.64):

"The General Assembly,

"Having considered the question of Tunisia, as proposed by fifteen Member States in document A/2405,

"Recalling its resolution 611(VII) of 17 December 1952,

"Noting that the objectives of this resolution have not yet been achieved,

"Desirous of creating the necessary conditions for the restoration between France and Tunisia of normal relations based on the principle of equality of rights of nations large and small,

"Convinced that full effect should be given to the sovereignty of the people of Tunisia by the exercise, as early as possible, of their legitimate rights to self-determination and self-government in conformity with the Charter,

"1. Recommends:

(al That all necessary steps be taken to ensure the realization by the people of Tunisia of their right to full sovereignty and independence; and especially

(b) That the existing state of martial law and all other exceptional measures in operation in Tunisia be terminated, that political prisoners be released and that all civil liberties be established;

(c) That negotiations be undertaken without delay with representatives of a Tunisian Government established through free elections held on the basis of universal suffrage and enjoying the necessary guarantees of freedom, with a view to enabling the Tunisian people TO exercise all the powers arising from their legitimate rights to full sovereignty;

"2. Requests the Secretary-General to transmit this resolution together with the record of the proceedings to the French Government and to report to the General Assembly at its ninth session."

During the discussion, the representatives of Burma, Egypt, India, Indonesia, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, the USSR and Yemen who, among others, fully supported the draft resolution, dealt with the history[57] of the struggle of the Tunisian people for independence. They stated that, by the Treaty of Bardo of 1881 and the La Marsa Convention of 1883 which governed the relations between France and Tunisia, the Bey had entrusted the exercise of only some of his rights to France. Both instruments, it was claimed, had formally recognized his sovereignty. However, the French had taken the position that subsequent actions of the Bey had modified the initial character of the protectorate and established a co-sovereignty—a position which was never accepted by the Tunisians. It was maintained that the policy of the French Residents had been to create a de facto colony and to hope that the legal status would follow. In order to affirm their sovereignty all the Beys had resisted the French representatives, and the nationalism of the Tunisian people had become more ardent with each French violation of the treaties. In 1950, after prolonged resistance to French domination, a new Tunisian Government had been formed, acceptable to the Bey and to the French Government. The new Cabinet was to negotiate such institutional changes as might lead to self-government. In 1951, due to the pressure of French colonists in Tunisia, that policy was reversed and in August 1952 draft reforms were presented which were not acceptable to the Tunisian people.

On 9 September 1952, the Bey had informed the French authorities that he could not approve the draft reforms which had been submitted to him, since study by a group representing all sections of Tunisian opinion had made it clear that they would impair Tunisian sovereignty, legalize direct administration and in no way represent progress towards the internal autonomy which the French Government had promised. On 16 December, referring to the resolution adopted by the First Committee on 12 December, the Bey had informed the French Government that a resumption of negotiations was desirable. The French Government had refused that offer and had preferred to present the Bey with the alternative of consenting to the reforms or being deposed. A general atmosphere of terror and repression was then created throughout Tunisia. The members of the former Government, from whom the Bey had not withdrawn his confidence, were closely watched by the French authorities. The nationalist leader, Mr. Bourguiba, as well as the other qualified representatives of the Tunisian people, were put under arrest. More recently, Farhat Hached, the trade union leader and trusted counsellor of the Bey, had been assassinated. The Bey's palace was isolated by French troops, while military operations and summary executions were carried out. In those circumstances, these representatives said, the Bey had been compelled, on 20 December 1952, to affix his seal to the so-called reforms. The General Assembly resolution of 17 December (611(VII)) had thus been violated by the French Government the day after its adoption. The so-called reforms had in no way affected the basic problem and had made no change in French control over Tunisia. They had continued the principle of co-sovereignty and had vitiated the principle of democratic representation by permitting a grossly disproportionate position to the

[57] The points mentioned were substantially those covered in Y.U.N., 1952, pp. 275-76.

French colonists. The rural and municipal elections during April and May 1953 had been accompanied by severe repressive measures, martial law and Press censorship. Candidates had been forced upon the electors and they were forced to go to the polls, with threats of reprisals if they did not vote. Despite these measures, candidates could not be found for several towns and the majority of the people had boycotted the elections. Serious disturbances had broken out throughout the country, resulting in a large number of casualties. It was emphasized that the situation constituted a threat to international peace and security, calling for a decision by the United Nations.

If France desired useful negotiations, they would have to be conducted with the true representatives of the Tunisian people, many of whom were imprisoned, and not with the new Prime Minister, Mr. E. Baccouche and his ministers, these representatives said. Only complete independence and sovereignty, it was maintained, would put Tunisia in a position to recognize the work done by France under the protectorate.

Turning to the economic aspects of the question, these representatives stated that the development of Tunisia had been for the benefit and profit of the colonists and French investors. In this connexion, the representatives of Poland and the USSR analysed the economic and social conditions prevailing in Tunisia where, they stated, the average arable area of land per French settler was 200 hectares as against two hectares held by Tunisian farmers. One third of the arable land was held by five or six thousand settlers, it was stated. The Tunisian workers, they maintained, were paid starvation wages, and in February 1953 there had been 500,000 unemployed receiving no unemployment benefits. Foreign trade had maintained its colonial structure, characterized by export of mineral and agricultural products and import of manufactured goods. Under the colonial regime, the lot of the Tunisians had been high taxes, low wages, malnutrition, lack of sanitation, disease, illiteracy and famine.

The representative of the USSR also stated that the United States had already established a network of military bases in Tunisia. He considered that the freedom and independence of the Tunisian people were being sacrificed to the plans of aggressive American circles.

Dealing with the question of the Assembly's competence, representatives supporting the draft resolution argued that France and Tunisia were sovereign States bound by treaties, and no part of the affairs of a sovereign nation could fall within the domestic jurisdiction of another. Accordingly, Article 2(7) of the Charter was not applicable. Even if the Treaty of Bardo and the Convention of La Marsa, under which France was made responsible for Tunisia's external relations, were valid, Tunisia, it was contended, could appeal to the United Nations, because the questions under consideration did not relate to its external affairs but were internal administrative problems within Tunisia's competence.

In reply to an argument advanced by Robert Schuman in Paris that France's obligations in respect to Tunisia were regulated by Article 73[58] of the Charter, it was argued that Article 73b imposed upon France the obligation to develop self-government in Tunisia. That Article, read with Article 103,[59] had precedence over any inconsistent obligation, and prevailed over any other obligation or right that might be established by any other treaty. Moreover, it was said, the Assembly was competent to discuss the question under Article 10 which enabled it to discuss any question within the scope of the Charter.

Reference was also made to the precedents established by the General Assembly's action in discussing the observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms.

The representative of Guatemala stated that he would vote for the thirteen-Power draft resolution as it was in line with his delegation's attitude regarding the principle of self-determination of peoples. A similar statement was made by the representative of Yugoslavia. The representative of Mexico declared similar support for the draft resolution except for paragraph 1(c) which, he considered, was not justified since it prescribed the manner in which the Tunisian Government should be elected. He would therefore abstain on that paragraph, he said. The representative of China said that, while concurring with the spirit of the draft resolution, he would abstain on paragraph 1(b) which should have emphasized the bilateral nature of the negotiations and on paragraph 1(c) which, he stated, unjustifiably prescribed the manner of the election.

The representatives of Australia, Belgium, New Zealand, the Union of South Africa and the United

[58] This Article contains a "Declaration Regarding Non-Self-Governing Territories", under which Members responsible for administering such Territories undertake certain obligations for promoting the well-being of the inhabitants of the Territories.

[59] Article 103 provides that in the event of a conflict between the obligations of Members under the Charter and their obligations under any other international agreement, their obligations under the Charter shall prevail.

Kingdom considered that the General Assembly was not competent to discuss the question. The Assembly, it was stated, was a diplomatic gathering of representatives of governments, and not a court of justice or a world parliament. Its competence was limited by Article 2, paragraph 7, which forbade intervention in matters which were essentially within the domestic jurisdiction of any State. The treaties between France and Tunisia, it was emphasized, were organic in character and established the general political conditions to which the reciprocal relations of the contracting States were subject. They directly affected the constitutional structure of States and the normal operation of their organs of government. It could not be denied that those matters were essentially within the domestic jurisdiction, within the meaning of Article 2, paragraph 7. In reply to the argument that the question was no longer within the domestic jurisdiction of a State, since it had been covered by an international treaty, it was maintained that the Charter of the United Nations and the Covenant of the League of Nations had been based on totally different principles. Article 15 of the Covenant had established the criterion of exclusive competence, in accordance with which a question ceased to be within the province of domestic jurisdiction once it had been covered by a convention. However, the San Francisco Conference had deliberately rejected that criterion and had adopted the new criterion of essentially domestic jurisdiction. It had also been argued that the General Assembly was competent to discuss any question under Article 10 of the Charter, since that Article would be meaningless if domestic jurisdiction could be invoked to oppose the discussion of any question. That argument concluded that there was a conflict between Article 10 and Article 2, paragraph 7, and that the former must prevail. However, it was necessary to draw a distinction between a general discussion of questions within the framework of the Charter, such as human rights or full employment, for example, and the discussion of particular domestic measures adopted by States within their own domain. If that distinction were kept in mind, it would be realized that Article 10 and Article 2, paragraph 7, were compatible.

The representatives of the Dominican Republic, Haiti, Israel and the Netherlands, opposing the joint draft resolution, argued that the proceedings in the United Nations might serve to inflame passions instead of promoting a just and realistic solution in North Africa. The debate had shown that there were great differences of opinion concerning the Assembly's competence and the extent of that competence. If the United Nations were to overstep its rights, some important States might be estranged by such action. The solution of the Tunisian question would not be facilitated by polemics, or by unjustified pressure or intervention.

There could be no doubt, it was stated, that the situation in North Africa was causing concern. Those who were competent, directly engaged and responsible should handle the situation with tact and wisdom, in order to avoid jeopardizing the healthy development of self-government in those regions and adversely affecting their security. It was argued that the possibilities of negotiation between France and Tunisia had not yet been exhausted. Thus, in his first audience with the Bey on 26 September 1953, the new Resident General, Mr. Voisard, had stated that France intended to continue with the friendly development of Tunisian institutions within the framework of Tunisian sovereignty. The Bey had replied that the uselessness of violence had been recognized and that, as reason had triumphed, mutual understanding and confidence would be restored. The Bey had noted Mr. Voisard's statement and had asserted that by undertaking—by full agreement between both parties—to fulfill legitimate Tunisian aspirations, France would have further reason to deserve the gratitude of his country. It was felt that this propitious atmosphere would not be encouraged by the adoption of the joint draft resolution.

At the 647th meeting on 26 October, the Committee voted on the draft resolution, paragraph by paragraph (for text, see above), by roll-call vote. The paragraphs of the preamble were adopted by votes ranging from 38 to 11, with 5 abstentions, to 29 to 16, with 11 abstentions. Of the first operative paragraph, sub-paragraph (a) was adopted by 32 votes to 19, with 5 abstentions; sub-paragraph (b) was rejected by 26 votes to 23, with 7 abstentions; and sub-paragraph (c) was rejected by 26 votes to 22, with 8 abstentions. The second operative paragraph was adopted by 26 votes to 25, with 5 abstentions. The draft resolution as a whole, as amended, (i.e., with the exception of operative paragraph 1(b) and (c)) was adopted by 29 votes to 22, with 5 abstentions.

In explanation of his vote, the representative of the United States said that he had voted against the draft resolution because it would not serve the cause of Tunisian independence; he had voted against the fifth paragraph of the preamble because it might give rise to serious controversy in regard to the sovereignty of the Non-Self-Governing Territories and their progress towards independence.

The representative of Brazil stated that he considered it discourteous, as proposed in the second operative paragraph of the draft resolution, to communicate to a Member State a resolution which it considered irregular. Furthermore, this paragraph would prejudge the course of future events and place the question automatically on the agenda of the next session. He had therefore voted against the draft resolution.

At its 455th and 457th plenary meetings on 3 and 11 November, the General Assembly considered the draft resolution recommended by the First Committee (A/2530).

The representative of Iceland submitted amendments (A/L.166) to the draft resolution to:

(1) delete the third paragraph of the preamble;

(2) substitute for the first operative paragraph a new text recommending that negotiations between France and Tunisia be undertaken to ensure the realization by the people of Tunisia of their right to self-determination; and

(3) delete the second operative paragraph.

The representative of Iceland said that he had proposed the deletion of provisions which had been regarded as controversial in the First Committee. The amendments, he said, were presented in a spirit of conciliation and in an attempt to show appropriate regard for both parties. He expressed the fear that repeated frustrations in the United Nations, such as those which had recently been seen in the case of Morocco, would unavoidably cause many people throughout the world to lose their faith in the Organization.

In explanation of their votes, the representatives of China, Egypt, Indonesia, Lebanon and Pakistan made statements similar to those they had made in the First Committee in support of the draft resolution. The representatives of Israel, the Union of South Africa and the United States reiterated the stand they had taken in the Committee opposing the adoption of the draft resolution and the amendments thereto.

The representative of Argentina, while affirming the competence of the Assembly to discuss and make recommendations on the question, stated that his delegation preferred conciliatory action as opposed to unilateral expressions of opinion. His vote had also been influenced, he said, by the position taken by the Assembly in "refusing to take a decision in respect of the similar problem of Morocco".[60]

The representative of Colombia stated that the new paragraph proposed by the representative of Iceland would go beyond the provisions of resolution 611(VII), in which the Assembly had confined itself to appealing to the parties to conduct their relations and settle their disputes in accordance with the Charter. Moreover, he considered, the General Assembly was precluded by Article 2, paragraph 7, from making recommendations on the question. He would therefore vote against both the draft resolution and the amendments proposed by Iceland.

The representative of Cuba said that he would vote against the draft resolution and the amendments because he considered that resolution 611 (VII) was still in force and he hoped that the French Government would continue negotiations to bring about an agreement.

The first amendment was adopted by 39 votes to 4, with 10 abstentions.

The second amendment was voted on by roll call and was adopted by 32 votes to 16, with 11 abstentions. Voting was as follows:

In favour: Afghanistan, Argentina, Bolivia, Burma, Byelorussian SSR, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian SSR, USSR, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Colombia, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Israel, Luxembourg, Netherlands, Nicaragua, Panama, Paraguay, Union of South Africa, United Kingdom.

Abstaining: Brazil, Canada, Chile, Costa Rica, El Salvador, Greece, New Zealand, Peru, Turkey, United States and Venezuela.

The draft resolution proposed by the First Committee, as amended, was then put to the vote by roll call. It received 31 votes in favour and 18 against, with 10 abstentions. Voting was as follows:

In favour: Afghanistan, Bolivia, Burma, Byelorussian SSR, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian SSR, USSR, Uruguay, Yemen, Yugoslavia.

Against: Australia, Belgium, Colombia, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Israel, Luxembourg, Netherlands, Nicaragua, Panama, Paraguay, Turkey, Union of South Africa, United Kingdom, United States.

Abstaining: Argentina, Brazil, Canada, Chile, Costa Rica, El Salvador, Greece, New Zealand, Peru, Venezuela.

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

[60] See pp. 203-208.

J. THE PALESTINE QUESTION

1. Communications and Reports Received by the Security Council

a. COMMUNICATIONS

The following communications were received by the Council:

(1) A letter dated 28 February 1953 from the Minister for Foreign Affairs of Syria (S/2456), communicating to the Secretary-General his Government's comments upon that section of the report of the Chief of Staff (S/2833) dealing with the work of the Israel-Syrian Mixed Armistice Commission.

(2) A letter dated 9 September 1953 from the acting representative of Israel (S/3093), to the President of the Council, protesting the alleged detention on 2 September by the Egyptian Authorities at Port Said of the S.S. Parnon, a Greek merchant vessel carrying cargo from Haifa en route, via the Suez Canal, to Elath in Israel, and thence to Mombasa.

(3) A letter dated 2 October 1953 from the permanent representative of Egypt (S/3101), alleging that on 28 September Israel armed forces had advanced beyond the demarcation line of the demilitarized zone of Al-Auja and had occupied a position in that area.

(4) A letter dated 15 October 1953 from the permanent representative of Syria (S/3107), alleging that Israel police had recently expelled eleven Palestinian Arabs from the Safad district and had placed them at the Syrian frontier.

(5) A letter dated 29 October 1953 from the permanent representative of Israel (S/3129), enclosing a copy of a letter addressed by the managing director of the Palestine Electric Corporation to the Chief of Staff of the United Nations Truce Supervision Organization on 9 October 1953 on the concessionary rights of the corporation, in the Banat Ya'Qub canal project.

(6) A letter dated 18 December 1953 from the permanent representative of Israel (S/3153), alleging that on 14 December the Egyptian Authorities at Port Said had intercepted an Italian vessel, the S.S. Franca Maria, bound from Massawa in Eritrea to Haifa in Israel.

(7) A letter dated 28 December 1953 from the permanent representatives of Egypt, Iraq, Lebanon, Saudi Arabia and Syria (S/3151), alleging that, on Friday 18 December, Captain Mansur Mouawad, a Lebanese physician in the service of the Army of the Jordan, had been murdered in the most brutal and barbaric manner by an Israel armed group.

b. REPORTS

The Council received the following reports from the Chief of Staff of the Truce Supervision Organization:

(1) A report dated 8 May 1953 (S/3007) on a recent serious violation in Jerusalem and on the action which had been taken in that connexion.

(2) A report dated 14 May 1953 (S/3015) on the results of the inspection held in the demilitarized zone of Mount Scopus.

(3) A report dated 8 June 1953 (S/3030), informing the Council that conversations between Israel and Jordan delegates to the Mixed Armistice Commission had resulted in the conclusion, on the same date, of an Israel-Jordan Local Commanders' Agreement with a view to suppressing illegal crossings of the demarcation line. The full text of that Agreement was included in the report.

(4) A report dated 19 June 1953 (S/3040), transmitting, for the Council's information, the text of a letter addressed to the Chief of Staff by the Acting Director of the Israel Ministry of Foreign Affairs concerning the demilitarized area of Mount Scopus.

(5) A report dated 30 June 1953 (S/3047), informing the Council of an agreement made at a meeting on 29 June between the Senior Military Commanders of Israel and Jordan that both parties would take certain measures to curb infiltration.

2. Report of the United Nations Conciliation Commission for Palestine

On 4 January 1954, the Conciliation Commission for Palestine submitted its thirteenth progress report (A/2629), covering the period from 28 November 1952 to 31 December 1953. In that report, the Commission stated that, since the General Assembly at its seventh session had not taken any new decisions bearing upon the Commission's work, the Commission considered that it was still guided by resolution 512(VI) adopted by the Assembly on 26 January 1952.[61] The Commission stated that, having failed to obtain results by the procedures at its disposal, and in view of the unchanged attitude of the parties, it had decided to continue for the present meeting at United Nations Headquarters where it would pursue its efforts to solve the questions of compensation for the Palestine refugees and the release of Arab refugee bank accounts blocked in Israel.

The Commission recalled that, under the agreement reached between it and the Government of Israel for the complete release of Arab accounts blocked in Israel banks, the scheme for payment of the first instalment to Arab refugees had come into effect at the beginning of March 1953. The total number of applications filed before the deadline date of 31 August 1953 had reached approximately 3,200, of which some 1,590 had been approved for payment. It was estimated that, when all the applications had been processed, the total value of the payments approved would amount to approximately £750,000. The Commission con-

[61] See Y.U.N., 1951, p. 309.

sidered that progress to date on the release of the blocked accounts had been reasonable. It was convinced that the final settlement of that question would remove a constant irritant in the relations between Israel and the Arab States. Consequently, it had decided to pursue with the Government of Israel the question of obtaining the total release of all blocked accounts regardless of amounts.

With regard to the identification and evaluation of Arab property, the report stated that an office established for that purpose was examining microfilms of the Palestine Land Registers and extracting information regarding ownership, area, description and value of the hundreds of thousands of parcels of land involved. The Commission felt that the work could not be completed exclusively on the basis of the microfilmed documents available in New York and that a sub-office must be set up in the area. It had therefore decided to establish such an office in Jerusalem.

The Commission stated that on 23 March 1953 it had received a memorandum from the permanent representatives to the United Nations of the Governments of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen, alleging that the Government of Israel had recently undertaken the disposal of property in Israel belonging to Palestinian Arab refugees and that the proceeds from the transactions were being used to finance the settlement of new immigrants to Israel. On receipt of that memorandum, the Commission had sought and obtained from the Israel delegation the following information:

(1) the disposal of property had been authorized by the Government of Israel and effected in accordance with the provisions of the Absentees' Property Law 5710-1950;

(2) under the above law, that property had become vested in the Custodian of Absentees' Property and had been transferred to the Development Authority set up under the terms of the Development Authority Law, 5710-1950;

(3) funds realized in consideration for the property had been treated in accordance with the provisions of section 4 (d) of the Absentees' Property Law and the countervalue had been credited to the property for which it had been received; and

(4) the policy of the Government of Israel had been to ensure the integration of those refugees who had been legally authorized to enter Israel.

The report stated that, on 16 July 1953, the Secretary-General had received and transmitted to the Commission identical letters from the permanent representatives of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen, protesting against the decisions of Israel to transfer its Ministry for Foreign Affairs to Jerusalem. In its reply to the Secretary-General, dated 2 September, the Commission recalled that in March 1949 it had addressed a letter to the Prime Minister of Israel, pointing out that the transfer of Ministries of the Israel Government to Jerusalem would be incompatible with paragraph 8 of Assembly resolution 194(III) stating the Assembly's intention that Jerusalem should be placed under an international regime. The Commission still adhered to that position, it stated.

Finally, the report stated that the Commission had decided to send a liaison representative to Jerusalem early in January 1954. His task would be to carry out the Commission's instructions with regard to the questions of compensation and blocked accounts and to keep the Truce Supervision Organization and the Commission mutually informed with regard to those activities which each might consider of interest to the other.

3. The Incident of Qibya

a. COMPLAINT BEFORE THE SECURITY COUNCIL

By a letter of 16 October 1953 (S/3113), the Envoy Extraordinary and Minister Plenipotentiary of Jordan to the United States informed the President of the Security Council that on 14 October 1953 at 9:30 p.m. a battalion scale attack had been launched by Israel troops on the village of Qibya in the Hashemite Kingdom of Jordan. The Israelis had entered the village and systematically murdered all occupants of houses, using automatic weapons, grenades and incendiaries. On 14 October, the bodies of 42 Arab civilians had been recovered; several more bodies had been still under the wreckage. Forty houses, the village school and a reservoir had been destroyed. Quantities of unused explosives, bearing Israel army markings in Hebrew, had been found in the village. At about 3 a.m., to cover their withdrawal, Israel support troops had begun shelling the neighbouring villages of Budrus and Shuqba from positions in Israel. The letter added that at an emergency meeting on 15 October, the Mixed Armistice Commission had condemned Israel, by a majority vote, for the attack by Israel's regular army on Qibya and Shuqba and for the shelling of Budrus by a supporting unit of the Israel attacking forces. The Commission had passed a resolution calling upon the Israel Government to take immediate and most urgent steps to prevent the recurrence of such aggressions. Finally, the letter stated, the Jordan Government had taken appropriate measures to meet the emergency. However, it felt that the criminal Israel aggression was so

serious that it might start a war in Palestine. In conclusion, it called for immediate and effective action by the United Nations and especially by those nations party to the Tripartite Declaration of 25 May 1950.

In identical letters dated 17 October 1953, the representatives of France (S/3109), the United Kingdom (S/3110) and the United States (S/-3111) requested the President of the Security Council to call an urgent meeting of the Council to consider, under "the Palestine question" the tension between Israel and the neighbouring Arab States, with particular reference to recent acts of violence and to compliance with and the enforcement of the General Armistice Agreements. These representatives considered that, in order to prevent a threat to the security of the area, the Security Council must give urgent consideration to the question and, in that connexion, hear the Chief of Staff of the Truce Supervision Organization in Palestine.

b. ADOPTION OF THE AGENDA

At its 626th meeting on 19 October 1953, the Security Council had before it a provisional agenda (S/Agenda/626) containing two items:

(1) adoption of the agenda; and

(2) the Palestine question (a) letter dated 17 October 1953 from the representatives of France, the United Kingdom and the United States addressed to the President of the Security Council (S/3109, S/3111). S/3111).

Opposing the provisional agenda as it stood, the representative of Lebanon contended that the Council could not treat the text of a letter as an agenda item but that it should adopt a particular topic. He recalled that the Palestine question had been on the agenda of the Council for almost two years in an inactive status and requested the representatives of France, the United Kingdom and the United States to explain to the Council the causes that had led them to reopen the question. Furthermore, he stated, the text of the three identical letters had referred to recent acts of violence and he was at a loss to understand why the representatives of the three Powers would not indicate their reasons for requesting an urgent meeting of the Council by referring particularly to recent acts of violence committed by the Israel army against Jordan. For his part, he formally proposed (S/Agenda/627/Rev.1/Add.1) that paragraph 2 of the provisional agenda should read "recent acts of violence committed by Israeli armed forces against Jordan".

At the 627th meeting on 20 October 1953, the Council, after further discussion, unanimously adopted, with minor changes, the wording proposed by Greece, as follows:

"The Palestine question: compliance with and enforcement of the General Armistice Agreements, with special reference to recent acts of violence, and in particular to the incident at Qibya on 14-15 October: Report by the Chief of Staff of the Truce Supervision Organization".

C. DISCUSSION IN THE SECURITY COUNCIL

The Security Council discussed the question at its 629th to 643rd meetings, from 19 October to 25 November. Following the adoption of the agenda, the representatives of France, the United Kingdom and the United States expressed the concern of their Governments at the reports of the various incidents which had occurred along the demarcation line between Israel and the neighbouring Arab States, culminating in the Qibya incident. Such incidents represented a grave threat to the peace and security of the area, and the situation should be considered by the Council, which should, however, first obtain accurate information concerning the facts from its representative, the Chief of Staff of the Truce Supervision Organization, Major General Vagn Bennike. The proposal that the Chief of Staff be invited to report to the Council was supported by the representative of Lebanon.

At the 630th meeting on 27 October, the Council invited Major General Bennike as well as the representative of Israel to take their places at the Council's table. At its 635th meeting on 9 November, a similar invitation was extended to the representative of Jordan.

(1) Report by the Chief of Staff of the Truce Supervision Organization

Before introducing the Chief of Staff to the Council at the 630th meeting, the Secretary-General expressed his special concern regarding the outbreaks of violence and the recent incidents which had taken place in Palestine, thereby creating new tensions in the Middle East. Those incidents constituted serious violations of the General Armistice Agreements of 1949. He recalled that those Agreements had included firm pledges against any acts of hostility between the parties. He also expressed the hope that the parties concerned would give full consideration to their obligations under the Armistice Agreements and that they would refrain from any action contrary to those Agreements and prejudicing the attainment of permanent peace in Palestine. He concluded by making a strong appeal to the parties to refrain from spreading rumours and from provocative acts, and especially to avoid any

premature actions which would jeopardize the Council's present endeavours.

The Chief of Staff of the Truce Supervision Organization read a report concerning the activities and decisions of the Mixed Armistice Commissions giving a detailed description of the situation along the armistice demarcation line between Israel and Jordan. However, before talking about the Qibya incident, he made extensive reference to previous incidents which, he believed, had also constituted grave violations of the cease-fire between Jordan and Israel.

Regarding the Qibya incident, he stated that, following the receipt of a Jordan complaint that a raid on the village of Qibya had been carried out by Israel military forces during the night of 14-15 October between 9:30 p.m. and 4:30 a.m., a United Nations investigation team had departed from Jerusalem for Qibya in the early morning of 15 October. On reaching the village, the Acting Chairman of the Mixed Armistice Commission had found that between 30 and 40 buildings had been completely demolished. By the time the Acting Chairman left Qibya, 27 bodies had been dug from the rubble. Witnesses had been uniform in describing their experience as a night of horror, during which Israel soldiers had moved about in their village blowing up buildings, firing into doorways and windows with automatic weapons and throwing hand grenades. A number of unexploded hand grenades, marked with Hebrew letters indicating recent Israel manufacture, and three bags of TNT had been found in and about the village. An emergency meeting of the Mixed Armistice Commission had been held in the afternoon of 15 October and a resolution condemning the regular Israel army for its attack on Qibya, as a breach of article III, paragraph 2,[62] of the Israel-Jordan General Armistice Agreement, had been adopted by a majority vote. The Chief of Staff stated that he had discussed with the Acting Chairman of the Mixed Armistice Commission the reasons why he had supported the resolution condemning the Israel army for having carried out the attack, and that, after listening to his explanations, he had asked him to state them in writing; the technical arguments given by Commander Hutchison in his memorandum appeared to the Chief of Staff to be convincing.

The Chief of Staff then reviewed the history of the local commanders' agreement and its implementation. He observed that since 22 January 1953, when the agreement on measures to curb infiltration had been considered, the number of complaints reaching the Mixed Armistice Commission had steadily increased. Efforts, however, had been made to persuade the parties to revive local commanders' meetings which, from a practical viewpoint, had been more useful than formal meetings of the Mixed Armistice Commission. Despite the useful work done in local commanders' meetings, tension had not subsided; the situation was still dangerous and should be watched closely.

In commenting upon the Qibya incident, the Chief of Staff said that that incident, as well as others to which he had referred, could not be considered as isolated incidents, but as culminating points or high fever marks. They indicated that tension had increased to breaking point, either locally or generally between the two countries. He also said that a review of the incidents he had mentioned showed that each of them had been preceded by a period of growing tension.

The Chief of Staff then described the problems facing the other three Mixed Armistice Commissions. The main difficulties faced by the Egyptian-Israel Mixed Armistice Commission had, he said, arisen along the demarcation line of the "Gaza strip" and in connexion with the El-Auja demilitarized zone, and concerned, for the most part, infiltration into Israel for the theft of materials, cattle and crops from the Negeb settlements. The Egyptian authorities had taken measures to cope with this problem, but their task had been rendered particularly difficult by the presence of 200,000 Palestine refugees in the area.

The application of the Israel-Lebanese General Armistice Agreement, the Chief of Staff said, had given rise to relatively few and minor difficulties, due largely to the fact that the demarcation line coincided with the Lebanese-Palestinian international frontier. Cases of infiltration, almost all from Lebanon into Israel, were normally settled by the Sub-Committee on Border Incidents.

As regards the implementation of the General Armistice Agreement between Israel and Syria, the difficulties which had arisen were connected with the application of provisions relating to the demilitarized zone. Apart from the most recent difficulty, concerning the Israel canal project within the demilitarized zone, the other difficulties were those reported upon by the Chief of Staff during the past two years, namely, the economic situation of the Arabs in the demilitarized zone, the encroachments on Arab lands, the control exercised by the Israel police over the greater part of the zone, and Israel opposition to the fulfilment by the Chairman and United Nations Observers

[62] Paragraph 2 prohibits the commission of any warlike act by either party against the other.

of their responsibility for ensuring the implementation of article V[63] of the General Armistice Agreement. Difficulties along the international border between Syria and Palestine, which existed primarily in connexion with the demilitarized zone, could, he considered, be largely solved if the provisions of article V of the General Armistice Agreement were applied in the light of the Acting Mediator's comment, accepted by both parties in 1949, regarding the restrictions imposed upon civilian activities and the total exclusion of military activities within the demilitarized zone.

The Chief of Staff declared that the current situation on the Israel-Jordan demarcation line was, to a large extent, due to the problem of infiltration. That problem was particularly difficult because that line was about 620 kilometres long and because it divided the former Mandated Territory of Palestine haphazardly, separating, for instance, many Arab villages from their lands. To solve that problem there were two methods available to the parties. The first was for both parties to take measures against infiltration and to co-operate with each other by transmitting information. This could be done through the procedure of local commanders' meetings; its results might not be spectacular but it was effective to the extent actually possible. The second method was the resort to force. It reflected impatience with the slow results of peaceful means and a preference, instinctive or deliberate, for retaliation.

In conclusion, the Chief of Staff said that he was aware of the existence of problems other than those he had dealt with which increased the tension. There was in Israel an impatience with the General Armistice Agreements, due to the fact that they had not yet been replaced by final settlements. That impatience extended to the personnel of the Truce Supervision Organization, especially when it tried to exercise supervisory powers in the demilitarized zone. On the Arab side, the usual criticism was that the General Armistice Agreements had not given the Arabs security and that the Truce Supervision Organization was too weak to prevent what they considered to be Israel breaches of the Armistice Agreements. However, those opposite criticisms should not lead to the conclusion that the General Armistice Agreements should be discarded before they could be replaced by peace settlements. Those Agreements had lasted too long not to have lost part of their effectiveness. They still constituted, however, a barrier to breaches of the peace in the Middle East. The Chief of Staff concluded by stating that he had annexed to his report statistics which were based on the records of the Israel-Jordan Mixed Armistice Commission. At his suggestion, these were included as an annex to the verbatim record of the 630th meeting.

At the 632nd meeting held on 29 October 1953, the representatives of the United Kingdom, France, the United States, Greece, Lebanon and Israel asked the Chief of Staff certain questions concerning general conditions, implementation of the Armistice Agreements, the functioning and improvement of the supervision machinery operation and the efficacy of the local commanders' agreement, and the causes and effects of the tension along the demarcation line. They also asked for clarification of certain points in General Bennike's report. The answers of General Bennike were given at the 635th meeting on 9 November, and the Council decided to annex them to its official records. The majority of the questions had been submitted with a view to clarifying mainly the responsibility for the latest outbreak of violence in Palestine. The following is a summary of the main conclusions of the Chief of Staff.

In answer to a question by the representative of the United Kingdom about the alleged murder of a woman and her two children in the village Yahude, as a possible cause for the retaliatory raid on Qibya, the Chief of Staff replied that there had been no evidence to indicate who had committed the crime and that Jordan had given full co-operation in trying to trace those responsible for the attack.

Replying to another question, General Bennike expressed the belief that improved contacts between the police on either sides of the frontier would improve conditions along the border. Police officers were familiar with the local situation and could cooperate professionally with success. The Jordan authorities had for several years advocated that the settlement of day-to-day incidents along the demarcation line should be decentralized to local police officers all along the border. They also felt that when would-be criminals saw the police forces of the two countries acting in close co-operation they were constrained greatly to reduce their activities.

In reply to further questions concerning the operations of the observer corps, General Bennike replied that he had at present nineteen military Observers on his staff and that some of them were serving as Chairmen of the Mixed Armistice Com-

[63] Article V of the Israel-Syrian General Armistice Agreement created a demilitarized zone between Syria and Israel. The administration of that zone was entrusted to the Chairman of the Israel-Syrian Mixed Armistice Commission and the United Nations Observers attached thereto.

missions. He added that only five Observers had been assigned to the Jordan-Israel Mixed Armistice Commission. It was not uncommon for them to be called into quick action to obtain a cease-fire and in this they had been very effective on several occasions. With 620 kilometres of demarcation line between Israel and Jordan to cover, and the fact that 345 complaints had been handled so far that year, it was easy to see that the task of the Observers was not an easy one.

In answer to a question by the representative of France, General Bennike said that the operation of the Mixed Armistice Commissions would be improved if, instead of acting as lawyers defending a case in Court, delegates of the parties acted in conformity with the spirit and the letter of the Armistice Agreements. Another unsatisfactory aspect of the procedure was that voting in the Commissions was on the basis of draft resolutions presented by either side. While in some respects the Chairman's position might be compared to that of a judge, he was at a disadvantage in that he could not formulate the verdict by submitting a draft resolution of his own, since that would be tantamount to announcing his vote in advance. The Chief of Staff offered some suggestions with a view to improving the operation of the Commissions.

In answer to a question by the representative of Greece concerning the advisability of strengthening the Observer corps in such a way as to permit it to play a preventive role, particularly at dangerous points along the frontier, General Bennike stated that the experience of the Truce Supervision Organization in its early years had tended to support the view that the presence of observers at certain points along the cease-fire line was helpful in preventing possible incidents. His intention was to station a small number of observers along both sides of the Israel-Jordan demarcation line and hoped that he could thus assist both parties in preventing incidents. But the extent to which this could be done would depend on the increased effectiveness of the local commanders' meetings and the co-operation extended to them by the authorities of both parties.

