

1949
NEW ZEALAND

THE UNITED NATIONS

REPORT OF THE NEW ZEALAND DELEGATION
ON THE FIRST PART OF THE THIRD REGULAR
SESSION OF THE GENERAL ASSEMBLY HELD AT
PARIS, 21 SEPTEMBER TO 12 DECEMBER 1948

Presented to Both Houses of the General Assembly by Leave

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NOTE

The final text of resolutions adopted at the first part of the Third Session is printed in bold-faced type. A complete set of resolutions will in due course be published by the United Nations Secretariat, and these, together with other United Nations documents referred to in this report, may be consulted by the intermediary of the General Assembly Library.

REPORT OF THE NEW ZEALAND DELEGATION ON THE FIRST PART OF THE THIRD REGULAR SESSION OF THE GENERAL ASSEMBLY HELD AT PARIS, 21 SEPTEMBER TO 12 DECEMBER 1948

I. INTRODUCTION

I have the honour to present the report of the New Zealand delegation on the work of the first part of the third regular session of the General Assembly of the United Nations, held at Paris from 21 September to 12 December, 1948.

I shall add little by way of introduction. The purpose of the report is to give a coherent account of the work of the session, and to reproduce adequately the speeches made and votes cast by the representatives of New Zealand. It is not a short document, nor could it be such if it is to describe, however succinctly, twelve weeks of intensive labour by the Assembly with its numerous committees and sub-committees.

I, myself, was able to be in Paris for only about half of the session. It would not be fair to contrast the harmonious discussions of the Commonwealth meeting in London with the disputatious atmosphere of the Palais de Chaillot; but coming from one to the other I could not but note the difference. It is true that conflicts of interest, with the bitterness which they engender, cannot be kept away from the United Nations: it is because of conflicts that the United Nations was created. But certain principles are laid down in the Charter which, if observed, would greatly circumscribe the area of international disputes. Unfortunately, some members of the United Nations fall far short of their duty of using the United Nations as a "centre for harmonizing the actions of nations."

Not being subject to the veto, the Assembly was able, in spite of the unfavourable atmosphere, to reach a large number of decisions, some of importance. The outvoted minority, however, used every kind of delaying tactic to prevent decisions, and this was the chief cause of the excessive length of the session. The freedom of the Assembly to discuss all matters within the field of the Charter is a foundation stone of the United Nations; and at San Francisco the New Zealand delegation played no small part in making it secure. But this freedom does not require that the Assembly should patiently accept the constant repetition by some delegations of speeches several hours in length on the same item of the agenda; the abuse of points of order; the harrying

of the Chairman and other methods of obstruction. If such methods continue, member States will be unable to rely upon the Assembly to take expeditious decisions on urgent questions; the failure of the Assembly to take up at the recent meeting the problem of the disposal of the former Italian colonies is an example. Another inevitable result will be a decline in the level of representation. The Assembly was intended to be a forum for high political discussion between principals, meeting for a few weeks every year; but clearly it will not be possible for senior members to attend sessions stretched out, to meet the tactical purposes of a few delegations, into several months.

The resolution adopted by the Assembly on Palestine is less precise than our delegation would have wished. In particular it omits to provide the Conciliation Commission which has been set up with any clear indication of the Assembly's wishes in regard to the fixation of boundaries. It does, however, through the establishment of this Commission ensure that any disposition towards agreement that may exist between the parties is assisted and encouraged by the United Nations. It also provides for the protection of the Holy Places, a special regime for Jerusalem, and the resettlement of refugees. The resolution which was presented to the plenary meeting by the competent committee was more definite than that finally adopted. However, it appeared certain that the committee resolution would fail of the necessary two-thirds majority in the plenary meeting. To avoid this result and the consequent confession of impotence by the Assembly, New Zealand joined with a number of other delegations in sponsoring certain amendments which, though at some sacrifice, did ensure that the resolution could be passed and the authority of the Assembly in regard to the further settlement of this most important question maintained.

The resolution adopted by the Assembly in regard to Korea sets up a Seven-power Commission to lend its good offices to bring about the unification of Korea and to perform certain other connected tasks. It also declares that a lawful Government has been established in those parts of Korea where elections were held under United Nations auspices—*i.e.*, in the south. The resolution was bitterly opposed by the Soviet group, but supported by virtually the whole of the rest of the Assembly. Representatives of the Government of Southern Korea participated without vote in the deliberations of the Committee. When the Soviet States urged that representatives of the "People's Democratic Republic" of (Northern) Korea should be heard, I asked for proof that this Government had been elected under fair conditions, and stated that if satisfactory evidence to this effect were produced the New Zealand delegation would not oppose the participation of Northern Korean representatives in the discussion. No such evidence was produced, though the democratic character of the Government was strongly asserted by the Soviet representatives.

The New Zealand delegation at Paris gave wholehearted support to Ceylon's application for admission to the United Nations. This application had been vetoed by the Soviet Union in the Security Council, ostensibly on the ground that more information was required regarding Ceylon's independent status. Though at the Prime Ministers' meeting in London the representatives of all the members of the Commonwealth, including the other Asiatic members, had formally declared that Ceylon was a full member of the Commonwealth in all respects equal in status to themselves, the Soviet Government appeared unimpressed by this assurance and continued its opposition both in the Assembly and also in the Security Council when the matter was again brought before that body after the close of the Assembly's session.

Undoubtedly the largest positive accomplishment of the Assembly was the adoption of the Universal Declaration of Human Rights. The full text of this declaration is appended. It is not a formal treaty but "a common standard of achievement for all peoples of all nations." In the final voting it was not opposed by any State, though eight abstained. Only the future will show whether it is a fruitful seed cast on good ground. It may very well prove to be the most important achievement of the United Nations up to the present time, and the last Assembly may rightly be known, in Mrs Eleanor Roosevelt's words, as the "Rights of Man Assembly."

I shall not attempt a balance-sheet of the session. Those who read this report may strike one for themselves.

The United Nations is important not because of our momentary assessment of the value of this activity or that, but because it is an integral part of the system of international relations in which we are placed. It is one of the chief channels through which the nations, the great powers, as well as the small, express their foreign policies. It must be accepted with its achievements and its failures, its opportunities and its costs, or we must isolate ourselves from one of the main currents of international life. Also, as a member, New Zealand has its own share of influence and responsibility in affecting the decisions of the United Nations. In using that influence and discharging that responsibility the New Zealand delegation has attempted, while keeping our country's interests always in view, to remain faithful to the purposes and principles of the Charter.

P. Fraser.

II. DELEGATIONS

All fifty-eight members of the United Nations sent delegations to the third regular session of the General Assembly.

The New Zealand delegation consisted of—

Delegates—

Rt Hon. P. FRASER, Prime Minister and Minister of External Affairs.

Mr J. THORN, High Commissioner for New Zealand in Canada.

Mr A. D. McINTOSH, Secretary of External Affairs.

Mr. J. V. WILSON, Department of External Affairs.

Mrs A. NEWLANDS.

Alternate Delegates—

Dr W. B. SUTCH, Secretary-General of the New Zealand Permanent Delegation to the United Nations.

Mr J. S. REID, New Zealand Legation, Washington.

Advisers—

Mr T. P. DAVIN, Office of the New Zealand High Commissioner, London (Secretary).

Mr C. C. AIKMAN, Department of External Affairs.

Mr B. D. ZOHRAB, Office of the New Zealand High Commissioner, London.

Mr C. CRAW, New Zealand Permanent Delegation to the United Nations.

Mr T. C. LARKIN, Department of External Affairs.

Miss H. N. HAMPTON, New Zealand Permanent Delegation to the United Nations.

Mr M. J. C. TEMPLETON, Department of External Affairs.

III. ELECTIONS

Credentials Committee

The General Assembly appointed the following Committee to examine the credentials of delegations :—

Brazil, Burma, Canada, Ecuador, France, Iran, Ukraine, Sweden, and Yemen.

President of the General Assembly

On the first ballot, the voting was—

Dr H. V. Evatt (*Australia*), 25 ; Dr J. A. Bramuglia (*Argentina*), 22 ;
Mr Modzelewski (*Poland*), 6 ; Mr J. Bech (*Luxembourg*), 2.

On the second ballot, limited to the two leading candidates, the result was—

Dr H. V. Evatt, 31 ; Dr J. A. Bramuglia, 20.

Dr Evatt, having obtained the necessary majority, was declared elected.

Vice-Presidents

The representatives of *China, France, Mexico, Philippines, Poland, Soviet Union, United Kingdom, and United States* were elected Vice-Presidents.

General Committee

The General Committee consisted of the President, the seven Vice-Presidents, and the Chairmen of the six main Committees :—

Mr P. H. Spaak of *Belgium* (Committee 1) ;
Mr H. Santa Cruz of *Chile* (Committee 2) ;
Mr C. Malik of *Lebanon* (Committee 3) ;
Mr N. Entezam of *Iran* (Committee 4) ;
Mr L. D. Wilgress of *Canada* (Committee 5) ; and
Mr R. J. Alfaro of *Panama* (Committee 6).

International Court of Justice

The fifteen Judges of the Court serve normally for a nine-year term and may be re-elected. The terms of five Judges expire every three years. The General Assembly and the Security Council were therefore required to elect five Judges to replace those who, to enable this rotation, had been allotted a three-year term at the first elections in February, 1946.

At the first meeting, Judges

Hsu Mo (*China*),
Abdel Hamid Badawi (*Egypt*),
John Erskine Read (*Canada*), and
Bohdan Winiarski (*Poland*)

received an absolute majority of votes in both the General Assembly and the Security Council and were therefore re-elected. At the second meeting

Judge Milovan Zoricic (*Yugoslavia*)
also received an absolute majority of votes and was re-elected.

International Law Commission

The General Assembly elected the 15 members of the International Law Commission, who will serve for a three-year term. Their names are :—

- Professor Shuhsi Hsu (*China*).
- Ambassador Gilberto Amado (*Brazil*).
- Sir Benegal Narsing Rau (*India*).
- Professor James Leslie Brierly (*United Kingdom*).
- Professor Georges Scelle (*France*).
- Professor Roberto Cordoba (*Mexico*).
- Professor Manley O. Hudson (*United States*).
- Professor J. P. A. Francois (*Netherlands*).
- Professor Vladimir Mikhailovitch Koretsky (*Soviet Union*).
- Professor Jear Spiropoulos (*Greece*).
- Professor Ricardo J. Alfaro (*Panama*).
- Professor Jesus Maria Yepes (*Colombia*).
- Faris el-Khoury Bey (*Syria*).
- Dr Jaroslav Zourek (*Czechoslovakia*).
- Mr Justice A. E. F. Sandstrom (*Sweden*).

Security Council

Elections were held to replace the three members retiring on 31 December, 1948 (*Belgium, Colombia, and Syria*). *Cuba and Norway* were elected on the first ballot, and *Egypt* on the fourth.

The membership of the Security Council for 1949 will accordingly be :—

Permanent Members : *China, France, Soviet Union, United Kingdom, United States.*

Non-permanent Members : *Argentina, Canada, Ukraine* (retiring at the end of 1949) ; *Cuba, Egypt, and Norway* (retiring at the end of 1950).

Economic and Social Council

The terms of six members of the Economic and Social Council (*Canada, Chile, China, France, Netherlands, and Peru*) expire on 31 December, 1948. *Chile, China, France, and Peru* were re-elected on the first ballot, and *Belgium and India* were elected to replace *Canada* and the *Netherlands*.

The membership of the Economic and Social Council for 1949 will accordingly be :—

Byelorussia, Lebanon, New Zealand, Turkey, United States, and Venezuela (retiring at the end of 1949).

Australia, Brazil, Denmark, Poland, Soviet Union, and United Kingdom (retiring at the end of 1950).

Belgium, Chile, China, France, India, and Peru (retiring at the end of 1951).

Trusteeship Council

No elections were required for the Trusteeship Council, which for 1949 will consist of—

Administering Members : *Australia, Belgium, France, New Zealand, United Kingdom, and United States.*

Non-administering Members : *China and Soviet Union (permanent) ; Iraq and Mexico (retiring at end of 1949) ; Costa Rica and Philippines (retiring at end of 1950).*

IV. GENERAL DEBATE

A general debate, in which almost all delegations took part, was held from 22 to 29 September. Extracts from the speech made by the *New Zealand* representative (Mr Thorn) are annexed (Appendix I).

V. FIRST COMMITTEE : POLITICAL AND SECURITY QUESTIONS

Chairman : Mr P. H. SPAAK (Belgium)

Vice-Chairman : Mr COSTA DU RELS (Bolivia)

Rapporteur : Mr S. SARPER (Turkey)

New Zealand Representatives

Rt Hon. P. FRASER

Mr J. THORN

Mr J. V. WILSON

Mr C. CRAW

Mr M. J. C. TEMPLETON

Agenda

The Committee was allotted the following items :—

1. Reports of the Atomic Energy Commission.
2. Prohibition of the atomic weapon and reduction by one-third of the armaments and armed forces of the Permanent Members of the Security Council.
3. Appeal to the Great Powers to compose Their Differences and establish a lasting peace.
4. Threats to the political independence and territorial integrity of Greece.
5. Progress report of the United Nations Mediator on Palestine.
6. Problem of the independence of Korea.

*7. Advisability of establishing a Permanent Committee of the Assembly.

*8. Admission of new members.

*9. Voting procedure in the Security Council.

*10. Methods of promoting international co-operation in the political field.

*11. Establishment of a United Nations Guard.

*12. Report of the Security Council.

†13. Treatment of Indians in the Union of South Africa.

†14. Implementation of Assembly resolutions on Franco Spain.

†15. Disposal of the former Italian colonies.

Those items marked * were referred to an *ad hoc* Political Committee (q.v.) and those marked † were deferred to the second part of the third regular session, which is to open in New York on 5 April, 1949.

Reports of the Atomic Energy Commission

The three reports of the Atomic Energy Commission to the Security Council were referred to the Assembly by a resolution of the Council of 22 June, 1948.

The representative of *Canada* (General McNaughton), who opened the debate, began by traversing the history of the work of the Atomic Energy Commission since its establishment by the General Assembly in January, 1946.

Two different proposals for the control of atomic energy had been presented to the Commission, one by the United States and one by the Soviet Union. The plan which was finally approved by a majority of the members of the Commission was based upon the proposals of the United States. It was a project for international collaboration on an unprecedented scale. The international atomic authority which it envisaged would own the raw materials of atomic energy from the time of their extraction from the ground and would control such extraction. The authority would own and manage all large-scale manufacturing plant, and would license and inspect other activities which did not require dangerous amounts of fissionable material. The control system would be established by stages; when it was in full operation the manufacture of bombs would cease, and existing stocks be disposed of.

The Soviet plan, on the other hand, envisaged the immediate outlawing of the atomic bomb, and the destruction of existing stocks. A draft convention had been submitted as a first step towards international control, but the delegation of the Soviet Union had refused to pledge its country to any further steps. The majority of the Commission had

rejected this plan, considering that prohibition in itself would not contribute to security, but must form part of an over-all plan providing adequate safeguards against clandestine activity. In present circumstances, prohibition by itself would mean no more than a unilateral reduction of armaments by the United States, which so far was the only nation capable of waging atomic war.

As a result of the Soviet Union's refusal to accept the majority proposals, the Atomic Energy Commission had reached an impasse and had decided to suspend its work. In such a situation it was the duty of the Assembly to examine the proposals and judge for itself the attitude taken by the various members of the Commission. The Canadian delegation hoped that as a result of the discussions in the Assembly the minority would come to regard the majority conclusions as inescapable and thus enable the Commission to resume its work; accordingly a draft resolution endorsing these conclusions was submitted as a framework of discussion.

This resolution, after expressing the opinion that there was no solution, other than the majority proposals, which would "meet the facts, prevent national rivalries in this most dangerous field, and fulfil the Commission's terms of reference," and noting that the Soviet Union had refused to agree "to even those elements of effective control considered essential from the technical point of view, let alone their acceptance of the nature and extent of participation in the world community, required of all nations in this field," continued as follows:—

"The General Assembly, therefore,

"Approves the General Findings (Part IIc) and Recommendations (Part III) of the First Report and the Specific Proposals of Part II of the Second Report of the Commission, as constituting the necessary basis for establishing an effective system of international control of atomic energy in accordance with the terms of reference of the United Nations Atomic Energy Commission, and approves the Report and Recommendations (Part I) of the Third Report which contain an analysis of the nature of the impasse confronting the Commission and the recommendation resulting therefrom;

"Recognizes the grave dangers to international peace and security resulting from the absence of effective international control of atomic energy and calls upon all nations to fulfil their responsibilities to the world community by accepting the necessary basis for such control as approved by this body."

Opposition to the majority proposals, and in particular to the attitude taken by the United States, was expressed by the delegate of the *Soviet Union* (Mr Vyshinsky) with vigour and at length. He accused the United States of systematically attempting to avoid putting into effect the resolution of January, 1946, which gave the Commission the task of eliminating atomic weapons from national

armaments, and the resolution of December, 1946, which had recommended the establishment of a system of control and inspection within the framework of the Security Council. The Baruch plan, which formed the basis of the majority proposals, postponed everything essential; it made the central aim of the 1946 resolutions—the elimination of the atomic bomb—dependent on a series of difficult and time-consuming conditions. The unwillingness of the United States to terminate the manufacture of the bomb was shown by their attitude to inspection: the United States had at first insisted on inspection as the most effective method of control, but when the Soviet Union submitted a control plan providing for inspection, it then seemed that inspection was not really so important and could not be effective unless coupled with other measures, such as ownership of raw materials. The majority plan would provide not for international control but for an international trust dominated by the United States through the voting majority on which they could always count. The proposed control agency was contrary to the Assembly's resolution of December, 1946, since it would itself take action against violations by majority vote, and would thus be outside the framework of the Security Council.¹

Mr Vyshinsky denied that his delegation had ever said that a ban on atomic weapons was enough; Generalissimo Stalin himself had declared that a strict and effective control organ was necessary. His delegation did consider that control over all stages of production should be concluded simultaneously and, therefore, found both the majority proposals and the Canadian resolution unacceptable. In an effort to reach agreement, however, the Soviet Union was prepared to agree that prohibition of atomic weapons should likewise be imposed simultaneously.

¹ The reports of the Atomic Energy Commission do not in fact attempt to spell out the exact relationship to be established between the proposed control authority and the Security Council. The following extracts from Part III (Recommendations) of the First Report are, however, relevant:—

“The rule of unanimity of the permanent members, which in certain circumstances exists in the Security Council, shall have no relation to the work of the international control agency. No Government shall possess any right of ‘veto’ over the fulfilment by the international control agency of the obligations imposed upon it by the treaty nor shall any Government have the power, through the exercise of any right of ‘veto’ or otherwise, to obstruct the course of control or inspection.

“The judicial or other processes for determination of violations of the treaty or convention, and of punishments therefore, should be swift and certain. Serious violations of the treaty shall be reported immediately by the international control agency to the nations parties to the treaty, to the General Assembly and to the Security Council. Once the violations constituting international crimes have been defined and the measures of enforcement and punishment therefore agreed to in the treaty or convention, there shall be no legal right by ‘veto’ or otherwise, whereby a wilful violator of the terms of the treaty or convention shall be protected from the consequences of violation of its terms.

“The enforcement and punishment provisions of the treaty or convention would be ineffectual if, in any such situations, they could be rendered nugatory by the ‘veto’ of a State which had voluntarily signed the treaty.”

The draft resolution which he presented accordingly noted that no "positive results" had been achieved in the field of atomic energy, referred to the "paramount importance of implementing the . . . resolutions of 24 January, 1946, and 14 December, 1946," and recommended the Security Council and the Atomic Energy Commission—

"1. To continue their activity in the direction laid down in the above-mentioned General Assembly Resolutions; and

"2. To prepare a Draft Convention on the prohibition of atomic weapons and a Draft Convention on the establishment of effective international control over atomic energy, both the Convention on the prohibition of atomic weapons and the Convention on the establishment of international control over atomic energy to be signed and brought into operation simultaneously."

During the course of the debate it became clear that there was general support for the majority proposals contained in the reports of the Atomic Energy Commission. There was a widespread feeling, however, that owing to the paramount importance of the subject, every effort should be made to resolve, if at all possible, the existing deadlock. In view of the apparent willingness of the Soviet Union to make at least some concessions it was felt by some delegations that the possibilities of negotiation had not been exhausted; the delegate of *Syria* therefore proposed that the Atomic Energy Commission should resume meetings in order to draw up a draft treaty on the basis of the majority proposals. Other delegations, however, in particular those of the *United States* and the *United Kingdom*, felt that the concession offered by the Soviet Union was illusory. While existing stocks of bombs could be disposed of immediately, the establishment of an effective control system would take months or years; the use of the term "simultaneously" in connection with the new Soviet proposal was therefore entirely misleading. In the circumstances these delegations considered that unless the Soviet Union accepted the majority proposals there was little to be gained by a resumption of the work of the Atomic Energy Commission.

The *New Zealand* delegate (Mr Thorn) at the beginning of the debate had expressed approval of the majority proposals. On the question of enforcement and of the division of authority between the proposed control organ and the Security Council, he had pointed out that the Commission had wisely avoided too close definition; these would be matters to be settled by negotiation in the treaty, if and when a treaty should appear possible.

A distinction might be made between "technical" enforcement—for instance, the right to set a guard upon the stock pile, or to order a lessening in the rate of production—and sanctions. Technical measures should undoubtedly be within the competence of a technical control authority. On the other hand, if the Security Council had been suffered to function as was intended by the authors of the Charter no one would

have thought of investing any other body with the power of applying sanctions. The very possibility that plural authorities might be set up, each with the power of applying sanctions, would have been considered a grave disadvantage. The answer to the question whether the task of imposing the major sanctions could be reserved to the Security Council no doubt depended upon whether there could be a formal agreement by all parties to the proposed Convention, including all permanent members of the Security Council, to accept as binding a decision by the Security Council taken by a specified majority without a veto. The New Zealand delegation saw nothing unconstitutional or contrary to the Charter in such a voluntary agreement. While aware of the difficulties, they felt that it was the solution which would best meet the indispensable practical requirements laid down by the Commission and respond to the spirit of the Charter.

At a later stage, in an effort to obtain a universally acceptable basis for the resumption of negotiations, *New Zealand* brought forward a resolution calling on the permanent members of the Atomic Energy Commission (Canada, China, France, Soviet Union, United Kingdom, and United States)—

“To consult following this session, in order to determine when there exists a basis for agreement on the international control of atomic energy, and thereupon to reconvene the United Nations Atomic Energy Commission in order to resume its activities, and in any event to report the results of their consultation to the next regular session of the General Assembly.”

This proposal was immediately accepted by the *Canadian* and *United States* delegations, and was subsequently incorporated in the Canadian draft resolution.

The delegation of *Australia* also proposed an additional clause to the Canadian draft resolution which *inter alia* requested the Atomic Energy Commission to renew and intensify its work with a view to resolving the differences in principle indicated in its reports between the majority and minority views.

At the same time the delegation of *India*, in a further effort at conciliation, submitted an alternative resolution, the operative part of which read :

“The General Assembly, therefore,

“6. Approves and accepts in substance the General Findings (Part IIc) and Recommendations (Part III) of the First Report and the Specific Proposals of Part II of the Second Report of the Commission as constituting the necessary basis for establishing an effective system of international control of atomic energy in accordance with the terms of reference of the Commission ;

“7. Recognizes the grave dangers to international peace and security resulting from the absence of effective international control of atomic energy ;

" 8. Notes that there are now indications that the situation which led the Commission to recommend suspension of its work no longer exists ;

" 9. Calls upon the Commission to resume and continue its work, to proceed with the study of all the matters within its terms of reference, and to prepare for submission to the Security Council, as early as possible, a draft treaty or convention incorporating the Commission's ultimate proposals."

At this point it was decided to establish an eleven-member¹ sub-committee to examine all the proposals and to seek agreement on a single resolution for submission to the Committee. It became clear, however, in the sub-committee that the *Soviet Union* would not accept any resolution which approved the majority findings of the Atomic Energy Commission, and that most other members, in particular the *United States*, the *United Kingdom*, and *Canada*, would not accept any resolution which did not express such approval. The sub-committee, therefore, failed in its task of producing an agreed resolution. The *Canadian* draft resolution, amended by the omission of the greater part of the preamble and in particular of specific reference to the attitude of the Soviet Union, by the addition of an expression of regret that unanimous agreement had not yet been reached, and by the incorporation of the *New Zealand* proposal, was adopted by 8 in favour, 2 (Soviet Union and Ukraine) against, with 1 abstention (India). The *Soviet Union* and *Indian* resolutions received the support of their authors only.

The sub-committee reported these results to the First Committee, which did not, however, abandon the effort to obtain agreement. In a spirit of compromise, the *Canadian* delegation accepted the amendment of their resolution by the insertion of a provision calling on the Atomic Energy Commission—

" To resume its sessions, to survey its programme of work, and to proceed to the further study of such of the subjects remaining in the programme of work as it considers to be practicable and useful."

The *Canadian* delegation could not agree, however, to an *Indian* and *Australian* proposal that the Commission should also " prepare for submission to the Security Council, as early as possible, a draft treaty or convention incorporating the Commission's ultimate proposals," nor to an amendment proposed by *El Salvador* to qualify the approval of the majority proposals by the words " in principle."

The Committee rejected the *Soviet Union* draft resolution by 39 votes (N.Z.)² to 6 with 7 abstentions ; the *Indian* resolution by 23 votes (N.Z.) to 6 with 21 abstentions ; and the amendment of *El Salvador* to the *Canadian* resolution by 27 votes (N.Z.) to 10 with 16 abstentions.

¹ Brazil, Canada, China, Ecuador, France, India, Soviet Union, Sweden, Ukraine, United Kingdom, and United States.

² Here and subsequently the insertion of " N.Z." after a voting figure indicates that that figure includes New Zealand's vote.

The substantive part of the revised *Canadian* resolution, which was adopted by 41 votes (N.Z.) to 6, with 10 abstentions, read :—

“ The General Assembly

“ Having examined the First, Second and Third Reports of the Atomic Energy Commission which have been transmitted to it by the Security Council in accordance with the terms of the General Assembly resolution of 24 January, 1946 :

“ 1. Approves the General Findings (Part IIc) and Recommendations (Part III) of the First Report and the Specific Proposals of Part II of the Second Report of the Commission as constituting the necessary basis for establishing an effective system of international control of atomic energy to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons in accordance with the terms of reference of the Atomic Energy Commission ;

“ 2. Expresses its deep concern at the impasse which has been reached in the work of the Atomic Energy Commission as shown in its Third Report and regrets that unanimous agreement has not yet been reached ;

“ 3. Requests the six sponsors of the General Assembly resolution of 24 January, 1946, who are the permanent members of the Atomic Energy Commission, to meet together and consult in order to determine if there exists a basis for agreement on the international control of atomic energy to ensure its use only for peaceful purposes and for the elimination from national armaments of atomic weapons, and to report to the General Assembly the results of their consultation not later than its next regular session ;

“ 4. Meanwhile the General Assembly calls upon the Atomic Energy Commission to resume its sessions, to survey its programme of work, and to proceed to the further study of such of the subjects remaining in the programme of work as it considers to be practicable and useful.”

In the General Assembly the delegation of the *Soviet Union* reintroduced their draft resolution, and the delegation of *India* reintroduced two amendments the substance of which had been rejected in Committee—the qualification of the approval of the majority proposals by the words “ in substance ” and a direction to the Atomic Energy Commission to draft a treaty embodying its ultimate proposals.

In speaking to his resolution the delegate of the *Soviet Union* (Mr Vyshinsky) made it clear that his country's opposition to the Canadian draft resolution had not been in the least mitigated as a result of the modifications it had undergone. It was “ utterly incorrect,” he said, to say that there was a close similarity between the Canadian and Soviet drafts. The Canadian resolution contained no indication of the need for the elaboration of a convention for the prohibition of atomic weapons ; in this it differed from the Soviet resolution and this was

its main drawback. As for the added provision for the reconvening of the Atomic Energy Commission, it did not allow of the reconsideration of the principal questions on which cleavages had arisen, and therefore was not even a palliative; it was empty phraseology, it was zero, it was nonsense. The only result to which it could lead was to cover up with the semblance of a decision the refusal to adopt any decision. It "put a tombstone" on the work of the Atomic Energy Commission.

Reverting to the substance of the majority proposals, Mr Vyshinsky elaborated his country's objections to the principle of international ownership of fissionable material. These objections were based firstly on legal grounds; the plan was "a clear formulation designed to deny the sovereignty of States." Secondly, there were economic objections; "the international control organ could very easily paralyse the development of many countries." Thirdly, there were strategic reasons why the Soviet Union could never accept the plan; its adoption "would impose upon the Soviet Union the necessity of indicating to the control organ the situation of its heavy industries, of its armaments industries, and of giving to the inspectors of the United Nations—and therefore to United States staff commanders—a complete map of military objectives within the Soviet Union." The alleged need for international ownership, which was thus clearly unacceptable, could and should be avoided by the establishment of a quota system for the equitable distribution among countries of raw materials and atomic fuel. Insufficient attention had been paid to this problem, the solution of which "would permit us to escape from the deadlock."

The *Indian* delegate (Mrs Pandit), in proposing that the majority proposals be approved "in substance" rather than in all details, said that India could not agree to international ownership of raw materials capable of generating atomic energy while other materials, such as oil, remained under private ownership without any international control. Full and free inspection together with control of production would provide adequate safeguards without international ownership of the actual raw materials.

Answers to the objections raised against the proposals for international ownership were given by the delegates of *Canada* (General McNaughton) and of the *United Kingdom* (Mr McNeil). It was true that the plan required the shedding of some sovereign rights, but that was the history and the business of international collaboration. "If we are going to shy at that," said Mr McNeil, "we might as well shut up shop." On the economic side, it was States like Canada and the United States which would have the most to contribute; they felt, nevertheless, that full benefits could only be obtained if development were organized on an international rather than a national basis. The question whether the proposed plan would result in a disadvantageous position for some

countries was one which had not been discussed by the Commission and which must be fully analysed in the future. If the plan in its final form were not so designed, as to share equally burdens no less than benefits, it would prove unacceptable not only to the Soviet Union but to many other delegations. The *United Kingdom* delegate characterized Mr Vyshinsky's strategic argument as "most surprising." Was it because at the present time any one can photograph American military installations and Soviet diplomats can move freely about the United States that the Soviet Union would be put at a military disadvantage by the proposed control system? Was the Assembly to put "a premium on secrecy"? The *United Kingdom* Government thought the six-power discussions proposed in the Canadian resolution might show whether the Soviet Union would permit or assist in a resolution of the deadlock, and were quite prepared to include the difficult question of quotas on the agenda of those meetings.

When the resolutions and amendments were put to the vote, the *Soviet* resolution was rejected, receiving 6 votes in favour, 40 (N.Z.) against, with 5 abstentions. The Two *Indian* amendments to the Canadian resolution were rejected, the first receiving 9 votes for, 15 against, with 26 abstentions (N.Z.), and the second 5 for, 31 (N.Z.) against, with 15 abstentions. The *Canadian* resolution was then adopted by a show of hands in the form approved by the First Committee. Forty votes (N.Z.) were cast in favour, 6 against, and there were 4 abstentions.

Prohibition of the Atomic Weapon and Reduction by One-third of the Armaments and Armed Forces of the Permanent Members of the Security Council

During the opening debate the delegate of the *Soviet Union* (Mr Vyshinsky) delivered a strongly worded attack on the military preparations of the western Powers, preparations which, he declared, were being undertaken with the intention of launching atomic war against the Soviet Union. Accordingly, "for the purpose of strengthening the cause of peace and removing the menace of a new war, which is being fomented by expansionists and other reactionary elements," he presented on the instructions of his Government a draft resolution, the operative part of which read:—

"The General Assembly

"Recommends to the permanent members of the Security Council: United States of America, United Kingdom, Union of Soviet Socialist Republics, France and China—as a first step in the reduction of armaments and armed forces, the reduction by one-third during one year of all present land, naval and air forces;

"Recommends the prohibition of atomic weapons as weapons intended for aims of aggression and not for those of defence;

“ Recommends the establishment within the framework of the Security Council of an international control body for the purpose of the supervision of and control over the implementation of the measures for the reduction of armaments and armed forces and for the prohibition of atomic weapons.”

At the beginning of the discussion on this proposal in the First Committee the *United Kingdom* representative (Mr McNeil) described it as “unrealistic.” In the first place, while data were available on the arms and armed forces of countries like the United Kingdom, there was no corresponding information on the position in the Soviet Union. Secondly, the method of disarmament proposed was to the advantage of those who so far had disarmed least. Unlike the Soviet Union, the United Kingdom and the Western European countries had since the end of the war reduced their defence forces to a minimum. Nevertheless—and this was the crucial point—no nation could reject an appeal for disarmament provided its genuineness were placed beyond doubt by an offer of a satisfactory system of verification, inspection, and control.

The delegate of the *United States* (Mr Austin) pointed out that a majority of the members of the Commission for Conventional Armaments (which had been set up as a result of the General Assembly's resolution on disarmament of December, 1946) had agreed that disarmament could take place only in an atmosphere of confidence and security, for which the essential conditions were the establishment of United Nations security forces, the control of atomic energy, and the conclusion of peace settlements with Germany and Japan. The fulfilment of all these conditions had been blocked by the Soviet Union. Under these circumstances the maintenance of a comparable Power relationship was fundamental to world security. The United States now realized that it had disarmed too soon and too fast after the war.

The *New Zealand* delegate (Mr Thorn) also referred to the need for security as a prior condition of disarmament, a proposition which, he said, was regarded at San Francisco as axiomatic. While the allied States had not forgotten how oppressive the burden of armaments could be, or had ceased to hope that one of the chief benefits to be secured from the United Nations would be relief from that burden, they were agreed that to call for disarmament without first establishing a tried and working system of security was a delusion. They knew that there was one thing even more grievous than the burden of armaments—namely, war, due to unpreparedness. In the view of the New Zealand delegation the way to disarmament was still the way of the Charter; specifically to conclude the agreements required under Article 43 and, more generally, to solve in the spirit of the Charter the concrete problems affecting the preservation of peace which come up for consideration before the United Nations.

These views, which were shared by a large number of delegations, were reflected in a draft resolution submitted by the *United Kingdom*. This resolution, after referring to the deadlock in the Atomic Energy Commission, the Conventional Armaments Commission, and the Military Staff Committee, created in each case by the attitude of the minority, stated that—

“Certain members of the United Nations, by refusing to accommodate themselves to the views of the majority and to co-operate or indeed to participate fully in the work of the organization in the political field, have compromised the success of this work and thus contributed further to the present world wide sense of insecurity.”

The substantive part of the resolution read—

“The General Assembly

“Recognizes the gravity of this situation and the importance of bringing about the increase in international confidence which is an essential prerequisite for agreement on disarmament and security problems,

“Endorses the general principles considered by the majority of the Commission for Conventional Armaments as necessary to the regulation and reduction of armaments and armed forces, in particular the principle that such regulation and reduction can only be put into effect in an atmosphere of international confidence and security, and the principle that any system of disarmament must include an adequate system of safeguards, and

“Urges all nations, and particularly those constituting the minority in the Commission for Conventional Armaments, to co-operate to the utmost of their power in the attainment of the above-mentioned objectives.”

The delegate of *China*, in subscribing to the general criticisms of the Soviet proposal, referred to the particular difficulties which rendered it unacceptable to his Government. At the end of the war the Chinese Government had begun the demobilization of its army to enable the reconstruction of the country. However, the Communists, who had a large army, had rebelled against the lawful Government. China was therefore in the midst of a struggle to preserve its national unity, and could not consider any scheme of disarmament which did not give due consideration to the requirements of domestic security. The armed forces of China, however, were not a factor in the present world tension.

During the course of the debate a number of amendments and alternative proposals were brought forward, including a *Syrian* resolution calling for the continuance of the work of the Commission for Conventional Armaments. A sub-committee of eleven¹ was established to examine all the proposals and submit an appropriate draft to the Committee.

¹ Australia, Belgium, Brazil, China, El Salvador, France, Lebanon, Poland, Soviet Union, United Kingdom, and United States.

In the sub-committee, the *United Kingdom* resolution was withdrawn in favour of a *Belgian* text, embodying the views of a number of delegations. This draft resolution, which was adopted by the sub-committee by 7 votes to 2 (Poland and the Soviet Union) with 1 abstention (Australia), read :--

“ The General Assembly

“ Desiring to establish relations of confident collaboration between the States within the framework of the Charter, and to make possible a general reduction of armaments in order that humanity may in future be spared the horrors of war and that the peoples may not be overwhelmed by the continually increasing burden of military expenditure ;

“ Considering that no agreement is attainable on any proposal for the reduction of conventional armaments and armed forces so long as each State lacks exact and authenticated information concerning the conventional armaments and armed forces of other States, so long as no convention has been concluded regarding the types of military forces to which such reduction would apply, and so long as no organ of control has been established ;

“ Considering that the aim of the reduction of conventional armaments and armed forces can only be attained in an atmosphere of real and lasting improvement in international relations, which implies in particular the application of control of atomic energy involving the prohibition of the atomic weapon ;

“ But noting on the other hand that this renewal of confidence would be greatly encouraged if States were placed in possession of precise and verified data as to the level of their respective conventional armaments and armed forces ;

“ Recommends the Security Council to pursue the study of the regulation and reduction of conventional armaments and armed forces through the agency of the Commission for Conventional Armaments in order to obtain concrete results as soon as the improvement in the international atmosphere permits ;

“ Trusts that the Commission for Conventional Armaments, in carrying out its plan of work, will devote its first attention to formulating proposals for the receipt, checking and publication, by an international organ of control endowed with universally accepted powers, of full information to be supplied by Member States with regard to their effectives and their conventional armaments ;

“ Invites the Security Council to report to it no later than its next regular session on the effect given to the present recommendation with a view to enabling it to continue its activity with regard to the regulation of armaments in accordance with the purposes and principles defined by the Charter ;

“ Invites all nations in the Commission for Conventional Armaments to co-operate to the utmost of their power in the attainment of the above-mentioned objectives.”

The *Soviet Union* in the sub-committee revised the final paragraph of their resolution to read:—

“ Recommends for the purpose of the supervision of and control over the implementation of the measures for the reduction of armaments and armed forces and for the prohibition of atomic weapons the establishment within the framework of the Security Council of an international control body, to which full official data on the state of the armaments and armed forces of the permanent members of the Security Council—United States of America, United Kingdom, Union of Soviet Socialist Republics, France and China— must be submitted.”

The revised resolution was rejected by 2 votes in favour, 6 against, with 2 abstentions (Australia and Lebanon). Following the vote, the delegate of *Poland* introduced a resolution containing the substance of the Soviet proposals in different language. This too was rejected by 2 votes in favour, 6 against ; France joined Australia and Lebanon in abstaining.

The delegate of the *Soviet Union* delivered a strong attack on the Belgian draft when it came before the First Committee. First of all, he said, it was inconsistent with the Assembly's resolution of January, 1946, since it contained no proposal for the prohibition of atomic weapons. Earlier in the debate the Soviet delegation had suggested that a convention prohibiting the use of atomic weapons was possible on the lines of the Geneva Convention of 1925 prohibiting the use in war of toxic gases. The Belgian delegate had objected that the convention on atomic energy must prohibit production as well as utilization. But no one wanted to prohibit the production of atomic energy for peaceful purposes ; what must be prevented was its use for warlike ends. Secondly, the draft contained no proposals of substance for putting into effect the Assembly's resolution of December, 1946, on disarmament. The reasons for this were not far to seek. The deadlock in the Conventional Armaments Commission had been caused by the attitude of the Anglo-American bloc, who were not interested in reaching agreement and co-operating with the Soviet. Instead, governing circles in the United States were continuing to advocate “ a mad armaments race.” With every year the military budget of the United States became more inflated ; the United States had increased its military appropriations by 4.6 billion dollars, while at the same time the Soviet Union had decreased its appropriations by 2.5 billion roubles.

The preamble to the Belgian resolution declared that reduction of armaments was impossible so long as States lacked information on the armaments of other States. The Soviet Union, however, had stipulated in their draft resolution that the permanent members of the Security Council must submit authenticated information on their armaments and armed forces to an international control organ. The Soviet Union had thus agreed to submit official authenticated information.

Another prerequisite of disarmament had been laid down by the United States and the United Kingdom—namely, the conclusion of peace treaties with Germany and Japan. No such condition was to be found in the Assembly resolutions of January and December, 1946, but even if it were accepted it was well known that Mr Molotov had in November, 1947, called on the Council of Foreign Ministers to proceed as a matter of urgency with the elaboration of a peace treaty with Germany, and that his proposal was rejected by the United States and the United Kingdom.

In reply, the delegate of the *United States* drew attention to the statement in the Belgian resolution that armaments reduction depended on an improvement in the international atmosphere. The present tension resulted from the resurrection by the leaders of the Soviet Union of the Communist theory that conflict with the so-called capitalist States was inevitable. The Soviet Union was once again publicly expressing the aim of world revolution. It had contributed to international tension in other ways. It had imposed a curtain of secrecy over everything within its borders and its people were kept in ignorance of happenings in the outside world. It had forcibly annexed territory. It had destroyed the hopes for representative government in the countries of Eastern and Central Europe. The summary rejection of the plans submitted by neutral States for the settlement of the Berlin question was a recent example of the manner in which the Soviet Union had created an atmosphere of fear in the world. That fear was increased when the Soviet Union reiterated assertions which the rest of the world knew to be untrue. It was pure nonsense to say that the United States desired to attack the Soviet Union. Any one familiar with history knew that the people of the United States would not permit a war of aggression. It was only when, three years after the war had ended, they had realized that other States remained heavily armed and were even rearming that they had reluctantly begun to divert some of their productive resources to defence.

The *United Kingdom* delegate, in answer to Mr Vyshinsky's claim that the Geneva Convention prohibiting the use of toxic gases was a success, pointed out that during World War II various belligerents had manufactured toxic gases, and were in a position to use them. Such gases had not been used because of fear of reprisals, not because of any legal scruples. It had been repeated *ad nauseam* that it was very easy to switch over from peacetime to military use of nuclear fuel, and that it was therefore essential to establish a complete system of control.

The *Syrian* and *Australian* delegates saw an implied contradiction in paragraphs 5 and 6 of the Belgian draft resolution. Paragraph 6 appeared to envisage the uninterrupted continuance of the work of the Commission for Conventional Armaments; paragraph 5, on the other hand, implied that the Committee would suspend operations until an improvement in the international situation permitted their resumption.

The *Syrian* delegate proposed that the words "as soon as the improvement in the international atmosphere permits" in paragraph 5 be replaced by "as soon as possible," while the delegate of *Australia* moved that the words "in order to obtain concrete results as soon as the improvement in the international atmosphere permits" be deleted. The delegate of *Belgium* replied that while paragraph 5 referred to *reduction*, paragraph 6 referred to *regulation* of armaments. There was thus no contradiction nor any intention that the work of the Commission should be suspended.

The delegates of *Syria* and *Australia* criticized, and the delegate of *France* proposed the deletion of, the statement in paragraph 6 that the control organ should be "endowed with universally accepted powers," which appeared to mean that the treaty by which it would be established would require the ratifications of all the members of the United Nations to bring it into force.

The three resolutions and the amendments to the Belgian resolution were then put to the vote. The resolution of the *Soviet Union* was rejected by 6 votes in favour, 35 (N.Z.) against, with 7 abstentions.

The *Australian* amendment to paragraph 5 of the *Belgian* resolution was rejected by 14 votes in favour, 21 (N.Z.) against, with 12 abstentions.

The *Syrian* amendment to paragraph 5 was adopted by 20 votes in favour, 7 (N.Z.) against, with 12 abstentions. The *French* amendment to paragraph 6 was adopted by 33 (N.Z.) to 6, with 8 abstentions. Thus when the Belgian resolution came to be voted on as a whole, the preamble remained as in the text recommended by the sub-committee, and the operative part read as follows:—

"Recommends the Security Council to pursue the study of the regulation and reduction of conventional armaments and armed forces through the agency of the Commission for Conventional Armaments in order to obtain concrete results as soon as possible.

"Trusts that the Commission for Conventional Armaments, in carrying out its plan of work, will devote its first attention to formulating proposals for the receipt, checking and publication, by an international organ of control within the framework of the Security Council, of full information to be supplied by Member States with regard to their effectives and their conventional armaments ;

"Invites the Security Council to report to it no later than its next regular session on the effect given to the present recommendation with a view to enabling it to continue its activity with regard to the regulation of armaments in accordance with the purposes and principles defined by the Charter ;

"Invites all nations in the Commission for Conventional Armaments to co-operate to the utmost of their power in the attainment of the above-mentioned objectives."

The resolution was adopted by 40 (N.Z.) to 6, with 1 abstention. The *Polish* resolution was put to the vote paragraph by paragraph, and after every paragraph had been rejected the Committee decided by a substantial majority that it was not required to vote on the resolution as a whole.¹

When the report of the First Committee was debated in the General Assembly, the arguments which had been advanced in the Committee, in the sub-committee, and again in the Committee were once more developed at length. As in the later Committee discussions the greater part of the speeches was devoted not so much to the subject under discussion as, in the words of the *Belgian* delegate, to "reciprocal accusations in which certain countries threw upon the shoulders of others the responsibility for the existing crisis in the world."

The *Soviet Union* and *Polish* resolutions were again rejected, the former by 6 votes in favour, 39 (N.Z.) against, with 6 abstentions, the latter by 6 votes in favour, 33 (N.Z.) against, with 5 abstentions.

The *Belgian* resolution was adopted in the form recommended by the Committee by 43 votes (N.Z.) to 6, with 1 abstention.

Appeal to the Great Powers to Compose Their Differences and Establish a Lasting Peace

A draft resolution on this subject presented by the delegation of *Mexico* during the course of the Assembly was referred to the First Committee, which decided to give it priority. The resolution read:—

"1. Whereas it is the essential purpose of the United Nations to maintain international peace and security and to that end it must co-ordinate its efforts to bring about by peaceful means the settlement of international disputes or situations which might lead to a breach of the peace ;

"2. Whereas the United Nations should be a centre for harmonizing the actions of nations in the attainment of this common end ;

"3. Whereas the United Nations cannot fully attain its aims so long as the recent war remains in process of liquidation and so long as all the peace treaties have not been concluded and put into force ;

"4. Whereas the Great Allied Powers which bore the heaviest burden in the war and whose common sacrifice and effort were the prime cause of victory have reaffirmed, on many solemn occasions, their determination to maintain and strengthen in the peace that unity of purpose and of action which has made possible the victory of the United Nations ;

¹ The *New Zealand* representative pointed out after the last paragraph had been rejected that, according to Rule 118 of the Rules of Procedure, when parts of a proposal have been voted on separately "the resulting proposal shall be put to a vote in its entirety;" since in this case every paragraph had been rejected there was no "resulting proposal" and the Committee could not vote on a non-existent resolution. This point of view was contested by Slav delegations, but was upheld by the Committee.

“ 5. Whereas the aforementioned Allied Powers which undertook, at the Second Moscow Conference, responsibility for drafting and concluding the peace treaties have not been able, after three years of effort, to obtain the full realization of their high mission by building a just and lasting peace ;

“ 6. Whereas the disagreement between the said Powers in a matter of vital importance to all the United Nations is at the present time the cause of the deepest anxiety among all the peoples of the world, and

“ 7. Whereas the United Nations, in the performance of its most sacred mission, is bound to afford its assistance and co-operation in the settlement of a situation the continuation of which involves grave dangers for international peace ;

“ Therefore, the General Assembly

“ Resolves :

“ Firstly, to express its confidence that the Great Allied Powers will determine their policy in the spirit of the declaration to which they subscribed in the Crimea, in which they reaffirmed their faith in the principles of the Atlantic Charter, their pledge in the declaration by the United Nations and their determination to build in co-operation with other peace-loving nations a world order under law, dedicated to peace, security, freedom and the general well-being of all mankind.

“ Secondly, to affirm its adoption of that part of the declaration signed at Yalta on 11 February, 1945, by Churchill, Roosevelt and Stalin, which proclaims that ‘ Only with the continuing and growing co-operation and understanding among our three countries, and among all the peace-loving nations, can the highest aspiration of humanity be realized—a secure and lasting peace which will, in the words of the Atlantic Charter, “ Afford assurance that all the men, in all the lands, may live out their lives in freedom from fear and want.” ’

“ Thirdly, to recommend the Powers signatories to the agreements of the Second Moscow Conference to redouble their efforts, in a spirit of solidarity and mutual understanding, to achieve in the briefest possible time the final settlement of the war and the conclusion of all the peace treaties.

“ Fourthly, to recommend the aforementioned Powers to associate with them, in the performance of such a noble task, the States signatories of the Washington Declaration of 1 January, 1942, either through the General Assembly of the United Nations or by means of a special conference of all the States which subscribed or adhered to the said Declaration.”

This resolution was approved in principle by the five Great Powers. There was general agreement among them, however, that the resolution should not be regarded as a technical directive concerning the procedure to be followed in drafting the remaining peace treaties. The delegations of *France* and the *Soviet Union* presented amendments to the operative part of the resolution designed to give the Great Powers discretion in deciding on the manner in which other States should be associated in the conclusion of the peace settlements.

In view of the general desire for a resolution which would secure the unanimous agreement of the Great Powers, a sub-committee of eleven¹ was set up to produce an acceptable text. The sub-committee adopted unanimously a text which incorporated the substance of both the French and Soviet amendments. The preamble remained as in the original proposal, and the revised operative part read:—

“ The General Assembly

“ 1. Recalls the declarations made at Yalta on 11 February, 1945, by Churchill, Roosevelt and Stalin, in which the signatories

“ Reaffirm our faith in the principles of the Atlantic Charter, our pledge in the declaration by the United Nations and our determination to build in co-operation with other peace-loving nations a world order under law, dedicated to peace, security, freedom and the general well-being of all mankind ” ;

and proclaimed that

“ Only with continuing and growing co-operation and understanding among our three countries, and among all the peace-loving nations can the highest aspiration of humanity be realized—a secure and lasting peace which will, in the words of the Atlantic Charter “ Afford assurance that all the men in all the lands may live out their lives in freedom from fear and want ” ” ;

“ 2. Endorses these declarations and expresses its conviction that the Great Allied Powers will, in their policies, conform to the spirit of the said declarations ;

“ 3. Recommends the Powers signatories to the Moscow agreements of 24 December, 1945, and the Powers which subsequently acceded thereto to redouble their efforts, in a spirit of solidarity and mutual understanding, to secure in the briefest possible time the final settlement of the war and the conclusion of all the peace settlements ;

“ 4. Recommends the aforementioned Powers to associate with them, in the performance of such a noble task, the States which subscribed and adhered to the Washington Declaration of 1 January, 1942.”

During the earlier debate the *New Zealand* delegate, while fully supporting the principle of the resolution, had pointed out that New Zealand was one of the members of the United Nations which enjoyed a special status in regard to the preparation of the peace treaties, as having participated actively in the war against Germany and Japan. He was sure that it was not intended to question this status, or to propose the General Assembly as a treaty-making body. Similar views were expressed by other Commonwealth delegations. In particular, the

¹ Burma, China, Czechoslovakia, France, Haiti, Mexico, Netherlands, Soviet Union, United Kingdom, United States, and Venezuela.

Australian delegation, when the sub-committee's report was discussed, proposed to add to paragraph 3 of the operative part of the resolution the words—

“in which task they should take into consultation all those States which made a substantial contribution, as active belligerents, to the winning of victory.”

The delegate of the *United Kingdom* said that he agreed in principle with the point of view expressed by a number of Commonwealth delegations, but did not consider it advisable to include that point of view in the resolution. The *Australian* representative withdrew his proposal in the interests of unanimity, but wished to place on record the Australian Government's view that those States which had been active belligerents should be consulted in all phases of the peace settlements.

The resolution, as amended by the sub-committee, was adopted unanimously by the Committee and by the General Assembly.

Threats to the Political Independence and Territorial Integrity of Greece

United Nations Special Committee on the Balkans

At its previous session the General Assembly established a Special Committee on the Balkans (UNSCOB) to observe and assist in the fulfilment of the Assembly's recommendations on this question. These recommendations were twofold—firstly, Albania, Bulgaria, and Yugoslavia were called on to do nothing which could furnish aid and assistance to the guerrilla forces operating in Greece; and, secondly, these three States and Greece were requested to co-operate in the settlement of their disputes by peaceful means. The Special Committee submitted its main report in June, 1948, and later issued three supplementary reports covering the period up to 22 October, 1948, three days before the discussion of this question began in the First Committee.

The Special Committee reported that Albania, Bulgaria, and Yugoslavia had refused to co-operate with it or even to recognize it as a duly constituted United Nations body. Consequently, it had been unable to assist in achieving good neighbourly relations between these States and Greece, and such relations did not exist. It appeared to the Committee that the Greek guerrillas had received assistance from Albania, Bulgaria, and Yugoslavia, in the form of war material and other supplies. The guerrillas had been allowed to use the territory of these States for tactical purposes, and after periods of rest or medical care their return to Greece had been facilitated. The Committee was convinced that this state of affairs constituted a threat not only to the political independence and territorial integrity of Greece, but also to international peace and security in the Balkans, and that so long as it continued the need for the continued performance of the Committee's functions would remain.

Discussion in the First Committee

Before discussion of the UNSCOB reports began, the First Committee was called on to decide in what capacity, if any, it should hear representatives of Albania, Bulgaria, and the "provisional democratic Government of Greece." The Committee rejected a *Soviet Union* proposal to allow Bulgaria to participate fully in the debate by 6 votes in favour, 28 (N.Z.) against, with 15 abstentions. The *United States* delegate then moved that the Committee should "decide to hear the statements of the Bulgarian and Albanian delegations on the Greek question and request them to place themselves at the disposal of the Committee in order to reply to any questions which may be put to them." This proposal was adopted by 31 votes (N.Z.) to 6, with 6 abstentions. A *Yugoslav* proposal to admit a representative of the "provisional democratic Government of Greece"—in other words, of General Markos, the guerrilla leader—was defeated by 6 votes in favour, 50 (N.Z.) against, with no abstentions. A *Polish* motion to hear Miltiades Porphyrogenis, former Secretary-General of the EAM, was rejected by a similar majority, after it had been pointed out that Porphyrogenis was, in fact, Minister of Justice in the Markos "Cabinet."

The general discussion opened with a statement by Dr Najera of *Mexico*, the Rapporteur of the Special Committee. While UNSCOB had been frustrated in its conciliatory task by the attitude of Greece's northern neighbours, he said, it had carried through its duty of investigating frontier incidents in difficult and dangerous circumstances, relying on direct observation rather than the evidence of witnesses. The observer groups had frequently been fired on, both by guerrillas and from across the frontier. General Markos had instructed his forces not to allow the presence of observers to interfere with operations, and to treat captured observers as prisoners of war.