In answer to a question by the representative of Lebanon as to whether the life of the Chief of Staff or of any of his group had ever been threatened, General Bennike answered that he and the personnel of the Truce Supervision Organization were in Palestine by virtue of the Council's resolutions and that they must rely upon the governments concerned to take the necessary safety measures. He was satisfied that the governments concerned were aware of their responsibilities in that respect. He added that lately the Israel authorities had insisted that he should be accompanied by a police escort while in their territory and that, shortly afterwards, the Jordan authorities had requested his permission to patrol the grounds of his house at night, because of its proximity to the demarcation line. He said that he had given his concurrence in both cases but that he was not inclined to be influenced, either by rumours of threats or by any precautionary measures which the governments concerned might find it necessary, in their own interests, to take. In a further reply, General Bennike admitted that his organization had sometimes been prevented from performing its functions, citing various obstructions encountered from Israel civilians and over-zealous officers in the demilitarized zones.

In reply to questions by the representative of Israel concerning the types of arms used by raiders on the frontier, General Bennike said that the records of complaints and inquiries of the Israel-Jordan Mixed Armistice Commission since 1949 contained no evidence to show that border villages had ever been furnished with Bangalore torpedoes, 2-inch and 81 mm. mortars and demolition charges. Nor did the history of incidents show the necessity of border villages being furnished with such weapons. Moreover, the records showed that attacks against villages and persons in Israel took the pattern of raids carried out by small armed groups using hit-and-run tactics. For defence against that type of action, he could see the usefulness of machine guns, small automatic weapons and even hand grenades, but certainly not of mortars, Bangalore torpedoes and demolition charges. Furthermore, United Nations observers, who had visited many border villages, had never reported seeing weapons other than machine guns, grenades, rifles, automatic weapons such as Bren-gun, Sten-gun and Thompson sub-machine guns, and side arms. In answer to another question as to whether he had called the attention of the parties concerned to a paragraph in the Armistice Agreement calling for a peace settlement in Palestine, General Bennike said that he had not done so except in so far as any of those principles might have a bearing on the actual implementation of any Armistice Agreement in a concrete case.

Finally, in answer to questions submitted by the representative of Jordan, General Bennike said that, in the light of events since the beginning of the year, attacks by regular forces of Israel on Jordan territory were becoming more frequent and

had had more serious results so far as loss of life was concerned.

(2) Statements by Israel and Jordan

At the 637th meeting on 12 November 1953, the representative of Israel reviewed the history of the Armistice Agreements and their operation. He described in detail Israel's security problems, stating that Israel was within easy reach of its hostile neighbours, that the Arabs refused to live at peace with Israel and that they refused to comply with the calls of the Security Council to negotiate final peace settlements. He added that the political hatred on Israel's frontiers was reinforced by a violent economic war.

He then gave a detailed historical background of the tension along the armistice lines, particularly along the Israel-Jordan frontier until the Qibya incident. He expressed his Government's profound and unreserved regret for the loss of innocent life at Qibya, stating that it was an unfortunate explosion of pent-up feeling and a tragic breakdown of restraint. However, he said, the circumstances of the incidents were precisely those outlined in Mr. Ben-Gurion's statement of 19 October 1953. The representative of Israel dealt extensively with the problem of infiltration and marauding and described Israel's efforts to secure a transition from the armistice stage to a permanent peace, offering Israel's ideas as to the prospect of a final solution.

He said, further, that his Government had repeatedly declared its desire to find a solution to the deteriorating security situation along the Israel-Jordan border, and for that purpose had expressed willingness on several occasions to enter into discussions with representatives of the Jordan Government. Existing channels of contact and procedure, he said, had not proved effective or sufficient in the increasingly complex situation. Consequently, his Government proposed that senior political and military representatives of Israel and Jordan should meet at United Nations Headquarters without delay to discuss armistice problems, and especially the prevention of border incidents and the co-operation of the respective authorities in maintaining border security.

In conclusion, he stated that the Council should take the following measures:

(1) The tension should be diagnosed truthfully as a threat to security arising from the absence of peaceful relations between Israel and the Arab States. To that primary cause, the Council should justly ascribe the whole sequence of violence which had come to its notice and should remind the parties of their duty under the Charter to harmonize their efforts for the establishment of peace.

(2) Attention should be drawn to the fact that the main objective of the Armistice Agreements, mainly the transition to permanent peace, had not been achieved and that this had a clear priority and urgency over all other subsidiary provisions of the Agreements, which, however, should still be maintained.

(3) Attention should be drawn to the fact that the Security Council's own past resolutions on peace and security, including especially the resolution on blockade and belligerency, adopted on 1 September 1951,[64] had not been implemented. The Council should also refer to the absence of any effort to implement article VIII[65] of the Israel-Jordan General Armistice Agreement, notwithstanding the text of that Agreement itself, and of the Council's injunction of 17 November 1950.[66]

(4) The Council could take note of the only conclusion agreed to by Israel and the Arab countries, and indicated very clearly in General Bennike's report, that the most specific source of current tension was marauding and infiltration into Israel territory, especially from Jordan. The Council, he urged, should express special concern about infiltration which was the source of the original bloodshed and of reactions which had sometimes gone beyond all proper limits. But it should also urge special attention to article IV (3), requiring the restraint of illegal border crossings.

(5) The Chief of Staff and the Chairmen of the Mixed Armistice Commissions should be asked to pay special attention to those provisions of the Agreements and the Council's decisions which had not yet been implemented, particularly the provisions for a transition to permanent peace.

(6) The signatories of each Armistice Agreement should be called upon to enter into direct negotiations with a view to the replacement of the Armistice Agreements by final peace settlements.

At the 638th meeting on 16 November 1953, the representative of Jordan made a statement commenting briefly on the statement by the representative of Israel. He said that there was a difference between individual Jordanian infiltration and the alleged aggression carried out by Israel organized military forces against Jordan and reviewed briefly the efforts of his Government to prevent infiltration by adopting extraordinary and emergency measures. As for the Israel proposal concerning the meeting at United Nations Headquarters between senior political and military representatives of Israel and Jordan to discuss armistice problems, he explained that his delegation

[64] The resolution (S/2322) calls upon Egypt to terminate restrictions on the passage of international shipping through the Suez Canal. For text, see Y.U.N., 1951, p. 299.

[65] Article VIII of the Agreement set up a special committee of each party for formulating agreed plans and arrangements to deal with such problems as resumption of the normal functioning of the cultural and humanitarian institutions on Mt. Scopus as well as free access to the Holy Places and cultural institutions.

[66] This resolution (S/1907), inter alia, reminded Egypt, Israel and Jordan that the Armistice Agreements were binding, and authorized the Chief of Staff of the Truce Supervision Organization to recommend steps to prevent infiltration of nomadic Arabs across international frontiers. For text, see Y.U.N., 1950, p. 320.

had been empowered to express its Government's views on the Qibya massacre and possessed no credentials to enter into any other discussions. Moreover, it seemed to him that if Israel had some proposals to submit to Jordan, the proper channel would be through the Chief of Staff. In the event of agreement, the most suitable plans for such discussions would likely be Jerusalem because of its proximity and facilities for communications with the two Governments.

In conclusion, he requested that:

(1) Israel be condemned for the Qibya massacre in the strongest of terms which should match the atrocity and horror of that action of Israel armed forces;

(2) Israel be asked to proceed with the trial and punishment of all Israel officials, be they military or civilians, responsible for that horrible crime;

(3) Israel be asked to prevent the repetition of any kind of aggression by its military forces or other armed forces against Jordan;

(4) no military aid or financial assistance be granted to Israel without specific guarantees that such help would not contribute to further aggression by Israel; and

(5) all other possible measures be taken without delay to check Israel aggressive and expansionist policy.

At the 642nd meeting on 24 November 1953, the representative of Israel informed the Council that on 23 November he had addressed a letter to the Secretary-General (S/3140), stating that since his proposal for a meeting between senior political and military Jordan and Israel representatives had not been accepted by the representative of Jordan, he formally invoked article XII of the Jordan-Israel General Armistice Agreement, requesting the Secretary-General to convoke a conference of representatives of the two parties to review that Agreement as envisaged in paragraph 3 of that article. He also noted that article XII made it obligatory for the parties to participate in such a conference. He explained that his Government had taken that action because of its growing concern for the future of peace and security in the area. The representative of Israel also commented on the draft resolution before the Council (see below).

(3) Views Expressed in the Council

At its 640th meeting, France, the United Kingdom and the United States submitted a draft resolution, which, in its final revision (S/3139/-Rev.2), would, among other things, have the Council:

(1) recall its previous resolutions on the Palestine question, in particular those of 15 July 1948, 11 August 1949 and 18 May 1951 concerning the maintenance of the armistice and the settlement of disputes through the Mixed Armistice Commissions;

(2) note the reports of 27 October and 9 November of the Chief of Staff of the Truce Supervision Organization and the statements of Israel and Jordan;

(3) find that the retaliatory action at **Qibya** taken by Israel armed forces and all such actions violated the Council resolution of 15 July 1948 and were inconsistent with the parties' obligations under the Armistice Agreement and with the Charter;

(4) express the strongest censure of that action calling upon Israel to prevent future recurrence of such actions;

(5) note that there was substantial evidence of infiltration and request the Government of Jordan to strengthen measures to prevent this;

(6) call upon the Governments of Jordan and Israel to ensure the effective co-operation of local security forces;

(7) reaffirm that it was essential in order to settle the outstanding issues peacefully for the parties to abide by their obligations under the Armistice Agreement and the resolutions of the Security Council;

(8) emphasize the obligations of Jordan and Israel to co-operate with the Chief of Staff;

(9) request the Secretary-General to consider with the Chief of Staff ways of strengthening the Truce Supervision Organization and to furnish necessary additional personnel to the Chief of Staff; and

(10) request the Chief of Staff to report to the Council within three months on compliance with the Armistice Agreements with particular reference to this resolution, and taking into account any agreement reached in pursuance of the request by the Government of Israel for the convocation of a conference under article XII of the General Armistice Agreement between Israel and Jordan.

During the discussion, the representatives of these three countries concurred in the view that the testimony of the Chief of Staff of the Truce Supervision Organization had proved that responsibility for the incident at Qibya lay on Israel whose military forces had been proved to be implicated in the raid. The action, it was stated, was a flagrant violation of the cease-fire resolution of the Security Council of 15 July 1948 and of the Jordan-Israel General Armistice Agreement. Their Governments, therefore, strongly condemned the action which had threatened the peace and security of the whole area.

Elaborating on the question, the representative of the United Kingdom referred to a statement by the Israel Prime Minister of 19 October, in which he had denied the allegation that 600 Israel troops had taken part in the action and that no unit had been absent from its base on the night of the attack on Qibya. The representative of the United Kingdom felt that the statement did not preclude the conclusion that Israel forces were responsible for the raid. Whether the attack had been made by the militia or by regular forces of Israel was beside the point. The apparent unwillingness of Israel to punish those responsible

could only encourage a recurrence of such incidents which would cause further retaliation.

Dealing with the allegation that the Qibya raid had been due to provocation by infiltrators, the representative of the United Kingdom said that no one denied the existence of border infiltrators, nor that they involved the loss of life and property in Israel. Although Israel was justified in taking measures to check infiltration, it must be borne in mind that not all crossings were with criminal intent. A reprisal raid such as the one in Qibya would only cause an increase in the number of persons crossing into Israel to avenge themselves by taking life for life. Thus, more and more incidents would occur, the Armistice Agreements would be torn to shreds and general hostilities would follow.

The only way to control that vicious circle, the United Kingdom representative said, was by local co-operation between the police and defence forces of the two countries. For that reason, the United Kingdom Government had always favoured the existence and operation of local commanders' agreements, and had used its good offices to have them restored whenever they had been broken off. Finally, since the personnel of the United Nations Truce Supervision Organization was responsible for the peace of the area, his Government considered it of the highest importance that the parties to the Armistice Agreement should respect the officers of that organization and give them full facilities in the performance of their duties. Combined with the proper observance of the local commanders' agreements, that freedom of investigation might considerably improve the general atmosphere. In conclusion, the representative of the United Kingdom said that if Israel was to preserve the sympathy of its friends throughout the world, then it would certainly be well advised not to try to show that the Qibya incident had been justified and, indeed, the logical conclusion of a chain of events.

Formally introducing the draft resolution, the representative of the United States explained in some detail its various paragraphs. He pointed out that the joint draft recognized that the incident at Qibya was one among many which were prejudicial to the establishment of peace in the area, that it took note of the fact that violence was a common result of failure to maintain the security of the demarcation lines and that it expressed the views of the three sponsoring Governments that it was only by the strictest adherence to the obligations of the parties under the General Armistice Agreement and the resolutions of the Security Council and the General Assembly that progress towards settlement of the outstanding issues between the parties could be made.

In conclusion, he said that the United States realized that there were grave and difficult problems which even the strictest compliance with the Armistice Agreements might not necessarily solve. His Government was, however, deeply concerned with those problems and sincerely desired to help in solving them. The established machinery for the maintainance of security in the area must be upheld and strengthened if those fundamental problems were to be solved in a spirit of justice and good will. While adherence to the Armistice Agreement alone would not bring peace, it was impossible to achieve it without that adherence. The representatives of France and the United Kingdom concurred in these views.

At the 637th meeting, the representative of Lebanon quoted several excerpts from the answers given by the Chief of Staff to the representative of Israel, to show Jordan's record of co-operation with Israel in the Mixed Armistice Commission. He said that the following findings were fully justified by the facts cited in documents submitted by the agent of the United Nations in Palestine:

(1) Israel military forces had planned and carried out an attack on Qibya in Jordan, on 14 to 15 October 1953;

(2) the attack constituted an act of aggression against Jordan;

(3) that act of aggression was not an isolated incident but the culmination of a planned and calculated policy of violation of the General Armistice Agreements carried out by the Israel armed forces;

(4) that policy and that act of aggression had disturbed the peace in the Near East;

(5) unless that policy was curbed and that act of aggression was properly punished, the maintenance of international peace and security in the Near East was likely to be endangered; and

(6) the recurrence of such an aggression by Israel would certainly lead to a breach of the peace in the Near East.

He suggested that the Council should request Israel to:

(1) take all the necessary measures to bring to justice the perpetrators of that act;

(2) make a general request that no military or economic assistance be given to Israel without proper guarantees that it would refrain from such acts; and

(3) make it dear to Israel that any repetition of such acts would lead the Council to consider the appropriate measures to be taken under Chapter VII of the Charter.

Later, at the 643rd meeting on 25 November, in explaining his vote on the draft resolution, the representative of Lebanon requested that a systematic treatise which he had prepared on "the system of Qibya" be annexed to the proceedings. He said

that an honest examination of the fourteen propositions found therein would reveal that the condemnation of Israel by the Council had been very mild and that a much stronger condemnation was fully justifiable. As for the larger question of peace in the Middle East he made six observations:

(1) The representative of Israel had spoken of invoking article XII of the Jordan-Israel Armistice Agreement allegedly to review the relations between the two countries. Such a review would however reveal the fact that the Armistice Agreements had been systematically flouted by Israel.

(2) The representative of Israel had said derisively that the notions that the Arab States had a "sovereign right to maintain the Armistice Agreement in perpetuity" and a sovereign right never to talk to Israel were both false. But the Arabs could not be forced to change the Armistice Agreements nor to talk to Israel.

(3) The representative of Israel had threatened that the adoption of the three-Power resolution would be prejudicial to peace and would affect adversely the entire atmosphere and effort of peace. The truth was the exact opposite.

(4) Israel's demand for a negotiated peace settlement was possible only if: (a) Israel scrupulously respected the Armistice Agreements; (b) implemented the standing decisions of the United Nations regarding boundaries, the internationalization of Jerusalem and the Arab refugees; and (c) the Arabs were strengthened so that they would not feel themselves at the mercy of Israel.

(5) So long as Israel's policy and outlook were marked by ambition and arrogance the situation would be governed by three irreducible facts: (a) the Arabs did not trespass on anybody's territory—the Jews had come and taken away a piece of Arab territory and had driven away the original Arab inhabitants of that territory; (b) Israel needed the Arabs, whereas the Arabs did not need Israel; (c) Israel, because it was now strong, could fume and threaten but the Arabs would not remain eternally weak.

(6) Peace was the fruit of justice, firmness and truth with respect both to Israel and to the Arabs.

The Lebanese representative criticized the resolution for failing to:

(1) request Israel to bring to justice those responsible for the Qibya massacre;

(2) request Israel to pay compensation for the loss of life and damage to property caused by that aggression;

(3) contain a warning to Israel that, if such attacks were repeated in the future, the Council would have to deal with the matter under Chapter VII of the Charter;

(4) refer to compliance with the General Assembly resolutions on Palestine as a condition for the peaceful and lasting settlement of the issues outstanding between the parties; and

(5) emphasize that it was only the Government of Israel which was not co-operating fully with the Chief of Staff of the Truce Supervision Organization.

On the other hand, the resolution, he said, had the following decided merits:

(1) It condemned the Qibya incident as a violation of the cease-fire provisions of the Council's resolution of 15 July 1948, of the Armistice Agreement and of the Charter.

(2) It called only upon Israel to take effective measures to prevent all such actions in the future, thereby showing that only Israel was able and willing to repeat such an action.

(3) It recognized that the Government of Jordan had already taken measures to prevent the border crossings.

(4) It adopted the thesis of Jordan and General Bennike on the usefulness of the co-operation of local security forces to curb infiltration.

(5) It emphasized that respect for and compliance with the General Armistice Agreement was the only condition towards a lasting peaceful settlement of the issues outstanding between the parties.

(6) It provided for the strengthening of the Truce Supervision Organization.

In view of the merits of the resolution he had not voted against it.

The representative of Israel, speaking at the 642nd meeting, analysed the joint draft resolution, stating that by omitting a direct call for a peace negotiation the sponsors had yielded to the lack of will on the part of the Arab States to hear the concept of peace frankly proclaimed.

He said that there was no radical method of improving the situation in the Middle East except by direct contact and negotiation. He criticized the joint draft resolution as being inaccurate in certain respects, notably in its finding on the Qibya raid, and selective in other respects, notably in the omission of any special reference in its preamble to those resolutions which placed obligations upon the Arab Governments. The draft resolution, he said, dealt disproportionately with the admittedly regrettable incident at Qibya, putting it above other cases, many of which, unlike Qibya, had been of a uniformly aggressive character and had taken a far greater toll of life. Israel most severely objected to what was almost an acceptance and a condonation of existing Jordan policies in respect of infiltrations or incursions which were the source of Israel's current security problems. Finally, his Government believed it a great error for the Council to abandon its invariable policy of calling upon the Governments concerned to negotiate a final settlement of all questions outstanding between them.

The representative of Pakistan made a detailed statement in which he analysed the statement of the representative of Israel. He reviewed briefly the history of the Palestine question, describing the alleged responsibility of those who had been originally responsible for bringing about the current state of affairs in Palestine, as well as the alleged responsibility of both sides concerning the inci-

dents. He then dealt with the Qibya incident, quoting extensively from the reports of the Chief of Staff to prove that Israel did not wish to co-operate in the maintenance of the Armistice Agreements and that the raid against Qibya had been carried out by the regular army of Israel. As for the joint draft resolution, he found the paragraph censuring Israel wholly inadequate, since it described the raid on Qibya as a retaliatory act. He asked what had been the cause of such retaliation. Moreover, he found no provision in the joint draft regarding compensation to those who had lost their lives or had been wounded at Qibya.

Later, in explaining his vote, he said that his delegation had voted for the resolution since its first objection had been met by the firm conclusion that the Qibya aggression had been undertaken by the Israel army, presumably in pursuance of general directions based upon policy or a particular direction received from the Government of Israel. His delegation had been confirmed in that conclusion by a complete absence of any explanation by the representative of Israel as to who, as the result of its investigations, had carried out that expedition. His delegation had refrained from presenting any amendments, first, in the interest of expedition, and, secondly, because it had felt that the majority of the Council had not been ready to entertain any amendments.

The representatives of Chile, China, Colombia, Denmark and Greece also made statements at the Council's 643rd meeting on 25 November, explaining their votes in favour of the joint draft resolution.

These representatives deplored the Qibya incident, which, it was stated, was the worst of a series of incidents and, as had been shown by the reports of the Chief of Staff, constituted a gross violation of the Armistice Agreement. The terms of the resolution, these representatives held, were fully justified. The three Powers had tried to be impartial and fair, as was shown, the representative of Greece stated, by their adding to the second revision of their text a paragraph concerning Israel's proposal regarding the implementation of article XII of the Israel-Jordan Armistice Agreement. The representative of Denmark pointed out that the resolution, while referring to Qibya, declared that all such actions constituted a violation of the Council's resolution of 15 July 1948, as well as the General Armistice Agreement. He expressed the hope that the additional personnel to be placed at the disposal of the Chief of Staff would be sufficient to be effective. All these representatives expressed the hope for the earliest possible permanent settlement of the problems dividing Israel and the Arab States.

d. RESOLUTION ADOPTED BY THE SECURITY COUNCIL

The joint draft resolution of France, the United Kingdom and the United States (S/3139/Rev.2) was adopted by the Council, at its 642nd meeting on 24 November 1953, by 9 votes to none, with 2 abstentions (Lebanon and the USSR). It read as follows:

"The Security Council,

"Recalling its previous resolutions on the Palestine question, particularly those of 15 July 1948, 11 August 1949, and 18 May 1951 concerning methods for maintaining the armistice and resolving disputes through the Mixed Armistice Commissions,

"Noting the reports of 27 October 1953 and 9 November 1953 to the Security Council by the Chief of Staff of the United Nations Truce Supervision Organization and the statements to the Security Council by the representatives of Jordan and Israel,

A

"Finds that the retaliatory action at Qibya taken by armed forces of Israel on 14-15 October 1953 and all such actions constitute a violation of the cease-fire provisions of the Security Council resolution of 15 July 1948 and are inconsistent with the Parties' obligations under the General Armistice Agreement and the Charter;

"Expresses the strongest censure of that action which can only prejudice the chances of that peaceful settlement which both Parties in accordance with the Charter are bound to seek, and calls upon Israel to take effective measures to prevent all such actions in the future;

B

"Takes note of the fact that there is substantial evidence of crossing of the demarcation line by unauthorized persons often resulting in acts of violence and requests the Government of Jordan to continue and strengthen the measures which they are already taking to prevent such crossings;

"Recalls to the Governments of Israel and Jordan their obligations under Security Council resolutions and the General Armistice Agreement to prevent all acts of violence on either side of the demarcation line;

"Calls upon the Governments of Israel and Jordan to ensure the effective co-operation of local security forces;

C

"Reaffirms that it is essential in order to achieve progress by peaceful means toward a lasting settlement of the issues outstanding between them that the Parties abide by their obligations under the General Armistice Agreement and the resolutions of the Security Council;

"Emphasizes the obligation of the Governments of Israel and Jordan to co-operate fully with the Chief of Staff of the Truce Supervision Organization;

"Requests the Secretary-General to consider with the Chief of Staff the best ways of strengthening the Truce Supervision Organization and to furnish such additional personnel and assistance as the Chief of Staff of the

Truce Supervision Organization may require for the performance of his duties;

"Requests the Chief of Staff of the Truce Supervision Organization to report within three months to the Security Council with such recommendations as he may consider appropriate on compliance with and enforcement of the General Armistice Agreements with particular reference to the provisions of this resolution, and taking into account any agreement reached in pursuance of the request by the Government of Israel for the convocation of a conference under article XII of the General Armistice Agreement between Israel and Jordan."

4. Complaint by Syria against Israel Concerning Work on the West Bank of the River Jordan in the Demilitarized Zone

a. COMMUNICATIONS

In a letter dated 12 October 1953 (S/3106), the permanent representative of Syria to the United Nations informed the Secretary-General that on 2 September 1953 the Israel authorities had started works to change the bed of the river Jordan in the central sector of the demilitarized zone between Syria and Israel in order to make it flow through Israel-controlled territory. Moreover, partial mobilization had been carried out behind the central sector of that zone. The Israel authorities, the letter said, had thus violated the Israel-Syrian General Armistice Agreement, particularly article V of that Agreement under which no military force might be stationed in the zone. That zone, it was stated, was not subject to the authority of either of the parties but was the responsibility of local authorities under the Chairman of the Mixed Armistice Commission. Consequently, the Israel authorities were not entitled to undertake any works in any sectors of the demilitarized zone. It was further alleged that the effect of the works was to deprive the riparian inhabitants along the Jordan of the water they needed to irrigate their land. Article V of the General Armistice Agreement explicitly provided for the exercise of normal activities by the population of the demilitarized zone. The rights of Syrian riparian landowners to the waters of the Jordan, which separated Syria from Palestine, were of long standing and had never been disputed. Furthermore, article II of the General Armistice Agreement provided that neither of the parties should gain any military advantage; by attempting to change the course of the Jordan, the Israel authorities had gained a military advantage in contravention of this article. Thus, the Israel authorities had violated the provisions of the Israel-Syrian General Armistice Agreement by:

(1) infringing the rights of the inhabitants of the demilitarized zone;

(2) preventing the Syrian riparian population from irrigating their land with water from the Jordan; and

(3) militarily occupying a sector of the demilitarized zone.

The letter finally recalled that the Syrian Government had brought the above facts to the attention of General Vagn Bennike, Chief of Staff of the Truce Supervision Organization for Palestine. As Chairman of the Israel-Syrian Mixed Armistice Commission, General Bennike had requested the Israel authorities to stop the operations begun in the demilitarized zone. Despite the explicit terms of that request, the Israel authorities had refused to comply with it. Such an attitude was both arbitrary and illegal and constituted a proof that the Israel authorities did not mean to respect the Armistice Agreement which they had signed on 20 July 1949.

In another letter, dated 16 October 1953 (S/3108/Rev.1), the permanent representative of Syria addressed a similar complaint to the President of the Security Council, requesting him to convene a meeting of the Council so that that question might be placed on its agenda and a prompt decision be taken.

On 23 October 1953, the Chief of Staff of the Truce Supervision Organization submitted a report (S/3122) containing the text of a decision he had taken on 23 September 1953, to the effect that the authority which had started work in the demilitarized zone on 2 September 1953 was instructed to cease working in the zone so long as an agreement was not arranged. The report also contained a letter dated 24 September from the Israel Foreign Minister and the comments made thereupon by the Chief of Staff.

b. SECURITY COUNCIL RESOLUTION OF 27 OCTOBER

In 1953, the Security Council considered the question at its 629th to 654th meetings, between 27 October and 29 December.

At the 629th meeting on 27 October, the representatives of Syria and Israel were invited to the Council's table. At the outset of that meeting, the representative of Pakistan stated that, before the Council proceeded to hear the parties upon the merits of the case, it would be wise to endorse the request made by the Chairman of the Israel-Syrian Mixed Armistice Commission on 23 September 1953 that the works might be suspended pending the consideration of the case by the Security Council. He then submitted a draft reso-

lution (S/3125/Rev.1), by which the Council would, inter alia,

request the State of Israel that the authority which had started work in the demilitarized zone on 2 September 1953 be instructed to cease working in the zone pending the consideration of the question by the Security Council.

At the 631st meeting on 27 October, the representative of Israel informed the Council that he was empowered to state that his Government was willing to arrange such a temporary suspension of the works in the demilitarized zone for the purpose of facilitating the Council's consideration of the question, without prejudice to the merits of the case itself.

The representative of France declared that the statement of the representative of Israel appeared to have made the Pakistan draft resolution unnecessary. He felt that the Council should take note, in the form of a resolution, of the undertaking given by the Israel delegation, express its satisfaction with it and also request the Truce Supervision Organization to supervise its implementation during the Council's deliberations. He then submitted his suggestion in the form of a draft resolution (S/3128), which was unanimously adopted, as follows:

"The Security Council,

"Having taken note of the report of the Chief of Staff of the Truce Supervision Organization dated 23 October 1953 (S/3122),

"Desirous of facilitating the consideration of the question, without however prejudicing the rights, claims or position of the parties concerned,

"Deems it desirable to that end that the works started in the Demilitarized Zone on 2 September 1953 should be suspended during the urgent examination of the question by the Security Council,

"Notes with satisfaction the statement made by the Israel representative at the 631st meeting regarding the undertaking given by his Government to suspend the works in question during that examination,

"Requests the Chief of Staff of the Truce Supervision Organization to inform it regarding the fulfilment of that undertaking."

At the 633rd meeting on 30 October, the President informed the Council of the receipt of a letter from the Chief of Staff, pursuant to the Council's request of 27 October, informing it that the works on the project had stopped on 28 October at midnight. He added that some water was presently leaking into the Canal and that divers were attempting to plug the leaks in the concrete dam.

c. STATEMENTS BEFORE THE COUNCIL

At the 633rd meeting, the representative of Syria made a detailed statement explaining the reasons his Government had requested the inclusion of the item in the agenda. He outlined the history of the development of the dispute, considered the nature of the Armistice Agreement, particularly article V, recalled the history of the demilitarized zone and described the military advantages to Israel accruing from the project. He stated that the object of the works was to divert the Jordan River, which was an essential element of civilian life in the demilitarized zone, into Israel-controlled territory, making it a military factor within Israel's borders. The works were being carried out in defiance of the Armistice Agreement and the decision of General Bennike and they showed a policy by Israel of defying United Nations machinery and disregarding the Armistice Agreements.

He declared that the Security Council should ask Israel to refrain from prejudicing the rights, claims or positions of the other side which had been safeguarded by the Armistice Agreements. He asked that the status quo should be restored in the demilitarized zone. The representative of Syria suggested that, in order to strengthen the machinery for the implementation of the Armistice Agreement, the Council should uphold the local international authority by practical and unambiguous decisions and build up that machinery by providing additional personnel.

The representative of Israel, in a preliminary statement, gave a brief history of the dispute and said that the Security Council had already rejected the notion of a Syrian veto over legitimate development projects of Israel in its decision in the case of the Huleh Marshes in 1951. He also dealt with the alleged military aspect of the dispute and said that the hydro-electric project involving the construction of the Jordan Canal was a legitimate civilian project and of vital economic importance for Israel. The canal, when completed, could easily be integrated either into national or regional water projects conducive to the general welfare of the region. He said that the Jordan waters which were the subject of the present dispute did not pass through Syria at a single point and therefore the Syrian complaint was completely unfounded. As a matter of general equity, Syria, which could not itself use the water, should not be encouraged to deny its use to Israel, for which the Jordan was the only source of water.

Further, the representative of Israel contended, the powers of the Chief of Staff in the matter, defined in General Bennike's letter of 20 October, related to the protection of land and water interests in the demilitarized zone and the fulfilment of the role of the zone under the Armistice Agreement. That letter dearly stated that those were

the only issues which would determine whether Israel had the right to continue the project. The representative of Israel said that the project did not affect land or water rights, since the Government of Israel had prohibited land encroachments, however slight, and had taken care that sufficient water was available for all existing irrigation needs. The Government of Israel was prepared to give an undertaking to that effect and to discuss procedures whereby such an undertaking could be statutorily invoked, even in an area where Israel had no legal duty to make such provisions. As regards the question of military advantage, the Government of Israel adhered to the terms of the Armistice Agreement, according to which the consideration of military advantage was relevant only to the truce, which had now been replaced by the armistice. Moreover, the practical effect of the new canal would be to make the aggressive movement of armed forces in either direction through the demilitarized zone more difficult than it was at present, and the maintenance of the exact topography of the zone was not something which either party was entitled to invoke.

At the 636th meeting on 10 November 1953, the Council invited Major General Vagn Bennike, Chief of Staff of the Truce Supervision Organization for Palestine, to take part in the Council's deliberations.

At the same meeting, the representative of Syria made a detailed statement in answer to the statement of the representative of Israel. He pointed out the differences between the situation regarding the Huleh marshes and the present case.

He stated that Israel's action to divert the Jordan River from its bed without any prior arrangement based on the consent of both sides to the Armistice Agreement was an unwarranted unilateral action and a fait accompli which had grave military and other consequences and was a breach of the armistice. Israel, instead of interpreting the Armistice Agreement in terms of article 7 or seeking to have it modified under article 8, chose to interpret or modify the Agreement unilaterally whenever it did not suit its purposes. Moreover, the project was not the only one that Israel or others could undertake in order to utilize the Jordan waters. In fact, the execution of that project would thwart other projects such as the TVA-Jordan project. All such projects should be kept as tentative plans until suitable international arrangements could be made with the consent of the authorities legitimately concerned. Syria's opposition was not to projects, as such, but to unilateral actions unjustly affecting all other projects. The representative of Syria urged that the Armistice Agreement must be fully and unhesitatingly implemented so as to close the door to arrogant unilateral actions and faits accomplis and to contribute to confidence in international arrangements and in the authority of international institutions and law. That confidence was an essential prerequisite for dealing with Near Eastern issues. The Council's decisions should be aimed not at changing, but at implementing, the Agreement until other arrangements were arrived at by the mutual and free consent of the two parties to that Agreement.

The representative of Lebanon stated that, from the report of the Chief of Staff as well as from the various statements made to the Council, the following seven facts were established beyond any doubt:

(1) large scale work had been started unilaterally by one party in the demilitarized zone created by the Israel-Syrian Mixed Armistice Agreement without the agreement of or consultation with the other party;

(2) the work had been started and continued without a prior authorization from the Chief of Staff, who was responsible for the implementation of article V of the Armistice Agreement relating to the zone;

(3) although the project affected the water, lands and properties of the inhabitants of the zone, no previous arrangement had been made with the inhabitants regarding their rights and properties;

(4) the work would bring about substantial modifications in the geophysical features of the zone;

(5) the work had military consequences which were all, according to the Chief of Staff, who was the only objective and neutral authority on the question, to the advantage of one party to the Agreement;

(6) the work would result in a definite integration of the zone into the economic and hydro-electric system of one of the two parties, an integration not stipulated in the Armistice Agreement and not permitted by it; and

(7) the work would produce a total change in the flow of the waters of an international river, the Jordan River.

These facts, the representative of Lebanon argued, constituted a violation of both the letter and the spirit of the Armistice Agreement and, whichever was the party responsible for this violation, it should not be allowed to resume the work until it had reached an understanding with the other party.

The canal project, he said, went beyond the Huleh case, as pointed out by the Chief of Staff, in that it involved not only the supervision of the gradual restoration of normal civilian life in the demilitarized zone, but prejudiced the ultimate settlement, in contravention of the Armistice Agreement. It also raised the problem of the military objective of creating and maintaining the demilitarized zone, thereby amounting to a

unilateral alteration of some clauses of the Agreement. Moreover, he added, the Council's decision in the Huleh case had proved ineffective. The decision, which, among other things, had. called for the return of Arab civilians removed by Israel from the demilitarized zone and for the withdrawal of Israeli police units from the zone, had not been faithfully implemented by Israel.

Regarding the legal status of the demilitarized zone, the representative of Lebanon stated that, regardless of the Israel or Syrian claims to sovereignty, the interpretation given by United Nations officials and the Security Council was that, until final settlement was reached, no State was sovereign in the zone. The Israel project established a de facto situation which prejudiced the question of sovereignty in its favour to the disadvantage of other States.

As regards the contention that the whole economic life of a State was involved in the Canal project, he stated that the question involved was one of principle, involving the whole status of the demilitarized zone and, even more, the question of respect for international obligations.

The representative of Pakistan requested that the Chief of Staff or Secretariat might answer the following questions:

(1) How the frontier of Israel as visualized in the General Assembly resolution of 1947 ran through the demilitarized zone?

(2) What were the existing and past uses in respect of irrigation or other advantages enjoyed by Syrian nationals within Syrian territory from the disputed stretch of the river?

(3) What was the area of the Buteiha Farm which received irrigation from the Jordan and whether there were other lands that derived advantage from the river?

(4) Would it be possible at a later stage to convert the work into an irrigation project?

(5) If so, what was the maximum quantity of water that might at any time be withdrawn from the river for that use? Would the volume of water or the volume of salinity of Lake Tiberias be affected?

(6) How would the advantages derived by the Kingdom of Jordan be affected?

The President suggested that in view of the technical nature of these questions, General Bennike or experts conducting a study on the spot might answer them. The latter course, he said, might possibly be proposed by a member of the Council. As to the final point, the President believed that it would be up to General Bennike to decide whether to supply additional comments.