UNSCOB had sought to be scrupulously impartial. The factual part of its report had been unanimously approved, and the interpretation placed on the facts had been approved by 8 votes in favour, with 1 abstention (Australia).

The *United States* representative (Mr Dulles) said that what was happening in Greece was only part of a general effort to extend Soviet communism throughout the world; and it was because communism always practised violence that the United Nations was faced with constant fear. UNSCOB had been prevented from performing its conciliatory tasks. Nevertheless, the Assembly's resolution of last year had not been a failure; if it had not been for the presence of UNSCOB in Greece, the military aid given to the guerrillas would have been far greater. Greece had not only survived but, with the aid of friendly States, was steadily rehabilitating herself; this effort should be carried on to the complete success that was now in sight. Therefore the United States, together

with China, France, and the United Kingdom, offered a joint resolution proposing the continuance of UNSCOB with the dual function of observation and good offices.

In reply, the representative of *Yugoslavia* (Dr Bebler) delivered a three-hour attack on the Greek Government, the United States, the United Kingdom, and the Special Committee. The United States had established an "economic and political stranglehold" in Greece in order to transform the country into a "strategic base and military bridge-head." Fundamental human rights, such as freedom from arrest without warrant, freedom of the press, trade-union rights, and inviolability of home and correspondence had, he said, been abolished in Greece. "Monstrous measures" had been taken by the Greek Government against their own people, and many parents had been forced to send their children across the frontiers to save them from the "monarcho-fascist hell." But this terror, and the "ruthless interference" of the United States, only inspired the Greek people to struggle the harder. The national uprising had been most successful in the Peloponnesus, hundreds of miles from the northern frontier; this proved that aid from Albania, Bulgaria, and Yugoslavia was not the reason for the continued resistance of the Greek people.

The attack was continued by Mr Vyshinsky (*Soviet Union*), who declared that UNSCOB had gone beyond the Assembly resolution of October, 1947, by assuming functions of investigation which could properly be undertaken only by the Security Council—a fact which had caused one member of the Special Committee (Australia) to enter a reservation in the report. UNSCOB did not even carry out its investigations satisfactorily, relying on completely untrustworthy witnesses. The material it had collected was "garbage," and should be thrown away. He therefore proposed to introduce a resolution which, after laying the blame for the present situation in Greece on the Greek Government and UNSCOB, would recommend the establishment of diplomatic relations between Greece and Albania and Bulgaria, the renewal of the frontier conventions between Greece and her northern neighbours, the cessation of discrimination by the Greek Government against Albanians and Macedonians in Greece, the withdrawal of all foreign troops from Greece, and the termination of UNSCOB.

Resolutions calling for the dissolution of UNSCOB were also put forward by *Poland* and *Yugoslavia*, the latter couched in the most extreme language.

A majority of delegates, however, praised the work of the Special Committee and supported its continuation.

The delegate of the *Philippines* (General Romulo) pointed out that the conclusions of the Special Committee were based in the first place on direct eye-witness evidence rather than hearsay or presumption; the

Committee had been all the more cautious in view of the refusal of the Slav countries to take part in its work. He added, with reference to Yugoslavia's relations with the Cominform, that Dr Bebler might regret his justification of interference in the internal affairs of Greece if in the future dissident elements in his own country were to receive aid from a foreign Power. The principle of non-intervention was of supreme importance to all small countries, Yugoslavia included.

For *New Zealand*, Mr Thorn also stressed the importance of the non-intervention principle, and went on to say that if it was a fact, as his delegation believed, that the activity of United Nations observers on the Greek frontier had limited the extent of acts of interference, then it was the duty of the Assembly to maintain the apparatus of observation in being.

The Special Committee had had some success in the task of observing incidents upon the Greek frontier. It had had little or no success in carrying out the diplomatic and political tasks entrusted to it. This was not a criticism of the Special Committee, which had reported the considerable efforts it had put forth with a view to establishing normal relations between Greece, Albania, Bulgaria, and Yugoslavia. The Committee, having been organized and instructed under the terms of the Assembly's resolution of October, 1947, there were no doubt strong arguments in favour of confirming it, as was proposed in the four-Power resolution, in its dual function. Otherwise it might have been preferable to provide for the two functions separately, a technical observing and investigating body on the one hand, and a small political committee of good offices on the other.

Mr Thorn said he would like to hear the views of the Great Powers upon the recommendation of the Special Committee that the "General Assembly shall consider ways and means of obtaining the co-operation of Albania, Bulgaria, and Yugoslavia with the Special Committee." Had they considered how this appeal by the Special Committee was to be met? Was some special effort at understanding under reference to the Mexican resolution possibly under contemplation? Or was it hoped that the Security Council would take up in a new and better spirit a problem which, had it been able to do its duty, it would certainly have resolved?

The representative of *Australia* (Colonel Hodgson) said that UNSCOB was essentially a different organ from the fact-finding body which the Security Council had established in 1946. Its first concern was mediation, its second observation. It was not until six months after its establishment that UNSCOB had decided to assume powers of investigation as distinct from observation. The Australian representative on the Special Committee had abstained on the relevant chapter of its report because it put disproportionate emphasis on investigation. He had also abstained

on the political conclusions of the report, believing that bodies like UNSCOB should merely report facts and leave the Assembly to draw conclusions.

Australia believed that it was essential for the United Nations to remain seized of the Greek question, and for a United Nations agency to remain in the Balkans. But UNSCOB had proved by experience that it could not simultaneously perform the functions of conciliation and investigation; it was impossible for any one to be at the same time detective, prosecutor, judge, and negotiator. It was necessary also to consider the question of costs, if results were again to be negative and UNSCOB were to be little more than the "chronicler of the Greek tragedy." The United Nations should not be content to observe passively a situation they could not direct, but should attempt the constructive task of conciliation. The Australian delegation considered that UNSCOB should be reconstituted, preferably with smaller membership, as a mediatory body with observation as a secondary function. Secondly, they proposed that a meeting of representatives of Albania, Bulgaria, Greece, and Yugoslavia be convened immediately in Paris by the President of the Assembly and the Secretary-General to explore the possibilities of settling outstanding differences.

The consideration of the Greek question in the First Committee occupied two and a half weeks, developing towards the close into a single-handed filibuster by Dr Bebler, who used all possible procedural (and some non-procedural) devices to prevent the joint resolution from coming to the vote. Among the diversions which he initiated were a debate on whether or not a film on Greek children in Yugoslavia should be shown to delegates, and a proposal that the Committee should intercede on behalf of a number of Greek trade-unionists condemned to death for subversive activities. The Committee disposed of the second problem by adopting a French proposal that the Chairman should consult with the Greek delegation on the matter.

The joint resolution of *China, France, the United Kingdom, and the United States* was eventually put to the vote, and after several *Australian* amendments had been incorporated was adopted by 48 votes (N.Z.) to 6.

The *Soviet* resolution was voted on paragraph by paragraph. Before a vote was taken on the paragraph relating to the Albanian and Macedonian minorities in Greece, the representative of *New Zealand* said that he did not deny that there might be a minority problem in Greece, or assert that in no circumstances would the United Nations be competent to make a recommendation on such a problem. However, the Committee was discussing "threats to the political independence and territorial integrity of Greece," not the Greek problem in general; this was therefore an inappropriate context for such a recommendation, and he would vote against it. The paragraph was rejected, as were the

paragraphs calling for withdrawal of foreign troops and the termination of UNSCOB. The remainder of the resolution, which now referred only to the establishment of diplomatic relations, and the renewal of frontier conventions, was adopted by 48 votes (N.Z.) in favour with 1 abstention. The Slav countries refrained from voting, but, when the truncated resolution came before the plenary Assembly, they voted for it.

The *Australian* proposal for an immediate meeting of the four countries concerned was then considered. A *United States* suggestion that the Chairman and Rapporteur of the First Committee should join in convening the meeting was accepted, and the following resolution was adopted unanimously :—

“ The First Committee

“ Having in mind paragraph 5 (1) of Resolution 109 (II) by which the General Assembly called upon Albania, Bulgaria and Yugoslavia on the one hand and Greece on the other to co-operate in the settlement of their dispute by peaceful means, and to that end recommended that they establish normal diplomatic and good neighbourly relations among themselves as soon as possible ;

“ Having in mind that representatives of the Governments of Albania, Bulgaria, Greece and Yugoslavia are present in Paris during this session of the General Assembly ;

“ Noting that the United Nations Special Committee on the Balkans unanimously recommended that the General Assembly consider ways and means of obtaining the co-operation of Albania, Bulgaria and Yugoslavia with the Special Committee ;

“ Asks the President of the General Assembly, the Secretary-General, the Chairman and the Rapporteur of the First Committee to act in the capacity of conciliators jointly to convene immediately in Paris a meeting of representatives of the Governments of Albania, Bulgaria, Greece and Yugoslavia to explore the possibilities of reaching agreement amongst themselves as to the methods and procedure to be adopted with a view to resolving present differences between them.”

The *Polish* resolution was rejected by 6 votes in favour, 38 (N.Z.) against. The *Yugoslav* resolution was withdrawn.

Repatriation of Greek Children

During the discussion of the joint resolution, the representative of *Greece* (Mr Pipinelis) had proposed an additional clause calling upon “ all members of the United Nations and upon all other States to which Greek children have been removed by the Greek guerrillas to take all steps for their prompt return to their homes.” This amendment was withdrawn on the understanding that the question would be discussed separately.

The Special Committee had reported that—

“All sources agree that since January Greek children have been moved from certain areas of northern Greece to countries in the north. These sources have disagreed, however, on the question whether the children were removed by force, or with the approval of their parents. . . . While a number of parents have agreed under duress to the removal of their children, and some children have in fact been forcibly removed, other parents have consented, or at least failed to object, to such removal. It has not been possible for the Special Committee to determine the exact number of children removed under these categories.”

The representative of *Yugoslavia* denied that a single Greek child had been removed from Greece without its parents' consent. The establishment in Yugoslavia of camps for Greek children was a humanitarian measure, he declared, and the children would be returned to Greece as soon as normal conditions were restored.

After some debate, the Committee unanimously adopted a *Belgian* draft resolution with amendments submitted by *Australia* and the *Soviet Union*. This resolution recommended the return of children “when the children, their father or mother, or in his or her absence, their closest relative, express a wish to that effect” and asked the International Red Cross to organize liaison with the national Red Cross organizations to enable the recommendation to be put into effect.

Discussion in Plenary Assembly

When the Committee's report was presented to the Assembly, delegates heard the Slav arguments repeated at length. The joint resolution for the continuation of UNSCOB was, however, adopted by 47 votes (N.Z.) to 6. The resolution concerning the establishment of diplomatic relations and the renewal of frontier conventions was adopted unanimously. The *Soviet Union* proposal concerning the Albanian and Macedonian minorities in Greece, the withdrawal of troops, and the dissolution of UNSCOB, which was reintroduced, was rejected by 6 votes in favour, 47 (N.Z.) against. The resolution on Greek children was adopted unanimously.

During the debate, the President of the Assembly referred to the resolution of the First Committee calling for immediate discussions between Albania, Bulgaria, Yugoslavia, and Greece. Meetings had been held, and “substantial progress” had been made towards the solution of some practical difficulties, although a definitive agreement had not yet been reached. In spite of the “tough things” which had been said during the debate, the work of conciliation would be continued.

The texts of the three resolutions adopted by the Assembly are as follow :—

Continuation of UNSCOB

“ The General Assembly

“ 1. Having considered the reports of the Special Committee established by General Assembly resolution 109 (II),

“ 2. Having noted the conclusions of the Special Committee and, in particular, its unanimous conclusion that, despite the aforesaid resolution of the General Assembly, ‘ the Greek guerrillas have continued to receive aid and assistance on a large scale from Albania, Bulgaria and Yugoslavia, with the knowledge of the Governments of those countries ’ and that the Greek guerrillas in the frontier zones have, as found by the Special Committee :

“ (1) ‘ Been largely dependent on external supply. Great quantities of arms, ammunition and other military stores have come across the border, notably during times of heavy fighting. Strongly held positions of the guerrillas have protected their vital supply lines from Bulgaria, Yugoslavia and, in particular, from Albania. In recent months, there has been less evidence of receipt of supplies from Yugoslavia by the guerrillas.

“ (2) ‘ Frequently moved at will in territory across the frontier for tactical reasons, and have thus been able to concentrate their forces without interference by the Greek Army, and to return to Greece when they wished.

“ (3) ‘ Frequently retired safely into the territory of Albania, Bulgaria and Yugoslavia when the Greek Army exerted great pressure.’

“ 3. Having noted further the conclusions of the Special Committee that a continuation of this situation ‘ constitutes a threat to the political independence and territorial integrity of Greece and to peace in the Balkans ’ and ‘ that the conduct of Albania, Bulgaria and Yugoslavia has been inconsistent with the purposes and principles of the Charter of the United Nations ’ ;

“ 4. Having noted the recommendations submitted by the Special Committee ;

“ 5. Considers that the continued aid given by Albania, Bulgaria and Yugoslavia to the Greek guerrillas endangers peace in the Balkans, and is inconsistent with the purposes and principles of the Charter of the United Nations ;

“ 6. Calls upon Albania, Bulgaria and Yugoslavia to cease forthwith rendering any assistance or support in any form to the guerrillas in fighting against the Greek Government, including the use of their territories as a base for the preparation or launching of armed action ;

“ 7. Again calls upon Albania, Bulgaria and Yugoslavia to co-operate with Greece in the settlement of their dispute by peaceful means in accordance with the recommendations contained in resolution 109 (II) ;

“ 8. Calls upon Albania, Bulgaria and Yugoslavia to co-operate with the Special Committee in enabling it to carry out its functions, in particular the functions of being available to assist the Governments concerned in accordance with paragraph 10 (c) of this resolution, and upon Greece to continue to co-operate toward the same end ;

“ 9. Recommends to all Members of the United Nations and to all other States that their Governments refrain from any action designed to assist directly or through any other Government any armed group fighting against the Greek Government ;

“ 10. Approves the reports of the Special Committee, continues it in being with the functions conferred upon it by resolution 109 (ii) and instructs it ;

“ (a) To continue to observe and report on the response of Albania, Bulgaria and Yugoslavia to the General Assembly injunction not to furnish aid to the Greek guerrillas in accordance with the General Assembly resolution 109 (II) and the present resolution ;

“ (b) To continue to utilize observation groups with personnel and equipment adequate for the fulfilment of its task ;

“ (c) To continue to be available to assist the Governments of Albania, Bulgaria, Greece and Yugoslavia in the implementation of resolution 109 (II) and of the present resolution ; and for this purpose, in its discretion to appoint, and utilize the services and good offices of, one or more persons whether or not members of the Special Committee ;

“ 11. Decides that the Special Committee shall have its principal headquarters in Greece, and with the co-operation of the Government or Governments concerned, shall perform its functions in such places as it may deem appropriate for the fulfilment of its mission ;

“ 12. Authorizes the Special Committee to consult, in its discretion, with the Interim Committee (if it is continued) with respect to the performance of its functions in the light of developments ;

“ 13. Requests the Secretary-General to provide the Special Committee with adequate staff and facilities to enable it to perform its functions.”

Establishment of Diplomatic Relations and Renewal of Frontier Conventions

“ The General Assembly

“ Recommends that Greece, on the one hand, and Bulgaria and Albania, on the other, establish diplomatic relations with each other, the absence of which is harmful to the relations between these countries ;

“ Recommends the Governments of Greece, Albania, Bulgaria and Yugoslavia to renew the previously operative conventions for the settlement of frontier questions or to conclude new ones, and also to settle the question of refugees in the spirit of mutual understanding and the establishment of good neighbour relations ;

“ Furthermore recommends the Governments of Greece, Albania, Bulgaria and Yugoslavia to inform the Secretary-General of the United Nations at the end of six months, for communication to Member States of the United Nations, of the fulfilment of the above-mentioned recommendations.”

Repatriation of Greek Children

“ The General Assembly

“ Recommends the return to Greece of Greek children at present away from their homes when the children, their father or mother or, in his or her absence, their closest relative, express a wish to that effect ;

“ Invites all the Members of the United Nations and other States on whose territory these children are to be found to take the necessary measures for implementation of the present recommendation ;

“ Instructs the Secretary-General to request the International Committee of the Red Cross and the League of Red Cross and Red Crescent Societies to organize and ensure liaison with the national Red Cross organizations of the States concerned with a view to empowering the national Red Cross organizations to adopt measures in the respective countries for implementing the present recommendation.”

Palestine

Progress Report of the United Nations Mediator

Following the express wish of the late Count Bernadotte, the Secretary-General of the United Nations requested that the General Assembly should include this item in its agenda for the third regular session. It will be recalled that the difficulties encountered by the Security Council in its attempt to implement the General Assembly's plan of partition with economic union for Palestine (resolution of 29 November, 1947) had led the Council to call for a special session of the General Assembly “ to consider further the question of the future government of Palestine.”

This Special Assembly decided on 14 May, 1948, to arrange for the appointment of a Mediator whose functions should include the promotion of a peaceful adjustment of the situation in Palestine. The five Permanent Members of the Security Council, who had been requested by the Assembly to choose the Mediator, unanimously appointed Count Folke Bernadotte of Sweden, on 20 May, 1948.

The resolution of 14 May, 1948, instructed the Mediator to render progress reports to the Security Council and to the Secretary-General for transmission to the members of the United Nations. He was also directed “ to conform in his activities . . . with such instructions as the General Assembly or the Security Council may issue,” and to co-operate with the Truce Commission which had been established by

the Security Council on 23 April, 1948, to assist in supervising the implementation of the cease-fire order issued on 17 April, 1948. Since the General Assembly was not in session during the period when the Mediator was performing his duties, Count Bernadotte received instructions from the Security Council alone; until the submission of his progress report he reported exclusively to the Council on his mediation efforts, the truce supervision, and the refugee problem. Thus the Mediator, in concert with the Truce Commission, was directed by the Security Council to supervise the observance of the four weeks' truce called for by the Council on 29 May, 1948, with the aid of a number of military observers. Later, on 15 July, the Security Council determined that the situation in Palestine constituted a threat to the peace within the meaning of Article 39 of the Charter, ordered the parties concerned to desist from further military action, and directed that the truce should remain in force "until a peaceful adjustment . . . is reached." The Mediator was again instructed to supervise the observance of the truce, and, in addition, the Arabs and Jews were urged to continue conversations with him in order that all points under dispute might be settled peacefully.

To the onerous duties which had thus been imposed upon him the Mediator devoted ceaseless effort. At the time of his assassination a basis for agreement had not been found, but the Mediator was firmly convinced that the problem of Palestine was not insoluble by peaceful means. In his report, furthermore, the Mediator pointed out that the Security Council truce resolutions had been generally respected and had brought an end to organized hostilities in Palestine. He believed, however, that such was the strain on both sides in maintaining the truce under the prevailing tension that "it would be dangerous complacency to take it for granted that with no settlement in sight the truce can be maintained indefinitely." In his opinion the truces had provided a "cooling off" period of relative calm and the time was therefore ripe for a settlement. Accordingly he strongly recommended that the Assembly should now take a firm position on the political aspects of the problem in the light of all the circumstances since its last session, and that its resolution should be so reasonable as to discourage any attempt to thwart it or to defy the Security Council injunction against military action.

While the Mediator did not consider it within his competence to recommend to the United Nations any definite plan for Palestine, he felt it his obvious duty to inform member States of the conclusions which he had reached as a result of his frequent consultation with the Arabs and the Jews. In arriving at these conclusions he was guided by the following basic premises :--

That peace must return to Palestine.

That "a Jewish State called Israel exists in Palestine and there are no sound reasons for assuming that it will not continue to do so."

That boundaries must be fixed by agreement between the parties or by the United Nations, and that the frontier should be continuous in order to adhere to "the principle of geographical homogeneity."

That refugees should have the right of repatriation.

That Jerusalem should be accorded "special and separate treatment."

That international guarantees should be given, particularly with regard to boundaries and human rights.

The Mediator did not consider that it was possible to adhere rigidly to the terms of the 29 November resolution, not because he wished to revise it, but because it had already been "irrevocably revised by the actual facts of recent Palestine history." The substance of his conclusions was as follows:—

That there should be a formal declaration of peace;

That, with regard to boundaries, the Negev should be defined as Arab territory, while the Jews should receive Western Galilee (a reversal of the 29 November resolution);

That the disposition of the Arab parts of Palestine should be left to the Arab States (in consultation with the Palestinian Arabs) with the recommendation that the bulk of Arab territory should be merged with Transjordan, and that frontier guarantees should be given;

That the port of Haifa should be declared a free port, and Lydda airfield a free airport;

That the City of Jerusalem should be placed under effective United Nations control with full rights of unimpeded access to it;

That minority guarantees should be given by both Arabs and Jews; and

That a Conciliation Commission for Palestine should be established to "employ its good offices to make such recommendations to the parties or to the United Nations . . . with a view to ensuring the continuation of the peaceful adjustment of the situation in Palestine" and generally to foster "the cultivation of friendly relations between Arabs and Jews" and supervise "the observance of such boundary, road, railroad, free port, free airport, minority rights and other arrangements as may be decided upon by the United Nations."

Preliminary Discussion in the First Committee

At the first meeting at which the Palestine question was considered the Committee decided, in response to requests which had been received, to admit to participation in its meetings, without the right to vote, representatives of Transjordan and the Provisional Government of

Israel. At a later stage in the discussion considerable controversy took place over a request from the Arab Higher Committee for a similar privilege. The Arab States maintained that the Arab Higher Committee had now become the "all Palestine Government" and their representatives should be admitted under this new title. The majority of delegations, however, disagreed with this view, and Mr Fraser (for *New Zealand*) pointed out that the Arab countries should be satisfied to see admitted representatives of the Arab population of Palestine, and that any question of recognizing the "all Palestine Government" should be avoided. This view was eventually accepted by the Committee.

The general discussion on the report of the Mediator was opened by a statement from Dr Bunche, head of the Trusteeship Division of the United Nations Secretariat, who had been appointed Acting-Mediator after the assassination of Count Bernadotte. Dr Bunche pointed out that the three signal developments which had taken place with regard to Palestine since the termination of the British Mandate had been the proclamation of a Jewish State (which was now "a real and not a paper State"), the forcible opposition of the Arabs, and the intervention of the Security Council which had, in fact, stopped the war. Appealing to the Assembly to take a firm and reasonable position, Dr Bunche said that the two most vital needs were the declaration of a formal peace or armistice so that neither party would again resort to force and the adoption by the Assembly of a resolution dealing with the following fundamental political questions:—

The settlement of boundaries, for which international guarantees should be given ;

A solution to the "knotty problem" of Jerusalem ;

The disposition of the Arab parts of Palestine ;

The problem of guaranteeing the rights of minorities ;

The question of the repatriation and resettlement of Arab refugees ;
and

The provision of machinery which would permit the United Nations to continue to act until all these basic problems had been settled.

No detailed plan was necessary, but the conclusions reached by the Mediator might form the basis for an over-all solution.

Immediately after Dr Bunche's statement the *Lebanese* representative declared that Count Bernadotte's report had been rendered obsolete by his assassination, responsibility for which lay not on the Stern Gang or the Israeli authorities, but on the "Jewish mystique," and made a formal proposal that the consideration of the Mediator's report should be postponed until the Committee had discussed the circumstances surrounding the assassination and allocated responsibility. This proposal, however, was not put to a vote.

A considerable reluctance to participate in the general discussion was noticeable on the part of most delegations at this stage, since neither of the two parties was as yet prepared to express a view on the Mediator's report and the situation in general. In the meantime the discussion of the Greek question intervened and it was some weeks before the Palestine problem was again on the agenda of the First Committee.

The Jewish Position

On the resumption of the discussion, Mr Shertok, representative of *Israel*, made a general statement. Jewish independence, he said, had been restored after nearly nineteen centuries, this restoration being the crux of the Assembly resolution of 29 November, 1947. While appreciating the verdict of the Bernadotte report in favour of the recognition of *Israel*, he attacked it for seeking a further compromise between the 29 November plan, which the Jews had already accepted as a compromise, and the intransigent attitude of the Arabs.

The most startling expression of this trend was the proposal to "rob *Israel* of the entire area of the Negev." The Jews had made it clear that the area of their State as proposed in the resolution of 29 November, 1947, constituted an "irreducible minimum," yet it was now proposed to reduce that minimum by two-thirds—a "catastrophic shrinkage of their extremely limited territory." For the Jewish State the Negev was a "great reservoir of potential development" and the only area where there were land reserves for large-scale colonization. On the other hand, the exclusion of the Negev from the Arab State would hardly effect its population and would not at all prejudice its prosperity. The Arab world was over-endowed with deserts and had exhibited no capacity for putting them to fruitful use. Moreover, *Israel* must have access to the Dead Sea, which was the main source of mineral wealth in Palestine and the exploitation of which had been due to Jewish initiative and capital. Thirdly, *Israel* must be afforded a foothold on the Gulf of Aqaba, which was the "natural outlet for Dead Sea produce" and "*Israel's* gateway to the eastern seas."

With regard to Jerusalem, *Israel* must claim the permanent inclusion in its territories of the modern Jewish City in order to ensure what in the past year the United Nations had failed to achieve—the protection of life and property in that area. *Israel* would have no objection, however, to the internationalization of the old Walled City. To the Mediator's suggestion that Haifa port and Lydda airport should be declared free, Mr Shertok replied that the Government of *Israel* would accept no derogation whatsoever from the sovereignty which it exercised in these areas, but would be prepared to come to an arrangement with the Arab States on a suitable basis of reciprocity. *Israel*

could not accept Western Galilee as a substitute for the Negev. This case should be considered on its intrinsic merits and the whole of Galilee, which was now in the hands of Israel as a result of the successful but costly warding-off of Arab attacks, should remain part of the Jewish State.

There remained the Arab parts of Palestine which the Mediator had proposed should be joined to Transjordan. Israel, however, would prefer to see established an independent Arab State in accordance with the 29 November resolution. Mr Shertok expressed sympathy with the Arab refugees, but pointed out that their present plight was the direct result of Arab resistance to partition; serious thought, he said, should be given to their resettlement in neighbouring Arab territories.

Finally, he favoured the establishment of a Conciliation Commission to initiate peace negotiations, but, before the appointment of this Commission, Israel should be admitted to membership of the United Nations, representing as it did the fulfilment of the Assembly's will.

The Arab Position

The Arab attitude was outlined and defended not only by the representative of the Arab Higher Committee, but also by the delegations of the six Arab States.

The representative of the *Arab Higher Committee* declared that the Mediator's report was based on three main premises: the need to keep the peace, the *de facto* situation, and the partition plan. The Arabs, as "the legitimate owners of Palestine," were more concerned to maintain the peace than any one else, but the Mediator's suggestions rested on the partition scheme, which had set the country ablaze; only when all ideas of partition and of a Jewish State were put aside could there be a good chance of a real peace. No peace was possible while a Jewish State existed, lost as it was in the midst of Arab populations and "faced by a semi-circle of hostile cannon." Arab territory had been invaded under a vague pretext of historic rights and the Arabs would repulse armed force by armed force. There was no foundation for the Mediator's belief that a strongly backed Assembly resolution would not be resisted by force; the Arabs were prepared to accept an Assembly resolution only if the views of the majority in Palestine were not violated and Arab resistance would not be overcome by sanctions.

So far as the Mediator's expectation that the Arabs would accept the *de facto* situation was concerned, any such belief made mediation meaningless. Who would have accepted, for instance, the *de facto* situation created by the Nazi conquest of many European countries?

To sanction the *de facto* situation in Palestine would be tantamount to subscribing to aggression and the principles of the Charter would give way to the principle of the *fait accompli*.