At the 645th meeting of the Council on 3 December 1953, the Chief of Staff replied to some of the questions submitted by the representative of Pakistan. He explained that the water from the stretch of the River Jordan which would be affected by the completion of the projected canal was being used for irrigating lands, watering cattle and operating mills within the boundaries of Syria. The lands under irrigation and the water mills in operation—seven altogether—were in the area of Buteiha Farm. He further stated that he had been informed that the area in that farm at present under irrigation was 18,280 dunams, or approximately 4,570 acres; the area under irrigation was only a small part of the total area of Buteiha Farm. He was not in a position to state the extent to which the area not at present irrigated was capable of receiving irrigation. To his knowledge, the irrigated lands of Buteiha Farm were the only lands in Syria which received irrigation from the stretch of the River Jordan in question. With regard to the demilitarized zone, he had been informed that approximately 5,000 dunams of land—2,924 of which belonged to the owners of Buteiha Farm—received irrigation from that stretch of the river. Finally, in answer to the last set of questions, he declared that he was not in a position to give an adequate answer. He added, however, that under the Israel scheme which had been outlined to him, the water of the River Jordan which would be diverted into the projected canal would be returned to Lake Tiberias, so that the completion of the canal would affect only the stretch of the river north of Lake Tiberias. In such circumstances, the problem which arose was that of existing uses based on, and advantages received from, that stretch of the river. Another problem would arise if, following a conversion of the Israel project into an irrigation project, the volume of the waters of Lake Tiberias and of the River Jordan below that lake had been reduced and their salinity consequently increased. In that event, the interests of the State of Jordan would be affected.

At the same meeting, the representative of Pakistan stated that the basic question was not whether the project was beneficial to Israel, but whether the project contravened the Armistice Agreement. According to the United Nations, sovereignty in the demilitarized zone was in abeyance unless there was an agreement to the contrary between the parties. Further, the representative of Pakistan stated, the project would give Israel military advantages by allowing it the alternative control of the river through the use of the canal, or vice versa. The project would also affect adversely the irrigation of Arab lands and the operation of water mills. He concluded by stating that the Israel police was still exercising sovereignty in the demilitarized zone in contra-

vention of the relevant provisions of the Armistice Agreement. Finally, he endorsed the request of General Bennike that the work on the project should be stopped until the parties could come to an agreement.

d. DRAFT RESOLUTIONS SUBMITTED TO THE SECURITY COUNCIL

Two draft resolutions were submitted to the Council:

(1) A draft resolution submitted jointly by France, the United Kingdom and the United States (S/3151) at the 648th meeting on 16 December. It read as follows:

"The Security Council,

"1. Recalling its previous resolutions on the Palestine question;

"2. Taking into consideration the statements of the Representatives of Syria and Israel and the reports of the Chief of Staff of the Truce Supervision Organization on the Syrian complaint (S/3108/Rev.1);

"3. Notes that the Chief of Staff requested the Government of Israel on 23 September 1953 'to ensure that the authority which started work in the Demilitarized Zone on 2 September 1953 is instructed to cease working in the Zone so long as an agreement is not arranged';

"4. Endorses this action of the Chief of Staff;

"5. Recalls its resolution of 27 October 1953, taking note of the statement by the Representative of the Government of Israel that the work started by Israel in the Demilitarized Zone would be suspended pending urgent examination of the question by the Council;

"6. Declares that, in order to promote the return of permanent peace in Palestine, it is essential that the General Armistice Agreement of 20 July 1949 between Syria and Israel be strictly and faithfully observed by the Parties;

"7. Reminds the Parties that, under article 7, paragraph 8, of the Armistice Agreement, where the interpretation of the meaning of a particular provision of the Agreement other than the preamble and articles 1 and 2 is at issue, the Mixed Armistice Commission's interpretation shall prevail;

"8. Notes that article 5 of the General Armistice Agreement between Syria and Israel gives to the Chief of Staff, as Chairman of the Syrian-Israel Mixed Armistice Commission, responsibility for the general supervision of the Demilitarized Zone;

"9. Calls upon the Chief of Staff to maintain the demilitarized character of the Zone as defined in paragraph 5 of article 5 of the Armistice Agreement;

"10. Calls upon the Parties to comply with all his decisions and requests, in the exercise of his authority under the Armistice Agreement;

"11. Requests and authorizes the Chief of Staff to explore possibilities of reconciling the interests involved in this dispute including rights in the Demilitarized Zone and full satisfaction of existing irrigation rights at all seasons, and to take such steps as he may deem appropriate to effect a reconciliation, having in view the development of the natural resources affected in a just and orderly manner for the general welfare;

"12. Calls upon the Governments of Israel and Syria to co-operate with the Chief of Staff to these ends and to refrain from any unilateral action which would prejudice them;

"13. Requests the Secretary-General to place at the disposal of the Chief of Staff a sufficient number of experts, in particular hydraulic engineers, to supply him on the technical level with the necessary data for a complete appreciation of the project in question and of its effect upon the Demilitarized Zone;

"14. Directs the Chief of Staff to report to the Security Council within 90 days on the measures taken to give effect to this resolution."

At the 651st meeting, the sponsors added the following paragraph to the joint draft resolution (S/3151/Rev.1):

"Affirms that nothing in this resolution shall be deemed to supersede the Armistice Agreement or to change the legal status of the Demilitarized Zone thereunder".

(2) A draft resolution by Lebanon (S/3152) submitted at the 649th meeting as an alternative to the three-Power joint draft resolution. It read:

"The Security Council,

"Recalling its previous resolutions on the Palestine question,

"Taking note of the statements of the Representatives of Syria and Israel and the reports of the Chief of Staff of the United Nations Truce Supervision Organization on the Syrian complaint (S/3108),

"Recalling the conclusion of the Chief of Staff in paragraph 8 of his report (S/3122) that both on the basis of the protection of normal civilian life in the area of the Demilitarized Zone and of the value of the Zone to both Parties for the separation of their armed forces, he does not consider that a Party should, in the absence of an agreement, carry out in the Demilitarized Zone work prejudicing the objects of the Demilitarized Zone as stated in article 5, paragraph 2, of the General Armistice Agreement, as well as his request to the Israel Government to ensure that the authority which started work in the Demilitarized Zone on 2 September 1953 is instructed to cease working in the Zone so long as an agreement is not arranged,

"1. Endorses that action of the Chief of Staff of the United Nations Truce Supervision Organization and calls upon the parties to comply with it;

"2. Declares that the non-compliance with this decision and the continuation of the unilateral action of Israel in contravention of the Armistice Agreement is likely to lead to a breach of the peace;

"3. Requests and authorizes the Chief of Staff to endeavour to bring about an agreement between the Parties concerned and calls upon the parties to co-operate in the Mixed Armistice Commission and with the United Nations Chief of Staff in reaching that agreement."

In introducing the joint draft resolution, the representative of the United States said that his delegation had come to the following conclusions. First, strict compliance with the Armistice Agreement between Israel and Syria was of vital importance to the peace of the area. Secondly, the

primary responsibility of the Council in the matter was to uphold that Armistice Agreement which it had endorsed in its resolution of 11 August 1949 as superseding the truce and facilitating the transition to permanent peace; the agent of the Council for those purposes was the Chief of Staff of the Truce Supervision Organization. Thirdly, development projects which were consistent with the undertakings of the parties under the Armistice Agreement and which were in the general interest and did not infringe upon established rights and obligations should be encouraged. He added that the decision of the Chief of Staff regarding the Jordan River diversion project should be subject to those considerations. The Chief of Staff, who was responsible for the general supervision of the demilitarized zone, was the proper authority to determine whether the project met those conditions. Any unilateral action from whatever side, which was not consistent with that authority, threatened the effective operation and the enforcement of the Armistice Agreement, the United States representative said. Similarly, he added, no Government should exercise a veto power over legitimate projects in the demilitarized zone. On the basis of those conclusions, his delegation had joined with France and the United Kingdom in submitting the above draft resolution.

The representative of the United Kingdom stated that the report of the Chief of Staff, as well as the various statements made to the Council, had clearly established the following basic facts:

(1) that the Palestine Electric Corporation had begun to dig in the demilitarized zone a canal which would take water to a power station on Israel territory;

(2) that, being informed of the work some time after it had started, General Bennike had asked the Government of Israel to ensure that the authority which had started the work should be instructed to suspend working in the zone so long as agreement had not been arranged; and

(3) that, after an exchange of communications with General Bennike, the Government of Israel had not complied with that request.

He considered it unfortunate that Israel should have ignored General Bennike's request. Consequently, the Council was faced, not with the question of whether the canal was in itself a good and useful project, but solely with the question of the failure by one party to the Israel-Syrian Armistice Agreement to comply with a request of the Chairman of the Mixed Armistice Commission—the only authority which stood for some sort of order and which was probably the only barrier against complete chaos. The United Kingdom representative added that it was his Government's view that General Bennike had been fully entitled under the Armistice Agreement to make the request that he had made to the Government of Israel and that the Council was justified in expecting that the Government of Israel would not start work again on the canal without General Bennike's authorization. He had listened, he said, with the greatest attention to the arguments which had endeavoured to show that the work could not proceed without the consent of the Government of Syria, but his delegation had not been convinced by those arguments. It was important, he emphasized, that the Council should endeavour to give General Bennike the best guidance and all the help it could for the further handling of the problem. Though he believed that neither party could carry out projects, however beneficial, which were contrary to the terms of the Armistice Agreement, it seemed to him that a determined effort should be made to reconcile conflicting interests. Indeed, as a general proposition, he believed that the longer the temporary armistice arrangements continued, the more desirable it was that some way be found which would allow constructive projects in the area to be undertaken provided that it could be demonstrated that no interest would suffer thereby. He therefore considered that the joint draft resolution constituted the right approach by providing:

(1) that the Council should call upon the Government of Israel to suspend operations until such time as the United Nations Chief of Staff agreed that they might proceed; and

(2) that General Bennike should be given all possible help in forming a definitive opinion on whether the project would contribute to the orderly development of the natural resources affected, and should be authorized to explore the possibility of reconciling the interests involved in the dispute.

The representative of France said that one of the parties to the Armistice Agreement had brought before the Council a complaint based upon the alleged refusal of the other party to comply with the provisional request of the Chief of Staff. The Council was, therefore, faced with the very obvious duty of confirming the decision of the Chief of Staff. While it had been gratifying that the defendant party should have announced before the Council that it would suspend the work during the discussions, it must be understood that, in the view of the Council, the suspension should not be limited in time: the work should be stopped, not only until the end of the discussion in the Council but until the decision given by the Chief of Staff on 23 September 1953 ceased to have effect. The authority exercised by General Bennike was, in fact, that of the Security

Council, and though, under the Armistice Agreement, the Council was the supreme arbiter it could not permit the parties to call the authority of the Chief of Staff in question.

The representative of France maintained that, divested of its political elements, the problem to be resolved by the Chief of Staff was that of the utilization, in the best interest of each of the parties, of one of the rare sources of water in that part of Palestine. It was, of course, necessary that all the rights involved should be respected and those rights were intermingled in a very complex manner. Syria and Israel alike were entitled to have the Armistice Agreement strictly applied; private persons were entitled to respect for their property; riparian owners, particularly the owners of Buteiha Farm, were entitled to use the water for irrigation. Further, he said, the discussions had shown that satisfaction of the rights of one party was not necessarily opposed to satisfaction of the rights of the other. Part of the waters of the Jordan might be diverted, while at the same time the influx of water into the irrigation channels was assured by control. The water catchments might be so arranged as not to prejudice the rights of any owner without his consent. There might also be a solemn undertaking under the guarantee of the Security Council that no authorized installation would create a vested interest in favour of any of the States concerned at the time of a final territorial settlement. His delegation did not even discard the possibility of a partition of those demilitarized zones, the status of which so often caused the difficulties with which the Council was familiar. His Government, he said, viewed such a partition as highly desirable. One of its consequences might be the settlement of that very case of the waters of the Jordan. For all those reasons, it seemed to his delegation that an effort should be made to explore at least the possibilities of a peaceful settlement, having regard to all the interests and rights involved; the Chief of Staff alone was qualified for that task.

In conclusion he stated that, in spite of all the efforts made by the Secretary-General, the staff under General Bennike, though superior in quality was still very limited in number. Even with his extensive technical knowledge, the General was unable to attend to all details himself. His delegation, the representative of France stated, hoped that the experts made available to the Chief of Staff would enjoy the full co-operation of the parties in carrying out their appointed task, which was in the common interest. In selecting the experts, the Secretary-General would surely bear those considerations in mind and would endeavour to enlist the services of technicians whose authority would be accepted by both parties without question. Once their report had been submitted, the final decision would rest with the Chief of Staff. The representative of France also said that if there had been less water in the Jordan river it would have constituted a less serious military obstacle. But, after all, the experience of the last war had shown how easily a trained army could cross water lines very much wider than the Jordan. In his delegation's opinion, it would be unjust and contrary to the spirit of the United Nations if a region's future and economic development were to be decided by theoretical military exercises carried out on maps. Surely Israel, by planning the construction close to its frontier of hydro-electric installations essential to its economy was demonstrating its faith and confidence in the peaceable spirit of its neighbours.

At the 649th meeting on 17 December 1953, the representatives of Israel and Syria reviewed their respective positions concerning the question. They also offered their comments upon the joint draft resolution. Israel gave its qualified consent, whereas Syria indicated its opposition to it.

At the 650th meeting on 18 December 1953, the representative of China analysed the joint draft resolution and expressed his delegation's readiness to uphold the authority of the Chief of Staff. However, he preferred that paragraph 11 of the draft resolution be more definite in meaning and more limited in scope. He believed that the Council should specifically state that it was the duty of the Chief of Staff to seek the agreement of the two parties by way of reconciliation; in case he should fail in obtaining the necessary agreement of the two parties, he should report to the Council for final decision. He also believed that the second part of paragraph 11 dealing with the development of the natural resources might well be put in a separate paragraph, using the words of the representative of the United States to the effect that development projects which were consistent with the undertakings of the parties under the Armistice Agreement and which were in the general interest and did not infringe upon established rights and obligations should be encouraged. He added that the Chief of Staff himself, in making his decision of 23 September, must have thought that the objections of Syria to that development scheme had been reasonable and serious. Therefore, it was only right and proper that the Council's first effort in solving

the problem must be to secure the agreement of Syria. He considered that paragraph 11 as it stood was unsatisfactory and said that, unless changed, it would affect the attitude of his delegation towards the whole draft resolution.

The representative of Pakistan said that, according to the instructions of his Government, he was not authorized to support the three-Power draft resolution in its present form. The two main reasons for his delegation's attitude were:

(1) that in the circumstances of the case as presented to the Council by Syria that draft resolution was irrelevant at first glance; and

(2) that, when examined closely, it was full of most dangerous ambiguities.

He analysed the details of the complaint before the Council as well as the joint draft resolution, which he criticized for not stating whether the projected canal was contrary to the Armistice Agreement or not and for concentrating on an economic solution. Moreover, he said, the joint draft resolution seemed to have ignored the contents and meaning of General Bennike's report. Also, it did not take into account the military aspect of the complaint. After analysing the various paragraphs of the joint draft resolution, the representative of Pakistan singled out paragraph 11, characterizing it as a masterpiece of obfuscation. For example, he said, he could not understand the interests referred to in that paragraph: did it mean the interests of the people in the demilitarized zone or those of Syria? The statements made by the sponsors of the joint draft were also, he maintained, useless as a guide for General Bennike; they had ignored not only his advice, but also the military implications of the situation. Instead of helping and guiding General Bennike, said the representative of Pakistan, the Council, in its discussions, was thwarting, misleading and misguiding him. In conclusion, he said that the Council could not pretend, by stressing only the economic problems, that the political difficulties did not exist. Anyone who thought of the prosperity of the region in question and who had the welfare of its people at heart should apply himself to the political difficulties involved.

The representative of Lebanon expressed his inability to support the joint draft resolution in its present form. He believed that at that stage of the deliberations the following three basic objectives should be affirmed:

(1) the inviolability of the Armistice Agreement ought to be stressed to the utmost;

(2) as part of that inviolability, the inviolability of the status of the demilitarized zone must be emphasized, because that zone was part and parcel of the Armistice Agreement;

(3) whatever economic development was contemplated for the area, particularly the exploitation of its water resources, care should be taken so as not to close the door to any possibility of the regional arrangements that might be developed subsequently.

Consequently, he submitted an alternative draft resolution (S/3152, see above).

Defining his delegation's position towards the three-Power draft resolution, the representative of the USSR said that, after careful consideration, it was impossible not to agree with the criticism which had already been levelled against the draft in the Council. Almost half of the preamble consisted of references to other material and, consequently, had no independent significance. The operative part, he said, was unacceptable and he did not see how it could be improved, because the whole drafting from beginning to end was completely unsatisfactory.

Paragraph 11 ignored what, in his delegation's opinion, was an exceedingly important condition for the settlement of any question connected with the aims and purposes of the demilitarized zone, namely, the condition that any particular measures could be carried out only with the agreement of both parties. Nowhere in the draft was any reference made either to Syria or to Israel or to the dispute which had caused the whole question to be considered by the Council. There was not even an allusion to the parties concerned, yet all the time it was primarily the interests of those parties which were involved, since the whole subject was connected with the position in the demilitarized zone and the significance of that zone. Paragraph 11 made a sufficiently clear reference to the need for adopting measures calculated to reconcile "the interests involved in this dispute"; that was a very vague phrase. If the interests were those of Israel and Syria why not say so openly. If any other interests were involved, then again it should be stated precisely what interests were envisaged. That it was not exactly the interests of Israel and Syria which were involved, but the interest of some other States was, the USSR representative stated, emphasized further on in paragraph 11, where reference was made to the necessity of the development of the natural resources for the general welfare. No one, of course, would object to the promotion of the general welfare, but when the Council was concerned with a particular matter, namely, the dispute which had arisen between Israel and Syria, and when, instead of referring to the interests of those two adjacent States, it was found necessary to make use of

the wording which spoke of the general welfare, then it was obvious that paragraph 11 completely failed to meet the problem facing the Council, which had undertaken to settle certain outstanding questions which had arisen between Israel and Syria in connexion with the construction of a canal in the demilitarized zone.

His delegation considered that, in view of those serious defects in the three-Power draft resolution, its adoption, in view of the absence of agreement between the two sides on the disputed points, could lead only to a further deterioration in the relations between those States, and that would be contrary to the interests of the maintenance of peace in the area.

The representative of Lebanon made a detailed statement in which he analysed, paragraph by paragraph, the joint draft resolution. After offering his suggestions and comments on the various paragraphs, he analysed in a more detailed manner paragraph 11, which he found unacceptable. He said that he saw no reason why paragraphs 11, 12 and 13 should, at that stage, be included at all in the joint draft. Should, however, the sponsors insist on retaining paragraph 11, he maintained that the paragraph must define exactly what was meant by the words "interests involved" and "natural resources affected". In the circumstances, he completely repudiated any notion that the Chief of Staff, under the joint draft resolution or any resolution pertaining to the Armistice Agreement between Syria and Israel, could extend his investigations or explorations to include any matters appertaining to Lebanon. Moreover, he insisted that the text define the words "general welfare", since the paragraph seemed to him to be so general as to be unacceptable because of its very dangerous implications, of which his delegation was genuinely afraid. Paragraph 13, he said, was also unacceptable, because it did not make the appointment of the proposed experts subject to the consent of the two parties to the dispute. Finally, he declared that if Syria's consent was necessary to change any provisions of the Armistice Agreement, that consent was also necessary for any contemplated change in the demilitarized zone.

At the 652nd meeting on 22 December, the representative of Syria reviewed the entire question and analysed in detail the joint draft resolution which, he stated, was unacceptable. He said that his Government found that the text of the joint draft failed to deal with its complaint, did not satisfy the provisions of the Armistice Agreement and would not even serve as an expedient in dealing with a grave situation. Syria, as a Member of the United Nations, had, he said, in accordance with the Charter, brought a complaint before the Council, a complaint based on the fact that Israel's action had contravened the Armistice Agreement and that Israel's persistence in attempting to exercise sovereignty and public power in the demilitarized zone and beyond the armistice demarcation line had constituted a repudiation by Israel of the Armistice Agreement. Syria's complaint had been substantiated by sufficient proof and justification. The Council could not, without shirking its duties and responsibilities under the Charter, refrain from pronouncing itself on the complaint and giving its verdict. The three-Power draft resolution did not constitute a Council verdict on the matter brought before it; it tended to bypass the Syrian complaint and to shift it into other domains. The draft resolution implicitly invited the Council to refrain from acting on the complaint and thus invited it to deny justice to a Member State.

He added that, under the Charter, the Security Council could try to conciliate a dispute between two or more parties. The question before the Council was undoubtedly a dispute. The joint draft resolution, however, failed to follow the conciliation procedures laid down in the Charter. The effect of the joint draft resolution would be to paralyse the Security Council in respect of matters of security and to draw it into domains wherein the responsibility belonged exclusively to the Economic and Social Council. Finally, under the three-Power draft, General Bennike would have to assume the functions of a judge to ascertain whether certain private rights existed or not. The Chief of Staff was not equipped for such a purpose. He could not administer directly the demilitarized zone under the Agreement and had no authority to pass judgments. He had the authority to supervise the zone, but had no authority to consider hydraulic projects except to the extent that they affected the Armistice Agreement.

At the 653rd meeting on 22 December, the Council decided to release General Bennike from attending the meetings and to return to his headquarters in Palestine.

At the 654th meeting on 29 December, the Council was informed by the representative of Denmark that all efforts at finding an acceptable text had been in vain. The Council then decided to adjourn until early January 1954. In the course of that meeting, the representative of the USSR suggested that the three sponsors withdraw their text altogether and endeavour to submit a new one, dealing with the question under

consideration. He explained that his delegation could not support the three-Power draft because it did not relate directly to the problem under discussion, but rather constituted an attempt to substitute for that question the problem of how the United States could obtain mastery over the economy of the Middle and Near East using the opportunity provided by the dispute between Syria and Israel on the building of a canal and a hydro-electric station.

At the end of 1953 the matter was still under consideration by the Council.[67]

5. Assistance to Palestine Refugees

a. REPORT OF UNRWA

The Director of the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA) submitted a report (A/2470) to the eighth session of the General Assembly covering the period 1 July 1952 to 30 June 1953, stating that, five years after the outbreak of hostilities in Palestine, the number of refugees dependent on international aid was the same—872,000. The natural increase in the refugee population added an estimated 22,000 to 25,000 to the relief rolls every year. However, the failure to reduce the number of relief recipients had not resulted in increased expenditure, which remained at the $23 million set by the General Assembly. This was made possible by a slight reduction in prices and by certain administrative measures. Another favourable development, the Director reported, was the conclusion of four programme agreements with three of the host countries (Jordan, Syria and Egypt) envisaging an expenditure of $111 million. The same countries had been added to the membership of the Advisory Commission, a fact to which the Director attached great importance.

The report further stated that the attitude of the refugees toward resettlement had not changed and constituted a formidable obstacle to their rehabilitation. The Agency alone could not do much to change that situation since it would require the combined efforts of the governments identified with the UNRWA programme. The fact that Jordan, Syria and Egypt were prepared to negotiate agreements with the Agency, the Director stated, indicated that they appreciated that the refugee's acceptance of a house and an opportunity to resume a normal life did not in any way affect his right to repatriation or compensation when the time came. However, the tone of manifestoes submitted on behalf of refugees and of the local press showed that that fundamental principle was either not widely understood or was deliberately ignored.

The number of relief recipients would not have decreased significantly by the time the Agency's mandate came to an end in June 1954, the report said.

The Director suggested that it would be more appropriate for the governments to assume responsibility for administration of the relief programme. However, the timing of such a transfer demanded careful attention, as well as the probable duration of the programme and its cost. In his opinion, it would be six years before an appreciable reduction in relief could take place; unless other measures were taken, many refugees would lack means of self-support for a still longer period. That, the report said, pointed to the need for parallel programmes of economic development to supplement the plan of the Agency.

If financial assistance could be guaranteed by the international community, the host governments would have no grounds for objecting to assumption of administrative responsibility for relief, the report said. Various relief functions and also education should be transferred before the end of June 1954, while the transfer of responsibility for procurement and distribution should be possible by the middle of 1955. If these suggestions were adopted, the Director of the Agency concluded, the future role of the Agency in the relief field would be gradually to transfer the administration for health, camps, welfare, supply and education and to retain only technical assistance and financial auditing functions. In the rehabilitation field, UNRWA's functions would also include the co-ordination of projects financed by the Agency with the over-all development plans of the host governments.

The report stated that the Agency's total income for the fiscal year amounted to some $49.5 million, consisting of $48.8 million in cash contributions, $492,000 in contributions in kind and $446,000 in miscellaneous receipts, less $208,000 for exchange adjustments. Thus, after taking into account $18.8 million in cash held at the beginning of the year, the sum of $68.3 million was available for the Agency's operations during the year. This was far short of the budget of $122.9 million authorized by the General Assembly. Nevertheless, it was stated, the Agency

[67] At the 656th meeting on 22 January 1954, the Security Council voted on a second revision of the three-Power draft resolution (S/3151/Rev.2). There were 7 votes in favour, 2 against (USSR and Lebanon) and 2 abstentions (China and Brazil). The resolution was not adopted due to the negative vote of one of the permanent members of the Council.

possessed ample resources for its operations, since expenditure on rehabilitation was (as might be expected) far less than the amounts reserved or committed, for which the Agency must secure cash or firm pledges before agreements with the governments might be signed.

The report gave the following major sources of cash contributions: United States $36,000,000; United Kingdom $9,600,000; France $928,571; Near East Governments $501,774; other governments $1,618,409; other contributors $148,022. The total unpaid pledges amounted to $56,577,-648. The unpaid pledges of the United States and the United Kingdom, amounting, respectively, to $44,063,250 and $9,800,160, were, the report stated, mainly sums reserved for the rehabilitation programme agreements or projects which had not yet been initiated. The unpaid pledge of France of $2,214,286 was available to the Agency when French francs were needed and was paid when needed by the Agency.

The total expenditure of the Agency was $26,778,934, out of which $23,400,729 was spent on the relief programme and $3,378,205 on the project programme.

The report stated that more than 58 per cent of project expenditures was incurred in projects negotiated with Jordan, mainly on engineering surveys for the Yarmuk Valley scheme and the Ghor Nimrin tent factory, which would shortly be in production. In addition, the Agency contributed another $140,000 to the funds of the Jordan Development Bank, bringing its total investment to $560,000. Expenditure in Syria was mainly for vocational training courses, principally in skilled trades. **Over** $90,000 was spent on the exploitation of uncultivated lands to determine their suitability for agricultural use. Industrial loans were made to Iraq for the purpose of establishing two factories.

For the next financial year 1953-54, the Director of the Agency recommended an increase in the relief budget over that for the previous year, in order to enable the Agency to provide shelter for refugees who had been living outside camps but whose means were now exhausted, and to distribute additional food to certain categories of refugees—in particular to young children—in order to counter the risk of malnutrition to which the experts from the Food and Agriculture Organization (FAO) had drawn attention. The sum recommended by the Director was $25.7 million, representing an increase of $2.4 million over the previous year. This recommendation was amended later to $24.8 million for relief.

As regards the rehabilitation of refugees, the report stated that by the end of June 1953, in addition to the four programme agreements with Jordan, Syria and Egypt (referred to above) for projects envisaging schemes to make refugees self-supporting, a general agreement for an unspecified amount had been concluded with the Libyan Government.

The report noted the following progress in the implementation of these programmes:

Jordan—The first agreement with the Jordan Government was signed on 5 August 1952. It reserved a total of $11 million for projects calculated to make 5,000 refugee families self-supporting. The expenditure would be distributed over: research, planning and surveys; agriculture; industry and commerce; urban housing; and vocational training.

Under the heading "research, planning and surveys"; a soils laboratory was set up in Amman and hydrological surveys were carried out in the Wadi Faras, the Ghor land at the southern end of the Dead Sea and the Shera'a region. Investigations were also made at Azrak. None of these regions proved suitable for cultivation and the projects were abandoned.

In the agricultural sector, two small agricultural schemes, begun before the signing of the agreement, at a cost of, respectively, $92,000 and $17,000 had absorbed 32 refugee families in one case and 100 in the other, the report stated. New agricultural schemes undertaken after the signing of the agreement had taken the form of a series of small settlements along the Jordan-Israel frontier.

In the Category of urban housing, the Agency had undertaken with the Jordan Government the building of 50 houses on the outskirts of Amman. The scheme, costing $68,000, had helped to remove 250 names from the Agency's lists. Similar projects were being considered for other towns in Jordan.

In the category of vocational training was the establishment of a technical training school for 600 boys at Kalundia, near Jerusalem, at an estimated cost of $400,000. A similar scheme for girls was under preparation. Other training schemes in progress included courses in midwifery, pharmaceutical training, teaching, laboratory training, nursing, and statistical training.

The report further stated that, at the end of March 1953, a second broad programme agreement with the Jordan Government was concluded concerning the Yarmuk-Jordan Valley scheme for the irrigation of the Jordan Valley. It was estimated

that the scheme would benefit some 150,000 refugees.

Syria—Under the programme agreement signed with Syria, the Agency undertook to reserve $30 million for a programme which would improve the living conditions of refugees in Syria, over a period ending 30 June 1954. The programme would include technical training, education, industry and commerce and agriculture. Up to the end of June 1953, the report stated, the amount spent was approximately $500,000.

Some $102,000 had been allotted for courses to university students, teachers, shorthand typists and accountants, dressmakers, medical orderlies, midwives and other medical personnel. An amount of $231,000 was earmarked for education for refugee children in Syria for the past year and had also been debited to the $30 million, the report said. Some $145,000 had been spent on agricultural projects, mainly of a preliminary and experimental nature. Progress in this field had been disappointing, due to the nature of the soil.

Egypt—Under a programme agreement signed with Egypt in December 1952, $300,000 were earmarked for a vocational training scheme in Gaza. A sum of $17,000 had been allotted so far for the construction of a school which would accommodate about 400 students. It would give courses fox foundry-workers, blacksmiths, and carpenters and for car maintenance and repairs.

On 30 June 1953, a broad programme agreement was signed between the Agency and the Egyptian Government providing for the co-operation of the two parties in searching for practicable projects in the Sinai Peninsula, as well as in the Gaza district. The Agency undertook to reserve an amount of approximately $30 million for these projects, pending the completion of economic and engineering surveys, for which it would advance a maximum of $50,000. If, as a result of the surveys, it should be decided to proceed with specific schemes, project agreements would be negotiated defining the amount of money to be committed by the Agency and the approximate number of refugees to be rendered self-supporting.

Libya—On 23 November 1952, an agreement was concluded between the Agency and the Government of Libya, by which it was agreed that the Government would admit a number of refugees and would allow them to be established on a self-supporting basis, and would in due course confer on those who applied the rights and privileges enjoyed by citizens of Libya.

Although the number of refugees was not specified in the agreement, an understanding was subsequently reached by an exchange of letters, as a result of which 1,200 families (about 6,000 persons) would be covered by the scheme, of which 1,000 would be agricultural and 200 artisan families. On the evidence at present available, it was expected that some $2 million would be involved in the rehabilitation of this number of refugees in Libya. All that had so far been achieved was the establishment of a few artisan families who were assisted by the Agency to find work. Investigations were being made into the possibilities of large-scale agricultural projects.

In addition to those negotiated with governments, a limited number of projects of a more general nature were being operated as headquarters' schemes. These included research projects, placement activities, projects involving the acquisition of capital equipment (such as drilling rigs) for general use, and training courses run in countries, such as Lebanon, with which no programme agreement had as yet been concluded. A total of $179,000 had been spent on such headquarters projects up to 30 June 1953.

In addition, any rehabilitation activity in Iraq was currently classified as headquarters expenditure. The Iraqi Government had from the beginning taken full responsibility for the 5,000 refugees within the country and the Agency therefore maintained only a small office in Baghdad. A teachers' training course for 60 refugee students from Syria, Jordan, Lebanon and Gaza had already been completed; and two loan agreements had been concluded for establishing respectively a clothing factory and a candy factory to employ refugees from other countries. By the end of the fiscal year, neither of these projects had reached the stage of production and difficulties were being experienced in obtaining entry visas for prospective refugee employees.

Reporting on health conditions, the Director stated that the total cost of the health and camp maintenance programmes for refugees during the period covered by the report was $3,294,000. Of the "treaty diseases" (cholera, yellow fever, smallpox, typhus and louse-borne relapsing fever), only one case of epidemic typhus was recorded. The immunization campaigns against smallpox, enteric fevers and diphtheria succeeded in eliminating smallpox and in reducing greatly the incidence of enteric fevers and diphtheria. The incidence of malaria, it was reported, had generally declined due to anti-malaria campaigns. The report further gave an account of special campaigns carried out to prevent eye diseases, to supervise and advise expectant mothers, to prevent syphilis and to provide nursing services.

As regards education, the Director reported that in September 1952 a total of 52,776 pupils were registered in UNRWA-UNESCO schools. In addition, an estimated number of 57,681 pupils were reported as in attendance in private and government schools. By May 1953, the registration in UNRWA-UNESCO schools had increased by approximately 19,000 pupils, and that in government and private schools by approximately 1,500 pupils. The teaching staff, which had been 955 at the end of the school year 1951-52, had increased to 1,536 in June 1953. For the school year 1953-54, the Agency was making provision for nearly 95,000 children in its own schools. If the number of children in government and private schools remained constant, this would mean that 150,000 children would be receiving primary education.

With regard to secondary education, the report stated that comparatively few refugee children were maintained in secondary classes. However, during the school year 1953-54, it was planned to provide secondary education in government and private secondary schools and, in some cases, in UNRWA classes, for approximately 5,000 pupils.

During the school year 1952-53, grants-in-aid amounting to $12,000 were given to universities in Beirut and partial assistance was extended to nearly 100 students at the University of Syria. A literacy campaign, partly successful, was conducted, during the year, in Gaza.

The report also dealt with: welfare activities, such as social case work and individual care, operation of social welfare centres and training of social welfare workers; sponsorship of arts and crafts activities for girls and women; distribution of donated clothing; co-ordination of work with voluntary agencies; and distribution of milk.

Under the heading "Co-operation with other United Nations organizations", the Director expressed appreciation of the assistance rendered by the United Nations Children's Fund (UNICEF) and the specialized agencies of the United Nations. UNICEF, the report said, had contributed $2,125,447 in supplies including currants, fats, milk-powder and sugar.

A joint special report of the Director and the Advisory Commission of the Agency (A/2470/Add.1), dated 26 October 1953, stated, inter alia, that, despite all efforts, including the conclusion of programme agreements with three Middle Eastern Governments, it was practically impossible to bring about the rehabilitation of all Arab refugees in the existing economic and political circumstances. There was, however, a prospect that, by their early employment on projects under consideration by the host governments and UNRWA, many refugees would be able to become self-supporting.

The special report stated further that the sum of $25.7 million recommended by the Director for the relief programme in 1953-54 might be reduced to $24.8 million in view of the delay in the implementation of these recommendations and the purchase of one basic commodity at a greatly reduced price. With regard to the transfer of administration of relief to host governments, as suggested by the Director, the Commission recommended that the Director negotiate on this subject with the individual host governments and report to the General Assembly at its next session. It also recommended that the General Assembly should, among other things:

(1) extend the mandate of UNRWA as an interim measure until 30 June 1955 and review the problem at its ninth session;

(2) authorize the Director to adopt a provisional budget for relief of $18 million for the fiscal year 1954-55, to be subject to review at the Assembly's ninth session;

(3) authorize the Director to undertake a relief programme during 1953-54 at a cost of $24.8 million, and to introduce additional measures outlined in his report;

(4) increase to $293 million the amount of $250 million originally envisaged in the three-year plan adopted by resolution 513(VI),[68] and invite the Negotiating Committee for Extra-Budgetary Funds to initiate negotiations with Member and non-member States with a view to obtaining contributions for the additional funds required.

Among the specialized agencies, the World Health Organization (WHO) made a contribution to the Agency of approximately $43,000 as well as providing a chief of the UNRWA Health Division and two other staff members for the technical supervision of the Agency's health programme.