The third basic premise of the Mediator had been the acceptance of partition, but this meant the complete surrender of the Arab position. The Jewish State planned by the United Nations Special Commission on Palestine was to contain a Jewish minority (500,000 Jews against 560,000 Arabs), and the 29 November resolution and the Bernadotte proposals only complicated the situation by making adjustments here and there. The conflict in Palestine was the result of a Jewish desire to subjugate and dominate the Arabs. In such circumstances a defensive war was a sacred duty which the Arabs would carry on if necessary from generation to generation supported by millions of Moslems throughout the world.

Representatives of the *Arab States* then made long statements in which they rejected the arguments of the Israeli representative and criticized the Mediator's conclusions.

Faris El Khoury Bey of *Syria*, taking up Mr Shertok's point that the Arabs had failed to cultivate their deserts, stated that Jewish colonization had been made possible only by the pouring in of millions of dollars from the United States, and asked whether the Japanese would be justified in moving in to Northern Australia simply because there were deserts there. The Jews claimed that Israel needed Galilee for strategic reasons; but would they not if they obtained it then ask for Lebanon for precisely the same reasons.

The representative of *Egypt* said that he was prepared to accept any just and reasonable solution; the partition plan, however, was not workable, and this was the basis of the Mediator's proposals. In addition, the division of Arab Palestine among the Arab States (as suggested by Count Bernadotte) was not in accordance with the intention of the Mandate, which contemplated an independent Palestine. Other *Arab* representatives also found themselves unable to support the Mediator's conclusions on the grounds that they were unjust, illegal, and unworkable. They were unjust because they supported the Jewish claim to a separate State although the Jews possessed no preliminary rights to such a State; they were illegal because there was no provision in international law enabling invaders to establish a State by expelling lawful inhabitants; they were unworkable because they provided for the rule of an Arab majority by a Jewish minority, a situation which the Arabs would not accept.

Views of Other Delegations

After the views of the two parties concerned had been thus presented at some length, other delegates felt themselves free to state their respective positions.

Mr McNeil (*United Kingdom*) opposed any attempt to force the parties to enter into direct peace negotiations with one another, because this would open the way for the imposition of a settlement by the stronger party upon the weaker. In giving the general endorsement of his delegation to the Bernadotte proposals, Mr McNeil claimed that the proposed exchanges of territory would eliminate grave difficulties of communication by creating virtually self-contained units. The Jews would, in fact, be receiving land more valuable economically than their original share. The Negev offered by no means the opportunities seen by Mr Shertok; the Jewish plans for irrigating that area were, under present conditions, impracticable. The logical step for the Assembly to take at this juncture was to endorse the Mediator's proposals and to take the necessary steps to give effect to them. The United Kingdom, therefore, was placing a resolution on these lines before the Committee.

The *United States* position was stated by Dr Jessup, who expressed approval of the Mediator's seven basic premises and indicated general agreement also with his conclusions. Later he introduced several amendments to the United Kingdom resolution which were designed to lay much greater stress on the seeking of agreement by direct negotiations between the parties; the task of delimiting frontiers would be entrusted to the Conciliation Commission on the understanding that, while the claims of Israel to the frontiers set forth in the 29 November resolution were legitimate and could not be modified without its consent, if on the other hand Israel desired other territory, it would be necessary to offer appropriate exchanges acceptable to the Arabs.

The *Australian* representative went further in emphasizing the full validity of the resolution of 29 November and suggested that the proposed Commission of Conciliation should --

(1) Assist and encourage the parties to enter into direct negotiations in order to replace the existing truce by a permanent settlement, which should conform with the principles of the 29 November resolution but at the same time take into account possible changes, including those suggested by the Mediator;

(2) Operate on a long-term basis as an agency for the promotion of good relations between the parties;

(3) Appoint or act as a Boundaries Commission to determine the final boundaries of Israel on the basis of mutual agreement;

(4) If no agreement were reached, report in its discretion with recommendations to the next session of the Assembly;

(5) Co-operate with the Trusteeship Council in order to create the special regime for Jerusalem envisaged by the 29 November resolution;

(6) Assist the parties in adjusting economic problems; and

(7) Co-operate in the long-term settlement or repatriation of Arab refugees.

With these considerations in mind Australia presented a draft resolution which stressed that the 29 November resolution was the "basic starting point of settlement." The resolution also contained a paragraph requesting the Security Council to give sympathetic consideration to Israel's application for admission to the United Nations.

The representative of the *Soviet Union*, supported by other Eastern European States, strongly attacked the Mediator's proposals and the British resolution on the grounds that they were clearly contrary to the Assembly's decision of 29 November and constituted a new attempt to impose a decision on the United Nations "in the interests of the United States and United Kingdom General Staffs and the oil monopolies." The policy of the United Kingdom and the United States was one of self-interest aimed at annexing valuable strategic areas to Transjordan, which every one knew was merely "a puppet of the United Kingdom." The interests of the people of Palestine, on the other hand, required the substantial implementation of the resolution of 29 November. Furthermore, in order to establish peace in Palestine it was necessary to withdraw all foreign armed forces from the territory of Palestine.

The position at the conclusion of the general debate was extremely confused and it was clear that there was as yet no chance of the emergence of a majority view. In addition to the draft resolutions already mentioned, a considerable number of other resolutions and amendments had been introduced. The *New Zealand* representative proposed the establishment of a sub-committee to list the major issues in order to enable the Committee to deal rapidly with the essentials of the problem and to reach, if possible, a unanimous solution. Eventually a working group was appointed to prepare a consolidated list of the various texts presented.

The *New Zealand* representative (Mr Fraser) took the opportunity afforded by the discussion of this list to express the general views of his delegation on the present situation in Palestine. While he agreed that it was eminently desirable that the problem of boundaries should be decided by mutual agreement, there could be no attempt to revise the 29 November resolution, since the fact of the existence of Israel could not be disputed. Further, there appeared to be no possibility of agreement between the parties unless the United Nations recognized its responsibility to induce them, by all possible means, to negotiate. The New Zealand delegation still fully supported the Assembly resolution of 29 November and considered that it should constitute the basis of the work of the proposed Commission, but there was no objection to the Mediator's conclusions being taken into account in subsequent negotiations. The aim of the New Zealand delegation was to see the institution of a real peace, and it was to be hoped that the

two parties would find it possible to enter into negotiations under the supervision of the Conciliation Commission, recognizing the existence of a Jewish State, and with an earnest desire to seek a fair solution.

On the question of the resettlement of Arab refugees, Mr Fraser could not believe that the problem was insoluble, and he urged that all member States should do everything in their power to help these unfortunate people.

In stressing the importance of reaching a unanimous resolution in order to express the Assembly's determination to find a just settlement in Palestine, the New Zealand representative said that none of the drafts now before the Committee expressed exactly its views as a whole, but he hoped that the Committee could decide by a unanimous vote, first, not to depart from the Assembly's decision of 29 November, 1947, and secondly, to take into consideration from the Mediator's report or the subsequent report of the Acting-Mediator anything which would help to meet the requirements of the parties concerned. Finally, he stressed the good will of the New Zealand Government towards both parties and stated that New Zealand considered that once the Arab and Jewish States were established in Palestine all possible assistance should be given to the Arab peoples to enable them to develop their own vast areas.

Discussion of Various Proposals

After the general discussion of the consolidated list, the Committee proceeded to a detailed discussion of all the resolutions and amendments, using, however, the *United Kingdom* draft as a basis for discussion.

There were, at this stage, the following proposals before the Committee :—

(a) A revised *United Kingdom* resolution from which had been removed endorsement of the specific conclusions of the Mediator's report and which laid equal stress on the 29 November resolution and the conclusions of the Mediator. This revised draft was accepted by the *United States*.

(b) *Australian* amendments to this resolution emphasizing the 29 November resolution and the need for direct negotiations (the original Australian resolution having been withdrawn).

(c) *Guatemalan* amendments to the *United Kingdom* resolution on the lines of the Australian amendments, but going further.

(d) A *Colombian* resolution which was an attempt to reconcile the *United Kingdom*, *United States*, and *Australian* positions (subsequently withdrawn except for certain paragraphs on the question of Jerusalem which were moved as amendments to the *United Kingdom* revised resolution).

(e) A *Polish* resolution reaffirming the 29 November resolution as the basis for the settlement of the Palestine problem and instructing the proposed Commission to proceed with its task accordingly. This also was subsequently withdrawn and the substantive parts moved as amendments to the revised United Kingdom draft.

(f) A *Soviet* resolution calling for the withdrawal of all foreign troops and military personnel from Palestine.

(g) A *Syrian* resolution asking the Commission to make recommendations for the establishment of a unitary State in Palestine on a cantonal or federal basis.

(h) A second *Syrian* resolution aimed at requesting an opinion from the International Court of Justice with regard to the powers of the General Assembly on the Palestine question and the international status of Palestine on the termination of the Mandate.

The discussion of and voting on these various resolutions and amendments was particularly complicated. The numerous amendments which had been proposed were all rejected by the Committee with the exception of some (as, for instance, the *Colombian* amendment concerning Jerusalem) which were accepted by the *United Kingdom* and a number of others, or which were withdrawn (as, for instance, an *Australian* amendment regarding the admission of Israel to the United Nations).

New Zealand voted in favour of the *Australian* amendments. On the defeat of these amendments it voted for the various paragraphs of the revised United Kingdom resolution on the grounds that the difference between the United Kingdom and Australian texts was, in practice, more apparent than real (although the latter was clearer and simpler) and that it was vitally necessary for the Assembly to set up the Conciliation Commission. Before the vote, however, Mr Fraser, after analysing the United Kingdom proposal, asked for a clear definition of its purposes. He understood that the Commission would be empowered to call the parties together, to initiate negotiations between them, to assist in promoting agreement by making suggestions and proposals to them, to report to the General Assembly in the event of success, or to make recommendations (regarding boundaries, &c.) to the Assembly in the event of failure, and that it would be a Commission of conciliation with no powers of arbitration. The *United Kingdom* representative in reply gave an assurance that in general this was an accurate definition of the powers accorded to the Commission under the United Kingdom resolution.

When the various paragraphs of the revised United Kingdom resolution were put to the vote, the most important section (dealing with the power of the Commission to consult with the parties and seek a final

settlement of all questions outstanding between them) was rejected by a vote of 23 (N.Z.) in favour with 23 against and 5 abstentions. In view of the rejection of this paragraph the *New Zealand* delegation submitted an amendment replacing the rejected text by a modified form of the original, but this proposal (which required a two-thirds majority) was rejected by 27 votes in favour with 17 against and 8 abstentions. Later, however, a *United States* amendment to another section of the text, instructing the Commission to assist the parties concerned to achieve a final settlement of all questions outstanding between them, was adopted by the Committee.

The *United Kingdom* text was later weakened by the rejection of further important paragraphs, but, even in the circumstances, the resolution as a whole received only 25 votes (N.Z.) in favour with 21 against and 9 abstentions.

Following upon the adoption of this resolution, the Committee rejected by 33 votes (N.Z.) to 7 with 8 abstentions, the *Soviet* draft calling for withdrawal of foreign troops. The *Syrian* proposal for the preparation of plans for a cantonal or federal State was rejected by 26 votes (N.Z.) to 14 with 8 abstentions; and a further *Syrian* proposal for a request to the International Court of Justice for an advisory opinion was also rejected by a vote of 21 in favour 21 (N.Z.) against, with 4 abstentions.

Discussion in Plenary Assembly

It was apparent that the resolution adopted by the First Committee would in its present form have little chance of obtaining the necessary two-thirds majority, since both the Arab States and their sympathizers on the one hand and the Soviet Union and her supporters on the other would vote against it, although for opposite reasons. Accordingly the *New Zealand* delegation joined with the delegations of *Australia, Brazil, Canada, China, Colombia, and France* in proposing certain amendments which would remove some of the features objected to by those who opposed the resolution in Committee. These consisted mainly in the deletion of references to the 29 November resolution and the Mediator's report, which in any case were unnecessary. Many delegations in the Assembly called for the adoption of the resolution as the very least the Assembly could do in the circumstances. For *New Zealand*, Mr Fraser appealed to the Assembly to take the action now contemplated, stating that he earnestly hoped that the resolution would be adopted with as great a majority as possible, thus adding moral force to the decision. He stressed that the sponsors of the amendments to the resolution had no intention of weakening in any way the Assembly resolution of 29

November, and that if any such abrogation were intended New Zealand would certainly not vote for the resolution. The Conciliation Commission could not set aside the Assembly resolution, its task being to explore the possibilities of arriving at a settlement between the parties, to endeavour to achieve peace, and to report on the results of its work to the next session of the Assembly. If the Arabs and Jews did not accept the existing situation and engage in negotiations, forgetting past animosities, the alternative would be the destruction of both peoples.

In replying to charges made by the Soviet Union and her supporters that the United Kingdom and the United States were using Palestine as a pawn in their imperialistic game in the Middle East, Mr Fraser asked these countries to cease their attacks and concentrate all their efforts on reaching the best possible solution of the Palestine problems. After referring to the work done by the United Kingdom as mandatory Power in developing Palestine, Mr Fraser asked all members of the United Nations to do their utmost to help the re-establishment of Arab refugees, and to aid, through the appropriate United Nations agencies, the economic development of the Middle East. The emergence of the State of Israel might then prove to be the beginning of a new era in the Middle East, which with large-scale capital development could support a much greater population. While the resolution as amended would not provide exactly what every member State desired, it would enable the Assembly to produce an agreed decision. If the Assembly adjourned without adopting a plan to bring the parties together, such a failure would be a disgrace to the United Nations.

The resolution as amended was finally adopted by the Assembly by 35 votes (N.Z.) in favour with 15 against and 8 abstentions.

The text of this resolution is as follows:—

“ The General Assembly

“ Having considered further the situation in Palestine,

“ 1. Expresses its deep appreciation of the progress achieved through the good offices of the late United Nations Mediator in promoting a peaceful adjustment of the future situation of Palestine, for which cause he sacrificed his life ; and

“ Extends its thanks to the Acting-Mediator and his staff for their continued efforts and devotion to duty in Palestine ;

“ 2. Establishes a Conciliation Commission consisting of three States members of the United Nations which shall have the following functions :—

“ (a) To assume, in so far as it considers necessary in existing circumstances, the functions given to the United Nations Mediator on Palestine by the resolution of the General Assembly of 14 May, 1948 ;

“(b) To carry out the specific functions and directives given to it by the present resolution and such additional functions and directives as may be given to it by the General Assembly or by the Security Council ;

“(c) To undertake, upon the request of the Security Council, any of the functions now assigned to the United Nations Mediator on Palestine or to the United Nations Truce Commission by resolutions of the Security Council ; upon such request to the Conciliation Commission by the Security Council with respect to all the remaining functions of the United Nations Mediator on Palestine under Security Council resolutions, the office of the Mediator shall be terminated.

“3. A Committee of the Assembly, consisting of China, France, the Union of Soviet Socialist Republics, the United Kingdom and the United States of America shall present, before the end of the first part of the present session of the General Assembly, for the approval of the Assembly a proposal concerning the names of the three States who will constitute the Conciliation Commission.

“4. Requests the Commission to begin its functions at once, with a view to the establishment of contact between the parties themselves and the Commission at the earliest possible date ;

“5. Calls upon the Governments and authorities concerned to extend the scope of the negotiations provided for in the Security Council’s resolution of 16 November, 1948, and to seek agreement by negotiations conducted either with the Conciliation Commission or directly with a view to a final settlement of all questions outstanding between them ;

“6. Instructs the Conciliation Commission to take steps to assist the Governments and authorities concerned to achieve a final settlement of all questions outstanding between them ;

“7. Resolves that the Holy Places including Nazareth, religious buildings and sites in Palestine should be protected and free access to them assured, in accordance with existing rights and historical practice ; that arrangements to this end should be under effective United Nations supervision ; that the United Nations Conciliation Commission, in presenting to the fourth regular session of the General Assembly its detailed proposal for a permanent international regime for the territory of Jerusalem should include recommendations concerning the Holy Places in that territory ; that with regard to the Holy Places in the rest of Palestine the Commission should call upon the political authorities of the areas concerned to give appropriate formal guarantees as to the protection of the Holy Places and access to them ; and that these undertakings should be presented to the General Assembly for approval ;

“8. Resolves that, in view of its association with three world religions, the Jerusalem area including the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis ; the most southern, Bethlehem ; the most western, Ein Karim (including also the built-up area of

Motsa), and the most northern, Shufat, should be accorded special and separate treatment from the rest of Palestine and should be placed under effective United Nations control ;

“ Requests the Security Council to take further steps to ensure the demilitarization of Jerusalem at the earliest possible date ;

“ Instructs the Conciliation Commission to present to the fourth regular session of the General Assembly detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area.

“ The Conciliation Commission is authorized to appoint a United Nations representative who shall co-operate with the local authorities with respect to the interim administration of the Jerusalem area ;

“ 9. Resolves that, pending agreement on more detailed arrangements among the Governments and authorities concerned, the freest possible access to Jerusalem by road, rail or air should be accorded to all inhabitants of Palestine ;

“ Instructs the Conciliation Commission to report immediately to the Security Council, for appropriate action by that organ, any attempt by any party to impede such access.

“ 10. Instructs the Conciliation Commission to seek arrangements among the Governments and authorities concerned which will facilitate the economic development of the area, including arrangements for access to ports and airfields and the use of transportation and communication facilities ;

“ 11. Resolves that the 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 for the property of those choosing not to return and for loss of or damage to property which under principles of international law or in equity, should be made good by the Governments or authorities responsible ;

“ Instructs the Conciliation Commission to facilitate the repatriation, resettlement and economic and social rehabilitation of the refugees and the payment of compensation, and to maintain close relations with the Director of the United Nations Relief for Palestine Refugees and, through him, with the appropriate organs and agencies of the United Nations ;

“ 12. Authorizes the Conciliation Commission to appoint such subsidiary bodies and to employ such technical experts, acting under its authority, as it may find necessary, for the effective discharge of its functions and responsibilities under the present resolution ;

“ The Conciliation Commission will have its official headquarters at Jerusalem. The authorities responsible for maintaining order in Jerusalem will be responsible for taking all measures necessary to ensure the security of the Commission. The Secretary-General will provide a limited number of guards for the protection of the staff and premises of the Commission ;

“ 13. Instructs the Conciliation Commission to render progress reports periodically to the Secretary-General for transmission to the Security Council and to the members of the United Nations ;

“ 14. Calls upon all Governments and authorities concerned to co-operate with the Conciliation Commission and to take all possible steps to assist in the implementation of the present resolution ;

“ 15. Requests the Secretary-General to provide the necessary staff and facilities and to make appropriate arrangements to provide the necessary funds required in carrying out the terms of the present resolution.”

Shortly after the adoption of this resolution the five Permanent Members proposed to the Assembly that *United States, France, and Turkey* should be the members of the Conciliation Commission. This proposal was accepted by 40 votes (N.Z.) to 7 (Eastern European States and Guatemala) with 4 abstentions.

The Problem of the Independence of Korea

United Nations Temporary Commission on Korea

On 14 November, 1947, the General Assembly decided to establish a Temporary Commission for Korea consisting of nine members. The primary function of this Commission was to visit Korea for the purpose of consulting with Korean representatives (who were to be elected under the supervision of the Commission) regarding the “ prompt attainment of the freedom and independence of the Korean people.”

The *Ukraine*, which had been designated as a member of the Commission, declined to take part in its work.

Soon after reaching Korea the Commission approached the Soviet military authorities in Northern Korea and the Soviet Government with a view to proceeding with their task in Northern Korea under the Soviet military occupation as well as in Southern Korea, where the United States military authorities had already placed every facility at their disposal. No reply was received from the Soviet military authorities, and the reply of the Soviet Government was confined to a reminder of the “ negative attitude ” taken by the Soviet Union towards the establishment of the Commission.

As a result of the inability of the Commission to enter Northern Korea for the purpose of implementing its terms of reference, the Commission decided to consult with the newly established Interim Committee of the General Assembly, a procedure which had been envisaged in the resolution of 14 November, 1947. Accordingly the Chairman of the Commission (Mr. K. P. C. Menon) flew to New York on 14 February.

1948, and placed before the Interim Committee the questions on which the Commission had resolved that consultation should take place. These were as follows :—

“ 1. Is it open to or incumbent upon the Commission, under the terms of the General Assembly resolution of 14 November, 1947, and in the light of developments in the situation with respect to Korea since that date, to implement the programme outlined in part B of that resolution in that part of Korea which is occupied by the armed forces of the United States of America ?

“ 2. If not,

(a) Should the Commission observe the election of Korean representatives to take part in the consideration of the Korean question, as outlined in part A of the resolution of 14 November, 1947, provided that it has determined that elections can be held in a free atmosphere? and

(b) Should the Commission consider such other measures as may be possible and advisable with a view to the attainment of its objectives? ”

The Interim Committee after some discussion answered the first question in the affirmative, although it added a rider to the effect that it was hoped that negotiations with other Korean groups—*i.e.*, in Northern Korea—might secure the co-operation of all Koreans in the Government which would eventually be established.

Following this action of the Interim Committee, the Commission decided to proceed with the task of observing the elections, which were held on 10 May, 1948. The main conclusion reached by the Commission from its observation was that—

“ Having taken into account the reports of its observation groups, and the conclusions noted above, and bearing in mind the traditional and historical background of the people of Korea, the results of the ballot of 10 May, 1948, are a valid expression of the free will of the electorate in those parts of Korea which were accessible to the Commission and in which the inhabitants constitute approximately two-thirds of the people of all Korea.”

In the second part of its report the Commission appraised the situation which had developed in the period after the May elections. The Commission came to the conclusion that the representatives elected to the National Assembly had, on the whole, discharged their constitutional responsibilities conscientiously. Further, the Government established by these elected representatives had assumed the functions previously exercised by the United States Military Government in Korea.

All these developments had, however, been “ overshadowed by the grim reality of a divided Korea,” and the Commission stressed that “ for the social, political, and economic well-being of Korea immediate unification is absolutely essential.” Although efforts were made by the Korean leaders to attain this unity, such efforts had failed to achieve

any positive results, and thus, as pointed out by the Commission, the third regular session of the General Assembly was confronted with the following situation : on the one hand in the north was a People's Republic set up arbitrarily by steps which were not under international supervision, whilst, on the other hand, the Government of the Republic of Korea had been established in the south as a result of elections observed by the Commission, and both these regimes claimed sovereignty over the whole of Korea.

The Commission advised that the General Assembly should " remain seized of the problem, seek the full co-operation of all member States, and take such other steps as it may deem fit to bring about the attainment of the national independence and unity of Korea."

Discussions in the First Committee

The Committee first considered the question of the participation in the discussions of representatives of the Korean people as provided for in Part A of the Resolution of 14 November, 1947. It rejected a *Czechoslovak* proposal that the delegation of the " Korean People's Democratic Republic " be allowed to participate by 34 votes (N.Z.) to 6 against (Soviet Union and her supporters) with 8 abstentions. Later, by 39 votes (N.Z.) to 6 against with 1 abstention, the Committee adopted a *Chinese* draft resolution inviting the delegation of the Government of the Republic of Korea to participate without vote in the deliberations of the Committee. The debate which took place during the discussion of this question in effect initiated the general discussion. The *Ukraine* and other Eastern European countries claimed that there was ample evidence, including the testimony of unbiased eye-witnesses, to prove that the Government of Southern Korea had not been freely elected by the inhabitants of the Southern Zone. They quoted from statements made by members of the Commission in the early stages of their visit in an attempt to prove that terror was rampant in South Korea, and that the population lived in continuous fear, with the result that it was impossible to secure free elections. On the other hand, they stated that nearly 99 per cent. of the population of Northern Korea had participated in the elections in that zone and that there could be no doubt, therefore, but that the Government of the People's Democratic Republic of Korea could truly claim to represent the Korean people.

Mr Fraser (*New Zealand*) intervened at this stage to point out that the speakers who favoured the admission of the delegation of the People's Democratic Republic had failed to adduce any concrete evidence to show that it really represented the Korean people. The New Zealand delegation wanted proof that this Government had been elected under fair conditions and was truly representative of the people over whom

it claimed authority. Mr Fraser went on to ask who had supervised the elections in order to ensure that no pressure was brought to bear on the population. If satisfactory evidence were produced proving that the Government was truly representative and if that Government formally accepted the authority of the United Nations and ceased to flout its decisions, then the New Zealand delegation would certainly not oppose the participation in the discussions of Northern Korean representatives.

Mr Malik (*Soviet Union*) immediately made an attempt to satisfy the New Zealand representative's request for concrete evidence which would enable him to support the admission of the Northern Korean delegation. He claimed that in the elections which had taken place in Northern Korea on 25 August, 99.7 per cent. of the electors took part in the vote and that in spite of the obstruction of the United States 77.52 per cent. of the electors in Southern Korea took part in indirect elections of representatives to the Supreme Popular Assembly. The Northern Korean Government could therefore claim to be truly representative of all the Korean people. Southern Korea, on the other hand, was a police State under the control of the United States, and the Commission's documents established the fact that the elections had not been held in a democratic atmosphere, that the results had been falsified, and that the present Government of Korea was not a legal Government.

Mr Manuilsky (*Ukraine*) also attempted to prove that the government of Southern Korea did not represent the free will of the population, and he used freely the testimony which the Commission had collected to demonstrate the anti-democratic character of the regime in Southern Korea.

A statement was then made by Mr Chang, leader of the *Southern Korean* delegation. After referring to the "monstrous division" of Korea by a purely artificial and arbitrary dividing-line, Mr Chang said that the essential facts of the present situation were that the Government of the Republic of Korea had been established as a result of the election of 10 May, 1948, was based on constitutional safeguards of civil liberty and public participation in government, and had the essential bases for economic stability and the maintenance of public peace. In view, however, of the fact that in the north there had been established a "communist dictatorship" under Soviet sponsorship and supported by Russian-trained military forces, he urged that the General Assembly should give its support to the desire of his Government that the United States should retain a small tactical force in Korea to give the necessary moral backing to Korean troops during their training period. Finally, he appealed for the approval by the General Assembly of the South

Korean Government and subsequent widespread recognition by member States, which would immensely hearten those Koreans who were prevented from participating in the elections.

The representatives of the *Slav* countries immediately attacked Mr Chang's statement, claiming that in it every one could hear the "voice of America" and that the United States did not want to hear the true voice of Korea. The United States, they said, had turned Southern Korea into a police State and were working feverishly to keep the Koreans in slavery so that Korea could be used as a spring-board for American imperialist expansion in the Far East and aggression against the Soviet Union. The United States had at the time of the elections displayed their military might in order to intimidate the population into voting for reactionaries, most of whom had collaborated with the Japanese. The Commission was, in their opinion, merely a "subsidiary organ of the State Department" which had set up new hurdles on the road to the establishment of a unified democratic Korea.

The representatives of countries which had served on the Commission denied that the Commission had been anything but an impartial and objective body, and other representatives joined them in declaring that there could be no doubt but that the elections had been carried out in as free and democratic a manner as possible. The *New Zealand* representative, Mr Fraser, pointed out how misleading had been the extracts from Commission documents quoted by the Eastern European countries, which had referred to the early period of the Commission's visit. He quoted from the final reports of the Commission to show how false were the conclusions drawn by these delegates. The United States authorities had done everything in their power to ensure a free atmosphere for the elections and had, in the view of the Commission, succeeded. Mr Fraser saw no reason to doubt the conclusions of the Commission and could not believe that that body would distort the evidence and make decisions not warranted by the facts. But while no evidence had been produced to show that South Korea was a police State or that the United States had ulterior motives, there was equally not a shred of evidence of an objective character to show that Northern Korea was a free and democratic area. The Soviet Union had completely failed to establish its case.