The United Nations Educational, Scientific and Cultural Organization (UNESCO), the Director stated, undertook, as in the past, to contribute the sum of $70,000 towards the cost of the education programme for Arab refugees, and to appoint and pay the salaries of two education officers to take charge of the technical execution of the programme. It also made arrangements for donations in the form of gift coupons from Canada, the Netherlands, Portuguese East Africa, the United Kingdom and the United States to the UNRWA-UNESCO schools, amounting to $8,879 for the year under review. The Swedish National Com-

[68] For text, see Y.U.N., 1951, pp. 315-16.

mission of UNESCO sent a special contribution in kind—school equipment—worth $10,000; American teachers sent reference books for the teachers' seminars, which were held during the year to improve the standard of teaching in refugee schools.

Under a special agreement concluded between UNESCO and UNRWA for a programme of technical assistance for training and re-training of children, youths and adults among the Palestine refugees, a UNESCO technical assistance mission to UNRWA commenced operating in 1952-1953. It comprised a fundamental and adult education specialist, a vocational training specialist, a visual aid specialist and a cameraman. UNESCO's contribution towards the cost of the team amounted to $50,000. The mission, reduced to three specialists and with a budget of $35,000, was renewed for 1954.

At the end of March, the Agency was informed that the General Conference of UNESCO, at its seventh session, had authorized the Director-General to continue, in collaboration with UNRWA, to provide assistance for Palestine refugees in the Middle East. The Conference also appropriated the sum of $90,000 for the calendar year 1953 as a contribution towards UNRWA's expenditure on education. As in the past, this sum included the salaries of the two UNESCO field officers in charge of the execution of the programme, so that the actual cash transfer would amount to approximately $70,000 per annum.

Acknowledging the contribution of the International Labour Organisation (ILO), the Director stated that basic agreement between ILO and UNRWA for the provision of technical assistance was signed at the end of 1952, as well as a supplementary agreement, under which ILO undertook to provide one vocational training expert for a period of one year to act as adviser to the Principal of the vocational training centre for refugees at Kalundia, and three vocational training experts for a period of one year each to act as workshop supervisor instructors at the same centre. In addition, four fellowships for study abroad for three months in building trades, metal working and electrical trades, vocational education and school administration were to be provided for staff members of the centre.

Between May and August 1952, ILO had lent an expert to undertake studies in the area, with a view to the possible development of handicrafts and cottage industries among the refugee population.

As regards the Food and Agriculture Organization of the United Nations, the report stated that the senior supervisory officer of the Nutrition Division of FAO, accompanied by the nutrition and home economics officer of the FAO Regional Office for the Near East, visited the Agency in February 1953 in order to advise on nutritional problems. This visit was in the nature of a follow-up visit for nutritional surveys made in conjunction with WHO in 1950 and 1951; and it resulted in the adoption by the Agency of several valuable suggestions on supplementary feeding. FAO has also assisted the Agency over the recruitment of a nutritionist.

b. CONSIDERATION BY THE GENERAL ASSEMBLY AT ITS EIGHTH SESSION

(1) Discussions in the Ad Hoc Political Committee

The Ad Hoc Political Committee considered the question of assistance to Palestine refugees at its 23rd to 30th meetings, between 2 and 12 November 1953. At the invitation of the Chairman, Leslie J. Carver, Acting Director of UNRWA made a statement at the 23rd meeting. He recalled that the three-year plan prepared by the former Director of the Agency had established two separate funds, one, amounting to $50 million, to be spent on relief to refugees, and the other, amounting to $200 million, to be used to assist in making them self-supporting.

He explained that the plan had been based upon two main principles: (1) that acceptance by the refugee of assistance provided by the Agency would in no way prejudice his right to repatriation or compensation; and (2) that expenditure on relief would be reduced progressively as expenditure from the $200 million fund increased. It had been recognized that the plan would not succeed unless it received full support from the Arab Governments and the refugees themselves. Two years had elapsed since the plan had been put into operation, and the $50 million earmarked for relief had been spent. The Agency's mandate would expire on 30 June 1954;

With regard to the main object of the plan, the creation of occupations enabling refugees to become self-supporting, the results had been disappointing. That was because more time than anticipated had been required to decide upon and initiate the projects to be financed and was also due to the attitude of the refugees, who frequently refused to take advantage of the services placed at their disposal by the Agency. It would be impossible to compel them to do so without violating the fundamental principles of the Charter. Mr. Carver stated that he had been much impressed by the virtual unanimity with

which the refugees had told him that they would not accept anything but the return to their homes guaranteed them by General Assembly resolution 194(III) of 1948.[69]

The Governments of the Arab countries had shown their willingness to co-operate with the Agency by signing four programme agreements during the period under review. Three of those Governments were serving on the Advisory Commission of the Agency, and a fourth had requested to be represented there also. The representatives of those countries had, in particular, co-operated in the preparation of the joint report by the Director and the Advisory Commission of the Agency.

He recalled that he had indicated in the Agency's annual report to the Assembly that it would be possible, and, indeed, desirable to arrange for the gradual transfer of some of the relief activities to the host governments. The Agency had done its best to facilitate that transfer, foreshadowed in paragraph 5 of General Assembly resolution 513 (VI), which would eliminate many of the difficulties with which the Agency was currently faced. The members of the Advisory Commission had expressed the opinion that the Agency was performing its work with reasonable efficiency and the transfer would probably cause some dislocation in the progress of operations.

Failing the transfer of administrative responsibility to the host governments, the life of the Agency would have to be prolonged beyond 30 June 1954 in order to allow the General Assembly to review the position at its next session. The joint report, therefore, recommended that the Assembly decide provisionally to extend the Agency's mandate until 30 June 1955, which would enable the Agency to study the problem in all its aspects and to report to the Assembly's next session. In that connexion, Mr. Carver drew attention to the warning sounded in the joint report that the rehabilitation of all the Arab refugees was for practical purposes impossible in existing economic and political circumstances in the Near East. That remark reinforced the statement in the report stressing the urgency of the need for measures to settle the problem.

For the next fiscal year, the joint report recommended the adoption of a relief plan requiring new cash in the amount of $24.8 million, or $1.5 million more than for the year 1952-53. That increase was required to provide 63,000 additional rations during the second half of the year and shelter for 87,000 refugees whose means were exhausted.

For the fiscal year 1954-55, the joint report recommended the adoption of a provisional relief budget of $18 million subject to review at the Assembly's next session. That figure was calculated on the assumption that it would be possible to give employment to approximately 12,000 refugees and that their families would be removed from the ration rolls.

With regard to educational activities, the Agency hoped to enable approximately 150,000 children, or 75 per cent of those of school age, to receive primary education during the next fiscal year. The funds available to the Agency did not allow it to provide secondary or university education for all those wishing to receive it, but it was hoped that the position in that respect could be improved slightly. Meanwhile, the Agency was endeavouring to increase facilities for vocational training.

In the field of health, the results obtained during the past financial year could be described as satisfactory, Mr. Carver stated.

At the 24th meeting on 3 November, France, Turkey, the United Kingdom and the United States submitted a joint draft resolution (A/AC.72/L.12).

Under part A of this draft, the General Assembly would:

(1) recall its resolutions 194(III)[70] of 11 December 1948, 302(IV)[71] of 8 December 1949, 393(V)[72] of 2 December 1950, 513(VI)[73] of 26 January 1952 and 614(VII)[74] of 6 November 1952;

(2) refer to the reports of the Director of UNRWA and the joint report of the Director and the Advisory Commission;

(3) note the conclusion of programme agreements with some Near East Governments and that expectations regarding their execution had not been realized; and

[69] For text, see Y.U.N., 1948-49, pp. 174-76.

[70] By this resolution, the General Assembly resolved, inter alia, that refugees wishing to return to their homes and live at peace with their neighbours should be permitted to do so at the earliest practicable date and that compensation should be paid to those not wishing to return.

[71] By this resolution, the General Assembly established the United Nations Relief and Works Agency for Palestine Refugees in the Near East; for text, see Y.U.N., 1948-49, pp. 211-12.

[72] By this resolution, the General Assembly established a reintegration fund, of which $30 million was to be contributed by 30 June 1952. For text, see Y.U.N., 1950, p. 327.

[73] By this resolution, the General Assembly endorsed the programme recommended by the Agency for the relief and reintegration of Palestine refugees, envisaging the expenditure of $50 million for relief and $200 million for reintegration over a period of three years starting 1 July 1951.

[74] By this resolution, the General Assembly increased the relief budget for the fiscal year ending June 1953 to $23 million and provided for a budget of $18 million for the fiscal year ending June 1954, subject to review at the eighth session of the General Assembly. For text, see Y.U.N., 1952, p. 261.

(4) note also that the situation of the refugees continued to cause concern.

In the operative part, the Assembly would:

(1) decide to extend the mandate of UNRWA until 30 June 1955;

(2) authorize a budget of $24.8 million for the fiscal year ending June 1954 and a provisional budget of $18 million for the fiscal year ending June 1955;

(3) maintain the projects fund at $200 million, urging UNRWA and the governments of the Near Eastern countries concerned to continue to seek acceptable projects; and

(4) request the Negotiating Committee for Extra-Budgetary Funds to seek the funds required to meet the current needs of the relief programmes and to invite governments to take into account the additional pledges required to meet the total programme now established at $292 million.

Under part B of the joint draft resolution, the Assembly would:

(1) note the current membership of the Advisory Commission of UNRWA (Egypt, France, Jordan, Syria, Turkey, the United Kingdom and the United States);

(2) note that it was in the general interest that other contributing countries join the Advisory Commission; and

(3) authorize the Advisory Commission to increase its membership by not more than two additional members.

Explaining the joint draft resolution, the representative of the United States said that the Agency's operations in no way prejudiced the rights of the refugees. With regard to part B of the draft, he stated that, while his delegation gladly supported the proposal authorizing the Advisory Commission to increase its membership by two, he felt that a balance should be maintained between UNRWA and its Advisory Commission. To expedite the daily operations of the Agency, it would be best for the Advisory Commission to concern itself primarily with broad policy in consultation with its Director.

His Government, he said, was increasingly concerned with the magnitude of the refugee problem and the delays in finding means to solve it, in whole or in part. His Government, in the words of one of the United States congressional committees, was not prepared to bear indefinitely so large a share of the burden when Israel and the Arab States showed so little initiative in helping to settle the matter among themselves. There was a very real danger that the longer the United States continued to supply relief money, the less desire there would be on the part of the States in the area to make real efforts on their own to put an end to the problem. Having given continuous support in the past, the United States Government now looked to the countries of the Near East, which were primarily concerned, and which had primary responsibility, for constructive solutions.

The United States also believed that the interests of both the Palestine refugees and of Israel itself made it important for Israel to take further steps with a minimum of delay in discharge of its responsibilities for compensating the Palestine refugees, and that Israel would be well advised to renew consideration of the responsibility for, and the possibilities of, repatriation.

Ready as the sponsors and other nations might be to help with services and funds, the programmes so far proposed could not hope to solve the problem for more than 320,000 refugees who would be rendered self-supporting, as estimated in the Agency's report. No programmes were yet under consideration for the remaining 500,000. It therefore behoved the Arab States and Israel to take bold measures to ensure the success of the programmes now envisaged and others which must be developed.

The United States representative said that no government could speak authoritatively on behalf of the refugees as a whole. They had lost their homes, their possessions and, in most cases, their livelihood, and had been paid no compensation in exchange; few had thus far been permitted to return to their homes. For a variety of reasons they were in most instances unable to find work in the countries which had given them shelter. Many thousands were living in temporary shelters built by UNRWA close to the borders of Israel. Such a situation, he said, might give rise to eternal hatreds and contained the seeds of future wars.

UNRWA could hardly hope to assist hundreds of thousands of those refugees to earn their livelihood unless an immediate effort was made toward the maximum utilization of local resources. As a start, it should be possible to solve the problem of the Jordan waters on an equitable basis, giving a share of the benefits to those refugees who chose to settle in the Jordan watershed. In order to be fully informed about the possibilities of the development of the Jordan, UNRWA had secured the services of outstanding experts, whose report on the unified development of the Jordan deserved the most careful consideration. The suggestions in the report were sound, and it was hoped that other governments directly concerned would take the necessary measures to make the plan work. The problems involved in the use of international rivers were not new and could be solved by co-operation and mutual concession on the part of the countries concerned.

The representative of the United Kingdom noted that the most important advance in 1953 had been the enlargement of the Advisory Commission by the addition of Syria, Jordan and Egypt. That closer association of the host countries in the work of UNRWA was a further sign that they were ready to share the responsibilities of the Agency toward the refugees. Their presence on the Commission had already helped in smoothing over difficulties and would be of great assistance to the Agency in dealing with a number of administrative problems. The United Kingdom would also like Lebanon to be included on the Advisory Commission, in accordance with the wish that country had expressed.

The representative of the United Kingdom supported the suggestion in the annual report of the Director of UNRWA (A/2470) and the special report of the Director and the Advisory Commission (A/2470/Add.1) that administrative responsibility for relief work should be gradually transferred to the host governments.

The United Kingdom Government, its representative said, welcomed the fact that the Agency had signed programme agreements with a number of States in the Near East. That was a hopeful sign and an important development. He noted with regret, however, that delays had occurred in the preparation and execution of major projects, a fact which had necessitated a revision of the Agency's programme. Accordingly, it was proposed in the joint draft resolution that the Agency's mandate should be extended until 30 June 1955, subject, of course, to a review of its programme at the General Assembly's ninth session. It was earnestly hoped that, in the meantime, everything possible would be done by UNRWA and the host governments to find acceptable projects which would assist the rehabilitation of the refugees. Employment on such projects would be of greater value to the refugees than relief and would allow a reduction in relief expenditure.

The representatives of France and Turkey emphasized the necessity of extending the Agency's mandate for another year and paid tribute to the Acting Director for his work. They expressed satisfaction at the conclusion of the four programme agreements.

The representatives of Egypt, Iraq, Lebanon, Syria, Saudi Arabia and Yemen, supported by the representatives of India, Indonesia, Pakistan, Afghanistan and Iran, stated that the presence of 872,000 refugees in the Arab countries presented a very urgent problem. Only a third of the registered refugees lived in Agency camps. The other two thirds, who had hitherto managed to find accommodation elsewhere, appeared to have exhausted their savings and were appealing to the Agency for shelter. Describing the deplorable living conditions in the Agency's camps in the winter, these representatives observed that, even if the Agency succeeded in finding accommodation for 87,000 additional persons in 1953, at least half the refugees would remain outside the camps.

Also, the Agency had never been able to provide for the refugees' clothing needs, which had been partially met only by the collection of clothing abroad.

With regard to paragraph 5 of the annual report, dealing with Arab refugees in Israel, they did not think it correct to call those Arabs refugees since they were still living in their own country, where they had been forcibly displaced by the Israel Government. UNRWA should not have assisted them, since in so doing it had assisted Israel, which had interned them in camps and had confiscated their property; the Agency had been right to rectify the situation by putting a stop to all assistance to these persons.

These representatives maintained that the presence of refugees on the territory of the host countries had imposed great sacrifices on those countries. It had brought about a considerable drop in wages and hence in the standard of living.

Dealing with the assistance rendered by the host countries to the refugees, these representatives recalled that during the fiscal year 1953, the Egyptian Government, for example, had made a contribution of $1,440,228 towards direct relief and had also distributed the equivalent of $245,625 in kind.

Turning to the reintegration programme and the question of the $200 million fund for the implementation of the three-year plan, these representatives observed that the plan had been drawn up because of Israel's refusal to give effect to Assembly resolution 194(III), which dealt with repatriation. The Governments of three Arab countries had concluded with UNRWA four programme agreements, the object of which was to make approximately 300,000 refugees self-supporting. In signing those agreements, the governments concerned had clearly in mind the fact that the measures in question were no more than temporary and that in accepting the projects the refugees would not be renouncing any of their rights to repatriation or to compensation in due course. In that connexion, they stressed that resolution 513(VI) did not aim at providing a final solution to the problem and they stated that

neither the funds contemplated in that resolution nor the periods allowed for the achievement of the projects were sufficient. Moreover, the land available in the host countries would not be adequate for complete settlement Subsequently, they quoted from the Acting Director's annual report and the special report to show that the host countries would not be able to absorb all the refugees now on their territory and that the relief programme and the time-table for its implementation would have to be revised.

As to the health conditions of the refugees, these representatives stated that the expenditure of $3,294,000 mentioned in the report included expenditure on items that had nothing to do with medical care, since it was stated in the report that a large part of the total had been for maintenance and improvement of living conditions in the camps. They dealt at length with the health conditions of the refugees and quoted a report drafted by Dr. Etienne Berthet, the World Health Organization's expert on tuberculosis, on the extent of the danger of tuberculosis among the Syrian refugees.

They also recalled that the report referred to the basic ration—1,500 calories a day—for those refugees who received the full ration. Some received none; others received half rations. Moreover, while 872,000 refugees were on the UNRWA rolls, the number of rations was only 807,000. Several thousand refugees, including all the children between one and seven years of age, did not receive full rations, and the change in their diet had caused serious under-nutrition which threatened their health and future physique. However, as a result of inquiries by two experts from FAO and WHO into the food situation, the number of recipients of supplementary meals had been increased from 3 to 6 per cent of the rationed refugee population. It should be noted, they said, that, although medical examination revealed a serious danger of malnutrition, the medical officer could prescribe supplementary feeding only on condition that the total number of recipients did not exceed 6 per cent of the total refugee population.

Concerning the education of refugee children, these representatives stated that the account given in the report was not very clear, but it probably permitted the conclusion that, in 1953-54, 95,000 children would attend schools jointly organized by the Agency and UNESCO. Adding to that figure the number of children attending government and private schools in the host countries, it would be found that approximately 150,000 children would be receiving elementary education, that was to say, 75 per cent of the 200,000 children estimated by the Agency to be of primary school age. Therefore, the 95,000 entrants into the UNRWA-UNESCO schools during the 1953-54 school year would account for only 47.5 per cent of the total number of children attending school, and approximately two fifths of the 75 per cent would be refugee children attending private and government schools in the host countries.

Furthermore, it was stated, the number of refugees receiving assistance was estimated in the report to be approximately 872,000; that figure, however, did not take into account either the refugees living on the demarcation line between Jordan and Israel or those living on the frontiers between Gaza and Israel. Those Arabs, 250,000 in number, were known by the strange name of "economic refugees", and did not benefit regularly from the assistance described in the report, since they had not been driven from their homes. They had, however, been deprived of their property and should be granted the same assistance as other refugees.

Also, the unfavourable economic conditions obtaining in the host countries created an acute problem for the refugees. For example, 127,000 refugees had been settled in Lebanon, despite the poverty of its natural resources and the density of its population. Lebanon, which had made a particularly significant contribution towards the education of refugee children, had provided assistance amounting now to $9 million. The Committee should, therefore, not lose sight of the fact that the offer to resettle refugees in host countries could only be a temporary remedy.

Regarding the question of the administration of the relief programme, these representatives considered that it was not the responsibility of the host countries to undertake that administration even if they were able to do so. The principle of United Nations responsibility for the refugees was very important. Israel had a very special responsibility in the matter, for not only was that nation the direct cause of the problem but, in addition, it had despoiled the refugees of their property after having driven them out and persecuted them.

The attitude of the Arab States to the refugee problem was determined by the following principles:

(1) however effective relief measures might be, they were only a palliative;

(2) the only possible solution was to repatriate the refugees or to give fair compensation to those who did not wish to return to their homes in accordance with

the General Assembly's resolutions, particularly resolution 194(III);

(3) the refugees' right to repatriation was a sacred one, deriving from the Universal Declaration of Human Rights and from the Charter, and had been recognized by the United Nations;

(4) the refugees, together with the peoples of the Arab States, rejected any plan for their resettlement which would divert them from their permanent goal—repatriation—or cause them to be absorbed by the Arab countries.

The United States representative, it was said, had appealed to the Arab States and Israel to settle the problem between them. The Arab States were prepared to. respond to that appeal if Israel was prepared to give effect to the General Assembly's resolutions. As the United States representative had stated, Israel ought, without delay, to take new measures to discharge the responsibilities it had accepted; it ought to reconsider the possibilities of repatriating the refugees and pay compensation to those who did not wish to return to their homes. Israel should respond to that appeal; so long as it continued to defy the United Nations, which had created it, the problem of the refugees would remain unsolved.

Most puzzling of all were the threats to reduce all aid to the innocent refugees unless Israel and the Arab States co-operated more fully, though there had been no similar statement on grants-in-aid to Israel. Israel would undoubtedly have respected the resolutions on Palestine if there had been firm insistence on right and justice, because Israel itself had wanted and accepted those resolutions after the fighting in Palestine had ended.

As for resettlement, the Acting Director had singled out for mention the agreements concluded with three of the four host countries, and had spoken of the refugees' hostility to the resettlement projects. In concluding, he had laid special emphasis on the possibilities offered by Syria, proposing the investment there of the balance of the $200 million fund, i.e., $89 million. But the material possibilities or economic potential offered by one country or another were not really the crux of the matter. The refugee problem was principally a political problem, the solution of which must be sought in Palestine, and nowhere else. That was the approach adopted by the United Nations and the solution which the refugees demanded. Any organ or government which sought to solve the problem by means other than repatriation would meet with resolute resistance from the refugees and the Arab countries.

The Agency's estimates were based on the assumption that sufficient projects would be found to attract a maximum number of refugees and that the projects would be carried out within the specified period. The past abandonment of projects, hardly begun, however, gave no grounds for optimism.

It was ridiculous and wrong to consider schemes for the settlement of Arab refugees involving the reclamation of deserts, schemes which would be dependent, as experience had proved, on many uncertain factors, which would require five or six years to complete and would constitute a burden on many countries, while land and properties belonging to the refugees were being wrongly enjoyed by others or going to waste.

In conclusion, these representatives emphasized the following points:

(1) More than five years had elapsed since the Arab refugees had been expelled from their lands and homes and their condition had scarcely improved.

(2) The resettlement of those refugees in the host countries was practically impossible; UNRWA could find work for only half their number.

(3) The Palestine problem was the principal cause of the present tension and instability in the Middle East; peace and security could not be restored in that area unless a just and equitable solution were found for that problem.

(4) Such a solution could only be forthcoming if Israel agreed to implement the United Nations resolutions concerning Palestine or if the United Nations itself brought the necessary pressure to bear on Israel to that effect.

Finally, they declared that, for want of any better text, they would vote for the joint draft resolution.

Reviewing the origins of the refugee question, the representative of Israel said that the problem had arisen because of the aggressive attack of the Arab countries on Israel. The flight of the Arab inhabitants from Israel had been a part of the Arab League's plan for the invasion of Palestine. The evacuees had been assured by Arab commanders and political leaders that their evacuation would be of short duration, that they would soon return in the wake of the victorious Arab armies and would regain not only their homes, but much booty in addition.

He asked those representatives who had urged Israel to admit a substantial number of Arab refugees to consider the consequences of such a course. The admission into Israel of thousands of Arabs from bitterly hostile States would endanger Israel's security, since the allegiance of the refugees would lie elsewhere. In 1949 Israel had indeed offered to admit 100,000 Arab refugees, a difficult and dangerous undertaking for a new and struggling State, but its offer had not even been considered by the Arab States. Conditions have since

changed, however; hundreds of thousands of Jewish immigrants (including 120,000 from Iraq) had entered Israel and opportunities for absorption of refugees which had formerly existed were no longer available. Furthermore, the less circumspect Arab leaders had made it clear that their main purpose in introducing the Arab refugees into what would now be a strange environment for them was to encompass the destruction of Israel from within.

Turning to the interests of the Arab refugees themselves, he referred to the United Kingdom representative's statement, at the 61st meeting of the Ad Hoc Political Committee on 29 November 1950, that the Arab refugees would have a happier and more stable life if the bulk of them were resettled in Arab countries. That was still true, and if the Arab States rejected that solution it was because they were thinking in terms, not of the fate of the refugees themselves, but of political warfare.

He reminded the Egyptian and Lebanese representatives, who had referred to Israel's failure to comply with the repatriation provisions of resolution 194(III) that that obligation had been specifically conditional on two factors, practicability and peace. He strongly denied that his Government had ever contravened the terms of the resolution, the wording of which clearly showed that it did not give the Arab leaders freedom to introduce refugees as a hostile element into Israel.

The representative of Israel referred to the circumstances which had led to the foundation of the United Nations Relief and Works Agency and the programme which it had set out to accomplish. He also recalled the acceptance by the United Nations in 1950 of the principle of resettlement of the refugees and their integration into the economic life of the Middle East by means of a reintegration fund for the permanent re-establishment of the refugees and their removal from relief. That primary purpose of resolution 393(V) seemed to have been forgotten by Arab representatives who had referred to it.

Referring to the report of the Agency, the representative of Israel said that its most striking feature was the statement that the registered number of refugees was almost exactly the same as it had been at the end of 1951. It was clear that the mandate given to UNRWA to solve the refugee problem within three years could not be fulfilled. The report now proposed a six-year programme, and the Acting Director considered that even at the end of that period nearly 500,000 refugees would still require relief. A number of significant paragraphs in the report showed where the blame lay for the Agency's failure to carry out its programme.

It was clear, in the first place, that, given the funds, there were great possibilities for large-scale settlement and development in certain Arab countries; but the report admitted that little progress had been made on the two schemes described as major ones, the Yarmuk and Sinai irrigation schemes. Only the former had even reached the survey stage. The report pointed out that there were considerable possibilities in Syria for development on the scale required, but it was indicated that the Syrian Government had refused permission for preliminary surveys to be made in the areas in question. The report also stated that investment of the kind contemplated would tend to strengthen the host country's economy and in turn to attract additional capital. The impression which he had received from the Syrian representative's statement was that it was practically an infringement of Syrian sovereignty for the Agency to make any suggestion with regards to the use of Syrian lands for refugee settlement. It was astonishing that after complaints by Syria and other Arab States about the plight of Arab refugees, they were unwilling to do anything constructive to help in solving the problem. Iraq, for example, needed not more territory but more people and could, at a conservative estimate, readily settle 350,000 refugees on two to three million acres of land. But there had been a flat refusal.

There had been comment from Arab delegations on the Israel Government's acceptance of responsibility for all Palestine refugees in Israel originally in UNRWA's care; it had been objected that the persons in question were not in fact refugees. But the report of the Agency showed that, of 45,800 refugees in Israel registered with UNRWA in June 1950, 22,000 had been removed from the Agency's rolls and absorbed in the Israel economy. Since then Israel had accepted responsibility for all the rest. The Agency had defined a refugee as a person normally resident in Palestine who had lost his home and his livelihood as a result of the hostilities, and who was in need. The Arab States must either accept the Agency's definition of a refugee or remove from the Agency's lists a large number of persons outside Israel's borders. Those now registered with the Agency totalled 872,000, yet not more than 600,000 had left Israel territory, whilst the total Arab population, including Bedouin, of what was now the State of Israel was shown by the records of the administration of the Mandatory Power to

have been under 800,000. The present Arab population of Israel was about 180,000; consequently some 600,000 Arabs, at most, had fled the country. Part of the discrepancy, say 12 per cent, between the 872,000 Arabs now receiving relief and the 600,000 original refugees could be accounted for by natural increase. In addition, as indicated by UNRWA, destitute Arabs in neighbouring countries had succeeded in being included on the ration lists, whilst attempts to conceal deaths of refugees in order to continue drawing rations for them had been made and appeared to have been aided by some Arab authorities. The balance was accounted for by persons who had always lived outside Israel but who had qualified for relief under the definition.

The plight of many refugees was a direct result of the Arab policy of economic warfare against Israel, which destroyed possibilities of normal economic exchange and livelihood for many living in countries, such as Jordan, whose economies were complementary to that of Israel.

He wished, he said, to reiterate his Government's declared policy of readiness to pay compensation for abandoned Arab lands, although the Arab blockade sought to destroy Israel's ability to pay such compensation. The Conciliation Commission had been informed on 7 October 1953 that preparatory work for the implementation of that policy was under way. His Government's undertaking to allocate urgently needed foreign currency for unblocking the accounts in Israel of Arab refugees was proceeding satisfactorily.

As to the idea that the refugees' one aim was to return to Israel, that country was vastly different from the country they had known. Moreover, ceaseless propaganda by the host countries had led to a paralysis of the refugees' efforts on their own behalf and an inability to envisage any solution other than repatriation to Israel.

In conclusion, he declared that the key to the problem lay with those who had created it, the Arab countries. The United Nations had shown itself ready to do its share, and it was now for the host countries to make the contribution which only they could make to the solution of the problem.

The representatives of Australia, Canada, Greece, the Netherlands and New Zealand declared, among other things, that their delegations were particularly glad to note that Syria, Jordan and Egypt were already taking part in the work of the Advisory Commission and that Lebanon would soon be invited to do likewise. Such an expansion of the Commission would guarantee the Agency the full co-operation of the host countries, without whose support the Agency would be unable to overcome the numerous difficulties to which the Acting Director had drawn attention in his report.

They stated further that the negative attitude of the refugees toward the question of resettlement might be modified if the refugees could be made fully to understand that those projects in no way affected their rights to repatriation or compensation as recognized in General Assembly resolution 194(III).

Furthermore, there were serious obstacles to be overcome if tangible progress were to be achieved in implementing the provisions of the proposed three-year plan. As the special report of the Director and the Advisory Commission showed, rehabilitation of all Arab refugees in existing economic and political circumstances was, for all practical purposes, impossible; the projects contemplated could not be expected to provide for more than a proportion of the refugee population.

Also, certain speakers had stressed the fact that the only real and just solution of the problem was the repatriation of all the refugees and had mentioned the generous aid their countries had given in assisting the refugees. Without abandoning any question of principle as to right of the refugees to repatriation, it was nevertheless fair to urge an even greater measure of co-operation from the host countries in carrying through the implementation of such projects as would enable as large a number of refugees as possible to become self-supporting. An appeal should also be made to Israel to adopt the same humanitarian outlook.

The New Zealand representative considered that it was incumbent upon Israel to contribute to the solution of the refugee problem. That contribution should include the return of a significant number of refugees to Israel and the payment of compensation to those refugees who decided not to return home. He suggested that, while there was no exact analogy, something might be learned from the experience of Greece in dealing with the great flood of refugees 30 years ago. Similarly, he wondered whether the return to Israel of some of the refugees driven from their homes would be as great an embarrassment as the Israel Government claimed. During the discussion which had preceded the adoption of the 1947 resolution, it had been emphasized that the Palestinian Jews were of the same race as the Arab inhabitants of that region and that the two peoples should therefore be able to live in peace in the new State of Israel.

The representative of the Netherlands observed that to attempt to go back to the origin of the conflict in order to determine responsibility for the present situation would be a retrograde step. However bitter the feelings in the Arab world, the fate of the refugees would not be served in any way by apportioning the blame. Though the Assembly's decision concerning the right of the Arab refugees to repatriation and the compensation due for loss of property should not be questioned, it was, however, questionable whether the repatriation of those refugees would genuinely be in their interest. The situation had changed profoundly since the adoption of the Assembly's resolution of 11 December 1948. The return of the refugees to Israel might worsen the economic situation in that country, and their plight might be even sorrier than it was at present

The representatives of Colombia, Liberia, Peru, and the Union of South Africa expressed their general agreement with the terms of the joint draft resolution and declared their readiness to support it.

At the 30th meeting of the Ad Hoc Political Committee on 12 November 1953, the joint draft resolution was adopted by 46 votes to none, with 5 abstentions.

(2) Resolution Adopted by the General Assembly

At its 458th plenary meeting on 27 November 1953, the General Assembly, without discussion, adopted the draft resolution proposed by the Ad Hoc Political Committee (A/2558). Part A was adopted by 52 votes to none, with 5 abstentions, and Part B by 51 votes to none, with 6 abstentions. Resolution 720 (VIII) read:

"The General Assembly,

"Recalling its resolutions 194(III) of 11 December 1948, 302(IV) of 8 December 1949, 393(V) of 2 December 1950, 513(VI) of 26 January 1952 and 614(VII) of 6 November 1952,

"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 report of the Director and the Advisory Commission of that Agency,

"Noting that programme agreements envisaging the commitment of approximately $120 million have been signed by UNRWA with the governments of several Near Eastern countries, pursuant to the plan endorsed by the General Assembly in resolution 513(VI), but that expectations as regards the execution of the projects programme have not been realized,

"Noting also that the situation of the refugees continues to be a matter of grave concern,

"1. Decides, without prejudice to the provisions of paragraph 11 of resolution 194(III), or to the provisions of paragraph 4 of resolution 393(V), that the mandate of the United Nations Relief and Works Agency for Palestine Refugees in the Near East shall be extended until June 1955, and that its programme shall be again subject to review at the ninth session of the General Assembly;

"2. Authorizes the Agency to adopt a budget for relief amounting to $24.8 million for the fiscal year ending 30 June 1954, subject to such adjustments as may be attributable to refugee employment on projects, or as may be necessary to maintain adequate standards, and to adopt a provisional budget for relief of $18 million for the fiscal year ending 30 June 1955;

"3. Considers that the projects fund previously authorized by the General Assembly in paragraph 2 of resolution 513(VI) should be maintained at $200 million until 30 June 1955, and urges UNRWA and the governments of the Near Eastern countries concerned to continue to seek acceptable projects to enable the fund to be utilized for the purposes for which it is intended;

"4. Requests the Negotiating Committee for Extra-Budgetary Funds to seek the funds required to meet the current needs of the relief programmes and to invite governments to take into account the need for the additional pledges which will be required to meet the total programme now established at $292.8 million.

B

"The General Assembly,

"Having noted that the present membership of the Advisory Commission of the United Nations Relief and Works Agency for Palestine Refugees in the Near East, established pursuant to paragraph 8 of General Assembly resolution 302(IV) of 8 December 1949, is composed of representatives of Egypt, France, Jordan, Syria, Turkey, the United Kingdom of Great Britain and Northern Ireland and the United States of America,

"Noting further that it is in the general interest that other contributing countries join the Advisory Commission,

"Authorizes the Advisory Commission to increase its membership by not more than two additional members."

K. THE GREEK QUESTION

1. Complaint by Greece Concerning the Failure to Repatriate Members of its Armed Forces

By a letter dated 23 September 1952 (A/-2204), the permanent representative of Greece requested the inclusion in the agenda of the seventh session of the General Assembly of the item: "Non-compliance of States still detaining members of the Greek armed forces with the provisions of resolution 382 A (V), adopted by the General Assembly on 1 December 1950,[75]

[75] For text of this resolution, see Y.U.N., 1950, p. 381.

recommending 'the repatriation of all those among them who express the wish to be repatriated'".

In an explanatory memorandum attached to the letter, the Greek representative recalled the terms of resolution 382 A (V), in which the Assembly, after "having considered the unanimous conclusions of the United Nations Special Committee on the Balkans concerning those members of the Greek armed forces who were captured by the Greek guerrillas and taken into countries north of Greece", had recommended "the repatriation of all those among them who expressed the wish to be repatriated". The Assembly had also called upon the States concerned to take the necessary measures for the speedy implementation of the resolution and had instructed the Secretary-General "to request the International Committee of the Red Cross and the League of Red Cross Societies to ensure liaison with the national Red Cross organizations of the States concerned" with a view to implementing the resolution.

The explanatory memorandum further stated that, with the exception of Yugoslavia, the States detaining members of the Greek armed forces had ignored these recommendations and that over 3,000 Greek military personnel were still being forcibly detained in Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Romania and the USSR.

On 17 February 1953, the Secretary-General circulated a note (A/2365) to Member States containing copies of letters exchanged with the International Committee of the Red Cross, together with a copy of a letter from the Permanent Representative of Greece to the United Nations. It appeared from these letters that in July 1951 the International Committee of the Red Cross had received a list from the Greek Red Cross containing names of 148 members of the Greek armed forces who, according to information in the possession of the Greek Red Cross, were detained in Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Romania, the USSR and Yugoslavia. On 7 August 1951, the International Committee had transmitted the list to the National Red Cross Societies of the countries concerned, with a request for help in returning these persons to their homes. With the exception of the Yugoslav Red Cross, which took the necessary action in each of the cases referred to it, none of the Red Cross Societies in question had answered the communication. In July 1952, the International Committee had renewed its representations to the Red Cross Societies. These further communications had also remained unanswered, as had similar communications submitted in January 1953.

The item proposed by Greece was considered at the Assembly's resumed seventh session by the First Committee, at its 570th to 572nd meetings from 9 to 12 March.

The Committee had before it a joint draft resolution by Denmark, New Zealand and Peru (A/C.1/L.23), which provided, inter alia, that the General Assembly should:

> confirm its resolution 382 A (V); note with deep appreciation the continued efforts of the International Committee of the Red Cross; address an earnest appeal to the governments concerned to conform their attitude with the generally acknowledged principles of international law; and request the President of the General Assembly to consult to that end with those governments and to report back to the Assembly before the close of its current session.

The Assembly would, further, invite the Secretary-General to keep "this humanitarian issue" under constant review and notify the Member States of important developments.

The sponsors of the joint draft resolution accepted a Lebanese amendment (A/C.1/L.26) to provide that the governments concerned should be asked to conform their attitude "with General Assembly resolution 382 A (V)" instead of "with the generally acknowledged principles of international law".

The representatives of Denmark, New Zealand and Peru emphasized that their draft resolution was of a strictly humanitarian nature, based solely on testimony and information from the International Committee of the Red Cross; it was objective in character and moderate in terms. A solution of this problem, small in world politics but large for those concerned, might serve as a first step in the direction of settling the bigger political problems facing the world.

The representative of Greece expressed his Government's gratitude to the General Assembly and the International Committee of the Red Cross for their untiring efforts during the past two years on behalf of the Greek prisoners. Unfortunately, not only had those efforts been unavailing, but the rare opportunities afforded certain detained men to correspond with their families and to receive parcels had been abolished.

The question of the detained men dated from the years immediately following the Second World War, the representative of Greece continued. The Communist guerrillas had captured members of the Greek armed forces stationed along the frontier and had forced them across the frontier, particularly at the time the guerrillas were retreating. These members of the Greek armed forces who had been captured on Greek soil and taken

away by the guerrillas could not, he said, be considered as prisoners of war of the States detaining them.

He emphasised that resolution 382 A (V) did not request the repatriation of the detained men en masse; it recommended only the repatriation of those expressing a desire to be repatriated. The number of men currently detained was estimated at about 3,000. A list had been drawn up of those men who, on reliable information, had been traced to camps in Albania, Bulgaria, Czechoslovakia, Hungary, Poland, Romania and the USSR.

He instanced the attitudes of Albania and Hungary. The Albanian Broadcasting Station had stated on 24 August 1948 that 224 Greek soldiers captured by guerrillas were in that country. The Albanian Government had said that it was ready to begin negotiations with a view to repatriating the men, but it had later been stated that Albania proposed to link the repatriation of the soldiers with other unconnected questions, such as the fate of the Italian war criminals. In 1951, the Hungarian Red Cross had suggested of its own accord that 616 Greek civilians, who had been forcibly removed from Greece, should be repatriated by the International Committee of the Red Cross. Later, however, the Hungarian Red Cross had turned a deaf ear to appeals that it should give effect to its offer.

The Yugoslav representative stated that the question under discussion, like the failure to repatriate the Greek children, proved a total disregard of elementary humanitarian considerations and a marked disinclination to co-operate with the United Nations and other international agencies, coupled with a cool contempt for the Assembly's recommendations. Yugoslavia had had a similar experience. In numerous instances, he said, Yugoslav nationals in "Soviet bloc" countries had been prevented from returning to their country or even from establishing contact with the diplomatic representatives.

The representative of the United States declared that the behaviour of the countries detaining Greek soldiers constituted not only contemptuous defiance of the will of the Assembly, but also cynical disregard of fundamental humanitarian principles and accepted international practices. In Korea the Communist position was that hostilities had to continue unless prisoners of war, regardless of their wishes, were forcibly repatriated. At the same time they were refusing to repatriate the members of the Greek armed forces and had blocked all steps to determine the true wishes of these Greek soldiers. The representatives of Colombia, El Salvador, the Netherlands, New Zealand, the Union of South Africa, Uruguay and Yugoslavia, among others, also expressed surprise that the detaining countries seemed to be the champions of forcible repatriation in one instance and of forcible detention in another. Was the argument of the detaining countries, the representative of New Zealand asked, that none of the Greek servicemen wished to return? If so, how had the Communist authorities ascertained that truly remarkable unanimity?

Several representatives, including those of France, the Netherlands, New Zealand, Peru, the United States and Uruguay, emphasized that the detained men were not and could not be considered prisoners of war since the detaining Powers were at no time engaged in direct belligerent action against Greece. However, even if the detained men were prisoners of war, the representatives of Greece, the Netherlands, New Zealand and Peru, among others, held, they had the right to return home if they so wished, although they also had the right to remain in the countries where detained if that was their desire.

The representatives of Poland and the USSR stated that the complaint was based solely on fabrications by the Greek authorities; the representative of Greece had never furnished any evidence whatsoever in support of his charges. The question, the Polish representative said, had been put on the Assembly's agenda in order to divert its attention from other important items concerning war or peace, the armaments race, and the best way to end the Korean war. In 1950, he continued, the United Nations Special Committee on the Balkans had estimated the number of so-called members of the Greek armed forces allegedly detained against their will as 106, while the Greek Government claimed the number came to 1,713, a figure which had miraculously expanded to 3,295 in 1951. The Greek representative was now claiming that the number exceeded 3,000, although the International Committee of the Red Cross in its letter to the Secretary-General (A/2365) gave the figure as 148. Everybody knew, the Polish representative said, that the "Greek police State" would stop at nothing in its misrepresentations and distortions of facts. The request for precise information at the Assembly's fifth session had remained and still remained unanswered. His country would never refuse to co-operate in actions of a truly humanitarian nature, but no one could expect it to co-operate in support of diversionist tactics in the international field.

The representative of the USSR stated that those representatives who had linked the question

of the members of the Greek armed forces with that of the Korean prisoners were guilty of "ludicrous inconsistencies". They had themselves pointed out that the persons concerned in the Greek complaint could not be considered as prisoners of war. His delegation considered the complaint devoid of all justification since only the question of political refugees and the right to grant such asylum was involved. The real aim of the complaint was the propagation of slanderous attacks against the peoples' democracies, and the diversion of public attention from the persecution of progressive elements in Greece.

The representative of the United Kingdom thought that it would be simple to find out the exact number of persons captured, if the countries concerned showed any willingness to cooperate. The question of number was immaterial, the representative of Uruguay declared. Even if only one man were in that helpless condition, justice remained justice and inequity remained inequity.

It was true, the representative of Greece declared, that, owing to lack of information from the detaining countries, the Greek authorities could only estimate the number of persons missing. Anyhow, the International Committee of the Red Cross had a list of Greek military personnel identified in each detaining country: 297 in the USSR, 341 in Albania, 187 in Poland, 38 in Hungary, 46 in Romania, 147 in Bulgaria, and 142 in Czechoslovakia, making a total of 1,198. The Greek authorities were continuing their investigations so as to obtain additional information. Even if the members of the Greek armed forces were considered political refugees, he stated, they were still entitled to be asked whether they wanted to continue to take advantage of their asylum. The Greek Government had only asked that an international committee should determine the desires of the men.

At its 572nd meeting on 12 March, the Committee adopted the three-Power draft resolution (A/C.1/L.23), as amended, in paragraph-by-paragraph votes, ranging from 54 votes to 5, with 1 abstention, to 51 votes to 5, with 3 abstentions. It was adopted, as a whole, by 54 votes to 5, with 1 abstention.

The resolution proposed by the Committee (A/2369) was adopted by the General Assembly at its 415th plenary meeting on 17 March, without discussion, by 54 votes to 5, as resolution 702(VII). It read:

"The General Assembly,

"Confirming its resolution 382 A (V) of 1 December 1950 recommending the repatriation of all those members of the Greek armed forces detained outside Greece who express the wish to be repatriated,

"Noting with deep appreciation the continued efforts of the International Committee of the Red Cross with a view to implementing the afore-mentioned resolution,

"Recalling the latest communication of the International Committee of the Red Cross to the national Red Cross societies of the governments concerned,

"1. Addresses an earnest appeal to these governments to conform their attitude in this question with General Assembly resolution 382 A (V);

"2. Requests the President of the General Assembly to consult to this end with the governments in question and to report back to the General Assembly before the dose of its current session;

"3. Invites the Secretary-General to keep this humanitarian issue under constant review and to notify the Member States of important developments as appropriate."

2. Work of the Balkan Sub-Commission of the Peace Observation Commission

The Sub-Commission on the Balkans, which was established by the Peace Observation Commission on 23 January 1952,[76] consisting of Colombia, France, Pakistan, Sweden and the United States, continued during 1953 to maintain six Military Observers in Greece. The Observers investigated a number of incidents along the Greek-Bulgarian and Greek-Albanian borders and reported on these in quarterly reports to the Sub-Commission. One Greek soldier was killed during an incident on the Greek-Bulgarian border on 4 April, but none of the other incidents investigated proved of a serious nature.

In a letter dated 6 May 1953 (A/CN.7/SC.1/42), the permanent representative of Greece reiterated his Government's former proposal for the setting up of a mixed Greek-Bulgarian Commission, with or without the participation of the United Nations representatives, for the replacement of the pyramids marking the Greek-Bulgarian frontier. The Secretary-General forwarded this letter to the Bulgarian Government from which he, on 22 June, received a communication (A/CN.7/SC.1/47) stating that the Bulgarian Government accepted the Greek proposal to set up a mixed commission composed of the representatives of the two countries without the participation of United Nations representatives. In a further exchange of letters through the Secretary-General it was arranged that the first meeting of the Greek-Bulgarian Frontier Commission was to take place on 10 July. An agreement was sub-

[76] See Y.U.N., 1951, pp. 14, 328-30, and Y.U.N., 1952, p. 291.

sequently arrived at and signed at Salonika by representatives of the two Governments on 3 December 1953.

Through a letter of 26 November 1953 from the permanent representative of Greece (A/CN.7/SC.1/52) to the Secretary-General, the Greek Government suggested that the number of Military Observers in Greece might now possibly be limited to three and that the complete discontinuance of the Military Observation Mission in Greece might be possible from 31 July 1954, or perhaps even earlier, in view of the improved relations between Greece and the two neighbouring countries.

At its sixth meeting on 21 December 1953, the Balkan Sub-Commission agreed to reduce the number of Observers to three, besides the Chief Observer made available by the United Kingdom. With regard to the question of discontinuing the whole observer group, the Sub-Commission agreed to review the situation in the light of later developments at another meeting to be held before July 1954.[77]

During 1953 the Balkan Sub-Commission merely took note of the various reports from the Observers and did not find it necessary to report to the Peace Observation Commission.

L. THE QUESTION OF TRIESTE

1. Question of the Appointment of a Governor

In approving, on 10 January 1947, the annexes of the draft Treaty of Peace with Italy relevant to the establishment of the Free Territory of Trieste, the Security Council accepted the responsibility of ensuring the independence and integrity of the Free Territory, including the responsibility for the appointment of its Governor.[78]

The Council first discussed the question of the appointment of a Governor for the Free Territory on 20 June 1947 at the request of the United Kingdom, but was unable, during 1947 and 1948, to agree on a candidate.[79]. It discussed the question anew in 1949, at the request of the USSR, but again reached no agreement.[80].

On 12 October 1953, the representative of the USSR requested (S/3105) that a meeting of the Council be called to discuss the question of the appointment of a Governor for the Free Territory of Trieste. In his request, the USSR representative referred to the statement issued on 8 October by the United States and the United Kingdom Governments concerning their decision to terminate the Allied Military Government of Zone A of the Free Territory, to withdraw their troops and to relinquish the administration of that Zone to the Italian Government. He submitted a draft resolution (S/3105), which read as follows:

"The Security Council,

"Considering that the Treaty of Peace with Italy, which came into force on 15 September 1947, has not yet been implemented in so far as concerns the section relating to the establishment of the Free Territory of Trieste, and that the Trieste region, in violation of the terms of the Treaty of Peace with Italy, has been converted into an illegal foreign military and naval base;

"Noting that the partitioning of the Free Territory of Trieste now being effected by the Governments of the United States and the United Kingdom in violation of the Treaty of Peace with Italy is having the effect of increasing friction in relations between States, and primarily between the countries bordering on the Free Territory of Trieste, and is creating a threat to peace and security in this region of Europe;

"Considering that the failure to implement the Treaty of Peace with Italy with respect to the Free Territory of Trieste is preventing the population of that Territory from exercising the democratic rights provided for in the Permanent Statute of the Free Territory;

"Having regard to the provisions of article 11 of Annex VI to the Treaty of Peace with Italy, and to the decision of the Council of Foreign Ministers of the United States, the United Kingdom, France and the USSR of 12 December 1946 concerning the appointment of a Governor for the Free Territory of Trieste;

"Decides

"1. To appoint Colonel Fluckiger as Governor of the Free Territory of Trieste;

"2. To bring the Instrument for the Provisional Regime of the Free Territory of Trieste into effect forthwith;

"3. To establish the Provisional Council of Government of the Free Territory of Trieste, in accordance with the terms of the Treaty of Peace;

"4. To bring the Permanent Statute of the Free Territory of Trieste into effect within the three months following the appointment of the Governor."

The Security Council began consideration of this question at its 625th meeting on 15 October. The representative of the United States declared that the joint decision announced by his Govern-

[77] On 28 May, at the request of Greece, the Balkan Sub-Commission agreed to discontinue the observer group, as of 1 August 1954 (A/CN.7/SC.1/SR.7).

[78] See Y.U.N., 1947-48, pp. 352-53.

[79] See Y.U.N., 1946-47, pp. 381-92.

[80] See Y.U.N., 1948-49. pp. 315-16.

ment and that of the United Kingdom on 8 October had been reached after most careful and deliberate thought, and that it represented an honest attempt to increase stability in a very important part of Europe and to lead to a lasting solution of the Trieste problem. On the other hand, the USSR proposal to discuss the matter in the Security Council appeared to him to be merely a propaganda device calculated to create trouble. This offered an interesting contrast, he thought, to the attitude expressed in August by the Premier of the Soviet Union. At that time, Mr. Malenkov had stated that there was no disputable or outstanding issue, including issues in dispute between the United States and the Soviet Union, that could not be settled in a peaceful way on the basis of mutual agreement, and that the Soviet Union continued to stand for a peaceful co-existence of the two systems. The United States representative stated that, in the hope that the remarks of the USSR representative would steadily draw near to the sentiments expressed by Mr. Malenkov, he would not oppose the inclusion of the item on the agenda of the Security Council.

The representative of the USSR recalled that the question of the Free Territory of Trieste and of the appointment of its Governor were items already on the Council's agenda, so that the question of including the Trieste problem in the agenda did not arise. He said he could interpret the remarks of the United States representative only as an indication that he did not object to the Council's discussion of the question. (As there were no objections to the adoption of the agenda, it was considered as adopted.)

The representative of the USSR went on to state that the attempt to characterize his proposal as a propagandistic manoeuvre was the result of a completely unfounded and distorted conception of recent events and of the obligations assumed under the Treaty of Peace with Italy. He cited the recent outbreaks of violence in Yugoslavia and the cleavage in relations between Yugoslavia and Italy as proof that the measures announced by the Western Powers on 8 October were not intended to relieve the tension in the area or to contribute to a peaceful settlement of the Trieste issue. The whole policy of the United States, the United Kingdom and France since the entry into force of the Treaty of Peace with Italy in 1947 had clearly, he said, not been one designed to establish peace and tranquillity. He accused those Powers of converting Trieste into a foreign military and naval base in the interests of the aggressive North Atlantic Treaty Organization and of exploiting the Trieste problem as an instrument of pressure on the Italian Government to ensure ratification of the European Defence Community Agreement, and declared that there could be no question of a Free Territory of Trieste if human rights and fundamental freedoms were not ensured in Trieste and if it were not demilitarized and democratized.

The Treaty of Peace with Italy set forth the only effective and legitimate means of achieving a lasting solution of the problem of Trieste, he said. The Government of the USSR had repeatedly urged that the measures contained in the Treaty be put into effect and, in particular, its provisions relating to the appointment of a Governor. This policy was in line with the desire of the Soviet Union, as stated on many occasions by its Premier, Mr. Malenkov, to live peaceably together with other States and to eliminate all obstacles to such co-existence. There were, therefore, no grounds whatever for the attempts made by the Governments of the United States and the United Kingdom in their statement of 8 October to represent their actions relating to the Free Territory of Trieste as being due to the impossibility of reaching an agreement with other signatories ofthe Treaty of Peace with Italy on the creation of a permanent regime for the Free Territory of Trieste. The Western Powers themselves, he continued, appeared to be intent on preventing the implementation of the Treaty of Peace with Italy, for the statement of 8 October represented an agreement, made behind the backs of other Governments, in violation of the Treaty, not to appoint a Governor, not to establish a Council of Government (neither provisional nor permanent), not to set up a constitution for the Free Territory of Trieste, and not to withdraw troops from there, thus maintaining the naval bases illegally established there by the Governments of the United States and the United Kingdom.

The representative of the USSR noted that the question of Trieste was reported to be on the agenda of the forthcoming conference in London of the Foreign Ministers of France, the United Kingdom and the United States, and declared that the Government of the Soviet Union maintained its inability to accept the revision of any part of the Treaty of Peace with Italy by an exchange of notes or by private agreement. He appealed to the Security Council to fulfil its obligations under the Treaty of Peace by solving the question of Trieste in accordance with the principles set forth in the Treaty. Such a solution would best serve the interests of the bordering States and the population of Trieste and the cause of maintaining and strengthening good-neighbourly relations and international peace and security. He, therefore, introduced the USSR draft resolution (S/3105, see above).

He moved that the Security Council meet on 17 October to continue its consideration of the matter. This motion was rejected, having received 1 vote in favour (USSR) and 10 abstentions. The President scheduled the next meeting on this subject for 20 October.

The Security Council again considered the USSR proposal at its 628th, 634th, 641st and 647th meetings, on 20 October, 2 and 23 November and 14 December. At each of these meetings, it decided to postpone consideration of the matter.

At the 628th meeting on 20 October, the representative of Colombia drew the Council's attention to the statement, issued on 18 October by the Ministers for Foreign Affairs of France, the United Kingdom and the United States, to the effect that they had examined the problem of Trieste and had agreed to persevere in their joint efforts to bring about a lasting settlement in that area. He therefore considered that discussion of the item in the Council would be inopportune for the time being and proposed that it be postponed until 4 November. He was supported by the representatives of France, Greece, the United Kingdom and the United States. The representative of Colombia accepted a suggestion by the representative of Greece that the adjournment be until 2 November.

The representative of the USSR, opposing postponement, said that it was the Security Council's duty to discuss the matter immediately and to seek a solution of the Trieste problem in accordance with the relevant provisions of the Treaty of Peace with Italy, and the appointment of a Governor was the first step. The problem, he said, could have been settled without difficulty if the relevant Treaty provisions had been implemented at the proper time. Unfortunately, an impasse now existed which was aggravating the very conflicts which the Treaty of Peace had been designed to remove.

He reiterated his charge that the measures announced by the Western Powers on 8 October had only served to accentuate international tension. Further, the reported diplomatic negotiations between the United States, the United Kingdom and France were, he charged, designed to enable those Powers to evade still further their obligations under the Treaty. He denied the legality or validity of any agreement which might result from the private negotiations of those Powers with Yugoslavia and Italy, and stated that the Security Council should prevent such a violation of a treaty.

The motion to postpone discussion until 2 November was approved by 9 votes to 1 (USSR), with 1 abstention (Lebanon).

At the 634th meeting on 2 November, the representative of Greece noted that the interested parties were currently conducting consultations, but had not yet brought to full fruition their efforts to work out a solution of the Trieste problem through diplomatic channels. He considered that more time should be allowed for the negotiations and expressed fear lest discussion of the USSR proposal should take the form of an East-West conflict, which would most adversely affect the chances of a peaceful settlement of the Trieste question. He therefore moved that discussion be postponed to 23 November.

The motion for postponement was vigorously opposed by the USSR representative, who again emphasized that the question of Trieste was one for discussion within the United Nations, in accordance with the Italian Peace Treaty. If it were to maintain its independence, the Security Council must not defer to the convenience of any State or group of States. Moreover, the course of events in the Trieste area, he stated, only confirmed that the consultations among the five Governments were not intended to secure a peaceful settlement of the Trieste problem; they were designed to discard the Treaty of Peace with Italy, to release its signatories from their obligations, and to transform the Trieste region into a military and naval base in the orbit of the North Atlantic Treaty Organization for the purpose of aggressive attack on the Soviet Union and the peoples' democracies. He warned against the possible dangerous consequences to world peace and security if there were any further delay in the Security Council's giving consideration to the question of the appointment of a Governor for the Free Territory of Trieste.

The motion for postponement was adopted by 9 votes to 1 (USSR), with 1 abstention (Lebanon).

At the Council's 641st meeting on 23 November, the representative of the United States announced that consultations relating to Trieste were continuing and that arrangements leading towards a solution might be concluded in the near future. He accordingly moved that the Security Council postpone consideration of the question until the week of 8 to 15 December. This motion was supported by the representative of Colombia, who recalled that the Treaty of Peace with Italy required that the four Great Powers, as well as Italy and Yugoslavia, be in agreement on the question of the Governorship of Trieste prior to possible action by the Security Council. It seemed logical to him, therefore, that the Council postpone discussion of the matter pending the outcome of current efforts to bring

about the requisite agreement between Italy and Yugoslavia.

The representative of the USSR declared that his firm objection to any postponement of discussion was unaltered by the fact that the consultations referred to might produce definite results, because it remained his view that the agreement being sought privately, in violation of the Treaty of Peace with Italy, did not relate to the appointment of a Governor for the Free Territory of Trieste or to a peaceful solution of the problem of Trieste, but rather to the best means of effecting the partition of the Territory and its conversion into an illegal military and naval base. He accused the Western Powers of promoting conflict rather than good will in the Trieste area. If the Council wished to strengthen rather than to undermine international peace and security, it should take immediate measures to implement the treaty provisions relating to Trieste and, as a first step, appoint a Governor for the Free Territory. Until the Council had decided on a candidate there could not, in his view, be a basis for any consultations on the matter with the Governments of Italy and Yugoslavia.

The motion for postponement was adopted by 9 votes to 1 (USSR), with 1 abstention (Lebanon).

At the 647th meeting on 14 December, the representatives of the United Kingdom and the United States expressed satisfaction at the decrease in tension in the Trieste area, of which the recently initiated troop withdrawal by Yugoslavia and Italy was, they said, a notable example. As the peaceful settlement of the Trieste problem was still being sought in diplomatic discussions, they saw no advantage, for the time being, in holding a discussion of the matter in the Security Council. The United States representative moved that further consideration be postponed pending the outcome of the current efforts to find a solution.

The representative of the USSR protested that this motion sought, in effect, the indefinite postponement of discussion. He viewed the repeated postponements, in deference to certain secret diplomatic negotiations with aims which he considered directly contrary to the plan for Trieste contained in the Treaty of Peace with Italy, as a failure to respect the United Nations and as a violation by the Security Council of its rights and duties, as well as a violation of international law and of the interests of all peace-loving peoples.

He considered that discussion in the Council, despite past disagreement on the appointment of a Governor, might yet lead to agreement and could in no way hinder negotiations in which a peaceful settlement of the Trieste problem was truly being sought. He insisted that the Security Council fulfil its obligations, in accordance with the Treaty of Peace with Italy, and proceed to a discussion of the question of the appointment of a Governor.

The motion for postponement was adopted by 8 votes to 1 (USSR), with 1 abstention (Lebanon). One member of the Council was absent (Pakistan).

2. Report on the British-United States Zone of the Free Territory of Trieste

By a letter dated 23 December 1953 (S/3156), the representatives of the United Kingdom and the United States transmitted to the Security Council the twelfth report, covering the year 1952, on the administration of the British-United States Zone of the Free Territory of Trieste.

During the latter half of the year, pursuant to the Memorandum of Understanding signed at London in May, the Zone Commander appointed to the Allied Military Government a number of senior Italian officials who were responsible to him, under a Senior Director of Administration, for much of the internal administration of the Zone. Administrative elections were held in May in all communes of the Zone.

In general, the economic recovery of the Zone continued, with a further increase in industrial production. In the Zaule Industrial Area, 26 plants were operating or in course of completion, an increase of ten over 1951, and 1,133 apartment buildings were completed or nearly completed. Owing to the completion of the ship-building programme initiated in 1950, the total tonnage of new shipping constructed was slightly lower than in 1951. Commercial traffic through the Port of Trieste also showed a slight decline. In both these fields, measures were being taken to prevent further deterioration. The employment situation showed little change.

At the end of June, the Mutual Security Agency Mission in Trieste was closed and the Zone included in the sphere of the Agency's Mission to Italy. During 1952, more than $900,000 in lire counterpart funds from former European Recovery Programme aid were utilized. A total of $11.1 million was provided by the Italian Government. The over-all improvement in the financial situation continued, with a further slight reduction in the budgetary deficit.

M. COMPLAINT OF UNITED STATES INTERFERENCE IN THE INTERNAL AFFAIRS OF OTHER STATES

By a letter dated 15 October 1952 (A/2224/-Rev.1), the representative of Czechoslovakia requested that the following question should be included in the agenda of the General Assembly's seventh session: "Interference of the United States of America in the internal affairs of other States as manifested by the organization on the part of the Government of the United States of America of subversive and espionage activities against the Union of Soviet Socialist Republics, the People's Republic of China, the Czechoslovak Republic and other peoples' democracies."

In an explanatory note, the Czechoslovak representative stated that, in 1952, the Congress of the United States had, in application of the Mutual Security Act of 1951, again appropriated large sums for the organization of subversive and espionage activities against the USSR, the People's Republic of China, the Czechoslovak Republic and other peoples' democracies. The purpose and intent of this Act, it was stated, were to undermine, by acts of espionage, diversion and terrorism, the regimes of other countries, regimes freely elected by their peoples. Such activities on the part of the United States were in flagrant contradiction to the aims and principles of the United Nations Charter, undermined peaceful international collaboration and constituted a danger to international peace and security.

The First Committee considered the item at its 582nd to 589th meetings, from 23 to 26 March.

Czechoslovakia submitted a draft resolution (A/C.1/L.34), providing that the General Assembly should:

(1) condemn as acts of aggression and as interference in the internal affairs of other States, in contravention of the United Nations Charter and of international law, the subversive activities organized by the United States Government against a number of States in application of the Mutual Security Act of 10 October 1951, providing for the appropriation of $100 million to finance armed detachments and individuals to engage in espionage and subversive activities and to commit acts of terrorism and other criminal acts against the USSR, the People's Republic of China, Czechoslovakia and other peoples' democracies, and of the Act of 20 June 1952, developing and supplementing the Mutual Security Act; and

(2) recommend that the United States Government repeal the parts of those Acts relating to the appropriation of funds for the organization of subversive activities and espionage, and put an end to such activities against other countries by its agencies.

During the debate, the representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR, and the USSR spoke in support of the Czechoslovak draft resolution.

They recalled that section 101 (a) of the Mutual Security Act provided a sum of $100 million to finance military activities against a group of countries, not merely outside their frontiers but on their territory. This was not only a violation of Article 2, paragraph 7, of the Charter, but was the first time in the history of international relations that a government of a civilized country had so spelled out the most flagrant violation of the basic principle of international relations and peaceful co-existence of States and had made that a part of its official foreign policy. Since the General Assembly's sixth session, when it had, unfortunately, not felt able to recommend the repeal of the Mutual Security Act, as the USSR had requested, the United States Government had intensified and constantly strengthened its espionage, diversionist and other hostile and inimical acts against the peoples' democracies. Those acts were a violation of the principles and goals of the Charter and went a long way towards increasing international tension. A public and realistic discussion of the whole problem might result in the removing of one of the most serious causes of the prevailing international insecurity. It was up to the United States Government alone to see whether or not that would be the case.

There was no doubt that the purpose of the Mutual Security Act was to give the United States Government a legal basis for activities which were already going on. Section 101 (a) of the Act (known as the Kersten amendment) which, under Public Law 165, appropriated $100 million, consisted of two parts: one providing for the establishment under the High Command of the Atlantic Army of military units containing persons who had escaped from the USSR, China, Poland and other peoples' democracies and who were to be given special assignments because of their particular knowledge of the countries against which the aggression was to be directed; and the second providing for financial aid to carefully selected persons living in the territories of the USSR, China, Czechoslovakia and Poland and other Eastern European countries to support resistance to the Governments of these countries.

Thus, the very terms of the law showed that it constituted interference in the domestic affairs of other States and was an act of aggression directed by the United States Government against States with which it maintained diplomatic relations.

Such a foreign policy could only be based on the wilful disregard of legal and moral principles, and constituted a danger even for those who were now co-operating with the United States. American intervention was continuously spreading.

The events that followed the adoption of the Mutual Security Act had fully confirmed its aggressive nature. The United States Defense and State Departments and the Central Intelligence Agency were directing and co-ordinating all such subversive and diversionist activities. In particular, the task of the Central Intelligence Agency was to facilitate aggression and reduce the defensive potential of the peoples' democracies by weakening their economy, by trying to spread chaos, by indulging in sabotage, by instigating terror and by spreading lies and slander. Even religious tolerance was exploited to achieve espionage purposes. The Voice of America and Radio Free Europe were being used to incite espionage, diversionist activities, murders and other criminal activities.

In Poland, it was stated, the United States Embassy in Warsaw had become a centre of underground activities co-operating with the enemies of the Polish people, and members of the Embassy staff had been involved in murder cases. In Czechoslovakia, a number of spies and terrorists captured by the Czechoslovak security forces had shown how widespread were the American activities. The many trials conducted against United States agents in Romania, Bulgaria and Albania clearly indicated that the Mutual Security Act was being implemented with a view to subverting the existing regimes in the peoples' democracies. Similar trials had also been held in Poland and Czechoslovakia. All those trials clearly demonstrated how the United States was training agents for subversive work in the peoples' democracies. Another espionage centre had been created in Greece; its activities had been revealed at a trial in Bulgaria in January 1952, where it was shown how United States agents had infiltrated into Bulgaria with the help of Turkish frontier police. Similarly, the trials of three agents in Albania had shown that they had been in the service of the United States, Italian and Yugoslav Intelligence Services.

The United States was also using reactionary organizations, such as the National Committee for a Free Europe, the American Committee for the Liberation of the People of Russia, the League of Americans of Hungarian Origin, the East European Fund, the Tolstoi Foundation, and the Romanian National Committee, as well as the so-called free association of Hungarian fighters in Western Germany.

The conspirators, who, with the help of the United States Intelligence Service, had been engaged in active sabotage against their own people and were now, when their schemes had failed, seeking refuge abroad, were by no means people escaping tyranny in pursuit of freedom, but merely traitors and conspirators in their own countries. These countries were determined to maintain their independent sovereign existence. Their peoples wished to unmask before world public opinion the diversionist activities of those organizations which, with the assistance of the United States, were working hard for the return of bourgeois regimes in their countries.

Within the United Nations, the United States had repeatedly assured world public opinion of its peaceful intentions. But elsewhere, those in public life, as well as the Press under their control, did not even try to hide that one of the basic elements of the United States policy was the desire to change the political regimes in peace-loving countries which were wholly compatible with the free will of the people.

These representatives referred to Senator Taft's book A Foreign Policy for Americans, a statement by Representative Kersten on 20 October 1951, an article by John Foster Dulles in Life in May 1952, the U.S. News and World Report and the New York Times of 11 January 1953 to show that it was the aim of United States policy to attack the peoples' democracies through its government agencies by the organization of subversive and diversionist activities within the countries and by using counter-revolutionary units and organizations hostile to those countries.

An attempt had been made to justify the Mutual Security Act as being intended to give humanitarian assistance to refugees and to finance economic and technical aid. The Act had, in fact, met with opposition from all peace-loving peoples and the United States representatives had therefore tried to conceal its real purposes, but such claims were not relevant when charges of subversive activities were being considered.

The representative of the USSR recalled that, following the adoption of the Mutual Security Act on 10 October 1951, the Government of the USSR had addressed a note to the United States Government on 21 November 1951, drawing attention to the fact that the purpose of the Act was to finance groups of individuals living in the USSR or the peoples' republics, or of individuals who had escaped from those countries, and to organize them as armed units in the service of the North Atlantic Treaty Organization (NATO). It had stated that the adoption of the Act was

without precedent in the history of international law and constituted gross intervention by the United States in the internal affairs of other States and, further, that it was a breach of the United States obligations towards the USSR under the terms of the exchange of notes between President Roosevelt and the Minister for Foreign Affairs of the USSR, Mr. Litvinov, in 1953, on the establishment of normal diplomatic relations between the two countries. On 22 November 1951, the State Department had replied that the Soviet Union was not justified in bringing any charges against the United States in connexion with the adoption of the Mutual Security Act. Accordingly, on 9 December 1951, the USSR Government had informed the United States Government that it found its reply unsatisfactory and had requested the repeal of the Act.

During the sixth session of the Assembly, he continued, the USSR delegation had clearly demonstrated the criminal nature of the Act. Since that time, the United States had taken no steps for its repeal but had, on the contrary, carried it into effect and supplemented it by the new Act of 20 June 1952, providing for possible additional appropriations.

Those who had drafted the laws and who pursued aggressive purposes were mistaken if they thought that the diversionist activities could impede the economic and cultural development of the USSR and the peoples' democracies. The two Acts had been motivated by the disapproval of certain circles in the United States of the regimes of those countries. It should, however, be realized that the United States had to live with the Soviet Union and the other countries with new societies and that their co-existence served the cause of peace. That co-existence demanded the non-intervention of one group in the domestic affairs of the other group. If the United States would not recognize the co-existence of the new societies, it meant that its statements about the maintenance of peace and the negotiation of the settlement of outstanding problems with the Soviet Union were mere double-talk. The USSR representative recalled the statement on 15 March by Prime Minister Malenkov to the effect that there was no problem or unsettled issue, including those concerning relations with the United States, which could not be settled by peaceful means on the basis of mutual agreement. That peaceful policy was in accordance, not only with the interests of the Soviet Union people, but with the interests of all peoples.

Speaking against the Czechoslovak draft resolution, the representative of the United States said that no valid indictment against the United States could be based on newspaper clippings or on the remarks of individual legislators. An analysis of the persons whose statements had been quoted proved that none of them had been qualified at the time to speak for the United States Government. United States Government policies were stated only by officials of the Executive branch of the government on the basis of their authority. It had been charged that in 1951 and in 1952 the United States had appropriated $100 million for the purposes of espionage, terrorism and the recruitment of refugees in order to subvert the Soviet Union and the "peoples' democracies." The facts were that, in 1951, $100 million had been authorized under the Mutual Security Act, section 101, and no additional funds had been voted in 1952; of that total $95,700,000 was going for regular military and economic assistance, a part of the larger sums the United States was spending under the Mutual Security Act and had previously spent under the Marshall Plan to help free nations to stay free. Before subversion of the free State of Czechoslovakia, it, too, had wanted to obtain that aid, but the Kremlin had ordered Czechoslovakia to refuse, because it knew that that assistance was designed to strengthen collective security against aggression. The remaining $4,300,000 was to help escapees from behind the Iron Curtain. It had to be noted, he stated, that no escapees were going into the Iron Curtain countries; all of them were coming out. The escapees were those who had come from the Soviet-dominated world in the past five years and, unlike the refugees from Eastern Germany, they were entirely without citizenship rights. Those stateless persons had left their possessions and often their families and had braved the difficulties of increasingly heavily-guarded borders in order to get through the Iron Curtain so that they might find the freedom which had been denied them.

The representative of the United States said that escapees were crossing the Iron Curtain at the rate of several hundred a month to seek refuge in Western Germany, Austria, Italy, Trieste, Greece and Turkey, and he gave a number of examples. All of them were not young men; there were wives, small children, unmarried girls and elderly people. When they arrived they were destitute and their very presence added to the great Burdens of the countries of free Europe. To help those people and to keep hope in the hearts of others, the United States had authorized the sum of $4,300,000 to be used to set up an escapee programme in March 1952. That sum was little enough to help the host countries provide recep-

tion and living quarters, food, clothing, medical care, help in the search for visas, vocational training and employment and emigration advice. As of 1 March 1953, 2,483 escapees had been settled in 21 non-European countries and over a thousand others had been accepted by other nations. As the news penetrated the Iron Curtain, more escapees came and even high officials might be expected to choose freedom rather than tyranny. The courage of those people deserved commendation and help.