At the close of the general discussion the Committee had before it two draft resolutions.

A *Soviet* resolution condemning the activities of the Commission on the grounds that it was being used as "a cloak for an anti-democratic policy, and the establishment of a reactionary anti-popular regime in Southern Korea," and resolving that it be abolished, was rejected by 6 votes in favour, 42 (N.Z.) against, with 3 abstentions. A joint

resolution sponsored by *Australia, China, and the United States*, which was eventually approved by the Committee and the Assembly (the text is printed below), was aimed, on the other hand, at continuing the Commission in the belief that it would be able to supplement the efforts of the Government of the Republic of Korea and eventually bring about the unification of the country.

Paragraph 2 of the operative part of this resolution had caused some delegations to hesitate, since it appeared, by referring to the "Government of the Republic of Korea," to recognize that Government as the Government of all Korea when, in fact, it was exercising jurisdiction over only the southern part of the territory. The *United States* representative (Mr Dulles) explained, however, that this paragraph had been carefully worded to state only what was indisputably true and did not assert that the present Government was in fact the Government of all Korea nor deny that another regime existed in certain parts of Korea.

The joint resolution was adopted by 41 votes (N.Z.) to 6, with 2 abstentions. A *United States* proposal that the Commission should have the same membership as it had last year was adopted.

When the resolution came before the plenary session, the *Slav* countries again made bitter attacks upon the Commission. Dr Tsiang of *China* and others pointed out, however, that if Northern Korea were truly democratic the Soviet Union should be only too glad to invite the Commission to observe this situation so that the whole world might be acquainted with the fact.

Immediately before the resolution was put to the vote the *Canadian* representative observed that, since the Ukraine had again declined to serve, the Commission would be left with a membership of 8, which was not a convenient number; accordingly Canada wished to withdraw. This amendment was adopted without opposition. The resolution as amended was then adopted by the large majority of 48 votes (N.Z.) to 6 with 1 abstention.

The *Soviet* resolution was reintroduced and was rejected by 6 votes in favour, with 46 (N.Z.) against.

The text of the resolution adopted by the Assembly is as follows:—

"The General Assembly

"Having regard to its Resolution No. 112 of 14 November, 1947, concerning the problem of the independence of Korea;

"Having considered the report of the United Nations Temporary Commission on Korea (hereinafter referred to as the "Temporary Commission"), and the report of the Interim Committee regarding its consultation with the Temporary Commission;

“ Mindful of the fact that due to difficulties referred to in the report of the Temporary Commission, the objectives set forth in the Resolution of 14 November, 1947, have not been fully accomplished ; and in particular that unification of Korea has not yet been achieved ;

“ (1) Approves the conclusions of the reports of the Temporary Commission ;

“ (2) Declares that there has been established a lawful Government (the Government of the Republic of Korea), having effective control and jurisdiction over that part of Korea where the Temporary Commission was able to observe and consult and in which the great majority of the people of all Korea reside ; that this Government is based on elections which were a valid expression of the free will of the electorate of that part of Korea and which were observed by the Temporary Commission ; and that this is the only such Government in Korea ;

“ (3) Recommends that the occupying Powers withdraw their occupation forces from Korea as early as practicable ;

“ (4) Resolves that, as a means to the full accomplishment of the objectives set forth in the resolution of 14 November, 1947, a Commission on Korea consisting of Australia, China, El Salvador, France, India, Philippines and Syria, be established to continue the work of the Temporary Commission and carry out the provisions of the present resolution having in mind the status of the Government of the Republic of Korea as herein defined, and in particular to :

“ (a) Lend its good offices to bring about the unification of Korea and the integration of all Korean security forces in accordance with the principles laid down by the General Assembly in the resolution of 14 November, 1947 ;

“ (b) Seek to facilitate the removal of barriers to economic, social and other friendly intercourse caused by the division of Korea ;

“ (c) Be available for observation and consultation in the further development of representative Government based on the freely expressed will of the people ;

“ (d) Observe the actual withdrawal of the occupying forces and verify the fact of withdrawal when such has occurred ; and for this purpose, if it so desires, request the assistance of military experts of the two occupying Powers ;

“ (5) Decides that the Commission :

“ (a) Shall within thirty days of the adoption of this resolution, proceed to Korea, where it shall maintain its seat ;

“ (b) Shall be regarded as having superseded the Temporary Commission established by the resolution of 14 November, 1947 ;

“ (c) Is authorized to travel, consult and observe throughout Korea ;

“ (d) Shall determine its own procedures ;

“ (e) May consult with the Interim Committee with respect to the discharge of its duties in the light of developments, and within the terms of this resolution ;

“(f) Shall render a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject-matter of this resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for distribution to Members ;

“(6) Requests that the Secretary-General provide the Commission with adequate staff and facilities, including technical advisers as required ; and authorizes the Secretary-General to pay the expenses and per diem of a Representative and an Alternate from each of the States members of the Commission ;

“(7) Calls upon member States concerned, the Government of the Republic of Korea, and all Koreans to afford every assistance and facility to the Commission in the fulfilment of its responsibilities ;

“(8) Calls upon member States to refrain from any acts derogatory to the results achieved and to be achieved by the United Nations in bringing about the complete independence and unity of Korea ;

“(9) Recommends that member States and other nations in establishing their relations with the Government of the Republic of Korea take into consideration the facts set out in paragraph (2) of this resolution.”

VI. AD HOC POLITICAL COMMITTEE

Chairman : General C. P. ROMULO (*Philippines*)

Vice-Chairman : Mr V. PROCHAZKA (*Czechoslovakia*)

Rapporteur : Mr VITERI-LAFRONTE (*Ecuador*)

New Zealand Representatives

Rt Hon. P. FRASER

Mr J. V. WILSON

Mr M. J. C. TEMPLETON

Agenda

The following items were allocated to this Committee :—

(1) Advisability of establishing a Permanent Committee of the Assembly.

(2) Admission of new members.

(3) Voting procedure in the Security Council.

(4) Methods of promoting international co-operation in the political field.

(5) Establishment of a United Nations guard.

(6) Report of the Security Council.

Consideration of items (5) and (6) was deferred until the second part of the third regular session.

Advisability of Establishing a Permanent Committee of the General Assembly

The Assembly resolution of November, 1947, by which the Interim Committee was established, provided that the Committee should report to the third regular session on the advisability of establishing a Permanent Committee. The Interim Committee's report on this subject was accordingly presented by its Rapporteur, Mr Entezam of *Iran*.

Mr Entezam said that in order to form an opinion on this question members should consider firstly whether the Interim Committee had infringed the powers of other organs, as certain delegations had feared it would, and secondly whether it had satisfactorily fulfilled its mandate in the past year. In his view the fear that the Interim Committee would usurp functions of the Security Council had proved unjustified, and, on the other hand, useful work had been done—for instance, on the questions of the veto and of methods of international co-operation. The existence of the Committee had enabled a special session of the Assembly on the Korean question to be dispensed with, and thus more money had been saved than the Committee itself had cost.

The Interim Committee had decided unanimously to ask the Assembly to prolong its mandate, but there had been a difference of opinion as to whether the Committee should be continued for one year, a number of years, or permanently. Accordingly the draft resolution submitted by the Interim Committee did not make any recommendation on this point.

The delegate of the *United States* thought that the Committee might play an important role in assisting the Assembly to complete its work in the allotted time by giving preliminary consideration particularly to political problems. For various reasons, however, it had been unable to do so in the past year, and he thought that until the lines upon which the Assembly was evolving became a little clearer, it would be wiser not to set up a Permanent Committee, but to extend the existence of the Interim Committee for a year at a time.

The *United Kingdom* delegate considered that, although it might also perform useful functions in relation to specific political questions, the Committee's most valuable field of activity was the study of long-term questions such as the veto, international co-operation, and perhaps genocide. The experience of the past year had shown that it was quite possible for the Interim Committee and the Security Council to co-exist without overlapping. His delegation, for reasons outlined in the report, was not in favour of giving the Committee power to deal with economic and social or administrative and budgetary questions.

The delegate of *Poland* (Mr Lange) recalled the reasons why his Government, along with those of other members of the Slav group, had not taken part in the work of the Interim Committee. From the legal point of view, the establishment of a standing committee was

an attempt to transform the Assembly into a permanent organ; this was a violation of Article 20 of the Charter, which provided for regular sessions once a year. Further, the political intention behind the establishment of the Interim Committee was clearly to by-pass the Security Council, and thus to avoid the application of the principle of unanimity—an attempt clearly contrary to the provisions of the Charter. However, it was clear that the Committee had in fact not dealt with any of the main international questions. This was gratifying, for it showed that the attempt to wreck the Security Council was based on a complete lack of realism and was doomed to failure. An examination of the work the Committee had done showed it to have dealt with minor matters only. Its ineffectiveness and its cost were further arguments against its continuation.

These arguments were repeated at length by the Slav delegations. Most speakers, however, considered that the Committee had made a sound, if unspectacular, beginning, and supported its continuation for another year. It was pointed out, moreover, that the usefulness of the Committee would be enhanced if all members of the United Nations were to participate in its work.

There was some discussion as to whether the Interim Committee could properly be granted the right to seek advisory opinions from the International Court of Justice, as it had requested. Article 96 of the Charter provides that in addition to the General Assembly and the Security Council “other organs of the United Nations and specialized agencies” may seek advisory opinions, provided they have been so authorized by the General Assembly. Certain delegations considered that “other organs of the United Nations” could not be held to include subsidiary organs of the Assembly, while others argued that in the absence of further definition these words must be held to include both “principal” and “subsidiary” organs. A *Ukrainian* motion to delete the relevant paragraph was rejected by 14 votes in favour, 27 (N.Z.) against, with 9 abstentions. A motion to refer the question to the Sixth Committee for a legal opinion was also defeated.

The draft resolution submitted by the Interim Committee, completed by the insertion of a provision for the continuance of the Committee until the opening of the next regular session, and with some minor amendments, was adopted by 44 votes (N.Z.) to 6, with 6 abstentions. As amended it read:—

“ Re-establishment of the Interim Committee of the General Assembly

“ The General Assembly,

“ Having taken note of the report submitted to it by the Interim Committee on the advisability of establishing a Permanent Committee of the General Assembly,

“ Affirming that, for the effective performance of the duties specifically conferred upon the General Assembly by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13), and the peaceful adjustment of any situation likely to impair the general welfare or friendly relations among nations (Article 14), it is necessary to continue the Interim Committee for the purpose of considering such matters further and reporting with its conclusions to the General Assembly,

“ Recognizing fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24),

“ Resolves that

“ 1. There shall be re-established for the period between the closing of the present session and the opening of the next regular session of the General Assembly an Interim Committee on which each member of the General Assembly shall have the right to appoint one representative ;

“ 2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties :

“ (a) To consider and report with its conclusions to the General Assembly on such matters as may be referred to it by or under the authority of the General Assembly ;

“ (b) To consider and report, with its conclusions, to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (paragraph 2), 14 or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any member of the United Nations, or by any non-member State under Articles 11 (paragraph 2) or 35, or brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both important and requiring preliminary study. Such determination shall be made by a majority of two-thirds of the members present and voting, unless the matter is one referred to the General Assembly by the Security Council, in which case a simple majority will suffice ;

“ (c) To consider systematically, using as a starting point the recommendations and studies of the Interim Committee contained in document A/605, the further implementation of that part of Article 11 (paragraph 1) relating to the general principles of co-operation in the maintenance of international peace and security, and of that part of Article 13 (paragraph 1 (a)) which deals with the promotion of international co-operation in the political field, and to report with its conclusions to the General Assembly ;

“ (d) To consider, in connection with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly,

and, if it deems that such a session is required, so to advise the Secretary-General in order that he may obtain the views of the members of the United Nations thereon ;

“(e) To conduct investigations and appoint commissions of inquiry within the scope of its duties, as it may deem useful and necessary, provided that decisions to conduct such investigations or inquiries shall be made by a two-thirds majority of the members present and voting. An investigation or inquiry elsewhere than at the headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place ;

“(f) To report to the next regular session of the General Assembly on any changes in its constitution, its duration or its terms of reference which may be considered desirable in the light of experience ;

“3. The Interim Committee is hereby authorized to request advisory opinions of the International Court of Justice on legal questions arising within the scope of its activities ;

“4. In discharging its duties, the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils or to any committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized and which the latter has not submitted to the General Assembly ;

“5. The rules of procedure governing the proceedings of the Interim Committee and such sub-committees and commissions as it may set up shall be those adopted by the Interim Committee on 9 January, 1948, with such changes and additions as the Interim Committee may deem necessary, provided that they are not inconsistent with any provision of this resolution or with any applicable rule of procedure of the General Assembly. The Interim Committee shall be convened by the Secretary-General, in consultation with the Chairman elected during the previous session or the head of his delegation, to meet at the headquarters of the United Nations not later than 31 January, 1949. At the opening meeting, the Chairman elected during the previous session of the Interim Committee, or the head of his delegation, shall preside until the Interim Committee has elected a Chairman. The Interim Committee shall meet as and when it deems necessary for the conduct of its business. No new credentials shall be required for representatives who were duly accredited on the Interim Committee during its previous session ;

“6. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions.”

This resolution was subsequently adopted by the Assembly by 40 votes (N.Z.) to 6, with 1 abstention.

Admission of New Members

The Security Council reported to the Assembly that in April, 1948, it had reconsidered the applications for membership of Albania, Austria, Bulgaria, Finland, Hungary, Ireland, Italy, Mongolian People's Republic, Portugal, Roumania, and Transjordan. A proposal to admit Italy received 9 votes in favour and 2 against. In consequence of the Soviet Union's negative vote, however, the proposal was rejected. Since it appeared that none of the members had changed its view on the remaining applications, the Council decided to adjourn its discussion and report the position to the General Assembly.

In August the Council considered the application of Ceylon. The representatives of the Ukraine and of the Soviet Union cast doubt on Ceylon's independence and sovereignty and proposed that consideration of the application be deferred until sufficient proof of Ceylon's independent statehood was received. This proposal was rejected, and the proposal to admit Ceylon, which received nine affirmative votes, was again rejected as a result of the negative vote of the Soviet Union.

The Assembly had also to consider an Advisory Opinion of the International Court of Justice submitted in accordance with an Assembly resolution of November, 1947, on the question whether a member is juridically entitled to make its consent to the admission of a State to membership dependent on conditions not expressly provided by Article 4, paragraph 1, of the Charter, and in particular on the condition that other States be simultaneously admitted. The answer given by the Advisory Opinion, to which nine¹ of the fifteen Judges subscribed, was "No": the five conditions laid down in Article 4 were exhaustive, and extraneous political considerations—*i.e.*, factors which it was not possible reasonably and in good faith to connect with the Charter conditions—could not be superimposed so as to prevent the admission of a State which fulfilled them. The dissenting Judges reached the opposite conclusion. Article 4 in their view prescribed no more than certain preliminary and essential qualifications and left the question of admission to the good faith and good sense of the Security Council and the General Assembly; members participating in a political decision, such as the admission of new members, were legally entitled to make their consent dependent on any political questions which seemed to them relevant. Judges Alvarez and Azevedo, while concurring in the majority

¹ Judges—Alvarez (Chile), Azevedo (Brazil), Badawi Pasha (Egypt), de Visscher (Belgium), Fabela (Mexico), Guerrero (El Salvador), Hackworth (United States), Hsu (China), and Klaestad (Norway). Two of these, Judges Alvarez and Azevedo, submitted additional individual opinions. A collective dissenting opinion was submitted by four judges (Basdevant of France, Winiarski of Poland, McNair of the United Kingdom, and Read of Canada), while Judge Zoricic of Yugoslavia and Judge Krylov of the Soviet Union submitted individual dissenting opinions.

view that the Charter conditions were exhaustive, both qualified the opinion that extraneous political considerations could not be taken into account¹. Their reservations on this point did not, however, prevent them from subscribing to the Advisory Opinion as a whole.

Opening the debate in the *ad hoc* Political Committee, the delegate of *Australia* presented a series of seven draft resolutions dealing both with the Advisory Opinion and with individual applications for membership. The first of these resolutions recommended that each member of the Security Council and of the General Assembly in exercising its vote on the admission of new members should act in accordance with the Advisory Opinion. Of the remainder five dealt in identical terms with the applications of Finland, Ireland, Italy, Portugal, and Transjordan, each reaffirming the Assembly's previously expressed view that the opposition of one of the permanent members of the Security Council to the admission of the State named was based on grounds not included in Article 4 of the Charter, that the State fulfilled the requirement of Article 4, and that it should, therefore, be admitted to membership; in the light of this view and of the Advisory Opinion the Security Council was called on to reconsider the relevant application. A further resolution in respect of Ceylon differed in wording only in so far as this was a new application.

The *United States* submitted a similar draft resolution in respect of Austria. This resolution recalled that in August, 1947, eight members of the Security Council had supported a resolution recommending the admission of Austria "at such time and under such conditions as the General Assembly might deem appropriate," reiterated the Assembly's opinion that Austria is a peace-loving State, and requested reconsideration of her application in the light of this view and of the Advisory Opinion.

Another draft resolution was submitted by *Belgium* in connection with the applications of Italy and Finland. These applications had been vetoed by the Soviet Union solely because Bulgaria, Hungary, and Roumania were not simultaneously admitted—a reason which, in the opinion of the International Court of Justice, did not entitle the Soviet Union to withhold its consent. Since the fitness for membership of

¹ Judge Alvarez: "Cases may arise in which the admission of a State is liable to disturb the international situation, or at all events the international organization, for instance, if such admission would give a very great influence to certain groups of States, or produce profound divergencies between them. Consequently, even if the conditions of admission are fulfilled by an applicant, admission may be refused. In such cases, the question is no longer a legal one: it becomes a political one and must be regarded as such."

Judge Azevedo: "All political considerations may intervene in determining the judgment of the organs of the United Nations regarding the qualifications laid down in Article 4 of the Charter. Hence, objections that have been raised regarding the protection of the rights of man, the attitude of countries during the last war, the extent of diplomatic relations, &c., may, in principle, justify the rejection of an application."

these two States was not in question, this resolution merely drew attention to the Advisory Opinion of the Court, and asked the Security Council to reconsider the two applications.

The delegation of *Sweden* submitted a draft resolution which noted the Advisory Opinion and asked the Council to consider all pending applications "in the light of the principle of universality, and taking into account the circumstances in each particular case."

The most extreme of the draft resolutions was submitted by *Argentina*, and related to the procedure for effecting admissions. This proposal was based on the premise that "recommendation" in the context of the relevant Charter provision ("admission . . . will be effected by a decision of the General Assembly upon the recommendation of the Security Council") may mean either a favourable or unfavourable recommendation. An affirmative vote of any seven members of the Security Council should, it was submitted, be regarded as constituting a favourable recommendation; further, the Assembly should have the power to override both favourable and unfavourable recommendations.

This resolution, being widest in scope, was considered first. While many delegations applauded its motives, nearly all considered it unconstitutional. There was general agreement that a "recommendation," in this context at least, required a favourable decision of the Council, that such a decision was not procedural, and that therefore the Soviet Union was within its legal rights in insisting on the application of the unanimity rule. The delegate of *France* considered that every member had the right to veto a decision within the limits of the powers assigned to it, provided this power was exercised in good faith and with good reason. The other permanent members of the Security Council, however (China, United Kingdom, and United States), reiterated their willingness to forgo their veto right on applications which received majority approval.

The delegate of *Yugoslavia* said that the Argentine proposal would have the effect of illegally revising the Charter, and that therefore the General Assembly was not competent to adopt it. The *French* delegate, however, pointed out that there was a legal distinction between competence and legality, and a number of delegations felt that it would be unwise by a hasty decision to set a precedent which might be used to limit the Assembly's powers in the future. The *Yugoslav* proposal that the Committee should declare the Assembly not competent to decide on the resolution was rejected by 10 votes in favour, 28 (N.Z.) against, with 11 abstentions. The *Argentine* representative then agreed to withdraw his resolution pending the outcome of the discussions in the Assembly and the Security Council on the question of the admission of new members.

The next proposal to be put to the vote was that of *Australia* recommending members to act in accordance with the Advisory Opinion in voting on applications for admission. In opposing this resolution the delegate of the *Soviet Union* (Mr Vyshinsky) roundly declared that in fact there was no such Advisory Opinion. Since two of the nine members who subscribed to it (Judges Alvarez and Azevedo) had submitted additional opinions expressing a different view on the crucial issue of whether political considerations could be invoked in addition to the legal conditions expressed in the Charter, and since six other Judges dissented from the Opinion, it was really a minority opinion and could not be accepted as a decision of the Court. Eight Judges had denied that there was any contradiction between the legal and political standards involved. This opinion was not merely that of Soviet lawyers; among the eight were eminent jurists representing most of the major legal systems of the world. The Soviet Union went further, indeed, holding that law in the last analysis was nothing but a tool for the implementation of policy; political considerations therefore could not be divorced from strictly legal conditions in deciding important questions like the admission of new members.

A number of delegations pointed out in reply that the Judges were the sole judges of their vote, and nine of them had voted for the conclusions of the majority. From the legal point of view there was therefore no question that the opinion of the majority constituted a judgment of the Court. It was recalled also that the opinions delivered by the Permanent Court had never in practice been disregarded, and the hope was expressed that this, the first Advisory Opinion of the reconstituted Court, would be complied with by the Security Council.

The resolution was adopted by 32 votes (N.Z.) to 11, with 6 abstentions.

Two amendments were introduced during the discussion of the *Swedish* resolution, which came next in the order of voting. A number of delegations had objected to the reference to "the principle of universality," which is not recognized by the Charter. The delegation of *India* therefore introduced an amendment (which was later withdrawn and reintroduced by the *United Kingdom*) substituting for "the principle of universality" the words "the opinion of the International Court of Justice." This amendment was defeated by a tie vote, New Zealand voting in favour. A *Bolivian* amendment deleting the reference to universality in the operative part of the resolution, and inserting instead a clause in the preamble noting "the general sentiment in favour of the universality of the United Nations," was accepted by the *Swedish* delegation. The amended resolution was adopted by 33 votes (N.Z.) to 3 with 8 abstentions.

After the vote the *Soviet Union* representative said that since a recommendation for the reconsideration of all applications had been adopted, there was no need to consider applications individually. He

proposed that the remaining resolutions should not be put to the vote, but this proposal was rejected by a large majority. He then declared that he would oppose the remaining resolutions, which represented "a policy of favouritism," and infringed the prerogatives of the Security Council.

The *Belgian* resolution calling for the reconsideration of the applications of Italy and Finland was adopted by 29 votes to 9 with 12 abstentions. *New Zealand* abstained on this resolution in view of the fact that it intended to vote for the two relevant Australian resolutions which were wider in scope and would make the Belgian resolution superfluous.

The *Australian* resolutions on the applications of Portugal, Transjordan, Italy, Finland, Ireland, and the *United States* resolution on Austria were adopted by the following majorities: Portugal—29 in favour, 6 against, 1 abstention; Transjordan—35 in favour, 6 against, 2 abstentions; Italy—39 in favour, 8 against, 2 abstentions; Finland, Ireland and Austria—41 in favour, 6 against, 2 abstentions. The *New Zealand* delegation voted for all these resolutions, pointing out, in the case of Austria, that the resolution on this application, unlike the others, did not pronounce on Austria's ability to carry out its Charter obligations; New Zealand voted for the resolution on the understanding that this point was left to be considered by the Security Council.

The last resolution to be examined was that recommending the admission of Ceylon. In the general debate the representative of *New Zealand* had pointed out that Ceylon clearly fulfilled the Charter requirements for membership. Any lingering doubts as to Ceylon's independence should have been dispelled by the recent declaration by the Prime Ministers of the British Commonwealth that "Ceylon enjoys the same independent status as those self-governing countries of the British Commonwealth which are members of the United Nations." It was certainly permissible to ask questions about such matters, but it was not permissible to pay no attention to the answers. If the opposition to the admission of Ceylon were to continue indefinitely, it would be not only a reflection on the Commonwealth and on the peoples of Asia, but a manifest infringement of the Charter.

Before the resolution was put to the vote, the Committee acceded to a request made by the representative of *Australia* for a few days delay in order that conversations between representatives of Ceylon and the Soviet Union delegation might be completed. When the subject was resumed, it was decided after some discussion to set up a sub-committee consisting of the Chairman, Poland, and Australia to redraft the resolution in an endeavour to have it passed unanimously. The sub-committee reached agreement on a text which omitted reference to the Soviet Union's opposition in the Security Council and to the Advisory Opinion of the International Court.

This compromise draft did not, however, gain the support of the *Soviet Union* representative, who maintained his view that it was improper for the Assembly to express an opinion on the fitness of individual States for membership. The Soviet Union delegation were studying the information made available to them by the representative of Ceylon, and would give their views when the application was discussed in the Security Council. In the meantime, having voted for the reconsideration of all applications, they would take no part in this "political game," the object of which was to discriminate against certain States. The Soviet Union, therefore, while they proposed to vote against the resolution, did not consider the vote as in any way prejudging Ceylon's case.

The *Polish* representative, "in view of the remarks of the representative of the Soviet Union," withdrew the support he had expressed a few minutes before for the compromise resolution. The *Australian* representative thereupon reverted to his original resolution, which was adopted by 38 votes (N.Z.) to 6 with 6 abstentions.

When this subject came before the Assembly, the representative of *Belgium* proposed that the resolution his delegation had originally submitted be withdrawn. When this was objected to, he announced he would vote against it. The resolution was rejected by 11 votes in favour, 15 (N.Z.) against, with 17 abstentions.

The delegations of *Australia*, *Burma*, *India*, *Pakistan*, and the *Philippines* jointly presented amendments to the resolution on Ceylon which had the effect of reverting to the text agreed on by the sub-committee. No votes were registered against these amendments, but the Slav bloc voted against the amended resolution as a whole.

The texts of the resolutions adopted by the Assembly are as follows :—

Advisory Opinion of the International Court of Justice

"Whereas, pursuant to the provisions of Article 4, paragraph 2, of the Charter, admission to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council, and

"Whereas the International Court of Justice in an advisory opinion of 28 May, 1948, declared that :

"(a) A member of the United Nations which is called upon, in virtue of Article 4 of the Charter, to pronounce itself by its vote, either in the Security Council or in the General Assembly, on the admission of a State to membership in the United Nations, is not juridically entitled to make its consent to the admission dependent on conditions not expressly provided by paragraph 1 of the said Article ; and

"(b) In particular, a member of the Organization cannot, while it recognizes the conditions set forth in that provision to be fulfilled by the State concerned, subject its affirmative vote to the additional condition that other States be admitted to membership in the United Nations together with that state ;

“The General Assembly

“Recommends that each member of the Security Council and of the General Assembly, in exercising its vote on the admission of new members, should act in accordance with the foregoing opinion of the International Court of Justice.”

The resolution was adopted by 32 votes (N.Z.) to 10, with 2 abstentions.

Reconsideration of all Applications

“The General Assembly,

“Having noted the special reports of the Security Council on the question of the admission of new members (A/617 and A/618),

“Having noted the advisory opinion of the International Court of Justice of 28 May, 1948,

“Having noted the general sentiment in favour of the universality of the United Nations,

“Asks the Security Council to reconsider, taking into account the circumstances in each particular case, the applications for membership in the United Nations of the States mentioned in the said special reports.”

The resolution was adopted by 33 votes (N.Z.), with 2 abstentions.