Referring to the Roosevelt-Litvinov agreement of 1933, the United States representative said that, for all practical purposes, the Soviet Union had made a dead letter of that agreement shortly after it was signed. Shortly after the establishment of diplomatic relations between the two countries, President Roosevelt had directed the United States Ambassador to protest against Soviet Union violation of that agreement. In 1935, the Comintern, assembled in Moscow, had instructed the United States Communist Party to use "Trojan horse" tactics against the United States Government. President Roosevelt had then again sent a strong protest to the USSR Government. Since the establishment of the Communist Government in 1917, the USSR had persistently followed a policy of aggressive intervention in the domestic affairs of other nations, the United States representative said, and had forcibly imposed the Communist dictatorship system on the very countries listed in the complaint before the Committee.

The representatives of Belgium, Brazil, Canada, China, Costa Rica, Cuba, the Dominican Republic, Ecuador, France, Greece, Iceland, Israel, the Netherlands, Paraguay, Turkey, the United Kingdom, Uruguay and Yugoslavia also opposed the Czechoslovak draft resolution. They were of the opinion that it raised the same points which had been put forward by the USSR at the Assembly's sixth session, when a USSR draft resolution (A/2031) calling on the Assembly to condemn the Mutual Security Act of 1951 had been rejected, at the 358th plenary meeting on 11 January 1952, by 42 votes to 5, with 11 abstentions. The purpose of the "Soviet bloc" in again introducing the item under discussion, it was stated by these representatives, was not to help settle some of the outstanding issues or to create a more propitious atmosphere for their settlement, but to try, by means of an oblique manoeuvre, to win a propaganda battle in the cold war, to divert attention from actual Soviet policy and to shift the blame for the continuation of the current international crisis. The incongruity of the whole situation became more apparent, however, when the very States which only a year previously, on the basis of the irrefutable evidence produced by the Yugoslav delegation, had been shown before the Assembly to be guilty of the most flagrant acts of intervention in the domestic affairs of a country, now posed as innocent victims of interference in their own internal affairs and as ardent champions of non-intervention.

For many years, it was stated, the Soviet Union had been promoting subversive activities in free countries. Sometimes, the aggression took the form of carefully planned pressures and infiltration, open or disguised; sometimes, it exploited what was called the revolutionary situation, supporting insurgents whenever and wherever it was possible to find them by arms or by the threat of arms. In every country there was a Communist party which was a Soviet fifth column. It was indeed ironic that representatives of the Communist countries were using phrases like subversion, espionage, interference in the domestic affairs of other States, and transgression of international law, when the bitter experience of many countries had been to suffer from Communist activities in that direction. Moreover, the Czechoslovak delegation was not qualified to accuse another country of subversive activities against the established order and security of another State, when it represented a Government which owed its existence to foreign intervention. In Czechoslovakia, the interference from abroad had not been restricted to overthrowing the Government and replacing it by another; it had involved the submission of the whole people to the domination of a minority controlled and instructed from abroad with police techniques and terroristic methods. That had taken place in a country which, during the 20 years of its free existence, had been a model of democracy in action and an example of international co-operation.

The fact about which the Czechoslovak Government and its political friends were really complaining was that citizens of the Communist countries behind the Iron Curtain, in ever-growing numbers, preferred the freedom of the democratic Western world to the absolute and totalitarian system of the so-called "monolithic Communist bloc". Because they preferred liberty to serfdom, they chose to risk their lives in escaping across heavily guarded borders, leaving behind their belongings, their friends and, sometimes, their relatives. The free world received them as political refugees and endeavoured to give them a new lease on life. But the Communist world would not recognize the right of political refugees to prefer freedom to bondage. They were considered as traitors, spies or Fascists and those who received

them, helped and treated them as human beings were condemned as aggressors and subversionists. Rendering aid to destitute political refugees was no crime.

The real purpose of the Kersten amendment, it was stated, could be understood only if it were considered in the general context of the aims and purposes of the Mutual Security Act, which was similar to the contents of Article 1 of the United Nations Charter. The Mutual Security Act aimed at building a healthy international community through economic development and collective security, and the purpose of the Kersten amendment was to give financial assistance to political refugees. That act of generosity had been necessitated by the unusual situation created as a result of pressures by Eastern European governments against their people; if those governments would soften their policy against dissident groups, it would reduce the flow of refugees, and thereby decrease the need for aid. Further, the policy of giving financial and other assistance to the refugees could by no means be considered as interference in the internal affairs of "Soviet bloc" countries. The right to grant asylum to political refugees was, in fact, internationally recognized. Such assistance had often been given; for instance, the USSR had given refuge to many escapees from Spain. On the contrary, the Mutual Security Act of 1951 should be considered as an example of co-operation among right-minded and freedom-loving countries in the slow but effective process towards economic reconstruction.

A number of representatives, including those of China, Cuba, Iceland and Turkey, described the economic assistance which had been given to their own countries under the Mutual Security Act. They said that the assistance had strengthened their economic structure as well as their national defence and had served the cause of international peace and security.

It thus appeared that the wholesale condemnation of the Act was illogical, because the special funds were only a small part of the credits which the Act intended for a series of purposes, such as economic assistance to Western Europe, to Korea and to the Palestine refugees. Those funds would be used by the President of the United States to assist political refugees to take part, if they so desired, in the defence of the North Atlantic Treaty community, on the understanding that a decision whether these refugees should form part of the NATO forces depended on the members of that organization. There was no reason to prevent those who so desired from serving in the armed forces of NATO which was an organization of defence against aggression. If the "Soviet bloc" felt anxiety about NATO, it had only itself to blame, because it was its own imperialistic policy which had called that organization into being. The Mutual Security Act was one of the foundations of NATO and, for millions of free men, the Act was tangible proof that a powerful nation wished to join with others in building up a system of legitimate collective defence in accordance with Article 51 of the United Nations Charter.

At the Committee's 589th meeting on 26 March, the Czechoslovak draft resolution was rejected by a roll-call vote of 41 to 5, with 14 abstentions. Voting was as follows:

In favour: Byelorussian SSR, Czechoslovakia, Poland, Ukrainian SSR, USSR.

Against: Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Haiti, Honduras, Iceland, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom, United States, Uruguay, Venezuela, Yugoslavia.

Abstaining: Afghanistan, Argentina, Burma, Egypt, Guatemala, India, Indonesia, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Yemen.

Consequently, the First Committee did not recommend any resolution to the General Assembly on the item.

The representative of Iran said that if Czechoslovakia had confined itself to condemning all intervention, he would have supported the draft resolution; however, serious charges against a Member State had been made. These charges had been rejected and counter-charges had been made. Since his delegation was in no position to take a stand in regard to these assertions, he said, he had abstained. The representatives of Saudi Arabia and Syria supported this view. The latter, as well as the representatives of Egypt, Iraq and Lebanon, also abstained, they said, because the question of subversive Zionist activities had been raised. The Guatemalan representative said that he had abstained to emphasize that his delegation supported the principle of non-interference in the domestic affairs of States, and that this did not mean that he supported the accusations made by the "Soviet bloc" for which no convincing proof had been offered.

When the report of the First Committee (A/2377) came before the General Assembly at its 425th plenary meeting on 8 April, the representative of Czechoslovakia re-introduced his draft resolution (A/L.148) which was rejected by 40 votes to 5, with 14 abstentions.

The representatives of the USSR, the United States, Poland and Guatemala explained their po-

sitions, as indicated in the First Committee. The representative of Argentina, explaining his abstention, stated that his delegation could not support any proposal that was calculated to cause still further division, contrary to the aims which should be pursued by the United Nations.

N. DISARMAMENT

In accordance with the provisions of Assembly resolution 502(VI) of 11 January 1952,[81] the item "Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission"[82] was placed on the agenda of the seventh session of the General Assembly. The item was referred to the First Committee but consideration was deferred to the second part of the session.

1. Consideration by the General Assembly at its Seventh Session

a. DISCUSSIONS IN THE FIRST COMMITTEE

The First Committee considered the item at its 577th to 581st meetings, from 18 to 21 March 1953. It had before it two draft resolutions: a draft resolution submitted by Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, the Netherlands, Pakistan, Turkey, the United Kingdom and the United States (A/C.1/-L.30) and a draft resolution submitted by the USSR (A/C.1/L.31).

Under the fourteen-Power joint draft resolution, the General Assembly would:

(1) take note of the report of the Disarmament Commission, commend the Commission for its efforts to carry out the instructions laid down by the Assembly at its sixth session and commend the initiative of those members of the Commission who had submitted constructive proposals;

(2) reaffirm General Assembly resolution 502(VI) and request the Disarmament Commission to continue its work for the development by the United Nations of comprehensive and co-ordinated plans providing for: (a) the regulation, limitation and balanced reduction of all armed forces and armaments; (b) the elimination and prohibition of all major weapons, including bacterial, adaptable to mass destruction; and (c) the effective international control of atomic energy for peaceful purposes only—the whole programme to be carried out under effective international control and in such a way that no State would have cause to fear that its security was endangered; and

(3) request the Commission to report to the General Assembly and to the Security Council not later than 1 September 1953.

Under the USSR draft resolution, the General Assembly would find

that the Disarmament Commission, especially in the persons of the representatives of the United States, France and the United Kingdom, had repeatedly attempted to substitute for the question of the reduction of armaments that of illegally obtaining intelligence reports on the armaments of individual States, disregarding the fact that, upon the adoption of the resolution concerning the reduction of armaments and the prohibition of atomic weapons, all States would be required to communicate complete information concerning their armaments to the United Nations.

Further, the Assembly would decide:

(1) to require the Disarmament Commission to proceed without delay to study practical measures for achieving armaments reduction, having primarily in view the reduction of the armaments of the Great Powers—the United States, the USSR, the United Kingdom, France and China—and to decide the questions of the unconditional prohibition of atomic weapons, bacterial weapons and other types of weapons of mass destruction and of the establishment of strict international control over compliance with those decisions; and

(2) to require the Commission to report to the Security Council and to the General Assembly not later than 1 July 1953 on the action taken to give effect to the resolution.

In presenting the fourteen-Power draft resolution, the representative of the United States referred to the recent changes in the USSR Government and asked, first, whether the USSR was ready for a constructive discussion of the disarmament question and, secondly, whether the USSR representative was prepared to negotiate in the United Nations to give tangible form to the policy of peace claimed by his Government.

He felt that, although the free world was being compelled to devote large resources to rearmament, considerable progress towards disarmament could be made if agreement could be reached on basic factors. Some of those factors had been approved by the General Assembly in its resolution 502(VI). However, he said, there were additional principles which were basic to any programme and they had been introduced into the Disarmament Commission on 24 April 1952.[83] The United States delegation had pointed out that the goal of disarmament was not merely to regulate armaments but to prevent war. To that end, all nations had to co-operate to establish an open and substantially disarmed world in which no State could prepare secretly for war.

International agreements to achieve disarmament should avoid at any stage an unequal balance of strength which would jeopardize peace. The

[81] For text of the resolution, see Y.U.N., 1951, pp. 176-77.

[82] For an account of the work of this Commission up to September 1952, see Y.U.N., 1952, pp. 312-23.

[83] For a summary of these principles, see Y.U.N., 1952, pp. 314-15.

United States insisted that any programme had to be fair to all countries and its proposals called for a drastic reduction of national armaments and the total elimination of all instruments of mass destruction. In contrast, the USSR was insisting on a programme which would upset the balance and leave the free world helpless to resist Soviet aggression while the programme was being carried out.

Thus, the United States representative continued, the General Assembly resolution had instructed the Disarmament Commission to consider from the outset plans for progressive and continuing disclosure and verification of all armed forces and armaments. On 5 April 1952, the United States had submitted specific proposals[84] on that matter which provided for progress from the less secret to the more secret areas but at the same time suggested a very sizeable disclosure at the first stage so that governments would be able to have a clear indication of the existing strength of all States in atomic and other armaments and armed forces. Completion of that stage would inspire international confidence and contribute to international peace and security.

In May 1952, the United States, together with the United Kingdom and France, had submitted proposals for the fixing of numerical ceilings on all armed forces,[85] which would have set equal ceilings for the United States, the Soviet Union and China between 1,000,000 and 1,500,000 and for the United Kingdom and France between 700,000 and 800,000. In practice, it would mean a more drastic reduction of the armed forces of the United States and the Soviet Union than that proposed in the USSR plan, which provided for an arbitrary reduction of one third from unknown levels.

With regard to the control of atomic energy, in the light of resolution 502(VI) the United States had continued to support the United Nations plan, while reaffirming its readiness to examine seriously any other proposals which might be submitted. And the United States had introduced a new element in its proposals for disclosure and verification, which expressly provided for disclosure of atomic armaments.

The United States had presented proposals concerning the elimination of bacterial weapons from national armaments which would bring that matter within the context of the broader problem of disarmament.

In conclusion, the United States representative said that, in fact, his Government had covered, by its own proposals or jointly with France and the United Kingdom, all topics essential to a disarmament programme. Other members of the Commission had recognized the effort to break the deadlock. But the Soviet Union had rejected the efforts to secure international co-operation towards disarmament and had impeded the work of the Commission. It had invented false charges of bacterial warfare in Korea. It had presented a virtual ultimatum for the adoption of the USSR proposals in the guise of a plan of work for the Commission. It had refused to clarify its own proposals despite attempts to elicit the details.

Believing that the efforts had to be continued, the United States had joined in submitting the draft resolution recommending the continuation of the work of the Disarmament Commission.

The representative of the United Kingdom stated that the USSR position had not changed materially since 1948 with respect to either atomic energy or conventional armaments. The USSR intention seemed to be to deprive the West of the atomic weapons which were, at the moment, its main safeguard against USSR preponderance in armed forces and conventional armaments.

The two so-called concessions made by the USSR at the sixth session of the General Assembly[86] had been examined in the Disarmament Commission. The proposal that the prohibition of atomic weapons and the institution of international control should take effect simultaneously obviously was incompatible with the USSR demand for an immediate declaration prohibiting the atomic weapon. The second "concession", that the international agency should undertake inspection on a continuing basis but without the right to interfere in the domestic affairs of States, had never been explained. In fact, it amounted to a demand for the abandonment of the United Nations plan for atomic energy control, since the USSR representative had said he would only explain his proposal when that plan had been renounced.

The working paper submitted by France, the United Kingdom and the United States containing proposals for the numerical limitation of all armed forces had been based on the idea that the number of men in the armed forces was a vital element in any plan for disarmament. The USSR representative had complained that the paper did not deal with atomic weapons; but it had not been intended to do so. He had then objected that the paper did not make it clear that naval and air as

[84] For consideration of these proposals, see Y.U.N., 1952, pp. 316-17.

[85] For consideration of these proposals, see Y.U.N., 1952, pp. 317-19.

[86] For discussion at the sixth session, see Y.U.N., 1951, pp. 161-77.

well as land forces would be covered by the proposals. When that matter had been clarified by the three Powers, the USSR representative had asserted that the proposals did not call for a reduction of existing forces, although the reduction would have been larger than the one third proposed by the USSR. It was time for the USSR to pass from slogans to action by co-operating in the work of the Disarmament Commission, the United Kingdom representative concluded.

The representative of France recalled that in the Commission his delegation had submitted proposals for a compromise solution on 24 June 1952[87] in connexion with the scheduling of prohibitions, limitations, disclosures and other parts of the programme. Such proposals had been presented as starting points, to be examined in good faith. However, no results had been obtained, due to Soviet insistence on proposals already rejected in the United Nations. There was no immediate prospect of agreement but the situation allowed hope of conciliation, he concluded.

Other sponsors of the fourteen-Power draft resolution, in reviewing the work of the Disarmament Commission, endorsed in general the positions outlined by the representatives of France, the United Kingdom and the United States. They supported, as bases for negotiation, the several proposals put forward in the Disarmament Commission and criticized the attitude of the USSR delegation as negative and unco-operative. Their broad view was that little purpose would be served by an extended discussion in the First Committee of the various substantive proposals, but that the Disarmament Commission should be requested to continue its endeavours.

Recalling the various proposals for the reduction of armaments and the prohibition of atomic weapons which his country had made since 1946, the representative of the USSR stated that the lack of progress in the work of the Disarmament Commission was due to the three Western Powers' efforts to divert the Commission from its terms of reference. The questions presented by the United States representative were, therefore, merely a trick, since the USSR proposals had already been submitted and examined in the United Nations. Despite the opposition they had encountered, the USSR would continue to seek a solution in the United Nations, its representative said.

With regard to the work of the Disarmament Commission, he recalled that two methods of work had been advocated. The USSR had called for a decision on the unconditional prohibition of atomic and other weapons of mass destruction, the establishment of strict international control and the one-third reduction within one year of the armaments and armed forces of the five major Powers.

The three Western Powers had. however, opposed a detailed study of the USSR proposals at the sixth session, insisting on their transmission to the Disarmament Commission and putting forward a plan for collecting information on armaments. The second report of the Commission revealed that the three Powers had acted to have the Commission concentrate on the question of disclosure and verification and to divert it from its true task of devising a plan for the prohibition of atomic weapons and the reduction of armaments. That had been the objective of the plan of work proposed by the United States. The USSR had then submitted a working plan providing for concrete action. But the three Powers had forced the adoption of the diversionary United States plan, disguised as a French proposal.

The USSR representative denied that his Government had not elaborated its proposals regarding the international control of the prohibition of atomic weapons. As early as June 1947, the USSR had submitted a very detailed plan.[88] Then, at the sixth session, the USSR had further proposed that the prohibition of atomic weapons and the establishment of control should take effect simultaneously and that the control organ should have the right of inspection on a continuing basis, without interfering in the domestic affairs of States.

After adopting its plan of work, the Commission had made no effort to study practical proposals of any sort. It had preferred futile discussion of general issues or of disclosure and verification. The United States proposals for disclosure by stages were framed so as to obtain information on the armaments of certain countries while withholding data on atomic weapons. The United States had also submitted a proposal on essential principles for a disarmament programme which, the USSR representative held, apart from repeating principles contained in resolution 41(I),[89] revived the idea of a system which would conceal the firm intention of taking

[87] For a summary of the French proposals, see Y.U.N., 1952, pp. 319-20.

[88] For the text of the USSR proposals, see Y.U.N., 1946-47, pp. 449-51.

[89] The resolution declared that an international system should be established within the framework of the Security Council for: the regulation and reduction of armaments and armed forces; the prohibition of the use of atomic energy for military purposes; the elimination of atomic and other weapons of mass destruction; and the control of atomic energy to ensure its use for peaceful purposes only.

no action. The United States had sought to substitute vague declarations without binding force for the practical decisions required by the Commission's terms of reference.

The three-Power proposal for fixing numerical limitations on all armed forces, the USSR representative said, had been designed to enable the United States, the United Kingdom and France to maintain their forces, particularly their naval and air forces, at the current level or even to increase them.

The United States, he concluded, had even opposed the discussion of the prohibition of bacterial warfare. Thus, the United States policy had been to prevent the Commission from making any progress and to proceed with the armament race.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, supporting the USSR draft resolution, attributed the failure of the United Nations in the field of disarmament basically to the re-armament policies of the Western Powers, and in particular of the United States. In the field of atomic energy, these Powers had opposed the prohibition of atomic weapons, they said. The United States, these representatives said, had even refused to accede to an existing agreement on the prohibition of bacterial weapons. The basic objectives of the Disarmament Commission, which were the prohibition of the atomic weapon and the reduction of armaments, had thus been side-tracked in favour of the secondary questions of the disclosure and verification of information on conventional armaments.

On the other hand, the USSR for seven years had consistently striven to strengthen peace and to promote measures for the reduction of armed forces and armaments and the prohibition of atomic weapons, beginning with the submission of its proposals at the first session of the General Assembly which had led to the adoption of resolution 41(I). The proposals contained in the USSR draft resolution were a suitable basis for renewed negotiation and, if implemented in good faith, could bring about the solution of the whole problem of disarmament.

The representative of India said that the small Powers, instead of supporting either side, should try to act as catalytic agents and assist in bringing about a conciliatory spirit and opening a compromise route to agreement. Expressing a similar point of view, the representatives of Egypt and Syria stated that they had submitted jointly with Iraq and Yemen an amendment which, they considered, would facilitate co-operation among the major Powers by removing commendation of individual members of the Commission.

The four-Power amendment (A/C.1/L.52) would delete the commendation of the initiative of certain members of the Disarmament Commission and add an expression of hope for constructive co-operation in the Commission. The amendment was accepted by the sponsors of the joint draft resolution.

At the Committee's 581st meeting on 21 March, the fourteen-Power joint draft resolution was put to the vote in paragraphs, which were adopted by votes ranging from 59 votes to none, with 1 abstention, to 49 votes to 5, with 6 abstentions. The draft resolution, as a whole, as amended, was adopted by 50 votes to 5, with 5 abstentions.

The USSR draft resolution (A/C.1/L.31) was rejected by 41 votes to 5, with 13 abstentions.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The General Assembly considered the First Committee's report (A/2373) at its 424th plenary meeting on 8 April 1953.

The representative of the USSR proposed that the Committee's draft resolution should be amended so as to delete: (1) from the first operative paragraph the clause commending the Commission for its efforts; and (2) from the second paragraph the clause reaffirming resolution 502 (VI). In order to reach an agreement, he said, he would not press for discussion of the USSR draft resolution and if the amendments were accepted his delegation would vote for the draft resolution recommended by the First Committee. He urged an attitude of conciliation and mutual concessions in order to reach agreement.

Sponsors and supporters of the fourteen-Power draft resolution expressed their readiness to accept the first USSR amendment. They were unwilling to agree to the deletion of the reaffirmation of resolution 502(VI), on the ground that such action would be open to the interpretation that to some extent the principles of that resolution were being impaired or abandoned.

Several representatives, expressing their desire for a spirit of conciliatory co-operation in the Disarmament Commission which they believed would be furthered by a unanimous resolution, stated that they would vote for, or abstain upon, the second USSR amendment.

The first USSR amendment was adopted without a vote. The second USSR amendment was rejected by 33 votes to 10, with 13 abstentions. In the voting on the several parts of the draft resolution, the only negative votes were cast in connexion with the clause reaffirming resolution 502(VI), which was adopted by 38 votes to 6,

with 16 abstentions. The General Assembly then adopted the draft resolution, as a whole, as amended, by 52 votes to 5, with 3 abstentions, as resolution 704(VII).

It read:

"The General Assembly,

"Recognizing that:

"Under the Charter of the United Nations all States are bound to settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered, and to refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations,

"The aim of a system of world-wide disarmament is to prevent war and release the world's human and economic resources for the purposes of peace,

"1. Takes note of the report of the Disarmament Commission;

"2. Reaffirms General Assembly resolution 502(VI) of 11 January 1952 and requests the Disarmament Commission to continue its work for the development by the United Nations of comprehensive and co-ordinated plans providing for:

"(a) The regulation, limitation and balanced reduction of all armed forces and armaments;

"(b) The elimination and prohibition of all major weapons, including bacteriological, adaptable to mass destruction;

"(c) The effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only;

The whole programme to be carried out under effective international control in such a way that no State would have cause to fear that its security was endangered;

"3. Requests the Commission to report to the General Assembly and to the Security Council no later than 1 September 1953, and hopes that all the members of the Commission will co-operate in efforts to produce constructive proposals likely to facilitate its task."

2. Third Report of the Disarmament Commission

Between the seventh and eighth sessions of the General Assembly, the Commission held one meeting, its 31st, on 20 August 1953. It unanimously adopted the draft text of its third report (DC/-32). It expressed the hope that recent international events would create a more favourable atmosphere for the reconsideration of the disarmament question, whose capital importance in conjunction with other questions affecting the maintenance of peace was recognized by all. It indicated that the Commission expected to continue its work and suggested that it present a report to the ninth session of the General Assembly and to the Security Council.

3. Consideration by the General Assembly at its Eighth Session

a. DISCUSSIONS IN THE FIRST COMMITTEE

The First Committee considered the item "Regulation, limitation and balanced reduction of all armed forces and all armaments: report of the Disarmament Commission" at its 658th to 669th meetings, from 6 to 18 November 1953.

The Committee had before it a joint draft resolution (A/C.1/L.72) by fourteen Powers, Brazil, Canada, Chile, China, Colombia, Denmark, France, Greece, Lebanon, New Zealand, Pakistan, Turkey, the United Kingdom and the United States.

Amendments[90] to this joint draft resolution were proposed by, among others, India (A/C.1/-L.74/Rev.4), the USSR (A/C.1/L.75/Rev.3), Australia (A/C.1/L.76), Egypt (A/C.1/L.78), and two joint amendments by France, the United Kingdom and the United States (A/C.1/L.83 & A/C.1/L.84).

During the course of the debate, the fourteen-Power draft resolution was revised (A/C.1/L.72/-Rev.3) by the sponsors in the light of these amendments[91] and the discussion.

Under the joint draft resolution, as finally revised (A/C.1/L.72/Rev.3), the General Assembly would, among other things:

(1) reaffirm the responsibility of the United Nations for considering the problem of disarmament and affirm the need of providing for: (a) the regulation, limitation and balanced reduction of all armed forces and armaments; (b) the elimination and prohibition of atomic, hydrogen and other weapons of mass destruction; (c) the effective international control of atomic energy to insure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only;[92]

(2) express the belief that the continued development of weapons of mass destruction such as atomic and hydrogen bombs had given additional urgency to efforts directed towards disarmament;[93]

(3) state that settlement of present international disputes and the resulting confidence are vital to the attainment of peace and that efforts for disarmament should be made concurrently with progress in the settlement of disputes;

(4) express the belief that progress in either field would contribute to progress in the other;

[90] A number of drafting amendments were also submined by some delegations which were later withdrawn. They are not dealt with here.

[91] Phrases have been italicized and footnotes added to indicate changes incorporated from the amendments of various delegations.

[92] Incorporating first joint amendment by France, the United Kingdom and the United States (A/C.1/L.83).

[93] Incorporating Australian amendment (A/C.1/L.76).

(5) express the realization that competition in the development of armaments and armed forces beyond what is necessary for the individual or collective security of Member States is not only economically unsound but also a danger to peace;[94]

(6) recognize the general wish and affirm its earnest desire to reach agreement as early as possible on a comprehensive and co-ordinated plan under international control for the regulation, limitation and reduction of all armed forces and armaments, for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction, and for the attainment of these ends through effective measures;[95]

(7) take note of the third report of the Disarmament Commission;

(8) request the Commission to continue its efforts to reach agreement on the problems with which it was concerned, taking into consideration proposals made at the eighth session of the General Assembly, and to report again to the General Assembly and to the Security Council not later than 1 September 1954,[96]

(9) call on all Member States and particularly the major Powers to intensify their efforts to assist the Disarmament Commission in its tasks and to submit to the Commission any proposals which they might have to make in the field of disarmament; and

(10) suggest that the Disarmament Commission should study the desirability of establishing a sub-committee consisting of representatives of the Powers[97] principally involved, which would seek in private an acceptable solution and report to the Disarmament Commission as soon as possible in order that the Commission might study and report on such a solution to the General Assembly and to the Security Council not later than 1 September 1954.

An amendment to the fourteen-Power joint draft resolution was submitted by the USSR which, as finally revised (A/C.1/L.75/Rev.3), would:

(1) replace the third paragraph of the preamble of the joint draft resolution (see above) by a new paragraph recognizing that, for the purpose of strengthening the peace and security of the nations and successfully settling controversial international problems, the primary task was to secure the immediate settlement of the question of the reduction of armaments, the prohibition of atomic and hydrogen weapons and the establishment of strict international control over the observance of that prohibition;

(2) amend the fourth paragraph of the preamble to express the belief that progress in the above-mentioned field would also contribute to progress in the settlement of other controversial international problems;

(3) replace the first operative paragraph (see (6) above) by a new paragraph according to which the Assembly would recognize that the use of atomic and hydrogen weapons as weapons of aggression and mass destruction was contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and declare that the government which was the first to use the atomic, hydrogen or any other instrument of mass destruction against any other country would commit a crime against humanity and would be deemed a war criminal; and

(4) replace the third operative paragraph (see (8) above) by a new paragraph providing that the Disarmament Commission would be requested to submit to the Security Council not later than 1 March 1954 proposals providing in the first place for a substantial reduction in the armaments of the five Powers—the United States, the United Kingdom, France, the People's Republic of China and the USSR—and also for the prohibition of atomic, hydrogen and other types of weapons of mass destruction together with the simultaneous establishment of strict international control over the observance of that prohibition.

There were also before the Committee other amendments, parts of amendments submitted to the original fourteen-Power draft resolution and amendments to amendments[98] as follows:

(1) Part of an Indian amendment (A/C.1/L.74/-Rev. 4) to the revised fourteen-Power draft resolution. It would add a new operative paragraph by which the Assembly would suggest to the Disarmament Commission that, in order to facilitate the progress of its work, it should arrange for the Sub-Committee, when established, (see paragraph 10 of summary above), to hold its private meetings as appropriate in the different countries most concerned with the problem.

(2) An Indian amendment (A/C.1/L.85) to the USSR amendments to have the Assembly: (a) mention specifically that the reduction and regulation of armaments would include "problems of prohibition and elimination of atomic, hydrogen, chemical, bacterial and all such other types of weapons of mass destruction under international control and effective measures for the enforcement of such prohibition and elimination"; and (b) state in the preamble that progress in the settlement of disarmament questions would contribute to progress in the settlement of other controversial international problems and that progress in either field would contribute to progress in the other.

(3) A joint amendment to the USSR amendments submitted by the fourteen States sponsors of the joint draft resolution (A/C.1/L.87). It would state that, whatever the weapons used, aggression was contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and was the gravest of all crimes against peace and security throughout the world.

From time to time, members of the Committee also referred to the USSR draft resolution (A/-2485/Rev.1) on "Measures to avert the threat of a new world war and to reduce tension in international relations".[99]

[94] Incorporating part of the amendment by Mexico (A/C.1/L.74/Rev.1) and the Peruvian amendment thereto (A/C.1/L.80).

[95] Incorporating part of the Indian amendment (A/-C.1/L.74/Rev.4).

[96] Incorporating the second joint amendment by France, the United Kingdom and the United States (A/C.1/L.84).

[97] Incorporating an amendment by Egypt (A/C.1/-L.78) and part of the Indian amendment (A/C.1/L.74/-Rev.4).

[98] Certain of these amendments were withdrawn; for voting by the Committee on the remainder, see p. 267.

[99] For discussion of this item, see pp. 272-76.

Introducing the fourteen-Power joint draft resolution, the representative of the United Kingdom said that the Commission had not succeeded in carrying out any part of the tasks assigned in resolution 502(VI), despite repeated meetings in 1952. The United Kingdom, France and the United States had presented a series of proposals of a preliminary nature, subject to modification, but the Soviet Union would neither discuss them nor elucidate its own general proposals. However, he observed, it was to be hoped that some progress could be made before the next report of the Commission. There had already been some indications of lessened international tension and there was a possibility of negotiating settlements in various fields, including disarmament.

If the difficulties were to be overcome, certain propositions had to be understood. First, he considered, a continuing and increasing armaments race not only was an economic burden and contrary to the general desire to reduce armaments and armed forces and eliminate all weapons of mass destruction, but also was itself a danger to peace. Secondly, governments could only dispense with the protection of such weapons when they felt secure, partly because of a relaxation of tension and partly through international machinery which would assure that agreements were being observed. Thirdly, security could only come from a system of inspection and control with the necessary safeguards.

However, he observed, the Soviet Union demanded a decision banning all weapons of mass destruction and would only later take steps to reach agreement on ensuring observance of the ban. It proposed a one-third cut within one year of the armed forces of the five Great Powers, but made no mention of verification or control—quite apart from the fact that such percentage cuts would only accentuate the existing disequilibrium and not contribute to peace. The Soviet Union proposed an international conference but on a vague basis and without preparatory work; the United Kingdom believed that there should be concrete proposals to discuss, and supported the formula in resolution 502(VI), under which the Disarmament Commission would present a concrete basis for a conference.

There was no alternative to co-operative preparatory work in the Commission. The United Kingdom had therefore joined in sponsoring the draft resolution, which drew attention to the economic possibilities and called for a new start on the task of working out practical arrangements for disarmament.

The representative of the United States drew attention to statements by the United States President and Secretary of State and the resolutions passed by the United States Congress concerning the need for disarmament. He said that they affirmed the aim of the United States to seek agreements for enforceable limitation of armaments concurrently with efforts to secure settlements on specific political issues. At the seventh session of the Assembly, the United States representative continued, the USSR representative had not presented his Government's often-rejected proposals and had even voted for most parts of resolution 704(VII),[100] although it described the objectives of the Disarmament Commission in terms which had not previously been supported by the USSR. However, the USSR had submitted to the current session the old concepts concerning prohibitions by declaration and proportional reductions, along with complaints about military bases and what it called war propaganda.

The USSR scheme was to create a moral obligation to prohibit atomic weapons without a possibility of ensuring that the obligations would be honoured. But the prohibition of atomic weapons required more than USSR promises; it could be put into effect only if there were safeguards to protect against a violation.

The position of the United States on disarmament was quite clear, its representative said. The amassing of Soviet power had compelled the free nations to arm and to develop weapons capable of inflicting instant punishment on any aggressor. The free nations had no aggressive purpose and the United States would make every effort to achieve a disarmament agreement if the USSR showed a desire to negotiate honestly.

The representative of the USSR, supported by the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR, said that the causes of the Disarmament Commission's failure should be analysed in order to ensure a more productive future. Resolution 502(VI), he said, had had an important role in the Commission's failure because of the wrong directives it contained. At the seventh session, the USSR had attempted to secure the removal of the reference to that resolution in resolution 704(VII) in order to be able to press for a change of course which might have led to better results. The four-Power sub-committee at Paris had accomplished something because it had had freedom of action.[101] Its results were of secondary importance, however,

[100] See p. 262.

[101] See Y.U.N,, 1951, pp. 168-71.

and important problems remained to be solved. Acting under the influence of resolution 502(VI), the Commission had concentrated on the secondary question of disclosure and verification of conventional armaments.

Any recommendation of the General Assembly which was not backed up by armed force could be called a "paper declaration", the USSR representative said. However, the prohibition of the production of atomic weapons would have the authority of the United Nations behind it and was the indispensable condition for effective control. If plans for control were drawn up they could not bring about or "ensure" prohibition if the production of atomic weapons had not been declared illegal. Control and prohibition should come into force simultaneously. But a control organ could not be set up to verify the non-production of atomic weapons when there was no prohibition.

The representative of the USSR stated that any self-respecting State which subscribed to a unanimous decision for the prohibition of the atomic weapon would be morally and politically bound to comply with such a decision. The USSR would strictly observe any such provision. A General Assembly decision on prohibition would not be only a piece of paper but a serious political act, binding on all those who voted in favour of it. Such a decision would have the effect of reducing international tension.

Instead of dealing with measures to reduce armaments and armed forces and to prohibit atomic weapons, the Commission had dealt with plans for gradual disclosure and verification of armaments and armed forces. Such measures, the USSR representative considered, would neither ensure reduction nor create the situation of confidence which had been advanced as a preliminary condition for reduction. But prohibition and reduction would themselves foster confidence and reduce tensions. The United States Secretary of State had said that merely working out a system would reduce tensions, but unfortunately the Commission had adopted a plan based on disclosure and verification without a hint about reducing armaments and armed forces.

The USSR proposal was that, once there was a declaration of the unconditional prohibition of the atomic weapon, it should not enter into force legally until a system of control had been instituted. If such a resolution were adopted, the USSR representative was prepared to announce that no atomic weapons would be produced in his country. However, if other representatives suggested that their countries might continue production, that would be an obstacle to the adoption of such a resolution.

In the United States plan for disclosure there were five stages, beginning with less important matters and moving forward only at the end to atomic weapons. The USSR opposed that system of stages.

The representative of the USSR criticized the United States policy which, he said, was based entirely on force. This was shown by the intensification of the race for armaments, by the reliance on weapons of mass destruction, by the building of military bases around the Soviet Union, even in Spain which had no connexion with the North Atlantic Treaty Organization (NATO), and by efforts to rearm Germany. The representative of the Soviet Union concluded by stating that advantage should be taken of the armistice in Korea to relax further the existing tension by abandoning the armaments race, which was closely linked with the question of European security, and by settling the question of Chinese representation in the United Nations.

The Disarmament Commission, he said, should elaborate practical proposals in line with the fundamental task of fostering international security. The Commission should be given a strict injunction to reach agreement designed to reduce armaments and armed forces, to prohibit unconditionally the atomic weapon and to institute an international control organ.

The representative of France said that the longer the establishment of atomic control was delayed, the less chance would it have of being effective. Although ascertaining the current production of a plant would be relatively easy, determining its previous production would be more difficult. The possibility of concealing previously produced stocks would weaken public confidence in verification. Accordingly, the French delegation believed that a control, though theoretically less perfect than another but acceptable to everyone and therefore quickly achieved, was better than another system which, whatever its excellence, had to be postponed to the detriment of its ultimate effectiveness. A short-term compromise was preferable to postponed perfection.

The difference as to the moment when prohibition would be declared and as to its nature was serious, stated the French representative. The USSR maintained that the decision should be immediate and unconditional, but should only take effect simultaneously with control. Others wished prohibition to be promulgated only after dis-

closure and verification of the military resources of each State and the signature of a control agreement. That difference entailed two others. First, the USSR did not agree that disclosure and verification should be completed before there were any measures to limit conventional weapons or prohibit weapons of mass destruction. Secondly, the idea of international ownership and control through management was opposed to the idea of control through continuing inspection without any right to management.

The representative of France referred to suggestions his delegation had made in the Commission on 24 June 1952 to reconcile the differences. The French delegation, he said, was prepared to present its compromise solution in a working document. It would be logical for the various decisions as to limitation and prohibition to appear at the head of the draft treaty so as to define the objectives clearly at the outset. The entry into force of those decisions would be made conditional, first, upon the successful completion and verification of preceding operations in a pre-arranged order and, secondly, upon the establishment in working order of the international control organ. But as soon as the control organ had confirmed the execution of the precedent operation, the next step would be automatically initiated and could not be postponed except by a decision that one of the two conditions had not been fulfilled.

A fresh effort at conciliation should be made with regard to the order in which the general programme of operations, set forth at the head of the treaty, should be put into effect, the representative of France continued. Operations might be divided into three groups: all operations relating to disclosure and verification; all those relating to the limitation of conventional armed forces and armaments; and all those relating to the prohibition of weapons of mass destruction. The French suggestion was that operations selected from these three groups should be executed simultaneously according to a prescribed order. The principles underlying such a solution were: that every advance in disarmament must be accompanied by an increase in the security of all parties; that every act of disarmament must be verified by the international organ; and that there should be automatic progress from one completed act to the next.

The general programme could then be envisaged in three stages. At the end of the first stage, total armed forces and military expenditure would have been disclosed and verified, limitation of both at existing levels would take effect and the use of bacterial and chemical weapons would be prohibited. At the end of the second stage, the main categories of conventional armaments and the numbers and sites of atomic plants would have been disclosed, further expansion of conventional armaments, quantitatively or qualitatively, would be prohibited and the manufacture of atomic and hydrogen bombs and of fissile materials in dangerous quantities would be suspended. At the end of the third stage, total armed forces and conventional armaments would be reduced from the levels laid down at the end of the first stage to those specified in the treaty, stocks of atomic and hydrogen bombs would be destroyed or made over for peaceful purposes, and the prohibition of the use of such weapons would come into force automatically while the plants could resume, under permanent and strict supervision, their production for peaceful purposes only. Control would then remain in operation to prevent any clandestine rearmament, while armed forces and conventional armaments would again be reduced from the levels of the third stage to those strictly necessary for each State to discharge its domestic and international responsibilities.

The representative of France said that his delegation was not committed to any particular detail in its general scheme. It would, however, submit proposals at the proper time on the detail of the matters to be included in the treaty and its annexes. In the search for agreement on disarmament, the Commission might assume provisionally that the international situation had improved while making final approval of the draft treaty conditional upon an improvement in the situation. And it might be useful for the Commission, in the spirit of the fourteen-Power draft resolution, to appoint a small sub-committee to explore the French and any other proposals. The subcommittee should meet in the principal capitals concerned and adjourn its sessions to a new meeting place whenever the governments needed time to take stock and prepare for fresh progress.

During the debate, a number of representatives, including those of Bolivia, Ecuador, the Netherlands, Norway, Peru, Sweden, the Union of South Africa, Venezuela and Yugoslavia, in addition to the sponsors, expressed themselves generally in favour of the fourteen-Power draft resolution. Several of them at the same time deplored the fact that the situation was such that it was not possible to envisage the adoption of a resolution which would do more to contribute to progress towards disarmament. The representatives of Brazil, Chile, Colombia, Ecuador and Egypt, among others, were critical of a paragraph in the

preamble of the original draft which they interpreted as conditioning the provision of funds for development of economically backward areas upon success in disarmament. (The relevant paragraph would have expressed the confidence that once a disarmament programme had been agreed upon and put into effect, all States would stand ready to ask their peoples to devote a portion of the savings thereby achieved to an international fund to assist development and reconstruction in underdeveloped areas of the world. This paragraph was deleted during the course of revision.)

At its 669th meeting on 18 November, the First Committee voted on the revised fourteen-Power draft resolution (A/C.1/L.72/Rev.3, see above) and on the amendments and sub-amendments submitted, with the following results:

The first Indian amendment (A/C.1/L.85) to the Soviet amendment was rejected by 33 votes to 14, with 12 abstentions, and the second was withdrawn.

All the paragraphs of the USSR amendment (A/C.1/L.75/Rev.3) were rejected in votes ranging from 37 to 5, with 17 abstentions, to 33 to 14, with 12 abstentions.

By 36 votes to 5, with 6 abstentions, the Committee decided not to vote on the USSR amendment to the first operative paragraph of the joint draft resolution. By this amendment, the General Assembly would have recognized that the use of atomic and hydrogen weapons as weapons of aggression was contrary to the conscience and honour of peoples. The fourteen-Power amendment (A/C.1/L.87) to this amendment, by which the Assembly would have recognized that aggression whatever the weapons used was contrary to the conscience and honour of peoples, was adopted by 53 votes to none, with 6 abstentions. However, the paragraph thus amended was not put to the vote.

The Indian amendment (A/C.1/L.74/Rev.4), to add a paragraph suggesting that the sub-committee of the Commission envisaged under the draft resolution hold its meetings in the different countries concerned, was adopted by 45 votes to none, with 13 abstentions.

The various paragraphs of the joint draft resolution were adopted by votes ranging from 59 to none to 52 to none, with 5 abstentions.

The draft resolution, as a whole, was adopted, as amended, by a roll-call vote of 54 to none, with 5 abstentions.

b. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The General Assembly considered the First Committee's report (A/2562) at its 460th meeting on 28 November. The USSR representative introduced amendments (A/L.167) to the draft resolution recommended by the First Committee which were the same as the final revision of the amendments he had proposed to the fourteen-Power draft resolution. The amendments were rejected by votes ranging from 36 to 8, with 14 abstentions, to 39 to 5, with 11 abstentions.

In the paragraph-by-paragraph voting on the draft resolution, the only negative votes cast were against the third paragraph of the preamble (see below). That paragraph was adopted by 50 votes to 5, with 3 abstentions.

The resolution, as a whole, was adopted by 54 votes to none, with 5 abstentions, as resolution 715(VIII). It read:

"The General Assembly,

"Reaffirming the responsibility of the United Nations for considering the problem of disarmament and affirming the need of providing for:

"(a) The regulation, limitation and balanced reduction of all armed forces and all armaments,

"(b) The elimination and prohibition of atomic, hydrogen and other types of weapons of mass destruction,

"(c) The effective international control of atomic energy to ensure the prohibition of atomic weapons and the use of atomic energy for peaceful purposes only,

the whole programme to be carried out under effective international control and in such a way that no State would have cause to fear that its security was endangered,

"Believing that the continued development of weapons of mass destruction such as atomic and hydrogen bombs has given additional urgency to efforts to bring about effectively controlled disarmament throughout the world, as the existence of civilization itself may be at stake,

"Mindful that progress in the settlement of existing international disputes and the resulting re-establishment of confidence are vital to the attainment of peace and disarmament and that efforts to reach agreement on a comprehensive and co-ordinated disarmament programme with adequate safeguards should be made concurrently with progress in the settlement of international disputes,

"Believing that progress in either field would contribute to progress in the other,

"Realizing that competition in the development of armaments and armed forces beyond what is necessary for the individual or collective security of Member States in accordance with the Charter of the United Nations is not only economically unsound but is in itself a grave danger to peace,

"Conscious of the continuing desire of all nations, by lightening the burden of armaments, to release more of the world's human and economic resources for peace,

"Having received the third report of the Disarmament Commission of 20 August 1953, submitted in accordance with General Assembly resolution 704(VII) of 8 April 1953,

"Endorsing the Commission's hope that recent international events will create a more propitious atmosphere for reconsideration of the disarmament question, the capital importance of which, in conjunction with other questions affecting the maintenance of peace, is recognized by all,

"1. Recognizes the general wish and affirms its earnest desire to reach agreement as early as possible on a comprehensive and co-ordinated plan, under international control, for the regulation, limitation and reduction of all armed forces and all armaments, for the elimination and prohibition of atomic, hydrogen, bacterial, chemical and all such other weapons of war and mass destruction, and for the attainment of these ends through effective measures;

"2. Recognizes that, whatever the weapons used, aggression is contrary to the conscience and honour of the peoples and incompatible with membership in the United Nations and is the gravest of all crimes against peace and security throughout the world;

"3. Takes note of the third report of the Disarmament Commission;

"4. Requests the Commission to continue its efforts to reach agreement on the problems with which it is concerned, taking into consideration proposals made at the eighth session of the General Assembly, and to report again to the General Assembly and to the Security Council not later than 1 September 1954;

"5. Calls on all Member States, and particularly the major Powers, to intensify their efforts to assist the Disarmament Commission in its tasks and to submit to the Commission any proposals which they have to make in the field of disarmament;

"6. Suggests that the Disarmament Commission study the desirability of establishing a sub-committee consisting of representatives of the Powers principally involved, which should seek in private an acceptable solution and report to the Disarmament Commission as soon as possible, in order that the Commission may study and report on such a solution to the General Assembly and to the Security Council not later than 1 September 1954;

"7. Further suggests to the Disarmament Commission, in order to facilitate the progress of its work, to arrange for the sub-committee, when established, to hold its private meetings as appropriate in the different countries most concerned with the problem."

c. STATEMENT BY THE PRESIDENT OF THE UNITED STATES

At the 470th plenary meeting of the General Assembly on 8 December the President of the United States made a statement on the nature of the dangers of atomic warfare and emphasized the urgent need to solve the problems involved by negotiation. The United States, he said, was prepared to follow the suggestion made by the General Assembly in resolution 715(VIII) for private conversations, in a sub-committee of the Disarmament Commission, of the Powers principally involved to seek an acceptable solution. In those conversations, the United States would work for the transfer of atomic energy from military to peaceful purposes. He concluded his statement with the following proposals:

"The governments principally involved, to the extent permitted by elementary prudence, should begin now and continue to make joint contributions from their stockpiles of normal uranium and fissionable materials to an international atomic energy agency. We would expect that such an agency would be set up under the aegis of the United Nations. The ratios of contributions, the procedures and other details would properly be within the scope of the 'private conversations' I referred to earlier.

"The United States is prepared to undertake these explorations in good faith. Any partner of the United States acting in the same good faith will find the United States a not unreasonable or ungenerous associate.

"Undoubtedly, initial and early contributions to this plan would be small in quantity. However, the proposal has the great virtue that it can be undertaken without the irritations and mutual suspicions incident to any attempt to set up a completely acceptable system of world-wide inspection and control.

"The atomic energy agency could be made responsible for the impounding, storage and protection of the contributed fissionable and other materials. The ingenuity of our scientists will provide special safe conditions under which such a bank of fissionable material can be made essentially immune to surprise seizure.

"The more important responsibility of this atomic energy agency would be to devise methods whereby this fissionable material would be allocated to serve the peaceful pursuits of mankind. Experts would be mobilized to apply atomic energy to the needs of agriculture, medicine, and other peaceful activities. A special purpose would be to provide abundant electrical energy in the power-starved areas of the world.

"Thus the contributing Powers would be dedicating some of their strength to serve the needs rather than the fears of mankind.

"The United States would be more than willing—it would be proud to take up with others 'principally involved' the development of plans whereby such peaceful use of atomic energy could be expedited.

"Of those 'principally involved' the Soviet Union must, of course, be one.

"I would be prepared to submit to the Congress of the United States, and with every expectation of approval, any such plan that would, first, encourage world-wide investigation into the most effective peacetime uses of fissionable material, and with the certainty that the investigators had all the material needed for the conducting of all experiments that were appropriate; second, begin to diminish the potential destructive power of the world's atomic stockpiles; third, allow all peoples of all nations to see that, in this enlightened age, the great Powers of the earth, both of the East

and of the West, are interested in human aspirations first rather than in building up the armaments of war; fourth, open up a new channel for peaceful discussions and initiate at least a new approach to the many difficult problems that must be solved in both private and public conversations if the world is to shake off the inertia imposed by fear and is to make positive progress towards peace."

O. QUESTION OF MEASURES TO STRENGTHEN PEACE

1. Consideration by the General Assembly at its Seventh Session

In a letter dated 18 October 1952 (A/2229), the representative of Poland requested the inclusion in the agenda of the Assembly's seventh session of the item "Measures to avert the threat of a new world war and to strengthen peace and friendship among the nations".

At the same time Poland submitted a draft resolution, according to which the General Assembly would recommend:

with regard to Korea:[102] (1) the immediate cessation by the parties of military operations on land, at sea and in the air; (2) the return of all prisoners of war to their home countries, in accordance with international standards; (3) the withdrawal from Korea of foreign troops, including the Chinese volunteer units, within a period of from two to three months, and the peaceful settlement of the Korean question on the basis of the principle of unification of Korea, the unification to be achieved by the Koreans themselves under the supervision of a commission, with the participation of the parties immediately interested and of other States, including the States which had not taken part in the war in Korea.

The Assembly, desiring to avert the threat of a new world war, would further recommend: (1) to the Governments of the United States, the USSR, the United Kingdom, France and China—the permanent members of the Security Council—that they reduce by one third within one year their armed forces, including air, naval and auxiliary forces, and submit full data on their armaments; and (2) to the Security Council that it call as soon as possible an international conference for the carrying out by all States of the reduction of armed forces.

The Assembly would also call for the adoption without delay of a decision for the unconditional prohibition of atomic weapons and other weapons of mass destruction and for the establishment of strict international control over the observance of that decision by all States. It would further call on all States which had not acceded to or ratified the Geneva Protocol of 17 June 1923 on the prohibition of the use of bacterial weapons to accede to or ratify that instrument.

Finally, in terms of the draft resolution, the Assembly would: (1) declare participation in the aggressive North Atlantic bloc, which had brought about an ever-growing armaments race and had aggravated international tension, incompatible with membership in the United Nations; (2) call upon the United States, the USSR, the United Kingdom, France and China, to conclude a peace pact designed to bring about the reduction of the armaments of the Great Powers and the strengthening of peace among the nations; and (3) call upon all other States to adhere to the peace pact.

The First Committee considered the item at its 594th to 604th meetings, from 9 to 16 April 1953.

At the 594th meeting, Poland submitted a revision (A/C.1/L.39) of its draft resolution, to alter that part dealing with Korea and relating to the repatriation of prisoners of war to provide that the General Assembly should recommend to the parties engaged in the war in Korea the immediate resumption of truce negotiations, it being understood that in the course of such negotiations the parties would exert every effort to reach agreement both on the question of the exchange of sick and wounded prisoners of war and on the question of prisoners of war as a whole, endeavouring thereby to remove the obstacles preventing the termination of the war in Korea.

The Polish representative stated that the group of measures contained in the Polish proposal constituted a coherent and logical whole. If adopted and carried into effect, they would make it possible to avert the threat of war and to improve the international situation. It was obvious that there could be no slackening of international tension without the cessation of hostilities in Korea. It was also obvious that the effective co-operation of the five Powers, which must find expression in the conclusion of a peace pact among them, was essential in order to maintain world peace and forestall further acts of aggression. It was, lastly, obvious that the maintenance of peace was incompatible with the armaments race and the production of weapons of mass destruction. Millions of men throughout the world were awaiting the cessation of the war in Korea, peaceful co-operation among the five Powers, the reduction of armaments and the prohibition of weapons of mass destruction.

The Polish proposal was strongly supported by the representatives of the Byelorussian SSR, Czechoslovakia, the Ukrainian SSR and the USSR. They stated that there could be no tranquillity in the world as long as the Korean war had not been

[102] For discussion by the General Assembly at its resumed seventh session of other matters relating to the Korean Question, see under The Question of Korea.

settled. The United Nations should aid directly in the negotiations in Panmunjom and not take a passive stand, as had been advocated by some speakers in order, it was stated, to hamper chances of ending the Korean war by linking its cessation with other questions, such as the conclusion of an armistice and an agreement on prisoners of war. These representatives expressed support for Premier Chou En-lai's recent proposal[103] that the prisoner issue be settled by turning over to a neutral custody any captive refusing immediate repatriation. An appeal had been made for an end to hostilities, a settlement of the prisoner-of-war issue, the conclusion of an armistice and the restoration of peace. That appeal was in line with the desire for peace of all peoples and would contribute to the strengthening of peace and friendship among the peoples of the Far East, they said.

With regard to the reduction of armaments and armed forces, they recalled that speakers in the Disarmament Commission[104] had argued that such a reduction was impossible without first creating "a favourable atmosphere". But it was perfectly clear that measures for such a reduction would in themselves help to lessen international tension, eliminate suspicion and create that favourable atmosphere. The United Nations should not simply wait for the atmosphere to improve. It was false to argue that a proportionate reduction, as proposed in the Polish draft resolution, would leave the USSR in a preponderant position. It had already been shown that the forces of France, the United Kingdom and the United States were constantly increasing and were twice as numerous as those of the USSR. According to President Truman's message to Congress in 1952, the armed forces of the United States had been increased by over a million in 1951, and the increase had continued since then. In any case, percentages of reduction were of little importance if they did not apply to the air and naval forces as well as land forces. It was well known that the United States air force had more than doubled since 1950 and would be tripled in 1953. The same applied to that country's naval forces. That was why the three Western Powers had ignored the reduction of air and naval forces in their proposal to the Disarmament Commission.

The representative of the USSR also argued that the starting point for disarmament should be a decision to prohibit the atomic weapon unconditionally. In the Disarmament Commission, however, the Western Powers had confined themselves to stating that, if their proposal was adopted, it would constitute a declaration in favour of the prohibition of such weapons. Although that proposal provided for a control system it did not provide for prohibition of atomic weapons. That was tantamount to saying they would continue to be made.

Criticizing the North Atlantic Treaty Organization (NATO) and the programme for the defence of the European community, the USSR representative said that NATO was a violation of the United Nations Charter and participation in that organization was incompatible with membership in the United Nations. NATO's purposes were aggressive; it was a "closed group" operating in the exclusive interests of its members and not promoting the general interest. Moreover, it was set up without provision for any relationship with the Security Council.

It had been claimed that the USSR had also concluded agreements similar to the Atlantic Treaty, but those agreements were of a completely different character; they were defensive agreements against possible aggression by Japan or its allies, or by Germany or its allies. NATO, on the other hand, aimed at including Western Germany with its 25 divisions and at reviving Nazi militarism, the USSR representative stated.

It was incorrect to argue that a peace pact between the Great Powers was superfluous in view of the existence of the United Nations Charter. It was strange that those who argued this way represented States which were members of regional pacts or unions, such as the Inter-American pact, all of which existed side by side with the Charter.

A majority of representatives, including those of Australia, Belgium, Bolivia, Cuba, the Dominican Republic, Ecuador, France, Greece, Israel, the Netherlands, New Zealand, Peru, Thailand, Turkey, the United Kingdom, the United States and Uruguay, maintained that the Polish proposals concerned questions which had already been dealt with by the Security Council, the General Assembly and the Disarmament Commission.

As regards that part of the Polish draft resolution concerning Korea, these representatives found it unacceptable, stating that most of its provisions had already been examined and rejected by the General Assembly. Moreover, it was pointed out, the Polish draft resolution had been conceived in October 1952 and failed, even as revised, to take into account the resolutions passed by the General Assembly in the last six months such as resolution 610(VII)[105], containing the principles for the re-

[103] See also p. 109, footnote 5.
[104] See under Disarmament.
[105] For text, see Y.U.N., 1952, pp. 201-202.

patriation of prisoners of war which had been rejected by the Chinese-North Korean side. It also failed to take into account the changed atmosphere on the question of the repatriation of prisoners of war. Thus, on 11 April, an agreement had been reached between the United Nations Command and the other side in Korea on the exchange of sick and wounded prisoners of war.

On 30 March, Premier Chou En-lai of the Chinese People's Republic had made new proposals for settling the entire question of the repatriation of prisoners of war. Immediately after the exchange of sick and wounded prisoners, negotiations at Panmunjom would be resumed and there was reason to believe that the new Chinese-North Korean proposals would lead to the removal of the last obstacles to an armistice. Therefore, it was maintained, there was no point in debating parts of the Polish proposals dealing with Korea. Indeed, such a discussion might jeopardize the negotiations in Korea.

Referring to the pan of the Polish proposals dealing with disarmament, these representatives said that they were equally pointless and even harmful. They also ran counter to the decision taken by the General Assembly in resolution 704(VII) of 8 April 1953[106], by which it decided to continue the Disarmament Commission. The proposal concerning a one-third reduction of armaments by the Great Powers had been submitted each year since 1948 and had been rejected each time by the General Assembly. During the seventh session, however, the USSR had not demanded a flat percentage cut of armed forces, but had merely proposed (A/C.1/L.31) the study of practical measures for achieving reduction of armaments and armed forces of all States, particularly those of the Great Powers. That change of attitude had, it was stated, given grounds for hope that the USSR was prepared to negotiate seriously on arms reduction. In those circumstances, it was argued, the Polish proposal represented a step backwards to the rigid formula which had blocked progress in the past.

As regards the proposal calling for the immediate, unconditional prohibition of atomic weapons, that had also been consistently rejected by the General Assembly as inadequate. It was obvious that the exclusive peaceful use of atomic energy could be achieved only if an effective system of international control was first instituted and an agreement reached on the details of the safeguards necessary for the prohibition of atomic weapons.

The question of the Geneva Protocol of 1925, these representatives said, had also been dealt with. The United Nations had already proposed[107] that an impartial inquiry should be carried out regarding the false USSR charges that the United Nations forces had used germ warfare in Korea, but there had been no response from the USSR and its followers. Moreover, since the question was also before the Disarmament Commission, it did not seem either desirable or necessary to take any action on the matter.

The sections of the Polish draft resolution dealing with NATO and a five-Power peace pact, these representatives held, were also unacceptable. All the pacts in the world would remain mere words unless they were accompanied by a sincere desire to give them practical content. If, it was said, agreement could be reached on such questions as Korea, Austria, the repatriation of German, Italian and Japanese war prisoners, or on the issue of Greek soldiers and children, it would certainly be an augury of peace and hope. Moreover, the United Nations Charter was itself a solemn peace pact. Hence, there was no need for a new pact; all that was required was faithful adherence to the terms of the Charter.

These representatives contended that NATO was a defensive alliance created in accordance with Article 51 of the Charter in pursuance of the right of collective defence acknowledged in that Article. More than 40 States were members of one or more such defensive systems. All the governments participating in NATO were governments of free and democratic peoples and it was unthinkable that they should choose war as an instrument of international policy. The danger would come from those governments which were not based in the free will of the people. These representatives stated that NATO was an open organization and its projects were known to all. However, the military agreements concluded by the USSR were closed, secret and exclusive. The strength of the USSR and its satellites was not known and caused apprehension among the free nations.

During the debate, references were also made to the alleged revival, in certain countries, of anti-semitism, to the dangers of Zionism and to the existence of colonialism, particularly in North Africa.

At the 600th meeting on 14 April, Brazil submitted a draft resolution, which, after two revisions incorporating drafting amendments, provided (A/C.1/L.40/Rev.2) that the General Assembly should, inter alia:

[106] See under Disarmament.

[107] See pp. 156-57.

(1) note with deep satisfaction that an agreement had been signed in Korea on the exchange of sick and wounded prisoners of war;

(2) express the hope that the exchange would be promptly effected and that further negotiations would result in an early armistice consistent with United Nations principles and objectives; and

(3) decide to recess the seventh session upon completion of the current agenda items, and request the President to reconvene the seventh session to resume consideration of the Korean question (a) upon notification by the Unified Command to the Security Council of the signing of an armistice agreement in Korea, or (b) when, in the view of a majority of Members, other developments in Korea required consideration of this question.

Introducing the draft resolution, the Brazilian representative stated that, at the current stage, the Committee should neither indulge in an attitude of unwarranted optimism nor despair of progress, ignoring the signs of hope which constituted current political facts. In its draft resolution, Brazil had, therefore, tried to formulate certain points and principles which had found unanimous support in the Committee.

Notwithstanding the diverse points of view, "a minimum area of agreement" had been established in the Committee and his delegation felt that those points of agreement should be stressed.

Several representatives welcomed the Brazilian proposal, which, it was generally agreed, could do nothing to impede progress in the preliminary stages toward a general settlement in Korea.

At the final meeting of the Committee's debate on 16 April, the representative of Poland announced that he would not press for a vote on the Korean provisions in the Polish draft resolution, in view of the new initiative by the Chinese and the North Koreans on the prisoner-repatriation issue, and also in view of the introduction of Brazil's proposal. He added that he would not insist either on a vote on the two other sections of his delegation's draft since the Committee's debate had shown that the problems raised therein called for further consideration than the limited time allowed. Poland, however, reserved its right to raise the problems at the next session.

In accordance with this statement, the Polish draft resolution was not put to the vote, while the Brazilian draft resolution was adopted unanimously.

At the 427th plenary meeting on 18 April 1953, the General Assembly unanimously adopted the draft resolution proposed by the First Committee (A/2386).

Several speakers hailed "this unique unanimity" as an auspicious sign. The representative of Poland stressed that the Polish decision not to ask for a vote on its own proposal but to support the Brazilian resolution was not an "opportunistic move or mere gesture" but reflected the unchanged policy of the Polish Government to support any genuine peace proposal. At the end of the meeting, the President of the Assembly expressed the good wishes and hopes of all Member States for an early and successful conclusion of the important task being undertaken at Panmunjom.

The resolution (705(VII)) read:

"The General Assembly,

"Reaffirming its unswerving determination to spare no efforts likely to create conditions favourable to the attainment of the purposes of peace and conciliation embodied in the Charter of the United Nations,

"Noting, following the United Nations Command initiative for the exchange of sick and wounded prisoners of war, the communication by the Minister for Foreign Affairs of the Central People's Government of the People's Republic of China dated 31 March 1953 to the President of the General Assembly, and the exchange of communications between the United Nations Command and the Commanders of the Chinese People's Volunteers and the Korean People's Army in regard thereto,

"Confident that a just and honourable armistice in Korea will powerfully contribute to alleviate the present international tension,

"1. Notes with deep satisfaction that an agreement has been signed in Korea on the exchange of sick and wounded prisoners of war;

"2. Expresses the hope that the exchange of sick and wounded prisoners of war will be speedily completed and that the further negotiations at Panmunjom will result in achieving an early armistice in Korea, consistent with the United Nations principles and objectives;

"3. Decides to recess the present session upon completion of the current agenda items, and requests the President of the General Assembly to reconvene the present session to resume consideration of the Korean question (a) upon notification by the Unified Command to the Security Council of the signing of an armistice agreement in Korea; or (b) when, in the view of a majority of Members, other developments in Korea require consideration of this question."

2. Consideration by the General Assembly at its Eighth Session

By a letter dated 21 September 1953 (A/2485/Rev.1), the USSR requested the inclusion in the agenda of the General Assembly's eighth session of the following item: "Measures to avert the threat of a new world war and to reduce tension in international relations". It submitted the following draft resolution:

"The General Assembly,

"Noting that the cessation of hostilities in Korea is an important contribution to the reduction of tension

in international relations, and that it has created more favourable conditions for further action to avert the threat of a new world war,

"Noting, at the same time, that in a number of countries the armaments race, far from abating, is being continued on an even greater scale, and that weapons of mass destruction, as a result of the latest advances in the application of atomic energy for this purpose, are becoming ever more destructive and dangerous for many millions of people,

"With the object of averting the threat of a new world war and strengthening the peace and security of nations,

"1. Declares atomic, hydrogen and other types of weapons of mass destruction to be unconditionally prohibited, and instructs the Security Council to take immediate steps to prepare and implement an international agreement which will ensure the establishment of stria international control over the observance of this prohibition;

"2. Recommends to the five permanent members of the Security Council, the United States of America, the Union of Soviet Socialist Republics, the United Kingdom, France and China, which bear the chief responsibility for the maintenance of international peace and security, that they reduce their armed forces by one-third within one year; and with a view to the alleviation of the burden of military expenditure recommends to the Security Council that it call as soon as possible an international conference for the carrying out by all States of the reduction of armaments;

"3. Recognizes that the establishment of military, air and naval bases in the territories of other States increases the threat of a new world war and operates to undermine the national sovereignty and independence of States;

"The General Assembly,

"Recommends to the Security Council that it take steps to ensure the elimination of military bases in the territories of other States, considering this a matter of vital importance for the establishment of a stable peace and of international security;

"4. Condemns the propaganda which is being conducted in a number of countries with the aim of inciting enmity and hatred among nations and preparing a new world war, and calls upon all governments to take measures to put a stop to such propaganda, which is incompatible with the fundamental purposes and principles of the United Nations."

The First Committee considered the item at its 670th to 677th meetings, from 19 to 27 November 1953. No amendment was submitted to the USSR draft resolution, nor was any other draft resolution presented.

The representative of the USSR, in introducing the resolution, declared that the present item was the most important question in the Assembly's agenda. Great tension existed in international relations and it was necessary to take effective measures to reduce this in order that the peoples of the world could build their lives as they deemed fit. Some parts of the question had been discussed during the examination of the report of the Disarmament Commission, but it was necessary to consider the whole question in this broader framework. The Soviet Government regarded the problem as of major importance and had repeatedly taken the initiative, both on the diplomatic level and in the United Nations, in trying to solve it. When the USSR had proposed a meeting of the Foreign Ministers of the United States, the United Kingdom, France, the USSR and the People's Republic of China, it had had in mind not only the examination of the German problem and questions concerning the security of Europe, but also the consideration of other measures for reducing international tension. Settlement of the Korean and German questions, for instance, would serve that goal, as would agreement on participation of the Chinese People's Republic in the meeting of the Great Powers, for one could not speak seriously of settling international problems without discussing relations between the United States and the Chinese People's Republic. If agreement concerning such a conference were reached, a concrete step would have been taken towards reducing international tension.

The USSR draft resolution outlined measures which, if adopted and implemented, would have such an effect, he stated. However, influential circles in the West were not interested in reducing tension, because they considered the cold war as a preparatory stage in unleashing a new world war for world domination and because they were extracting vast profits from the cold war and the militarization of their industry, with the attendant armaments race, organization of new military bases, conclusion of new military alliances and stockpiling of atomic bombs, he said.

The strategy of the cold war had had sinister effects on the economic conditions of many countries, particularly those which were economically under-developed. Further, the economy of the United States was rushing headlong into a crisis of over-production, and, as in the past, American monopolies were trying to avoid this crisis by increasing military production and fostering the armaments race. However, those measures could not avert a crisis. On the contrary, the concentration on military production aggravated still further the disproportion prevailing in the capitalist economy, which widened the cleavage of trade between East and West and led to further intensification of international tension. Conversely, the strengthening of economic ties between the East and West would aid in the reduction of such tension.

The USSR representative denied the statements by the three Western Powers that the reduction of international tension was dependent on the Soviet Union. The latter's proposal for a Big-Five conference had been met with the convening of the Bermuda Conference, which, because of its separate character and goals, could only intensify the tension. On the other hand, the USSR proposal to invite the Chinese People's Republic to participate in a conference of the Five Powers would reduce the differences between the East and West. A similar aim was evinced in the USSR proposal for the halting of the armaments race and a substantial reduction of armaments as well as an unconditional prohibition of atomic, hydrogen and other types of weapons of mass destruction and the establishment of strict international control over that prohibition. If there were no prohibition of atomic arms and no strict international control, there would be no progress in solving the problems involved.

The American Baruch-Lilienthal Plan was considered inadequate in many quarters in the United States, but official spokesmen still supported it. Under the guise of a plan to prohibit atomic weapons and establish international control, what was actually contemplated was the establishment of an organ which would not prevent the production of atomic weapons. The USSR representative said that a committee of American scientists had prepared a report which admitted that the Baruch Plan would not require the United States to discontinue production of atomic weapons after the adoption of the plan and the coming into operation of the control organ. Furthermore, considering the eventual composition of the control organ, it was obvious that the rationing, contemplated by the Baruch Plan, of the raw materials necessary to the production of atomic energy would be carried out in such a manner as to frustrate the production of atomic energy for peaceful ends. Thus, the Baruch Plan would kill the application of atomic energy for peaceful purposes but would in no way constitute an obstacle to the utilization of that energy in certain countries for warlike ends.

The United States and other parties to the "North Atlantic bloc", he stated, already possessed more numerous armed forces than the Soviet Union, which had demobilized 33 classes since the war. Therefore, the objections raised to proportional reduction were invalid. The proposals of the three Western Powers for establishing ceilings[108] for the armed forces of the USSR, the United States and China did not take account of the facts. The borders of the Soviet Union could hardly be compared with the land frontiers of the United States. Furthermore, those States having fewer effectives but possessing tremendous naval and air armadas, as well as strings of military bases in foreign territories in the immediate vicinity of the territories of other States, were much more dangerous than those other States which had their armies situated inside their country.

To reduce international tension, it was also important that efforts should be made to eliminate propaganda designed to foment hatred and enmity against nations. Such propaganda, the USSR representative said, was inimical to peace and international co-operation. He charged that the United States Congress was participating in hate campaigns and that one of its committees on foreign relations had issued literature which was full of such propaganda.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR supported the USSR draft resolution and endorsed the views expressed by the USSR representative. They dwelt, among other things, on the necessity, in order to solve international problems, of according the People's Republic of China its rightful place in the United Nations, of removing the threat to the USSR and the peoples' democracies presented by the existence of United States military bases all over the world and of abandoning the policy of rearmament followed by the Western Powers.

In reply, the representative of the United States said that the draft resolution was purely a propaganda move designed to slander the United States.

He recalled that his country and other nations which wanted a reduction of international tension had put forward proposals which might lead to a programme of balanced and effectively controlled reduction of armaments. The Soviet Union, on the other hand, he said, was making no practical attempt to reduce tensions, either in the United Nations or elsewhere.

Various resolutions of the Assembly in past years had put the question of propaganda in its proper perspective and the United States had supported all of them and every recommendation contained in them. They were still operative, and nothing further was needed in the way of resolutions along that line. What was needed was a desire to live up to the spirit of those resolutions.

The United States representative declared that the American Press was free and that the best

[108] See Y.U.N., 1952, pp. 317-19.

means of bringing about a change in its attitude would be for the Soviet Union to change its policy. However, anyone in the United States who did not approve of his local newspaper's attitude to the USSR could buy The Daily Worker which was a faithful translation of Pravda. He could also listen to Radio Moscow and read the Soviet Union representative's speeches, which were printed in all American papers. In the United States, everyone was free to learn the views of every other country in the world. The United States representative then gave a description of anti-American plays and films in Moscow and articles and cartoons in the Russian Press, and finally declared that there was nothing in the Soviet Union to counteract that type of hate propaganda. There were no free newspapers or radio stations. The USSR Government had devoted considerable efforts to ensuring that the only picture of the United States available to its public was the one turned out by the party propaganda machine.

The United Kingdom representative pointed out that part of the USSR proposal had already been referred for study to the Disarmament Commission, where real progress might perhaps be made if the USSR would permit examination of the problems with which the Commission was concerned.

So far, he declared, the eighth session of the Assembly had not made any real progress. But, while the situation had not improved, it did not appear to have become worse. Experience had shown that there was no simple solution of the problems facing the world. Hope must not lie in the adoption of high-sounding resolutions, but in painstaking and persevering work aimed at solving problems one by one and at courageously seeking new formulas, undaunted by failures and disappointment.