Application of Portugal

“The General Assembly,

“Recalling that nine members of the Security Council, on 18 August, 1947, supported a draft resolution recommending the admission to the United Nations of Portugal, and that no recommendation was made to the General Assembly because of the opposition of one of the permanent members of the Council,

“Recalling resolution 113 (II) D, of 17 November, 1947, requesting the Security Council to reconsider the application of Portugal,

“Noting from the report of the Security Council that, since none of its members has changed its decision with regard to this application, the Security Council has adjourned its discussion on the matter indefinitely,

“Reaffirms its view that the opposition to the application of Portugal was based on grounds not included in Article 4 of the Charter;

“Determines again that Portugal is, in its judgment, a peace-loving State within the meaning of Article 4 of the Charter, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations;

“Requests the Security Council to reconsider the application of Portugal in the light of this determination of the Assembly and of the Advisory Opinion of the International Court of Justice of 28 May, 1948.”

The resolution was adopted by 39 votes (N.Z.) to 6, with 1 abstention.

Applications of Transjordan, Italy, Finland, and Ireland

These four resolutions, identical in form with that relating to Portugal, received respectively 40, 37, 38, and 37 affirmative votes (N.Z.). There were 6 negative votes and 1 abstention on each resolution.

Application of Austria

“The General Assembly,

“Recalling that eight members of the Security Council, in August, 1947, supported a draft resolution recommending the admission to the United Nations of Austria, at such time and under such conditions as the General Assembly might deem appropriate, but that no recommendation was made to the Assembly because of the opposition of one of the permanent members of the Council,

“Recalling resolution 113 (II) H, of 17 November, 1947, requesting the Security Council to reconsider the application of Austria,

“Noting from the report of the Security Council that, since none of its members has changed its decision with regard to this application, the Security Council has adjourned its discussion on the matter indefinitely,

“Reiterates its opinion that Austria is a peace-loving State within the meaning of Article 4 of the Charter, and consequently

“Requests the Security Council to reconsider the application of Austria, in the light of this expression of opinion of the Assembly and of the Advisory Opinion of the International Court of Justice of 28 May, 1948.”

The resolution was adopted by 37 votes (N.Z.) to 6, with 2 abstentions.

Application of Ceylon

“The General Assembly,

“Noting that nine members of the Security Council, on 18 August, 1948, supported a draft resolution recommending the admission to the United Nations of Ceylon,

“Considering that the records of the discussions in the *ad hoc* Political Committee reveal a unanimous opinion that Ceylon is a peace-loving State, is able and willing to carry out the obligations of the Charter, and should therefore be admitted to membership in the United Nations,

“Requests the Security Council to reconsider at the earliest possible moment the application of Ceylon in the light of the present resolution and of the discussions in the *ad hoc* Political Committee.”

The resolution was adopted by 41 votes (N.Z.) to 6.

Problem of Voting in the Security Council

This question was among those referred by the second session of the Assembly to the Interim Committee for study.

The Rapporteur of the Committee (Mr Entezam of *Iran*) presented its report. The Committee made five recommendations ; firstly, that thirty-six possible decisions of the Security Council be regarded as procedural ; secondly, that a further twenty-one possible decisions be adopted by majority vote, whether they are considered procedural or non-procedural ; thirdly, that the permanent members should consult among themselves before a vote is taken in order to minimize the use of the veto ; fourthly, that in agreements conferring functions on the Security Council, provision should be made for the exclusion of the unanimity rule ; fifthly, that the Assembly consider whether or not the time has come to call a general conference to revise the Charter.

A proposal to convoke such a conference was formally made by the delegation of *Argentina*.

The delegations of *China*, *France*, the *United Kingdom*, and the *United States* submitted jointly a draft resolution which incorporated the first, third, and fourth recommendations of the Interim Committee and, with regard to the second, recommended the permanent members of the Security Council to "seek agreement among themselves upon what possible decisions they might forbear to exercise their veto, when seven affirmative votes have already been cast in the Council, giving favourable consideration to the list of such decisions contained in Conclusion 2, Part IV, of the Interim Committee's report."

All four sponsors of the resolution, and a majority of delegations, considered that the time was not ripe for a conference to revise the Charter.

For *New Zealand*, Mr Fraser recalled that at San Francisco his delegation, along with those of a number of other small nations, had opposed the introduction of the unanimity rule into the Charter. They had feared that the retention of that rule might end by paralysing and eventually destroying the Organization, and their fears had been justified by events. He did not share the views of those who protested not against the unanimity rule but against its misuse. It was not enough, for instance, to prohibit the use of atomic bombs ; their existence was a danger in itself. Similarly, the very existence of the veto power endangered the whole Organization, since it put in the hands of the Great Powers a defensive weapon which could be used as an offensive weapon. Originally the veto was intended to protect the Great Powers against the possible tyranny of the smaller powers ; it was comprehensible that

the Great Powers could not be subjected, with regard to the use of their combined military forces, to the vote of countries which were without commensurate responsibilities. But now, despite the failure of the Security Council, which had been turned by the veto into an acrimonious debating society, the Great Powers clung to this right at all costs because they distrusted one another ; the spirit of comradeship and co-operation which had been built up among the Allies during the war years existed no longer. The nations had met at San Francisco to create an Organization that would prevent a new war ; but because the Great Powers in their mutual distrust had refused to submit to an international rule, they had failed in the mission which had been entrusted to them.

The New Zealand delegation accordingly would support any resolution which offered hope of progress in solving the veto problem. The proposals of the Interim Committee embodied in the joint resolution were a finger-post, a step in the right direction, but did not get to grips with the main question. However, it was a welcome sign that four of the Great Powers recognized that the situation could not remain as it was. His delegation would vote for the joint resolution and also for the Argentinian proposal for a special conference to revise the Charter.

It had been argued that a special conference would be premature, and would only increase ill will. But could there be greater ill will than at present ? It was true that it was better to have discussions than battles ; that explosive words were preferable to atom bombs exploding on the world. But that was not enough. The United Nations was created with the constructive aim of enabling nations to live in peace and of bringing to the entire world the benefits of progress and civilization. If the world remained hagridden with fear, we must call a halt to progress, but if we could make the world a fit place for human beings to live in, it would be a small thing for the largest or most suspicious nation to agree to march with the majority.

Mr Vyshinsky (*Soviet Union*) denied that his country had used its power of veto as a " weapon of aggression " or an instrument of national policy ; that power had been used only as a result of " antidemocratic and aggressive tendencies " in the Security Council. As President Roosevelt had said, the unanimity rule was essential for the success of the United Nations. It was too often overlooked that the United Nations was not a world Government, and that it was not possible to impose on members of such an organization the voting procedure and working methods of national Parliaments.

The report of the Interim Committee and the joint resolution revealed a formalistic tendency which was as ineffectual as it was dangerous.

It was impossible to establish in advance a list of questions which should be considered procedural. Accordingly the Soviet Union delegation presented its own resolution, which read: —

“ The General Assembly

“ 1. Deems it of particular importance that all member States should strive further to strengthen the authority of the United Nations in accordance with the lofty principles of the Charter, which has been recognized by all peace-loving nations.

“ 2. Considering it particularly important that the nations, great and small, should combine their efforts for the development among them of friendly relations and for the strengthening of international peace and security, calls upon the United Nations to widen international co-operation on the above basis, avoiding unnecessary regulation and formalism in the activity of its organs and promoting the development of practical achievements in political, economic and cultural co-operation between nations.

“ 3. Taking into consideration that the principle of unanimity of the permanent members of the Security Council in the adoption of decisions by the Council is a most important condition for ensuring effective action by the United Nations in developing co-operation between nations and in maintaining international peace and security, expresses confidence that in the future the Security Council will accordingly take account of the experience of its work in the past, will apply the method of consultation where necessary, and will seek to improve the possibility of adopting concerted decisions.”

The *Australian* delegate (Colonel Hodgson) recalled that at San Francisco Dr Evatt had made strenuous efforts to have the unanimity rule confined to that part of the Charter which dealt with enforcement action (Chapter VII) and that at the previous session two of the permanent members (China and the United States) had supported that principle. Accordingly he proposed that a further paragraph be inserted in the joint resolution requesting the permanent members of the Security Council “ to forbear from exercising the power of veto except in cases under Chapter VII of the Charter.” The *United States* representative (Mr Cohen) stated that this amendment ignored the condition of agreement among the permanent members which was the very basis of the joint resolution, and *China*, *France*, and the *United Kingdom* joined in opposing it. The amendment was rejected by 9 votes (N.Z.) in favour, 22 against, with 10 abstentions.

The joint draft resolution of *China*, *France*, the *United Kingdom*, and the *United States* was adopted by 33 votes (N.Z.) to 6, with 4 abstentions.

The *Argentinian* draft resolution was rejected by 12 votes (N.Z.) in favour, 22 against, with 10 abstentions.

Before the *Soviet Union* draft resolution was put to the vote, Sir Alexander Cadogan (*United Kingdom*) said that while it was in many respects an admirable resolution, its contents were covered by the resolution which had just been adopted. It would therefore be illogical to put it to the vote, and if it were so put he would vote against it.

When Mr Malik (*Soviet Union*) objected that his delegation's resolution was radically different from the joint resolution, Sir Alexander pointed out that it would be equally illogical to adopt a resolution which conflicted with one already adopted. The draft resolution was rejected by 6 votes in favour, 23 (N.Z.) against, with 9 abstentions.

The General Assembly was unable, owing to pressure of business in the concluding days of the Paris meeting, to consider this item in plenary session. It will therefore take up at the second part of the session the resolution adopted by the Committee, which read :—

“ The General Assembly

“ Having considered the report of its Interim Committee upon the problem of voting in the Security Council, and

“ Exercising the authority conferred upon it by Article 10 of the Charter to discuss any question within the scope of the Charter or relating to the functions of any organ of the United Nations and to make recommendations to the members of the United Nations and to the Security Council thereon,

“ 1. Recommends to the members of the Security Council that, without prejudice to any other decisions which the Security Council may deem procedural the decisions set forth in the attached Annex¹ be deemed procedural and that the members of the Security Council conduct their business accordingly.

“ 2. Recommends to the permanent members of the Security Council that they seek agreement among themselves upon what possible decisions by the Security Council they might forbear to exercise their veto, when seven affirmative votes have already been cast in the Council giving favourable consideration to the list of such decisions contained in Conclusion 2, Part IV, of the Interim Committee's report.

“ 3. Recommends to the permanent members of the Security Council, in order to avoid impairment of the usefulness and prestige of the Security Council through excessive use of the veto,

“ (a) To consult together wherever feasible upon important decisions to be taken by the Security Council.

“ (b) To consult together wherever feasible before a vote is taken if their unanimity is essential to effective action by the Security Council.

“ (c) If there is not unanimity, to exercise the veto only when they consider the question of vital importance, taking into account the interest of the United Nations as a whole, and to state upon what ground they consider this condition to be present.

“ 4. Recommends to the members of the United Nations that in agreements conferring functions on the Security Council such conditions of voting within this body be provided as would to the greatest extent feasible exclude the application of the rule of unanimity of the permanent members.”

¹ Not printed. These decisions may be found by reference to Part 4, Conclusion 1, and Part 2 of the report of the Interim Committee (General Assembly Official Records : Third Session, Supplement No. 10, Document A/578).

Study of Methods for the Promotion of International Co-operation in the Political Field

One of the tasks given to the Interim Committee by the General Assembly was to draw up a report on possible methods of giving effect to the articles in the Charter which deal with the general principles of co-operation in the maintenance of international peace and security.¹

In presenting the report of the Committee, its Rapporteur (Mr Entezam of *Iran*) said that recommendations had not been submitted in respect of all the proposals that had been put forward. Some of these proposals were very wide in scope and required long-term study. A Lebanese proposal for the creation of a permanent Committee of Conciliation, and an Ecuadorian proposal designed to minimize the application of the domestic application clause (Article 2, paragraph 7) of the Charter, were among those which, in the view of the Committee, came under this category. The Committee, however, presented recommendations based on three proposals which had been submitted to it.

The first of these was a Belgian proposal to revive the General Act of 26 September, 1928, for the pacific settlement of international disputes. Adoption of this proposal would not imply approval or disapproval by the Assembly of the substantive provisions of the Act. By agreeing that United Nations organs (including the International Court of Justice) would assume the functions of the League of Nations and the Permanent Court of International Justice under the Act, and by providing for this in a protocol open for accession, the Assembly would merely make it possible for States, if they so wished, to restore the efficacy of the Act.

The second proposal was one put forward by the United Kingdom, to which Iran had submitted certain amendments. This proposal derived from the practice initiated in the League of Nations whereby cases were presented to the Council by a rapporteur who had also the function of conciliator—a practice which allowed private conversations to be held among the parties and the rapporteur and avoided the premature crystallization of views which often results from public debate. The United Kingdom proposed, therefore, that the Assembly should recommend to the Security Council a similar procedure; when a dispute came before the Council the parties should attempt first of all to agree on a rapporteur-conciliator (who might be the President or any other representative on the Council) to seek a basis for settling

¹ Article 11, paragraph 1: "The General Assembly may consider the general principles of co-operation in the maintenance of international peace and security, including the principles governing disarmament and the regulation of armaments, and may make recommendations with regard to such principles to the members or to the Security Council or to both."

Article 13, paragraph 1 (a): "The General Assembly shall initiate studies and make recommendations for the purpose of (a) promoting international co-operation in the political field and encouraging the progressive development of international law and its codification."

the dispute "out of Court" before the Council itself took action. They also proposed amendments to the rules of procedure of the General Assembly which would give the President of the Assembly the function of superintending "the process of agreement and conciliation," in furtherance of which he might appoint a rapporteur-conciliator accepted by the parties.

The third proposal taken up by the Committee was submitted jointly by China and the United States. It provided for the establishment of a "panel for inquiry and mediation" composed of highly qualified persons designated by member States, from which members of commissions of inquiry and conciliation might be selected.

The work done by the Interim Committee was well spoken of by the majority of delegations. It was attacked, however, by the *Soviet Union* representative (Mr Tsarapkin), who said the Committee had presented a series of subtle methods of settling international disputes in circumvention of the unanimity rule. The General Act of 1928 was a "useless document," as was proved by the fact that only two of the permanent members of the Security Council one Latin American country, and one country from the Near, Middle, and Far East had adhered to it. It would be impossible to find genuinely impartial persons to serve on the proposed court of arbitration, which would serve as a political tool for States in a position to command a majority of votes on it. The other proposals likewise had the common aim of weakening the Security Council, on which the Charter conferred the primary responsibility for examining and settling disputes.

The representative of *New Zealand*, while paying tribute to the work already accomplished by the Interim Committee and desiring its continuation, doubted the wisdom of adopting forthwith the draft resolutions submitted in the Committee's report. This was not one of the class of questions requiring urgent decision, and opportunity should be given to Governments to consider it more fully than had so far been possible.

The experience of the League contained an element of useful warning; there was sometimes at Geneva too great an eagerness to elaborate extra-Covenant procedures, the effect of which was to divert attention from the paramount necessity of fulfilling the Covenant itself. The Assembly should therefore ensure that every resolution it adopted corresponded to a real need and reinforced the Charter.

The draft resolution concerning the General Act, for instance, did raise the question, to use its own words, what was the "original efficacy" of the Act. The proposed amendments to the rules of procedure were apparently unexceptionable, but were they really necessary? The Assembly had already shown that it was capable, without any amendment of its rules, of charging its President with important conciliatory tasks. Lastly, the proposal to establish a panel of conciliators deserved further examination in the light of experience. Lists of conciliators

had been kept by the Secretariat of the League under various conciliation treaties, but their services had not been greatly availed of. It was open to question to what extent there could be found a class of persons generally useful for conciliation purposes without reference to a particular situation.

It was felt, therefore, that it might be valuable to have a clearer view of the whole field before resolutions were adopted by the Assembly. To this end the New Zealand delegation proposed that the specific proposals of the Committee should be referred to the fourth session, and that the Committee should continue in the meantime with its long-term programme of work.

The *United Kingdom* representative saw no objection to the postponement of consideration of the proposed amendments to the rules of procedure, and the representative of *Belgium* agreed with the view that the proposal for a panel of conciliators required further study. There was little support, however, for the New Zealand proposal to defer consideration of all the resolutions, and it was consequently not pressed to a vote. A *United Kingdom* proposal to refer the draft amendments to the second part of the third session was adopted by 25 votes (N.Z.) to 4, with 2 abstentions, and a *Belgian* proposal similarly to defer consideration of the draft resolution which would establish a panel of conciliators was adopted by 18 votes (N.Z.) to 7, with 13 abstentions.

The draft resolution concerning the General Act of 1928 was adopted by 32 votes to 6, with 2 abstentions (N.Z.).

It read:—

“ The General Assembly,

“ Mindful of its responsibilities, under Article 13 (paragraph 1 (a)), and 11 (paragraph 1), of the Charter, to promote international co-operation in the political field and to make recommendations with regard to the general principles of the maintenance of international peace and security; and

“ Whereas the efficacy of the General Act of 26 September, 1928, for the pacific settlement of international disputes is impaired by the fact that the organs of the League of Nations and the Permanent Court of International Justice to which it refers have now disappeared;

“ Whereas the amendments hereafter mentioned¹ are of a nature to restore to the General Act its original efficacy;

“ Whereas these amendments will only apply as between States having acceded to the General Act as thus amended, and, as a consequence, will not affect the rights of such States, parties to the Act as established on 26 September, 1928, as should claim to invoke it in so far as it might still be operative,

“ Instructs the Secretary-General to prepare a revised text of the General Act, including the amendments mentioned hereafter, and to hold it open to accession by States, under the title ‘ Revised General Act for the Pacific Settlement of International Disputes ’ ”

¹ Not printed. See Annex 2 to the report of the Interim Committee (General Assembly Official Records: Third Session, Supplement No. 10, Document A/605).

The draft resolution recommending the appointment of a rapporteur or conciliator for a situation or dispute brought to the attention of the Security Council was adopted by 31 votes to 6, with 4 abstentions (N.Z.). It read :—

“ The General Assembly,

“ Mindful of its responsibilities under Articles 13 (paragraph 1 (a)) and 11 (paragraph 1) of the Charter, to promote international co-operation in the political field and to make recommendations with regard to the general principles of the maintenance of international peace and security ; and in discharge of its functions under Article 10 of the Charter ;

“ Noting the experience of the League of Nations, which it has caused to be studied, whereby cases were presented to the Council of the League of Nations by a rapporteur who had the function of a conciliator, and that this practice allowed private conversations among the parties and the rapporteur and avoided the crystallization of views that tend to result from taking a stated public position ;

“ Noting that the Security Council has already made use of a similar procedure, and

“ Deeming it desirable that such a practice be developed in the Security Council as an integral part of the system of pacific settlement and also as a means for the better preparation of cases presented to the Security Council,

“ Recommends that the Security Council examine the utility and desirability of adopting the following practice :

“ After a situation or dispute has been brought to the attention of representatives on the Security Council in accordance with rule 6 of the provisional rules of procedure of the Security Council and not later than immediately after the opening statements on behalf of the parties concerned :

“ (a) The parties shall be invited to meet with the President of the Security Council ;

“ (b) They shall attempt to agree upon a representative on the Security Council to act as rapporteur or conciliator for the case. The representative so agreed upon may be the President or any other representative on the Council who will thereupon be appointed by the President to undertake the function of rapporteur or conciliator. The President shall inform the Security Council whether a rapporteur or conciliator has been appointed ;

“ (c) If a rapporteur or conciliator is appointed, it would be desirable for the Security Council to abstain from further action on the case for a reasonable interval during which actual efforts at conciliation are in progress ;

“ (d) The rapporteur or conciliator so agreed upon and appointed shall attempt to conciliate the situation or dispute, and shall in due course report to the Security Council.”

The General Assembly was not able to consider these resolutions in plenary session before the date set for the termination of the first part of the third session. They will therefore come before the second part of the session for final approval.

VII. SECOND COMMITTEE : ECONOMIC AND FINANCIAL QUESTIONS

Chairman : Mr H. SANTA CRUZ (*Chile*)

Vice-Chairman : Mr V. P. SMOLIAR (*Byelorussia*)

Rapporteur : Mr FINN MOE (*Norway*)

New Zealand Representatives

Mr J. THORN

Dr W. B. SUTCH

Miss H. N. HAMPTON

Agenda

The Second Committee was allocated the following items :—

1. Chapter II of the report of the Economic and Social Council.
2. Discriminations practised by certain States in international trade obstructing normal development of trade relations and contrary to the purposes and principles of the United Nations Charter.
3. Problem of wasting food in certain countries.

Chapter II of the Report of the Economic and Social Council

During the discussion of this section of the Economic and Social Council report, general satisfaction was expressed with the achievements of the Council in the economic field, particularly in the practical tasks which its regional economic commissions were performing. Some representatives, however, criticized the Council's lack of executive authority and declared that it had provided members with no material or assistance of immediate practical value. The *United States* delegate referred to the possibility of finding, through frank discussion, common international agreement on economic matters, mentioning particularly the Havana meetings and the International Trade Charter. Representatives of *Venezuela*, *Argentina*, and *Brazil* spoke of the need for development of national resources, which would immediately allow higher standards of living.

The *Soviet* delegate considered that the Economic and Social Council had concentrated too much on technical and research problems instead of upon the immediate need for agricultural and industrial development. In addition, the policies of agencies such as the International Trade Organization, the International Bank, and the International Monetary Fund were all dominated by metropolitan Powers, which were concerned to ensure maintenance of markets for their own industrial production.

Delegates of the *Soviet Union*, *Byelorussia*, and *Poland* criticized the Marshall Plan, which, they declared, had the effect of subordinating the economy of Europe to that of the United States : the sixteen countries

receiving Marshall Aid had not only made themselves markets for American produce, but had signed agreements abandoning to the United States their own sovereign, economic, and financial rights. Participation in the European Recovery Programme was separating Western from Eastern Europe, thus creating two camps on the Continent. Moreover, contrary to all allied agreements, the Western Powers were deliberately pursuing a policy of strengthening Germany and restoring German heavy industry.

The delegates of *Byelorussia, France, the Netherlands, and Poland* made detailed reference to Western Union. The *Netherlands* delegate stated that countries participating in the Marshall Plan regarded it as their five-year plan to overcome war devastation. Western Union was the reaction of the countries of Western Europe to fear of Soviet expansion.

The *New Zealand* delegate spoke of the work already achieved by the Council in providing reference papers of use to all countries, but suggested that future surveys should be analytical rather than descriptive. He referred also to the heavy tasks ahead of the Council's regional commissions, which could accomplish much of practical value in their own areas.

However, the most important problem was still how to maintain the present world state of high economic activity and employment. This matter should in the first place be discussed by the Economic and Employment Commission, which should be strengthened and given sufficient responsibility and authority to carry out this most important task. At the same time further thought should be given to determining the relationship between this and other functional commissions of the Council and its regional commissions.

At the conclusion of the general debate, resolutions were placed before the Committee on the following subjects :-

- (1) Reports on world investment and fiscal policies—*Peru*.
- (2) Economic development of less developed areas and immigration—*Ecuador* and *Colombia*.
- (3) Economic co-operation among under-developed countries and training of technical workers—*Haiti*.
- (4) Technical assistance for economic development—*Burma, Chile, Egypt, Peru*.
- (5) Need for collective efforts to improve economic conditions—*Iraq*.
- (6) Co-ordination of migration activities—*Peru*.

As resolutions (2) and (6) also concerned Committee III, they were referred for consideration by the joint Second and Third Committee.

The Committee discussed the *Peruvian* draft resolution (1), members generally agreeing that additional information on investment trends and fiscal policies would be of assistance, but as the Secretary-General was already covering most of the field in his economic reports, and the Fiscal Commission would also be meeting early in 1949, it was felt that a separate resolution should not be passed on this subject.

Economic Development of Under-developed Countries

In speaking to his proposal the *Iraqi* delegate referred to the meagre assistance given under-developed areas in comparison with the assistance given to particular war-devastated areas. He considered that the International Bank had discriminated in this matter.

The *New Zealand* delegate spoke of the development activities already undertaken by the Economic and Social Council, particularly through its regional commissions. The *United States* delegate said that, regardless of outside assistance, in any country seeking development, the major impetus must come from domestic sources, as also must a proportion of the capital required.

During discussion of his resolution the *Haitian* delegate accepted amendments proposed by the delegate of the Ukraine. The resulting proposal directed the Secretary-General to include in his 1949 Budget funds to provide training for apprentices from countries suffering from lack of technicians.

At this stage the Committee appointed a drafting sub-committee¹ to consider the resolutions submitted by *Iraq* and *Haiti* and amendments thereto, together with a *Norwegian* proposal to refer their subject-matter to the Economic and Social Council. Dr W. B. Sutch (*New Zealand*) was elected Chairman of the sub-committee, to which he submitted a draft resolution embodying the general proposals for promoting economic development referred to the sub-committee. This draft was only slightly amended in the sub-committee, and was accepted by the Committee. Its operative section calls upon the Economic and Social Council to report to the next General Assembly on measures already devised by it and by the specialized agencies, and proposals for other measures to promote economic development and raise the standard of living of under-developed countries. The representative of *Iraq* submitted an amendment in the form of an additional paragraph endorsing Resolution 167 (VII) of the Economic and Social Council recommending that the International Bank for Reconstruction and Development facilitate the making of development loans, and this additional paragraph also was accepted by the Committee.

¹ Czechoslovakia, Haiti, Iraq, India, Mexico, New Zealand, the Netherlands, Norway, Peru, Ukraine.

The sub-committee also submitted to the Committee a draft resolution calling upon the Economic and Social Council to expedite consideration of the establishment of an Economic Commission for the Middle East, and this resolution was accepted without alteration.

In the Assembly the resolution regarding economic development was adopted unanimously, and that regarding the Middle East Commission by 52 votes with 1 abstention.

Technical Assistance for Economic Development

The delegates of *Burma, Chile, Egypt, and Peru* jointly submitted a draft resolution calling upon the Assembly to authorize the Secretary-General to—

- (a) Provide teams of experts from the United Nations and specialized agencies to advise on economic development programmes ;
- (b) Arrange facilities for the training of experts from under-developed countries through the provision of fellowships for study abroad ;
- (c) Provide necessary equipment for the local training of technicians ;
- (d) Assist Governments to obtain technical personnel, equipment, and supplies.

At the same time the delegate for *Haiti* submitted a draft resolution calling upon the International Labour Organization to examine urgently ways and means of training apprentices and technical workers from countries lacking technicians.

During the discussion of these draft resolutions members spoke of the need for assistance in the development of industrially backward countries. At the request of the *United States* delegate the Secretary-General outlined a number of activities similar to those contemplated in the joint resolution and in which the United Nations had already engaged. These included the organization and financing of teams of experts, provision of facilities for technical training, and organization of international conferences.

At the conclusion of the discussion the Committee appointed a ten-member¹ sub-committee to revise the two resolutions. The sub-committee adopted two draft resolutions, the operative portions of which corresponded to the provisions of the original drafts.

The sub-committee also presented a recommendation that sufficient money should be allocated to permit the despatch to under-developed areas of as many missions, and the provision of as many fellowships as possible, as well as to initiate the other activities included in the resolution.

¹ Australia, Belgium, Brazil, Burma, Byelorussia, Chile, Norway, Peru, Poland, and Syria.

This recommendation was accepted by the Committee for incorporation in its report to the Assembly, with an amendment providing for the despatch of three missions instead of "as many as possible." The *New Zealand* delegation abstained from voting on this recommendation, considering that it should be left to the Fifth Committee to determine what sums in the budget should be allocated to this purpose, and therefore the extent to which the programme could be embarked upon in the coming year.