As to the question of disarmament, the United Kingdom representative said the USSR seemed always to direct its propaganda against the type or armaments in which it was weaker or against facilities of which it had no need. That applied to the issue of military bases and also the dissociation of atomic from conventional weapons. The great land mass of the Soviet Union enabled it to move its forces in all directions for offensive as well as defensive purposes. The situation of the United Kingdom, with its small area, was entirely different; its security depended upon its having defensive facilities far from its own shores. The banning of bases in foreign countries would not harm the Soviet Union, but it would gravely impair the collective security of the free world.

The representative of France stated that the Polish delegation had withdrawn a proposal similar to the present USSR proposal in order to reach unanimity on the question of Korea.[109] He suggested that if the USSR withdrew its proposals similar unanimity would be achieved on the draft resolution adopted by the First Committee regarding the conversations to be held on the question of disarmament.[110] The five abstentions on that draft resolution might then be converted into affirmative votes in the plenary meeting and the proposed conversations might yield results. He considered that the USSR proposal pursued propaganda aims and lacked real goodwill. That, he said, was proved by the Soviet attitude towards certain problems, such as the question of the Austrian Peace Treaty.

Supporting the views expressed by the representatives of France, the United Kingdom and the United States, the representatives of several other countries, including those of Bolivia, Brazil, Canada, the Dominican Republic, Greece, the Netherlands, Peru, the Philippines and Uruguay, maintained that the USSR draft resolution was basically the same as those submitted in the previous years and consistently rejected by the General Assembly. The USSR, they urged, should co-operate with the overwhelming majority of Members of the United Nations on such questions as those of disarmament and the unification of Germany, and on problems affecting Asia.

In his second intervention, the representative of the USSR replied to, among others, the representative of the United Kingdom. The latter, he said, had claimed that the USSR was trying to isolate the prohibition of atomic weapons, which would be in its interest, from the reduction of conventional armaments, which would not be to its advantage. This idea, according to the representative of the USSR, was based on the illusion that certain countries still had a monopoly of atomic weapons. This monopoly, however, had ended, since the USSR now had atomic and hydrogen bombs. Nevertheless, the USSR persisted in its proposal for the prohibition of those weapons.

At the 676th meeting on 26 November, the Committee voted on the USSR draft resolution (A/2485/Rev.1) paragraph by paragraph. The first paragraph of the preamble was adopted, by 21 votes to none, with 30 abstentions. The rest of the draft resolution was rejected in votes ranging from 29 to 12, with 9 abstentions, to 32 to 5, with 14 abstentions.

[109] See under section 1 of this chapter.
[110] See pp. 262-67.

When the First Committee's report (A/2579) was considered by the General Assembly at its 461st plenary meeting on 30 November, the USSR again introduced its draft resolution (A/-L.168). A number of representatives explained their votes in accordance with the position they had taken in the First Committee.

The USSR draft resolution was voted on by paragraphs, the first paragraph of the preamble being adopted by 19 votes to 4, with 28 abstentions, and the second and third paragraphs being rejected by 29 votes to 7, with 17 abstentions, and 32 votes to 6, with 13 abstentions, respectively. The first operative paragraph was rejected by 34 votes to 5, with 12 abstentions, and the second operative paragraph by 39 votes to 5, with 12 abstentions. Since both operative paragraphs had been rejected, the resolution as a whole was not put to the vote. The Assembly, therefore, adopted no resolution on this agenda item.

P. METHODS TO MAINTAIN AND STRENGTHEN INTERNATIONAL PEACE AND SECURITY

By resolution 503 A (VI) of 12 January 1952, the General Assembly directed the Collective Measures Committee to continue its studies for another year and to report to the Security Council and the General Assembly before its seventh session. The Committee duly submitted its report (A/2215) to the seventh session.[111]

The report was included in the Assembly's agenda under the title: "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".

The question was considered by the First Committee at its 573rd to 576th meetings, from 12 to 16 March 1953.

The Committee had before it a joint draft resolution by Australia, Belgium, Brazil, Canada, France, the Philippines, Turkey, the United Kingdom, the United States, Venezuela and Yugoslavia (A/C.1/L.27), providing that the Assembly should, inter alia,

take note of the second report of the Collective Measures Committee and express appreciation of its constructive work, instruct it to continue its work until the ninth session and to report to the Security Council and the General Assembly not later than that session, and in particular direct it to:

(1) pursue studies to strengthen the capability of the United Nations to maintain peace, taking account of the "Uniting for peace" resolution (377 A (V)),[112] Assembly resolution 503(VI)[113] and the proposed resolution;

(2) continue to examine information received from States pursuant to the three resolutions; and

(3) suggest to the Security Council and to the General Assembly specific ways and means to encourage further preparatory action by States.

In accordance with the draft resolution, Member States would be recommended and non-member States invited to give careful consideration to the Committee's reports, to continue and intensify their efforts to carry out the recommendations of the three Assembly resolutions and to keep the Committee informed of their progress in this respect. (For text of resolution as adopted, see below.)

As on earlier occasions, a considerable part of the discussion in the First Committee centred on the question of the legality of the Collective Measures Committee.

The majority of speakers expressed support for the work of the Collective Measures Committee. The sponsors of the joint draft resolution, as well as the representatives of Peru and the Netherlands, emphasized that the task of the Committee was not inconsistent with the powers of the Security Council under the Charter. In this connexion, it was pointed out that the Committee's report had not been presented solely to the General Assembly, but also to the Security Council. The measures recommended in the report were primarily available to the Council and should be employed by the Assembly only if the Council failed to act. But while the Council had primary responsibility for the maintenance of international peace and security, it did not have sole or exclusive responsibility, the representatives of Canada and the Netherlands stated. It was absurd, the representative of the Netherlands continued, to argue that the Security Council alone could act in cases of a breach of the peace, because that would imply that a single Member State could compel 55 other Member States to remain passive in the face of aggression or could prevent them from exercising their right of collective self-defence.

The collective measures, the representatives of Australia, the Philippines, Turkey, the United Kingdom, the United States and Yugoslavia stressed, were not designed for use against any

[111] See Y.U.N., 1952. pp. 331-32.
[112] For text, see Y.U.N., 1950. pp. 193-95.
[113] For text, see Y.U.N., 1951, pp. 188-89.

particular State or group of States. It had been very properly understood, the Yugoslav representative stated, that any attempt to turn the United Nations into a military alliance or an ideological front would be infinitely dangerous.

The representative of the United States declared that the increased capacity of the United Nations Members to combine their strength in case of need would act as an incentive to pacific settlement, since aggressors were tempted to commit aggression only when they thought they could get away with it. The "Uniting for peace" resolution was directed solely against aggression, not against any specific nation or nations. It was a tragedy, he said, that the USSR should see, or claim to see, enmity against itself in the adoption of that and subsequent resolutions in defence of peace. In the electronic age, hours, minutes and even seconds might be decisive. The need for quick action to resist sudden attacks put a premium on advance planning. The Canadian representative likewise stressed that the United Nations should be organized to act quickly.

The representative of Poland, on the other hand, stated that the purpose of the Collective Measures Committee had been to prepare the ground for an illegal transfer of the powers of the Security Council to the General Assembly. Member States, he asserted, did not favour the proposed collective measures. Eighteen States had sent in positive replies to the Committee's requests for information in 1951, while only fourteen had done so in 1952. The representative of Czechoslovakia declared that the item under discussion was designed to deceive public opinion. The activities of the Collective Measures Committee had, he contended, completely confirmed the fact that the so-called system of collective security was an integral part of the aggressive plans and preparations carried out in the interests of the United States monopolists by the United States Government and its associates in the aggressive "Atlantic bloc". Thus, it was not surprising for the United States delegation and its friends in the Committee to express warm appreciation of the work. Hypocritical and untrue assertions could deceive no one and could not conceal the reality that collective measures were a tool of American imperialism directed against the Soviet Union, the peoples' democracies and international peace and security, he said.

The representative of the USSR, in explaining his vote against the resolution, stated that it was clear from the second report of the Collective Measures Committee that one of the objectives was to organize an economic blockade of the USSR, the People's Republic of China and the peoples' democracies. Moreover, the study of such questions as the equitable sharing of expenses, the question of mobilizing the specialized agencies, the question of a voluntary reserve and the question of the establishment of a group of military experts, he said, demonstrated the fact that the Committee had violated the basic provisions of the Charter in dealing with questions which normally fell within the jurisdiction of the Security Council and its Military Staff Committee. It was not, he said, the rule of unanimity which had prevented the Security Council from functioning, but the constant attempts of the United States and its supporters to circumvent the Council and to carry out their military plans under the flag of the United Nations.

The representatives of Australia, Canada, Saudi Arabia, the Union of South Africa, the United Kingdom and the United States pointed out that the measures proposed in the Committee's report implied no prior commitments on the part of Member States.

The representative of Sweden recalled that his delegation had formerly pointed out that a Security Council decision in pursuance of Article 41 or 42 of the Charter constituted an obligation on Member States. On the other hand, even if the General Assembly approved a recommendation by a two-thirds majority, Member States were not bound by such a recommendation but each State had the right to decide for itself whether it would take part in compulsory measures.

The representatives of Brazil, Egypt, Guatemala, Peru, Mexico and Venezuela emphasized that only the government concerned was in a position to judge the extent of its own ability to contribute to collective measures. The representative of Mexico stated that his Government gave absolute priority to regional commitments. Consequently, Mexico did not feel that there could be an automatic contribution to a United Nations collective action. The Organization of American States had to be guided in that matter, not merely by the United Nations Charter, but also by the principles of the Charter of the Organization of American States and the Inter-American Treaty of Reciprocal Assistance.

The representatives of Egypt, Iraq, Lebanon, Saudi Arabia, Syria and Yemen stated that they would support the draft resolution, with the reservations that their votes would not be construed as limiting the Arab Defence Pact and that nothing would be done under the terms of the resolution, such as occupying a territory of a participating State, without the consent of the State concerned.

Several speakers, among others the representatives of Australia, Belgium, Canada, France, New Zealand, the Philippines and the United States, stressed the importance of the question of sharing equally the burdens resulting from the application of collective measures. The States which made the initial contribution to collective measures would be entitled, the representative of New Zealand stated, referring to the memorandum submitted by his Government to the Collective Measures Committee, to expect that their fellow Members should make haste to supply their own quota of forces. If that was not possible, then the other Members should at least give financial assistance towards the operation or might also be able to participate in collective measures by offering bases or other facilities. This suggestion was supported by the representative of Venezuela. The representative of the Philippines, on the other hand, pointed out that there was a danger in such suggestions, because they might encourage the Member States to make their contributions in other than military forces. He, as well as the representatives of El Salvador and Venezuela, agreed that the question of equitable sharing of the burden should be studied more thoroughly.

While some representatives, including those of Australia and China, felt that the Collective Measures Committee should be made a standing body, other speakers expressed the view that the Committee should only be continued for a limited time to finish up certain points; among other things, to study the Secretary-General's proposal to establish a United Nations volunteer reserve. The representative of New Zealand even doubted that the amount of work to be done justified the continuance of the Committee in its present form. The United Nations should be on its guard to avoid undue complications in international organizations and the continuance of bodies which had completed their work or were too elaborate for the purpose on hand. His delegation nevertheless supported the draft resolution in the hope that further studies would be helpful in rounding out the work already achieved.

The representative of Indonesia explained that he would abstain from voting on the draft resolution, since he felt that the employment of the Collective Measures Committee would only tend to increase international tension and that its terms of reference emphasized coercive measures, disregarding procedures for conciliation. The Indian representative supported this view and he, as well as the representative of Mexico, further expressed the view that the United Nations should devote itself to a study of measures for the peaceful settlement and conciliation of disputes.

At its 576th meeting on 16 March, the Committee adopted (A/2370) the joint draft resolution by 52 votes to 5, with 2 abstentions.

It was adopted by the General Assembly at its 415th plenary meeting on 17 March 1953, without discussion, as resolution 703(VII). It read:

"The General Assembly,

"Having received the second report of the Collective Measures Committee,

"Affirming the need for strengthening further the system of collective security under the authority of the United Nations,

"Finding that to this end further steps could be taken by States and by the United Nations in accordance with the Charter and in conformity with the "Uniting for peace" resolution (377 A (V)) and with resolution 503(VI),

"1. Takes note of the second report of the Collective Measures Committee and expresses appreciation of the constructive work done by the Committee during the past year, particularly in the economic field, including the preparation of lists of arms, ammunition and implements of war and of strategic items for consideration by the Security Council or the General Assembly in the application of a selective embargo;

"2. Requests the Collective Measures Committee to continue its work until the ninth session of the General Assembly, as directed in paragraph 4 below, for the maintenance and strengthening of the United Nations collective security system;

"3. Recommends to States Members, and invites States not Members of the United Nations:

"(a) To give careful consideration to the reports of the Collective Measures Committee;

"(b) To continue and intensify their efforts to carry out the recommendations of the "Uniting for peace" resolution and of resolution 503(VI);

"(c) To keep the Collective Measures Committee currently informed of the progress they are making in this respect;

"4. Directs the Collective Measures Committee:

"(a) To pursue such studies as it may deem desirable to strengthen the capability of the United Nations to maintain peace, taking account of the "Uniting for peace" resolution, resolution 503(VI) and the present resolution;

"(b) To continue the examination of information received from States pursuant to the "Uniting for peace" resolution, resolution 503(VI) and the present resolution;

"(c) In the light of its studies, to suggest to the Security Council and to the General Assembly such specific ways and means as it may deem appropriate to encourage further preparatory action by States;

"(d) To report to the Security Council and to the General Assembly not later than the ninth session of the Assembly."

Q. ADMISSION OF NEW MEMBERS

1. Report of the Special Committee on the Admission of New Members

General Assembly resolution 620 A (VII) of 21 December 1952[114] established a Special Committee to make a detailed study of the question of the admission of States to membership in the United Nations, examining the proposals and suggestions which had been made in the Assembly and its Committees or which might be submitted to the Special Committee by any Members of the United Nations. The study was to be conducted in the light of the relevant provisions of the Charter, the discussions in the Assembly and its Committees and in the Security Council, the advisory opinions of the International Court of Justice, the other antecedents of the question and the principles of international law.

The Special Committee[115] held eleven meetings, from 31 March to 15 June 1953. After a general debate, it agreed, at its fifth meeting on 22 May, that for convenience of discussion the various proposals and suggestions referred to it by the Assembly or made in the Committee itself should be separated into two groups.

The first group consisted of:

(1) The draft resolution submitted by Peru (A/AC.61/L.30)[116] in the Ad Hoc Political Committee during the seventh session, which, among other things, would have the General Assembly: (a) resolve to note that the opinions, votes and proposals laid before the Security Council concerning the admission of new Members signified that the States whose applications had failed to obtain the recommendation of the Council by reason of the "veto" of a permanent member of the Council were unanimously recognized as fulfilling the conditions required for membership under Article 4, and (b) resolve to consider each of the applications of those States in the light of the purposes and principles of the Charter and of various circumstances set forth in the preamble to the draft resolution.

(2) The joint draft resolution submitted by Costa Rica, El Salvador, Honduras and Nicaragua (A/AC.61/L.31)[117] in the Ad Hoc Political Committee during the seventh session, which would have the Assembly, inter alia: (a) deduce, from the San Francisco Statement of the Sponsoring Powers on 7 June 1945 on voting procedure in the Security Council, that the admission of new Members was not subject to the veto but was to be dealt with by procedural vote of any seven members of the Council; and (b) decide to consider separately each pending application and in each case to decide in favour of or against admission in accordance with the merits of the case and the results of a vote taken in the Security Council in conformity with Article 27, paragraph 2, of the Charter.

(3) An Argentine amendment (A/AC.61/L.36)[118] to that joint draft resolution, also submitted in the Ad Hoc Political Committee, which provided for a reference to the interpretation of the Advisory Committee of Jurists, approved at the San Francisco Conference, recognizing the powers of the Assembly to reject a recommendation to the effect that a given State should not be admitted to the United Nations and accordingly to decide favourably on its admission to membership. The amendment would also have the Assembly resolve to consider each application on its merits and decide on it accordingly.

(4) An explanatory memorandum submitted to the Special Committee by Cuba (A/2400, Annex 5), expressing the view that the question of admission of new Members should be governed by a procedural vote in accordance with the Statement by the four Sponsoring Powers at San Francisco on 7 June 1945. The Security Council, according to the memorandum, had to decide the previous question of whether or not the question of admission of new Members was subject to a procedural vote. The practice of the Security Council had not been consistent in regard to that subject. On one occasion, the Council had concluded that the previous question should be decided by a procedural vote on the basis of a presidential ruling under rule 30 of the provisional rules of procedure. Following that precedent, the Council could thus take a decision in respect of admission of new Members by an affirmative vote of any seven of the members of the Security Council, the memorandum stated.

The second group consisted of the following proposals and suggestions:

(1) An Argentine proposal, submitted to the Special Committee as a working document (A/2400, Annex 6) by which the Assembly would: (a) refer to the general feeling in favour of the universality of the United Nations; (b) state that in admitting new Members the particular circumstances of each applicant State should be considered; and (c) recommend that the Security Council re-examine the applications for admission submitted by Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya and make recommendations on each of them to the General Assembly.

(2) An explanatory memorandum submitted to the Special Committee by Egypt and the Philippines (A/2400, Annex 7), which stated the belief that the Special Committee should consider proposals aimed at resolving the political impasse which had prevented the admission of new Members. It was not possible, the memorandum said, to circumvent the rule of unanimity which had been observed in the Council in respect to voting procedure on membership questions. In the circumstances the only possibility of effecting the admission of a number of qualified States was offered by the so-called "package proposal", under which the Security Council would reconsider the simultaneous admission of fourteen applicant States: Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and

[114] See Y.U.N., 1952, p. 344.
[115] For members of the Committee, see Appendix I.
[116] See Y.U.N., 1952, p. 337.
[117] See Y.U.N., 1952, pp. 337-38.
[118] See Y.U.N., 1952, p. 338.

Libya. These States would have to fulfil the requirements of Article 4 of the Charter, and in the General Assembly any Member could oppose the inclusion of certain States in the package and present concrete evidence that they did not fulfil those requirements. The admission of two or more States at the same time was not forbidden by any provisions of the Charter, provided they were all deemed to be qualified.

In the conclusion to its report (A/2400), the Special Committee observed that, generally speaking, the proposals and suggestions in the first group envisaged a solution of the problem along the lines of interpretation of the Charter based on the views that the voting procedure of Article 27, paragraph 3, of the Charter did not apply to the admission of new Members and that under Article 4, paragraph 2, it was for the Council to make recommendations but for the General Assembly to decide. Discussion of the first group of proposals and suggestions had made it apparent, however, that such an approach was not generally acceptable, principally on the grounds that the unanimity rule in the Security Council applied to the admission of new Members and that the provisions of Article 4 did not allow the Assembly to admit new Members in the absence of a favourable recommendation by the Council.

The proposals and suggestions in the second group, the report continued, aimed mainly at a political solution of the question, starting from the view that the largest possible number of applicants qualifying under Article 4 should be admitted. However, although the importance of the political aspects of the problem had been recognized, the specific methods suggested had not secured general acceptance. It had been felt that the courses proposed either would not be in strict accordance with Article 4, or, if they were, were not more likely to lead to practical results than earlier recommendations for reconsideration by the Security Council.

The Special Committee, in accordance with the view of many representatives, had agreed that no vote would be taken on the various proposals and suggestions, that no specific recommendation would be submitted to the General Assembly and that the report should be limited to a comprehensive account of the Special Committee's deliberations.

2. Consideration by the General Assembly at its Eighth Session

At the Assembly's eighth session, the item "Admission of New Members" was considered by the Ad Hoc Political Committee at its third to twelfth meetings, from 2 to 15 October.

a. VIEWS EXPRESSED IN THE Ad Hoc POLITICAL COMMITTEE

During the discussions in the Committee, most representatives welcomed the fact that the Special Committee had judged it wiser not to submit any specific recommendations to the Assembly and that it had not committed itself to any one of the various proposals before it.

A number of representatives, including those of Afghanistan, Australia, Belgium, Brazil, Burma, Canada, China, Egypt, France, Greece, India, Indonesia, Israel, Lebanon, New Zealand, Pakistan, Syria, the Union of South Africa, the United Kingdom and Yugoslavia, opposed a solution of the question by means of an interpretation of the Charter by the General Assembly, as had been suggested in the first group of proposals listed by the Special Committee. Several of these representatives regarded the various proposed solutions as involving a departure from the clear meaning of the relevant Charter provisions. They held that it was clear that the rule of the unanimity of the permanent members of the Security Council was applicable to recommendations for the admission of new Members and that, accordingly, such a recommendation could not be adopted by a procedural vote in the Council. In that connexion, reference was made to the fact that Articles 5 and 6 of the Charter, which deal with suspension and expulsion of Members, use language analogous to that of Article 4. The subject matter of those Articles could scarcely be regarded as of a procedural or unimportant nature. It was also pointed out that Ankle 18, paragraph 2, of the Charter specifically states that the question of admission of new Members is an important matter on which the General Assembly's decisions must be taken by a two-thirds majority of Members present and voting. That being so, it could not be an unimportant or procedural matter for the Security Council. The argument that the wording of Article 4, paragraph 2, meant that the Assembly was the principal organ which finally determined the question of admission had been rejected in the advisory opinion of the International Court of Justice of 3 March 1950, in which the Court had pointed out that the Council and the Assembly were both principal organs of the United Nations, neither being in a subordinate position. However regrettable it might be, the rule of unanimity of the permanent members of the Security Council would be applicable to the admission of a new Member as long as the permanent members wished to exercise it.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and

the USSR also supported the conclusion of the Special Committee's report which stated that a solution along the lines of interpretation of the Charter was not generally acceptable. The Special Committee's conclusion, they held, was correct and in conformity with the Charter. The USSR representative considered that the report and conclusions of the Special Committee showed that the advocates of the policy of favouritism towards certain States and discrimination towards others had suffered a setback. Some members of the Special Committee, he said, had refused to acquiesce in any interpretation of the Charter which was illegal and infringed the principle of unanimity of the permanent members of the Security Council. He considered that the statements of the Egyptian and Philippine representatives in the Special Committee had revealed that the true cause of the deadlock on the question was the policy of discrimination practised by certain Members rather than the so-called obstructiveness of the USSR.

It was also significant, said the USSR representative, that the Special Committee had refrained from supporting the arguments of the opponents of the simultaneous admission of the fourteen States which had submitted applications. The Special Committee had not formulated a definite opinion on the subject, but several representatives had clearly stated that no provision in the Charter prevented the Council from considering simultaneously several applications for admission and from submitting a recommendation favouring the collective admission of those States. He, as well as the representatives of the Byelorussian SSR, Czechoslovakia, Poland and the Ukrainian SSR supported the so-called "package proposal" and contended that the prevailing deadlock was due to the attitude of certain States which made a distinction between "acceptable" and "unacceptable" applicants, whereas neither the Charter nor any other United Nations document contained any stipulation that the United Nations should be an organization of States all having the same political system.

A number of representatives, however, including those of Australia, Belgium, Brazil, Canada, China, Costa Rica, Greece, the Netherlands, the United Kingdom and the United States, opposed the admission of new Members en bloc on the ground that this was not in accordance with Article 4 of the Charter. This Article, it was emphasized, restricted the right of membership to peace-loving States, able and willing to carry out the obligations laid down in the Charter. It implied, they held, that admission should be considered individually and this view, they pointed out, had been confirmed by the International Court of Justice. Some representatives, including those of Argentina, France, Greece and Pakistan, considered, however, that applicants might be admitted simultaneously but that each should be considered on its own merits.

Fourteen of the nineteen pending applications, the United States representative said, had come from countries which the great majority of Member States judged to be qualified for admission, and which represented a large segment of the world and had differing governmental structures and cultural backgrounds. Those States, however, had been unable to enter the Organization because the USSR veto in the Security Council had closed the door. Nevertheless, the USSR intended to trade its vote in the Security Council in support of nine of those States for admission of the five States sponsored by the USSR, which would mean the United Nations would have to abandon the principles and provisions of Article 4. The United States Government, he said, would not accept a deal made in disregard of principles because, if the "package" proposal were accepted, it would imply that the five States sponsored by the USSR were "peace-loving" which his Government was unable to admit. Although it was anxious that the fourteen States fulfilling all the requirements should enter the United Nations, his delegation considered it more important for the Organization to maintain its integrity as an organ for the preservation of peace.

The representatives of Australia, the Netherlands, New Zealand and the United Kingdom supported the views expressed by the United States representative, emphasizing that the deadlock was due to the indiscriminate use of the veto by the USSR.

However, some representatives, in particular the representative of Burma, considered that applicants were being kept from membership not because they lacked qualifications, but because they were "candidates of the other side". It was true, said the Burmese representative, that the USSR had been using the veto, but it should be remembered that since 1951 the USSR had been one among eleven. The other Great Powers had had sufficient support from like-minded Members to prevent a Soviet-sponsored applicant from receiving the necessary majority, thus avoiding the individual use of the veto, which any Great Power might use defensively if it found itself similarly isolated.

The representatives of Argentina, Costa Rica, Cuba, El Salvador, Honduras and Peru favoured solution of the problem by interpretation of the

Charter and repeated the arguments put forward in support of the various proposals sponsored by their delegations in the Ad Hoc Political Committee at the previous session of the General Assembly and in the Special Committee. Similar views were expressed by the representatives of Chile, the Dominican Republic and Turkey, among others. The sponsors of the proposals in question, however, indicated that they would not insist on a vote on those proposals for the time being, pending completion of the work of the Committee of Good Offices, as proposed by Peru (see below).

A number of representatives, including those of Afghanistan, Bolivia, Burma, Colombia, Denmark, Egypt, Guatemala, Honduras, India, Indonesia, Iran, Liberia, Mexico, Norway, Pakistan, the Philippines, Sweden, Syria, and Yugoslavia, laid particular stress upon the principle of the universality of the Organization. The United Nations, it was stated, could not be the monopoly of the privileged nations at the expense and to the detriment of other nations. The Charter was based on the principle of the peaceful coexistence of all political, economic and social systems of the world.

b. DRAFT RESOLUTIONS BEFORE THE Ad Hoc POLITICAL COMMITTEE

The Committee had before it three draft resolutions, one submitted by Peru (A/AC.72/L.1) which was revised twice (A/AC.72/L.1/Rev.1 & 2) to incorporate certain amendments proposed during the discussion (see below), and two draft resolutions by the USSR (A/AC.72/L.2 & A/AC.72/L.5).

The Peruvian draft resolution, in its original form, provided that the General Assembly:

(1) having examined the report of the Special Committee on Admission of New Members;

(2) considering that the aims of the Charter of the United Nations would be furthered through the co-operation of all peace-loving States;

(3) considering that efforts of the General Assembly to facilitate the admission of new Members had not met with success;

(4) believing that a new effort to find a solution to the problem of admission of new Members should be without prejudice to the juridical positions maintained by individual Member States and to any further consideration of the subject by the Assembly;

(5) would decide to establish a Committee of Good Offices, consisting of representatives of three Member States, empowered to consult with members of the Security Council with the object of exploring the possibilities of reaching an understanding which would facilitate the admission of qualified new Members, in accordance with Article 4 of the Charter.

The Committee would report to the General Assembly as appropriate.

Argentina submitted an amendment (A/AC.72/L.3) to this draft at the third meeting on 2 October, to delete the first and third paragraphs of the preamble, to reword the beginning of the fourth paragraph and to provide that the proposed Committee of Good Offices should report to the General Assembly on the results of its consultation within four weeks after the approval of the resolution.

The amendment was withdrawn at the sixth meeting of the Committee on 7 October, as a result of statements by various representatives who held that such a time limit should not be set upon the proposed Committee. The representative of Peru, however, accepted the suggestion of the representative of Argentina that the third paragraph of the preamble of the Peruvian text should be deleted. A revised version of the Peruvian draft resolution (A/AC.72/L.1/Rev.1) omitted that paragraph.

The following amendments were submitted to the revised Peruvian draft resolution:

(1) A Cuban amendment (A/AC.72/L.6), to substitute for the provision that the proposed Good Offices Committee would report to the Assembly as appropriate a provision that the Committee would submit a report on its work to the Assembly not later than the ninth session.

(2) A USSR amendment (A/AC.72/L.7) to the Cuban amendment, to provide that the proposed Good Offices Committee should be requested to report to the eighth session of the General Assembly.

(3) A Lebanese amendment (A/AC.72/L.8) to the revised Peruvian text, providing that the proposed Committee should submit a report to the eighth, or, at the latest, to the ninth session of the General Assembly.

(4) A joint amendment by France and Mexico (A/AC.72/L.4), to insert a new paragraph to the effect that the General Assembly consider that universality of membership in the United Nations was subject only to the provisions of the Charter.

At the twelfth meeting on 15 October, the representative of Peru submitted a second revision of his draft resolution (A/AC.72/L.1/Rev.2), incorporating the amendments of Cuba (A/AC.72/L.6) and of France and Mexico (A/AC.72/L.4). He also accepted an earlier suggestion made by the representatives of Indonesia and Pakistan to delete the word "qualified" from the first operative paragraph.

During the discussion, most representatives expressed support for the Peruvian draft resolution either in its original form or as revised. No speakers expressed opposition to the draft resolution. A number of representatives, including those

of the United States and the United Kingdom, declared that they interpreted the revised draft resolution as precluding any political understanding not strictly in accordance with the provisions of the Charter, and that they considered that the proposed Committee would have no authority to negotiate the "package" proposal for admission.

At its twelfth meeting on 15 October, the Committee voted on the revised draft resolution and the amendments. The preamble and the first operative paragraph of the resolution were each adopted by 57 votes to none. Prior to the vote on the preamble, the USSR representative requested that his abstention be recorded on the second paragraph, which had originally been the French-Mexican amendment. The Committee, by 56 votes to none, with 1 abstention, adopted a Brazilian oral proposal that the Committee of Good Offices should consist of representatives of Egypt, the Netherlands and Peru. It rejected, by 30 votes to 5, with 20 abstentions, the USSR amendment (which had become an amendment to the revised Peruvian draft resolution following the inclusion in that draft of the Cuban amendment) and adopted the Lebanese amendment by 23 votes to 11, with 23 abstentions.

The revised draft resolution, as amended, was adopted unanimously.

The first USSR draft resolution (A/AC.72/L.2) provided that the Assembly should request the Security Council to reconsider the applications of Albania, the People's Republic of Mongolia, Bulgaria, Romania, Hungary, Finland, Italy, Portugal, Ireland, Jordan, Austria, Ceylon, Nepal and Libya, with a view to making a recommendation for the simultaneous admission of these States to membership in the United Nations.

The draft resolution was opposed by, among others, the representatives of Australia, Brazil, Canada, China, Costa Rica, £1 Salvador, France, Greece, Honduras, the Netherlands, New Zealand, Nicaragua, the Union of South Africa, the United Kingdom, and the United States, on the ground that it ran counter to the provisions of Article 4 of the Charter and to the advisory opinion of the International Court of Justice of 28 May 1948, which had held that a Member State was not juridically entitled to make its consent to the admission of a State dependent on conditions not expressly laid down in Article 4, paragraph 1, and that it could not subject its affirmative vote to the additional condition that other States be admitted at the same time.

The representatives of the Byelorussian SSR, Czechoslovakia, Poland, the Ukrainian SSR and the USSR, on the other hand, held that the USSR proposal was the only possible and fair solution of the deadlock which had resulted from the discriminatory policy followed by certain Member States. Other representatives, including those of Argentina, Burma, Denmark, Egypt, India, Indonesia, Lebanon, Mexico, Norway, Pakistan, Sweden and Syria, supported the proposal on the ground that it constituted a serious attempt to arrive at a compromise or at least showed the direction in which a solution could be found. Some of these representatives, including those of Argentina, Burma and Pakistan, however, regretted the exclusion of certain applicant States from the list in the USSR draft resolution.

In view of the discussion, the USSR representative indicated at the tenth meeting on 13 October that he would not insist on this draft resolution being put to the vote.

Meanwhile, at the ninth meeting on 12 October, he submitted a second draft resolution (A/AC.72/L.5) by which the Assembly:

(1) considering that the Treaties of Peace with Bulgaria, Hungary, Romania, Finland and Italy specially provided that the Allied and Associated Powers would support the applications of those States for membership in the United Nations;

(2) considering that those States had applied for admission in 1947;

(3) would request the Security Council, as a first step towards settling the question of the admission of new Members, to re-examine the applications of those States with a view to adopting a recommendation for the simultaneous admission of all of them to membership in the Organization.

The representative of the USSR stressed the obligation undertaken in the Treaties of Peace by the Allied and Associated Powers and expressed the hope that some of the Governments that had not fulfilled that international political obligation would be prepared to support the applications of these five States as a first step towards breaking the deadlock on admission and easing political tensions.

The majority, however, found this proposal less acceptable than the USSR proposal for the simultaneous admission of the fourteen States. Among those who had supported the first USSR proposal, some representatives, including those of Argentina, Denmark, Lebanon, Pakistan and Syria, regarded the second draft resolution as a move in the wrong direction, since it restricted, rather than increased, the number of applicants to be admitted. The representatives of the Union of South Africa, Greece and New Zealand, among others, pointed out that the clause of the Peace Treaties to which reference was made in the draft resolution, was merely an "enabling clause" and involved no

automatic commitment on the part of the Allied and Associated Powers to support those applications. Moreover, the New Zealand representative said, Article 103 of the Charter made it dear that obligations under a treaty were secondary to obligations under the Charter.

Following the adoption of the Peruvian draft resolution, the representative of the USSR stated that, pending completion of the work of the Committee of Good Offices, he would not insist on a vote on the second USSR draft resolution (A/-AC.72/L.5).

c. RESOLUTION ADOPTED BY THE GENERAL ASSEMBLY

The draft resolution recommended by the Ad Hoc Political Committee (A/2520) was unanimously adopted by the General Assembly at its 453rd plenary meeting on 23 October 1953, as resolution 718(VIII). It read:

"The General Assembly,

"Having examined the report of the Special Committee on Admission of New Members,

"Considering that universality of membership in the United Nations is subject only to the provisions of the Charter,

"Considering that the aims of the Charter of the United Nations would be furthered through the co-operation of all peace-loving States,

"Believing that a new effort to find a solution to this problem should be without prejudice to the juridical positions maintained by individual Members of the United Nations and to any further consideration of the subject by the General Assembly,

"1. Decides to establish a Committee of Good Offices, consisting of the representatives of Egypt, the Netherlands and Peru, empowered to consult with members of the Security Council with the object of exploring the possibilities of reaching an understanding which would facilitate the admission of new Members in accordance with Ankle 4 of the Charter;

"2. Requests the Committee of Good Offices to submit a report on its work to the General Assembly at its eighth or, at the latest, at its ninth session."

R. MATTERS BROUGHT TO THE ATTENTION OF THE SECURITY COUNCIL BUT NOT DISCUSSED

1. Reports on the Trust Territory of the Pacific Islands

By letter to the Secretary-General dated 2 April 1953 (S/2978), the representative of the United States notified the Security Council that, effective 2 April 1953, Bikini Atoll in the Trust Territory of the Pacific Islands was closed for security reasons, pursuant to the provisions of the Trusteeship Agreement, in order that the United States Government might conduct necessary atomic experiments. Entrance into the closed area would be in accordance with such regulations as the United States Government might prescribe.

On 17 April 1953, the Secretary-General transmitted to the Security Council the annual report of the United States Government on its administration of the Trust Territory of the Pacific Islands (S/2989)[119] for the period from 1 July 1951 to 30 June 1952. The Security Council did not discuss the report during 1953.

2. Communication from the Permanent Representative of Guatemala to the United Nations

By letter dated 1 April 1953, addressed to the Secretary-General, the permanent representative of Guatemala described a series of developments since the Guatemalan revolution of 1944 amounting, he stated, to open hostility and a threat of intervention in the internal affairs of the Republic of Guatemala.

By letter dated 15 April 1953 (S/2988), he requested that this communication be placed before the Security Council at its next meeting so that high authority might take note of the facts described therein and the declaration made by the Guatemalan Government.

[119] For the report of the Trusteeship Council on this Trust Territory, see p. 589ff.