The resolution on technical assistance was adopted by 47 votes (N.Z.) with 6 abstentions; that regarding training of apprentices by 45 votes (N.Z.) to 2 with 6 abstentions. This matter was discussed at some length by the Fifth Committee (q.v.). In the General Assembly the resolutions were adopted.

*Discriminations Practised by Certain States in International Trade
Obstructing Normal Development of Trade Relations and Contrary to
the Purposes and Principles of the United Nations Charter*

Opening the discussion on this subject the delegate of *Poland* referred to the inequality among countries not only in their present economic development, but also in their ability to secure supplies and equipment necessary for development. He spoke of trade discrimination practised by certain countries solely for political reasons, citing as an example the policy of the United States in restricting exports to countries of Eastern Europe. He then introduced a draft resolution, the operative portion of which called upon members of the United Nations to eschew economic discrimination "designed to apply sanctions . . . or to influence domestic or foreign policy," and upon the Economic and Social Council and other United Nations organs to regard the substance of the resolution as one of their basic principles.

Replying to the Polish statement, the *United States* delegate referred to his country's participation in the United Nations Trade Conference and in its subsequent Charter, which was founded upon the principle of non-discrimination and which twenty-two countries had already signed. In the present world production shortage, the United States was confronted with the problem of allocating goods in short supply---not only among foreign claimants, but between domestic and foreign buyers. Furthermore, in the interests of national security all Governments were entitled to restrict the export of goods capable of military use. The representative of *France* outlined the principles of non-discrimination in trade which had been incorporated in the Charter of the proposed United Nations Trade Organization, and introduced a resolution calling upon member States to follow these principles.

The representatives of *Czechoslovakia* and of the *Soviet Union* spoke in support of the Polish resolution, observing that under present trading conditions the basic form of economic agreement was, and should remain, bilateral agreement.

The representative of *Argentina* stated that, while he could not support the Polish resolution, which involved criticism of the domestic conduct of a member State, he could not support the French resolution either. His country had not signed the Havana Charter, and he considered other non-signatory countries would similarly not wish to bind themselves to its principles.

The representative of *China* then proposed a draft resolution referring the question of trade discrimination to the Economic and Social Council. This proposal met with little acceptance, Committee members pointing out that the matter had already been considered in great detail by the Trade Conferences at Geneva and Havana, which had evolved the principles now supported by the French resolution.

The representatives of *Syria*, *Norway*, *Denmark*, and *Belgium* proposed that no action be taken on the item, and jointly submitted a resolution to this effect. This resolution was the first to be voted upon and was adopted by the Committee by 28 votes to 6 with 13 abstentions. The *New Zealand* delegation, which was among those which abstained, had intended to vote for the French resolution.

In plenary session the *Polish* delegate reintroduced his resolution, explaining that Committee II should have voted either for or against it. It was procedurally incorrect to decide to take no action on an agenda item submitted to a Committee. The *United States* delegate declared that, though the words of the resolution were mild, it was aimed politically at his country. When put to the vote, the resolution was heavily defeated.

The Problem of Wasting Food in Certain Countries

In introducing this subject the representative of *Poland* referred to the action already taken by the United Nations, and particularly by the Economic and Social Council, in connection with the long-term problem of increasing the world food-supply. Nevertheless, the immediate problem remained and the shortage was accentuated by uneconomic utilization of foodstuffs. Methods of marketing and transport, of combating plant and animal diseases, needed improvement; in many countries, moreover, the system of land tenure hindered production. The problem could be largely solved by the mechanization of primary production, which under-developed and war-devastated countries should

be assisted to achieve. He therefore submitted a draft resolution which called upon the Economic and Social Council to give special consideration to the means by which these objectives might be realized.

The *Cuban* delegate stressed the social problem of ensuring that food-supplies were available to all persons in a community. To this end he considered Governments should abolish or, at any rate, reduce taxes on foodstuffs, particularly on essential elements of human diet. He introduced a resolution incorporating this view and requesting the Economic and Social Council, in co-operation with the specialized agencies, to submit to the next General Assembly proposals for raising general standards of nutrition.

After the representative of the Food and Agriculture Organization had outlined the measures which his and other specialized agencies had taken under the general direction of the Economic and Social Council, several representatives expressed the view that these bodies should be left to continue their existing programmes. However, the majority of the Committee considered that some action was required of the Assembly.

The Committee experienced some difficulty in framing a generally acceptable resolution as a result of the different reasons given for the current food crisis—*e.g.*, excessive consumption taxes; obsolete land tenure; inequitable distribution of national income and ownership; the activities of merchants and speculators; unstable prices for primary products; the inadequacy of storage and marketing facilities; and the difficulty which underdeveloped countries experience in securing sufficient financial assistance to embark upon large-scale mechanization of industry, both primary and secondary. In addition, some members, notably the representative of *Argentina*, stated that countries exporting primary produce could not be expected to enter into commitments to limit agricultural prices so long as industrial countries remained free to determine the prices of manufactured goods.

An informal committee was set up to draft a resolution acceptable to those who had moved resolutions or amendments. The resulting resolution was not in all its paragraphs acceptable to *New Zealand* or to the *United Kingdom*, who were members of the drafting committee. Finally, the Committee by 22 votes to 7 (including *Australia*, *Canada*, *New Zealand*, the *United Kingdom*, and the *United States*), with 11 abstentions, adopted a resolution which recited the various factors contributing to the world food shortage and asked member States to attempt to avoid food losses arising from wastage or other causes and to eliminate unreasonable profits of middlemen and speculators; the Economic and Social Council, together with the Food and Agriculture

Organization and other specialized agencies, was called on to give consideration to all means of increasing the world supply of food, in particular means of supplying technical and financial assistance and production facilities "at low costs" to enable under-developed and war-devastated countries to contribute to the required increase in world food-supply, and to examine any other measures which could raise general levels of nutrition and mitigate the effects of the world food crisis.

In the plenary meeting several amendments were submitted jointly by *Canada, New Zealand, the United Kingdom, and the United States*, the most important, which eliminated the phrase "at low costs," being carried by 22 votes to 16 with 2 abstentions. The resolution as amended was carried by 35 to 1, with Belgium and France abstaining.

VIII. JOINT MEETINGS OF SECOND AND THIRD COMMITTEES

Chairmen : Dr H. SANTA CRUZ (*Chile*)

Dr C. MALIK (*Lebanon*)

Rapporteur : Mr J. THORN (*New Zealand*)

New Zealand Representatives

Mr J. Thorn

Mrs A. Newlands

Dr W. B. Sutch

Miss H. N. Hampton

Agenda

This Committee was given the following agenda:—

1. Chapters I, IV, V, and VI of the report of the Economic and Social Council.

2. Agreements with specialized agencies—

(a) Application of Finland for membership in the International Civil Aviation Organization ;

(b) Intergovernmental Maritime Consultative Organization ;

(c) International Refugee Organization.

3. Relations with and co-ordination of specialized agencies ; Report of the Secretary-General (and also Chapter V of the report of the Economic and Social Council).

4. Increase to twenty-four of the number of member States represented in the Economic and Social Council.

In connection with Chapter I of the Council's report the principal matters discussed were the number of sessions of regional economic commissions to be held in 1949 and the distribution of membership in subsidiary organs of the Council.

Sessions of Regional Economic Commissions

The Committee had before it a draft resolution proposed by the representative of *India* recommending to the Economic and Social Council that "the Regional Economic Commissions for Asia and the Far East and for Latin America be authorized to hold two sessions in 1949."

Several members of the Committee, including *New Zealand*, pointed out that the Economic and Social Council could, at its ninth session, approve a further session of the regional commissions should this prove necessary. The supporters of the Indian proposal, however, contended that in July it would be too late to decide to hold further commission sessions in 1949.

The *Belgian* delegate proposed that all regional commissions should be authorized to hold two sessions in 1949, although it was appreciated that the organization of the Economic Commission for Europe was in a more advanced stage and therefore less likely to require the close direction of the full commission. Representatives of *Middle East* States supported the Belgian proposal, drawing attention to the fact that the Economic Commission for the Middle East was as yet not established, and would require to hold two sessions in 1949 in order to reach the same stage of development as other regional commissions.

The *United Kingdom* delegate proposed that the second session of each commission should be a "working" session, held at the headquarters of the commission, and concerned solely with reviewing projects already in operation.

After rejecting a *Greek* proposal to refer the matter back to the Economic and Social Council, a *Turko-Chinese* proposal authorizing two meetings in 1949 for each commission, and a *United Kingdom* proposal to hold one full and one working session in 1949, the Committee by a vote of 37 (N.Z.) to 6 with 6 abstentions, adopted an amended form of the *Indian* draft which recommended that the Council authorize the regional economic commissions to hold two sessions in 1949 if necessary. In the General Assembly the resolution was adopted without vote.

Distribution of Membership in Subsidiary Organs of the Economic and Social Council

Introducing this subject the representative of *Argentina* (Dr Corominas) stated that only 39 of the 58 members of the United Nations were represented on the eight functional commissions of the Council, although there were 120 seats available. To some extent the restriction of membership was due, he considered, to the custom of the five permanent members of the Security Council seeking election to all commissions. A draft resolution, put forward in the names of *Argentina*, *Colombia*, and *Cuba*, recommended the Economic and Social Commission "when proceeding to the election of the members of its commissions, sub-commissions, and other working organs, to take all members of the United Nations into consideration with a view to utilizing the special services of each."

The *United Kingdom*, *United States*, and *China*, while agreeing with the principle of rotation, considered that on expert commissions members should be appointed on the basis of their personal qualifications. The *Chinese* delegate stated that the enlistment of "support and interest" was more important than strict adherence to geographical representation. Others questioned whether, for budgetary and personnel resource reasons, all countries would desire representation.

After considerable discussion the Joint Committee appointed a sub-committee¹ to draw up a resolution covering the views expressed by members of the Committee. The sub-committee, under the chairmanship of Dr Sutch (*New Zealand*), adopted a draft resolution whereby:

"The General Assembly

"Recommends the Economic and Social Council, in the election of member States entitled to nominate members of functional commissions, and in elections and arrangements for elections of members of other subsidiary bodies, to take all members of the United Nations into consideration, with due regard to an equitable geographical distribution, to the special contribution each of the member States may bring to the work of the Council, and to their ability to take effective action in response to their election."

The Committee, and later the Assembly, adopted this resolution unanimously.

Increase to Twenty-four of the Number of Member States Represented on the Economic and Social Council

This item had been on the 1947 Assembly agenda, when the Joint Second and Third Committee, to which it had been referred, had recommended that no further action be taken.

¹ Argentina, Belgium, Byelorussia, Colombia, Cuba, France, New Zealand, Norway, and Pakistan.

The *Argentinian* delegation submitted a draft resolution, providing for the convening of a general conference in accordance with Article 109 of the Charter to review Article 61, relating to the composition of the Economic and Social Council, and to increase its members to twenty-four. Supporters of the resolution urged that since the work of the Economic and Social Council was of the utmost importance, diversity, and complexity, its membership should be more broadly based. In 1939, it was noted, the Bruce Committee of the League of Nations had recommended a Central Committee on Economic and Social Questions composed of twenty-four members.

Against the Argentinian proposal it was stated, by the *New Zealand* delegate among others, that a Council of eighteen permitted sufficiently representative membership, and at the same time enabled greater speed and efficiency than would a larger body. Wide participation was already provided for by membership of subsidiary organs of the Council. There was also a general feeling that the time was not opportune to convene a general conference, particularly if it were to deal with this subject alone.

In view of the apparent lack of support, the *Argentinian* delegate withdrew his resolution in favour of an alternative submitted by *Peru*. This *Peruvian* draft recommended that members take into account discussions on the subject during the second and third sessions of the Assembly and communicate to the Secretary-General their suggestions for improving the functioning of the Council and associating with its activities the largest number of members compatible with efficiency. The *Peruvian* resolution was adopted by the Committee by 41 votes (N.Z.) to 1 with 1 abstention, and unanimously by the General Assembly.

Agreements with Specialized Agencies

(a) Application of Finland for Membership in the International Civil Aviation Organization

Finland's application for membership of the International Civil Aviation Organization was recommended for approval by the General Assembly of the International Civil Aviation Organization on 9 June, 1948, after which the matter was submitted to the United Nations in accordance with the agreement between the United Nations and the International Civil Aviation Organization.

The Committee recommended that the General Assembly inform the International Civil Aviation Organization that it had no objection to the admission of Finland to that Organization. The resolution was adopted by the Assembly without vote.

(b) *Agreement Between the United Nations and the Intergovernmental Maritime Consultative Organization*

The Committee had before it a resolution of the Economic and Social Council recommending approval of the agreement and a draft resolution submitted by the *Indian* delegation approving the draft agreement, and urging members to ratify the Convention and thereby bring the Organization into being as early as possible.

All members of the Committee supported the first part of the Indian resolution, but while some gratification was expressed at the establishment of the Organization, the *United Kingdom* and *United States* pointed out that the inclusion of matters of substance was out of order. This position was adhered to by the *New Zealand* delegation. Representatives of *Chile*, *Argentina*, and *Brazil* referred to what they regarded as the unsatisfactory voting and tariff provisions in the Constitution.

Separate votes were taken on the first and second paragraphs of the resolution. The first paragraph, approving the agreement, was adopted by 34 votes (N.Z.), with 6 abstentions, and the second rejected by 2 votes for (India and Belgium) with 15 (N.Z.) against and 23 abstentions. The recommendation of the Committee was adopted by the Assembly by 38 votes (N.Z.), with 4 abstentions.

(c) *Agreement Between the United Nations and the International Refugee Organization*

Approval of this agreement was recommended by the Economic and Social Council.

Representatives of the *Soviet Union*, *Byelorussia*, the *Ukraine*, and *Poland* spoke against the approval of the agreement, on the grounds that the Organization had not fulfilled its task of repatriating displaced persons, had supported war criminals, and fostered propaganda inimical to good relations between members of the United Nations. The question was also raised whether an organization charged with temporary functions should be given the status of a specialized agency.

Those supporting the conclusion of an agreement pointed out that large numbers of displaced persons had been repatriated since the war, and that those now remaining represented the most difficult cases who had not of their own accord sought repatriation or resettlement. For the United Nations to conclude an agreement with the Organization in no way altered its temporary status.

Those members who had opposed the agreement indicated that they intended to discuss the Organization under another agenda item, and considered that the decision regarding the agreement should be deferred until that debate had taken place. However, a vote was taken and by 28 votes (N.Z.) to 6 with 8 abstentions the Committee adopted a

resolution approving the agreement. This resolution was later confirmed by the General Assembly by 30 votes (N.Z.) to 6 with 3 abstentions.

Economic Development and Migration

During discussion of Chapter II of the Economic and Social Council report in the Second Committee, the delegations of *Peru*, and of *Ecuador* and *Colombia* jointly, submitted resolutions concerning economic development and migration. As migration concerns also the Third Committee, it was decided to refer the resolutions to the Joint Committee.

The *Peruvian* resolution required the Economic and Social Council to consider the advisability of establishing a Migration Commission, while the joint *Ecuador-Colombian* resolution sought the Economic and Social Council's co-operation with member Governments in the survey of undeveloped and of over-populated areas, and extension of assistance, including financial assistance, for development and migration. Representatives of several *Latin American* countries spoke of their need for further population and of the contrasting labour surplus in Europe.

The representatives of *Byelorussia* and of *Belgium* denied any suggestion of a labour surplus in Europe, and stated that in many countries reconstruction was impeded by lack of skilled man-power. Representatives of the *Philippines*, *India*, and *Pakistan* referred to the fact that Latin American countries looked solely to Europe for further labour, discriminating against the Orient, where there was undeniable over-population.

At the request of the Committee, the Director-General of the International Labour Organization (Mr David Morse) outlined the work being carried out by the International Labour Organization in connection with migration, particularly in protecting migrant labour, and their co-operation with the Economic Commission for Asia and the Far East and the Economic Commission for Latin America in practical technical work.

The *New Zealand* delegate (Mr J. Thorn) drew the Committee's attention to the work already being done in this field not only by organs of the United Nations, but also by various specialized agencies. In the Latin American region, to which the Committee had been giving particular thought, the Economic Commission for Latin America would be able to study the special aspects of migration peculiar to these areas. He therefore suggested that the Committee merely note the draft resolution and convey the tenor of its discussions to the Economic and Social Council.

The *Soviet* delegate (Professor Arutinian) supported the New Zealand view that adequate measures were already being taken, adding that in essence migration must remain principally a domestic matter for any

country. He then introduced a draft resolution indicating that the Committee deemed it inexpedient to make fresh recommendations on migration before the studies already called for by the Economic and Social Council had been considered. At his invitation the *New Zealand* delegation associated itself with this proposal.

The representative of *Mexico* stated that he would support the Soviet Union - *New Zealand* resolution, adding that rather than import further labour, Latin American countries should reduce their mortality rates, raise their standards of living, and provide technical training for the indigenous Indian and mestizo population.

The *Indian* delegate submitted an additional resolution, deeming inexpedient any further action by the Committee, but transmitting records of the Committee's discussions to the Economic and Social Council.

The Committee then had before it three proposals—

- (i) The *Soviet Union - New Zealand* proposal to take no action ;
- (ii) The *Indian* proposal to refer to the Economic and Social Council the draft resolutions and amendments, together with records of the discussions in committee ;
- (iii) An *Argentinian* proposal to refer the draft resolutions to a drafting committee.

The first of these propositions was rejected by 17 votes (N.Z.) for, 19 against, with 4 abstentions, and the second accepted by 29 (N.Z.) to 4 with 6 abstentions. The third was in consequence not voted on. In the plenary session the resolution originally proposed by the *Indian* delegation was adopted without vote.

Organization of the Work of the Economic and Social Council

Two proposals regarding the work of the Economic and Social Council were submitted by *Lebanon*. These proposals called upon the Council—

- (a) To give renewed consideration to the organization of its work, including the number and length of its sessions, and determination of priorities for agenda items ; and
- (b) To consult with the Security Council regarding means of implementing Article 65 of the Charter, which provides for mutual assistance as between the Economic and Social Council and the Security Council.

The Soviet representative objected to the item being placed before the Committee after it had completed its consideration of Chapter I of the Economic and Social Council report, to which the items related. The Committee decided not to incorporate the items on its agenda, but suggested to Dr Malik of the *Lebanon* that he raise the matter at the next Economic and Social Council session.

IX. JOINT MEETINGS OF SECOND, THIRD, AND FIFTH COMMITTEES

Chairmen : Mr L. D. WILGRESS (*Canada*)
Mr H. SANTA CRUZ (*Chile*)

Rapporteurs : Mr J. THORN (*New Zealand*)
Mr O. P. MACHADO (*Brazil*)

New Zealand Representatives

Mr J. THORN
Dr W. B. SUTCH
Mr T. P. DAVIN
Miss H. N. HAMPTON

Agenda

The Joint Second and Third Committee and the Fifth Committee each had on its agenda the item :—

“ Relations with and co-ordination of specialized agencies and work programmes of the United Nations and specialized agencies.”

Each Committee also had on its agenda items relating to administrative and budgetary co-ordination, and in view of their common interests in such problems it was agreed by the President that joint meetings should be held on these items.

Co-ordination of United Nations and Specialized Agencies

The *New Zealand* representative (Mr Thorn) outlined the progress made during the past year towards programme, administrative, and budgetary co-ordination. There was a need, he said, for close consultation in determining the sites of both headquarters and regional offices of the various organizations. Mr. Thorn introduced a resolution requesting the Secretary-General and various committees concerned to continue their efforts to improve co-ordination, giving particular attention to the possibility of developing a joint system of external audit and common collection of contributions for United Nations and the specialized agencies, and drawing the attention of member States and specialized agencies to the recommendations presented by the Advisory Committee on Administrative and Budgetary Questions in relation to specialized agency budgets.

There was general recognition that, in spite of the progress referred to, it was necessary to work towards still greater unity. While many considered a consolidated budget of the United Nations and the specialized agencies the ideal arrangement, it was realized that this was not practicable in present circumstances. It was agreed, however, that every endeavour should be made to develop a joint system of external audit and common collection of contributions.

The *Soviet* delegation proposed two additional paragraphs to the *New Zealand* draft, requesting the Secretary-General firstly to report to the Economic and Social Council on the possibility of reducing the permanent organs set up by its Co-ordination Committee, and secondly "to arrange with the specialized agencies for full reimbursement by the latter to United Nations of expenditures connected with the offices and administrative services placed at their disposal."

To many members of the Committee it seemed that the first of these paragraphs was too extreme and might result in undue reduction of the organs. After some discussion the *Canadian* delegate proposed a redraft calling upon the Economic and Social Council to continue its activities in the field, "suggesting further improvements and . . . bringing to a minimum consistent with efficiency the number of such organs."

In connection with the second paragraph, the Secretary-General explained the technical accounting difficulties which would be involved in the Soviet proposal, and also the practice at present adopted of charging in full for direct services plus a percentage charge for general overhead expenses. At the suggestion of *New Zealand* the word "full" was replaced by "adequate."

The Committee then adopted unanimously the *New Zealand* resolution, into which were incorporated the *Soviet* and *Canadian* amendments. The resolution was adopted by the Assembly without vote.

X. THIRD COMMITTEE: SOCIAL, HUMANITARIAN, AND CULTURAL QUESTIONS

Chairman: Mr CHARLES MALIK (*Lebanon*)

Vice-Chairman: Mrs B. BEGTRUP (*Denmark*)

Rapporteur: Mr SAINT LOT (*Haiti*)

New Zealand Representatives

Mr J. THORN

Mrs A. NEWLANDS

Dr W. B. SUTCH

Mr C. C. AIKMAN

Miss H. N. HAMPTON

Agenda

The following agenda items were allocated to Committee III:—

1. Draft Protocol to 1931 Convention on Narcotic Drugs.
2. Draft Universal Declaration of Human Rights.
3. Draft Declaration of Old-age Rights.

4. Palestine refugees.
5. International Children's Emergency Fund: Report of the Executive Board.
6. Continuance through 1949 of the United Nations Appeal for Children.
7. Advisory social welfare services.
- *8. Chapter III of the report of the Economic and Social Council.
- *9. (a) Problem of refugees and displaced persons.
(b) Repatriation, resettlement, and immigration: Report of the Economic and Social Council.
- *10. Freedom of information: Report of the Economic and Social Council.
- *11. Creation of a sub-commission to study social problems of aboriginal populations of the American continent.
- *12. Discriminations against immigrating labour, particularly of refugee labour.

Three days before the end of the session, the Committee decided to postpone until April consideration of the five items marked with an asterisk above.

Protocol to the 1931 Convention on Narcotic Drugs

The Committee, and in due course the Assembly, adopted a protocol drafted by the Economic and Social Council to bring under control drugs outside the scope of the Convention of 13 July, 1931—chiefly those which had been developed by synthetic processes. Mr Thorn signed the protocol on behalf of *New Zealand*.

A new feature was a separate resolution on the colonial application clause which required metropolitan Powers to report within one year to the Secretary-General on the application of the protocol to non-self-governing and trust territories.

Universal Declaration of Human Rights

It is a declared purpose of the United Nations to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, sex, language, or religion; and Article 62 of the Charter of the United Nations authorizes the Economic and Social Council to make recommendations for the purpose of promoting respect for, and observance of, these rights and freedoms. Accordingly, the Economic and Social Council, on 21 June, 1946, established a permanent Commission on Human Rights. This Commission consists of one

representative from each of eighteen member States, which do not at present include New Zealand. Mrs Franklin D. Roosevelt has been Chairman since its inception.

The first two sessions of the Commission were concerned with the approach it should adopt towards its basic task, the preparation of an International Bill of Human Rights. It became established that the term International Bill of Human Rights, or "Bill of Rights," covered three documents, an International Declaration on Human Rights, an International Covenant on Human Rights, and measures of implementation. After its second session the Commission circulated to Governments for their comments a draft declaration, a draft covenant, and the report of a working group on implementation. The New Zealand Government took this opportunity to set forth their views on the various sections of the Bill of Rights, and their comments, along with the comments of other interested Governments, came before the third session of the Commission on Human Rights, held at Lake Success from 24 May to 18 June, 1948.

The third session of the Commission on Human Rights adopted a draft Declaration of Human Rights and made some progress with a draft covenant; but it gave no time to the problem of implementation. The Economic and Social Council was accordingly informed that the Commission's work on the Bill of Rights was not complete. The declaration was, the report of the Commission said, part only of the Bill, and completion of a covenant containing measures of implementation was essential.

There was doubt in the minds of some members of the Commission on Human Rights as to whether the declaration should, in view of its intimate relationship with the other parts of the Bill of Rights, be adopted alone by the General Assembly. It was expected that this problem would be discussed by the Economic and Social Council when it considered the report of the Commission on Human Rights at its seventh session in July and August, 1948. The Council found, however, that there was no time to consider this report, and it was transmitted to the General Assembly along with statements of position by members of the Council.

The report of the third session of the Commission on Human Rights thus came intact before the Third Committee of the General Assembly. In a general debate the *New Zealand* delegate (Mrs Newlands) suggested reasons why action on the declaration should not be precipitate. She pointed out the intrinsic complications and difficulties attached to the programme of the Commission on Human Rights. Members of the United Nations were not uniform in the stages of their economic and social development, in their internal structures, and in the historical backgrounds from which they drew their philosophical ideas. "Sufficient

time," she said, "should be allowed for each Government to consider the views and comments of other Governments, for differing viewpoints to be reconciled, and for the greatest possible measure of agreement to be achieved."

Mrs Newlands proceeded to give specific reasons why her delegation believed that it would be desirable to adopt the declaration and the covenant at the one time. She referred to the belief of most members of the Committee that the declaration should be a statement of general principles having moral but not legally binding effect. Since it was the Covenant on Human Rights which would create legal obligations, it should be considered the more important document. Immediate adoption of the Declaration alone might make States less enthusiastic towards the covenant and, as a result, unwilling to overcome the very real difficulties associated with its preparation. Moreover, the existence of the declaration and the covenant side by side would be an answer to those few members of the Committee who were suggesting that the declaration itself imposed some form of legal obligation on member States.

Most members of the Committee clearly felt that, whatever validity there was in the New Zealand point of view, the need for definitive United Nations action in the field of human rights called for immediate adoption of a declaration alone by the General Assembly. So, when the Committee decided by 42 votes to 5 with 4 abstentions to examine the Declaration of Human Rights with a view to its adoption by the Assembly at its third session, the *New Zealand* delegate abstained. She explained that, despite the views she had expressed, her delegation was anxious that an adequate discussion of the declaration should take place. But the delegation did not regard itself as committed as to the action it would take when the Committee was asked to approve the final text.

At the same time as the decision to proceed with the declaration was taken, the Committee agreed that there would be an opportunity later for the exposition of views on other parts of the Bill of Rights.

During the article-by-article discussion of the declaration the *New Zealand* delegation proposed a number of amendments, the more important of which are discussed below. These proposals were consistent both with the attitude New Zealand had taken since the time of presenting her comments to the Commission on Human Rights and with the tenor of the New Zealand statement in the general debate—they were designed to make the declaration as short and concise a statement of acceptable general principles as possible. At the same time, the delegation sought to obtain the acceptance of proposals coinciding with New Zealand Government policy. But these two objectives were not always compatible. The Committee as a whole found that if the

declaration was to be generally acceptable it must indeed be a straightforward statement of principles unembroidered by details as to their application. And the only effective way of ensuring this result was that a majority of members of the Committee should stand behind the well-prepared, if imperfect, Commission text, in the hope of avoiding the introduction of unwelcome amendments. Accordingly the *New Zealand* and other delegations found themselves voting against amendments which they themselves found unexceptionable, but which would be difficult for some delegations to accept, or would unnecessarily lengthen the text. On the other hand, as will be seen below, there were some issues which the delegation regarded as so fundamental that it supported them, although complete acceptance of these criteria would have suggested otherwise.

The type of difficulty that arose can be illustrated by efforts which were made by the *Netherlands* and *Brazilian* delegations to introduce references to the divine origin of man into the Preamble and Article I respectively. The amendments proposed met with strong opposition from the representatives of such countries as *India*, *China*, and the *Soviet Union*, and in each case the amendments were withdrawn before they came to a vote. In commenting on the decision of the *Netherlands* delegate to withdraw his amendment, the *New Zealand* delegate expressed sympathy with that amendment. Her delegation believed, she said, that any effective realization of human rights and freedoms could not be separated from the spiritual values associated with man's divine origin and immortal destiny. She indicated that she would have voted for the amendment if it had been put to the vote, but expressed appreciation of the action of her Dutch colleague in withdrawing an amendment which, as had been made clear in the debates, presented difficulties to members of the Committee with different philosophical backgrounds.

The amendments as a whole fell into two main groups. The *Latin American States* presented a great number, many of which were based on the American Declaration of the Rights and Duties of Man adopted by the Ninth International Conference of American States at Bogota in 1948. Some of these amendments were in themselves unobjectionable, but were not to be preferred to the more concise and balanced text of the Commission draft. Some have found their way into the final text of the declaration. Others again could not be supported because they were inconsistent with the purpose and tenor of the declaration and on the whole their unsatisfactory features were those of the second main group of amendments--those presented by the *Soviet Union*.

The Third Committee found itself considering Soviet amendments identical with amendments already fully discussed in the Commission on Human Rights. Their central theme was the position of the State

in relation to the protection of human rights. Should not the declaration refer to the responsibility of the State for the realization of human rights, particularly the social and economic rights? Against this view it had been argued that the declaration as a straightforward statement of rights was not the place to deal with the realization of those rights. That was a problem to be considered in connection with the covenant and measures of implementation. Besides, the members of the United Nations did not recognize to an equal degree State responsibility for the realization of human rights.

The Commission had, however, gone some way to meeting the Soviet point of view by the insertion of two so-called "umbrella" articles. These were substantially accepted by the Third Committee and appear in the final text as Articles 22 and 28. Thus Article 28 provides that "Every one is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized," while Article 22 deals more specifically with the social, economic, and cultural rights.

Again, Soviet amendments emphasized that a declaration of rights should set out the duties of the individual to the State; and that in the last resort the exercise of rights is dependent upon the interests of the State. This Soviet point of view was shown in persistent efforts to have such qualifying words as "in accordance with the laws of the country" inserted in certain articles. These efforts were, in each case, defeated by the Committee. For instance, it refused to accept a Soviet proposal that paragraph 1 of Article 13 should read "Every one has the right to freedom of movement and residence within the borders of each State *in accordance with the laws of that State.*"

The *New Zealand* delegation expressed a particular interest in the following articles:—

Preamble

Believing that the Commission text of the Preamble was unnecessarily long and out of proportion with the remainder of the declaration, the delegation presented a much shorter redraft. This redraft was commended by a number of speakers, but when it appeared that failure to support the Commission text might lead to further additions to the Preamble it was withdrawn. In fact, a *Soviet* addition was accepted and appears in the fourth recital of the Preamble.

Article 2, paragraph 2

The *Yugoslav* delegation proposed an additional article reading: "The rights proclaimed in this declaration also apply to any person belonging to the population of trust and non-self-governing territories."

ERRATUM

Page 101, line 23, and page 102, lines 10 and 24: *for* “Article 24” *read* “Article 23.”

The *United States*, *United Kingdom*, and other delegations, in opposing this amendment, pointed out that they did not question the application of the declaration to all peoples, whether or not they belonged to trust or non-self-governing territories. They argued that the amendment was already covered by the last paragraph of the Preamble, and by Article 2—the former refers to the peoples of member States themselves and to the peoples of territories under their jurisdiction, while the latter entitles every one to all the rights and freedoms set forth in the declaration “without distinction of any kind.” The Committee accepted the *Yugoslav* article by 16 votes (N.Z.) to 14 with 7 abstentions. The *New Zealand* delegate in explaining her vote said that despite the belief of her delegation that the sense of the new article was already covered by the text, it wished its attitude with regard to the application of the declaration to trust and non-self-governing territories to be placed beyond any possibility of doubt.

The *United Kingdom* delegation presented an amendment to the *Yugoslav* article in the General Assembly, and this was accepted as paragraph 2 of article 2 by a vote of 29 to 17 with 10 abstentions. The *New Zealand* delegation supported the *United Kingdom* amendment because the new text, while still referring specifically to trust and non-self-governing territories, is more consistent with the general terminology of the Preamble and paragraph 1 of Article 2.

Articles 20 and 24

Article 20 deals with the right to freedom of assembly and association. The *New Zealand* delegation opposed the second paragraph, which says that “No one may be compelled to belong to an association.” The meaning of the word “compelled” was questioned, and it was pointed out that the circumstances under which individuals may exercise the right to freedom of association are varied. Reference was made to professional associations like law societies, which are responsible for the disciplinary control of their members, and to compulsory trade-unionism as it exists in New Zealand. Nevertheless, the second paragraph was adopted by 20 votes to 14 (N.Z.) with 9 abstentions.

The issue of compulsory unionism arose again in connection with paragraph 4 of Article 23. The text of this article, as adopted by the Commission, read “Every one is free to form and to join trade-unions for the protection of his interests.” The expression “every one is free” was used by the Commission instead of “every one has the right” in order to emphasize the element of choice. It was understood that the paragraph left individuals free not to join trade-unions. In order to meet the trade-union system as it exists in New Zealand, the *New Zealand* delegation moved in the Third Committee an amendment to the effect that “Every one has the right to the protection of his interests

through membership of trade-unions." The *New Zealand* delegate (Mr Thorn) explained that this proposal had been deliberately worded so as not to prejudge the issue of compulsory unionism. The text would meet equally well any system of trade-union organization. Mr Thorn also referred to the opposition with which trade-unionists all over the world would receive the implications of the Commission text.

Although this amendment was defeated by 18 to 10 with 14 abstentions, the sympathy with the New Zealand position, evidenced by the large number of abstentions, was illustrated later in the Committee's work. A combination of objections to the text of Article 24 led to its defeat when it was put to the vote as a whole. This gave the *New Zealand* delegate an opportunity to propose that paragraph 4 should be consistent with the form taken by the rest of the declaration and should read "Every one *has the right* to form and to join trade-unions for the protection of his interests." This proposal was accepted unanimously. In explaining her support of the article in this form the *New Zealand* delegate (Mrs Newlands) referred to the fact that the declaration as a statement of general principles must be related to the economic and social structures of member States. The New Zealand delegation believed it would be interpreting the declaration in the spirit in which it was conceived if the right to form and to join trade-unions were interpreted in the light of the industrial conciliation and arbitration system as it existed in New Zealand. Moreover, the delegation understood the particular provision of paragraph 4 of article 24 and not the general provision of Article 20 as governing the right to form and to join trade unions.

Articles 22, 24, and 25

The *New Zealand* delegation took an active part in the discussion of these articles dealing with economic and social rights. It was stressed in both Committee and General Assembly that the right to personal freedom is incomplete unless it is related to the social and economic rights of the common man. These rights, associated in New Zealand with the term "social security," could give the individual the normal conditions of life which made for the larger freedom. And in New Zealand it was accepted that it was a function of government to promote their realization.

A *New Zealand* redraft of the "social security" article—Article 25—was withdrawn when the Commission text was amended to meet some of the New Zealand objections. A *New Zealand* amendment to Article 24, specifying that the right to rest and leisure should include reasonable limitation of working-hours and periodic holidays with pay, was accepted by the Committee.

Article on the Right to Petition

There was a debate as to whether the declaration should include an article setting forth the right of the individual to petition his Government or the United Nations. The *New Zealand* delegate indicated that her delegation regarded the right to petition as a fundamental human right, which should be incorporated as one of the general principles stated in the declaration. The Committee as a whole felt that the right should not be included until effective international machinery for handling petitions was set up. A resolution was therefore passed asking the Commission on Human Rights to give further study to the problem of petitions and to report back to the next regular session of the Assembly.

In subsequent debate in the General Assembly the *New Zealand* representative took the opportunity, in dealing with the problem of implementation, to refer to the clear need for establishing procedures and machinery for receiving and dealing with petitions from individuals, groups, associations, or states.

Adoption of the Declaration

At its eighty-third meeting on the question of human rights the Third Committee adopted the declaration by 29 votes (N.Z.) with 7 abstentions. The *New Zealand* delegation in explaining its affirmative vote said that it still believed that a more nearly perfect declaration would have resulted from more mature consideration. Such, however, was the importance of an authoritative statement of human rights and so much work had gone into the declaration that the delegation believed it would be unfortunate if the present Assembly did not proclaim it to the world.

Later, the delegation reaffirmed the position it had taken in the general debate by introducing a draft resolution calling attention to the draft covenant and draft measures of implementation. This draft resolution, with the deletion of the more controversial passages, was accepted by the Committee, and later adopted by the General Assembly by 44 votes with 8 abstentions.

It reads as follows :—

“ The General Assembly,

“ Considering that the plan of work of the Commission on Human Rights provides for an International Bill of Human Rights, to include a Declaration, a Covenant on Human Rights and measures of implementation,

“ Requests the Economic and Social Council to ask the Commission on Human Rights to continue to give priority in its work to the preparation of a draft Covenant on Human Rights and draft measures of implementation.”

A *French* resolution requiring that the declaration be disseminated, expounded, and taught throughout the world, and in particular in schools and other education institutions, was also adopted.

The various delegations, in the course of a lengthy debate in the General Assembly, stated their general attitude to what it had been decided should be called "The Universal Declaration of Human Rights." The measure of support given it was indicated by the final vote of 48 votes in favour with 9 abstentions (the six Eastern European States, Honduras, Saudi Arabia, and South Africa).

The *New Zealand* representative referred the Assembly to the many instances of mutual good will and understanding in the reconciliation of differences of views which work on the declaration had provided. It had been a stimulating and heartening experience to find that, despite the difficulties, it had been possible to agree on a declaration of fundamental rights and freedoms which they had felt able to describe as "universal."

The text of the declaration may be found in Appendix II.

Declaration of Old-age Rights

Argentina had tabled a draft resolution asking member States to include in their legislation the right of aged persons to protection, accommodation, food, clothing, physical and moral health and recreation, work, stability, and respect. The discussion on human rights was interrupted to permit the Argentine Foreign Minister to introduce his proposal, but it was decided to refer the declaration to the Economic and Social Council before taking further action.

Palestine Refugees

This was an item on which, it became apparent, urgent action was required. The *Belgian*, *Netherlands*, *United Kingdom*, and *United States* delegations put forward a joint resolution which stated that, apart from administrative costs, the relief needs of 500,000 refugees for a period of nine months (from 1 December, 1948 to 31 August, 1949) were approximately \$29,500,000. It urged all member States to make voluntary contributions in kind or in funds, authorized the Secretary-General to establish a special fund for Palestine refugees, and to set up the administrative organization required, using Government agencies, specialized agencies, the International Committee for the Red Cross, the League of Red Cross Societies, and other voluntary agencies. The Secretary-General was also authorized to advance immediately a sum of up to \$5,000,000 from the Working Capital Fund—this sum to be repaid from governmental contributions. The draft resolution also urged the

various specialized agencies and other organizations concerned to contribute supplies and services to the extent their financial resources and respective constitutions permitted (this in particular reference to \$6,000,000 allocated by the Children's Fund).

The *New Zealand* delegation and others doubted the wisdom of using the Working Capital Fund for such purposes, and suggested that, instead of creating a possibly undesirable precedent, it would be better to include the \$5,000,000 directly in the United Nations budget.

An alternative draft resolution submitted by *France* and *New Zealand* provided for direct contributions from member States, to be paid in currencies other than United States dollars so far as possible, and for the appointment of a special Advisory Committee of experts designated by the President of the Assembly to assist the Secretary-General in his task.

Amendments to the joint resolution were also submitted by *Bolivia*, *Cuba*, *Norway*, *Poland*, and *Venezuela*, and a sub-committee of fifteen members, including the sponsors of all the resolutions and amendments, was set up to draft a single resolution. Although the *United States* strongly opposed the creation of an Advisory Committee, the sub-committee finally agreed "to the convoking at the discretion of the Secretary-General of an *ad hoc* Advisory Committee of seven members to be selected by the President of the General Assembly to which the Secretary-General may submit any matter of principle or policy upon which he would like the benefit of their advice." The *French - New Zealand* proposal for direct governmental contributions was defeated. The draft resolution approved by the sub-committee was therefore a compromise between the joint draft and the *French - New Zealand* draft and contained essential parts of each.

This resolution was quickly passed by the main Committee and by the General Assembly. The position now is that the Secretary-General is to appoint a Director for Palestine Refugee Relief. He has an Advisory Committee to assist him and member States are by voluntary gifts to provide funds or supplies in kind. Various specialized agencies, the Children's Fund, the Red Cross organizations, and voluntary societies are to assist.

International Children's Emergency Fund

The report of the Executive Board of the International Children's Emergency Fund showed that the Fund was operating in Europe and the Far East and providing supplementary food for children and nursing mothers. In collaboration with the World Health Organization, the Fund was using, on a vast scale, the BCG anti-tuberculosis programme, which was being extended to North Africa, Lebanon, Pakistan, India, and Mexico, and was likely to be extended further.

The representative of *Australia* gave an account of the work of the Children's Fund and illustrated the continuing need for assistance. The representative of *New Zealand* drew attention to the fact that the Fund was operating in thirty-one countries and several non-self-governing territories. He added that New Zealand had given the whole of its United Nations Appeal to Children contribution to the Children's Fund.

The Committee adopted without dissent a joint *United States-Australian* resolution noting that additional resources are needed for the Children's Fund for 1949, and that there was successful co-operation with the World Health Organization; expressing gratification that twenty-five states had contributed to the Fund, some of them having already made second contributions; and drawing the attention of members to the necessity for prompt contributions from Governments to enable procurement of supplies in 1949. In the General Assembly also the resolution was carried unanimously.

United Nations Appeal for Children

The Economic and Social Council at its seventh session adopted by 8 votes to 7 a resolution sponsored by New Zealand requiring the termination of the costly central organization of the United Nations Appeal for Children at the end of 1948, but at the same time encouraging the continuance of national campaigns in various countries. An *Australian* resolution calling for a second appeal in 1949 on the same lines as that in 1948 was defeated, and the *Australian* delegation subsequently placed this question on the agenda of the General Assembly.

Before the discussion a joint draft resolution on the appeal was submitted by the delegations of *Argentina, Canada, Dominican Republic, Iraq, Pakistan, United States, and Uruguay*. This resolution invited the co-operation of peoples to assist in national activities concerning the appeal, decided that the name "United Nations Appeal for Children" shall be used only in national campaigns conducted for the benefit of the United Nations International Children's Emergency Fund, and requested the Fund to handle the appeal. As the sponsors of this resolution included two Latin American and two Moslem States, it had a reasonable chance of acceptance. However, the *Australian* delegation introduced an alternative resolution which urged that the United Nations Appeal for Children should continue as a world-wide voluntary appeal and that the collections in each country should be primarily for the Children's Fund and other United Nations bodies. It also called on the Secretary-General to provide the necessary staff, and proposed a Committee of eleven members, appointed by the General Assembly.

to advise the Secretary-General on general policy and administration regarding the appeal and the allocation of proceeds. The *United Kingdom* also put in a resolution authorizing a second United Nations Appeal for Children and requesting the Secretary-General to provide the staff necessary to inform and advise Governments.

The *United Kingdom* and *Australian* drafts differed from the joint proposal chiefly in that they both continued the existing form of organization, the former on a small scale, the latter on a large scale, and both permitted the Appeal for Children to be used for other purposes than the Children's Fund.

The joint resolution was strongly supported by Mrs Roosevelt, the representative of the *United States*. The *New Zealand* delegate said that while none of the three draft resolutions exactly fitted his country's position, the joint resolution was the most acceptable in that it allowed each country to have a national campaign for the United Nations Appeal for Children, it allocated the proceeds to the Children's Fund, and it would cost the United Nations nothing because the Children's Fund would handle administration¹. The Fund also had a wide network of representatives who could all assist in the various countries where they were operating. Furthermore, the joint resolution permitted every country to have an appeal for any number of purposes of its own and such a country could donate part of its proceeds to the Children's Fund, the only provision being that in such a case the words "United Nations Appeal for Children" should not be used as the name of the national appeal. In this way each country had the utmost freedom, and neither the Secretary-General nor the Children's Fund had any responsibility in the allocation of proceeds of campaigns for other than the United Nations purposes.

The joint resolution was taken as the working draft and the *Australian* amendments were taken one at a time. The only amendment accepted by the Committee was that which used the words "continuance of United Nations Appeal for Children as a world-wide voluntary appeal . . ." This, of course, did not alter the substance of the joint resolution, but did establish the Australian position that there was to be a continuation of the United Nations Appeal for Children as a world-wide voluntary appeal. Those voting for the other amendments amounted to 10 or 12 delegations, except on the deletion of a clause noting with approval the Economic and Social Council's resolution on the United Nations Appeal for Children. This clause was retained by 20 votes to 16.

¹ The Secretary-General's estimate was that a sum of \$150,000 would be required if the Australian resolution were passed.

When it became clear that the joint resolution would be carried, the representative of *Australia* withdrew his amendment establishing a Committee of the General Assembly to run the appeal. The resolution was adopted by 29 votes with 5 abstentions, the representatives of Eastern European countries voting for the joint proposal.

The substance of the *United Kingdom* draft was at one stage moved as an amendment by the representatives of *Chile*, but it was defeated by 24 votes to 5 with 5 abstentions.

When the subject came up at the General Assembly the President read a letter from the World Health Organization asking for a share for the World Health Organization of the proceeds of the appeal. (It should be noted that the World Health Organization's activities already share to the extent of about one-third in the Children's Fund expenditures, which include moneys not only from the appeal, but also from the United Nations Relief and Rehabilitation Administration and from Government contributions.)

The resolution was carried by 32 votes with 5 abstentions.

Advisory Social Welfare Services

One of the social activities of the United Nations is the provision of assistance in the field of social welfare. A certain number of scholarships are available and in addition consultants are employed by the United Nations to visit countries and assist them in setting up or improving social welfare services. The United Nations also organizes regional meetings of Government officers who are concerned in common problems relating to welfare. About 60 per cent. of the cost of this assistance is borne by the United Nations, the remainder being paid for by the recipient countries.

The Economic and Social Council at its seventh session had recommended that the advisory social welfare services be continued during 1949 and that the programme should be much the same as in 1948. The Secretary-General was also asked to continue and intensify his efforts to induce recipient countries to bear greater share of the expenses.

In Committee the representative of the *Philippines* introduced a draft resolution by which the General Assembly would approve the recommendations of the Economic and Social Council. The representative of the *Soviet Union* put forward an amendment asking for the total payment for consultant services by recipient countries. This amendment was heavily defeated and the draft resolution was adopted. In the General Assembly it received 33 votes with 4 abstentions.

Chapter III of the Report of the Economic and Social Council

The *Belgian* delegate introduced a draft resolution asking that the Economic and Social Council consider the problem of slavery, and the delegate of *Lebanon* a resolution asking for study and research on the world social and cultural situation. The *French* delegation tabled a resolution asking the Council to take up the question of establishing international machinery to safeguard trade-union rights and freedom of association.

The Committee recommended a resolution requesting the Council to study the problem of slavery at its next session, noting Chapter III of the Council's report, and postponing for consideration by the second part of the third session any outstanding draft resolutions submitted in connection with this Chapter. This resolution, however, was not considered in plenary session, and will itself come before the second part of the session.

XI. FOURTH COMMITTEE: TRUSTEESHIP QUESTIONS

Chairman: Mr N. ENTEZAM (*Iran*)

Vice-Chairman: Dr C. A. VASCONSELLES (*Paraguay*)

Rapporteur: Mr H. LANNUNG (*Denmark*)

New Zealand Representatives

Rt Hon P. FRASER

Mr A. D. McINTOSH

Mr J. S. REID

Mr C. CRAW

Agenda

The Fourth Committee had the following items on its Agenda:—

1. Report of the Trusteeship Council.
2. Report of the Government of the Union of South Africa on the administration of South-west Africa and report of the Trusteeship Council.
3. Information from non-self-governing territories:—
 - (a) Summary and analysis of information transmitted under Article 73 (e) of the Charter—Report of the Secretary-General;
 - (b) Information transmitted under Article 73 (e) of the Charter—Report of the Special Committee.

It was agreed to take up the third item first.

Information From Non-self-governing Territories

Under the terms of paragraph (e) of Article 73 of the Charter, members of the United Nations which have, or assume, responsibilities for the administration of non-self-governing territories undertake to transmit to the Secretary-General information relating to economic, social, and educational conditions in the territories for which they are respectively responsible.

What exactly would be done with information thus transmitted has always been a matter of controversy, but on the recommendation of an *ad hoc* Committee set up by the General Assembly in 1946 to study the matter, the Assembly at its second session established a Special Committee¹ to examine this information. This Committee recommended to the Assembly the adoption of four draft resolutions aimed at perfecting procedures for the transmission and consideration of the information transmitted under the terms of Article 73 (e) of the Charter. These resolutions were essentially compromises between the views of administering and non-administering Powers (the Soviet Union alone dissenting).

In the general discussion of the report of the Special Committee the great majority of representatives expressed their willingness to vote for these resolutions as they stood. Many of the delegates representing non-administering Powers stated that, while they would favour more radical proposals, in the interests of promoting co-operation they would accept the compromises arrived at by the Special Committee.

Several of these representatives stated that it was quite understandable that the colonial Powers should resent the aggressive attitude of those who were attempting to use Chapter XI of the Charter as a convenient weapon in the East-West ideological struggle. For instance, General Romulo of the *Philippines* asked that the Special Committee's report should be considered on an "extra-political level apart from the ideological and propaganda contests of the Great Powers," and the representative of *Iraq* requested the latter to "take their quarrels to the First (Political) Committee."

The *Slav* States, however, made repeated attacks upon the administering Powers for their "oppression" and "exploitation" of the colonial peoples, directing their vehemence especially against British policy in Africa, which they claimed was being used as the "milch cow of Europe in the struggle of the pound against the dollar." In reply to

¹ Composed of the eight member States transmitting information (Australia, Belgium, Denmark, France, Netherlands, New Zealand, United Kingdom, and United States) and eight members elected by the Fourth Committee (China, Colombia, Cuba, Egypt, India, Nicaragua, Soviet Union, and Sweden).

these charges, Mr Grantley Adams (*United Kingdom*) stated that the speeches of the Slav bloc proceeded from no genuine solicitude for the colonial peoples but from a desire to use them as pawns in the game of power politics.

The *New Zealand* representative, after outlining the essential differences between Chapter XI and Chapters XII and XIII (trusteeship system) of the Charter, praised the co-operation shown by the great majority of the non-administering Powers at Geneva. He called upon the Committee to adopt the report and the draft resolutions of the Special Committee.

Before proceeding to a vote, however, the Committee dealt with a draft resolution proposed by the *Soviet Union*. This proposal would have given the Special Committee the right to consider communications coming from the peoples of non-self-governing territories and empowered the Secretary-General to add to the information received from official sources material received from private persons and local organizations. It would also have provided for the despatch each year of a United Nations group to investigate conditions in the various colonies; in short, the Special Committee would become a second Trusteeship Council. This, as the *New Zealand* representative and others pointed out, was tantamount to an amendment of the Charter. It says much for the sense of responsibility of most non-administering Powers that they were not prepared to accept this unconstitutional proposal, which received only 6 votes (the Slav bloc) in favour with 30 (N.Z.) against.

The first of these four resolutions submitted by the Special Committee contained detailed suggestions for speeding up the transmission of information under Article 73 (*e*) of the Charter and enabling the Assembly to deal with it more expeditiously. Further, recognizing the fact that economic, social, and educational problems are not confined to the non-self-governing territories, and that comparisons with conditions in comparable territories (including sovereign States) would be valuable and instructive, the resolution empowered the Secretary-General to make use of all relevant and comparable statistical information which has been communicated to the United Nations and to the specialized agencies. The Secretary-General had previously been required to obtain the permission of the member State concerned.

The *Soviet Union* proposed an amendment to this resolution to make the transmission of political information obligatory (a procedure not laid down by the Charter). This amendment was rejected by a vote of 6 in favour with 25 (N.Z.) against. The resolution was adopted in the form proposed by the Special Committee by 38 votes (N.Z.) to 6 (Slav bloc).

The second resolution dealt with the question of the continuance of the Special Committee, and, as a result of a compromise, suggested that "without prejudice to the future," the Special Committee should be reconstituted in 1949. Two amendments were proposed, one of which would have made the Special Committee a permanent organ and the other giving it a three years' mandate.

The first of these amendments was rejected by a tie vote of 17 to 17 with 18 abstentions, and the second by 19 votes to 11 with 21 abstentions. *New Zealand* voted against both on the grounds that, quite apart from the merits of the case, it seemed premature to adopt a final decision when the Special Committee was still in an experimental stage. The resolution as a whole was adopted by 38 votes (N.Z.) to 7.

Two resolutions relating respectively to liaison between the Economic and Social Council and the Special Committee and to co-operation with the specialized agencies, were adopted without opposition.

During the course of the general debate on the Special Committee's report, the representative of *India* drew attention to the fact that information was no longer being transmitted in connection with certain non-self-governing territories named in the list established in 1946. In his opinion, when a particular territory became self-governing, the Fourth Committee had a right to receive information on the change in its constitutional position which, in the opinion of the metropolitan Power, rendered it unnecessary to transmit further information. The draft resolution which he submitted, however, contained a request for extremely detailed information on the constitutional position and status of territories on which information was no longer sent.

The *United Kingdom* representative stated that his Government would, as a normal act of courtesy, inform the Secretary-General of changes in the status of a territory, but felt that the United Nations had no right to examine political information of this nature. The *New Zealand* representative agreed in principle with the resolution, but felt that the transmission of such specific information would inevitably cause the Assembly to discuss whether the administering Power concerned was justified in ceasing to transmit information, and to attempt the difficult task of defining a non-self-governing territory. The relevant paragraph of the *Indian* resolution was adopted by the Committee by 30 to 3 (Australia, Belgium, and the United Kingdom) with 13 abstentions (N.Z.). The resolution as a whole was then adopted by 29 votes with 17 abstentions (N.Z.).

These five resolutions were all adopted in the Assembly, the first by 41 votes (N.Z.) to 6 with 2 abstentions, the second by 44 votes (N.Z.) to 7 with 2 abstentions, the third and fourth by 44 votes (N.Z.) with 7 abstentions, and the fifth unanimously.

Following the reconstitution of the Special Committee for 1949, the Fourth Committee elected eight non-administering members (Brazil, China, Dominican Republic, Egypt, India, Soviet Union, Sweden, and Venezuela) to balance the eight administering States.

Report of Trusteeship Council

The report of the Trusteeship Council on its second and third sessions contained the observations and recommendations of the Council on three annual reports (New Guinea, Tanganyika, and Ruanda Urundi) as well as an account of the action taken by the Council on various petitions received, of which the two most important were those from the leaders and representatives of Western Samoa and from the Ewe people of Togoland.

In addition, the Council reported on two questions which, although outside its normal scope of activities, the General Assembly had specifically referred to it—namely, the report on the administration of Southwest Africa for 1946 (transmitted by the Government of the Union of South Africa for the information of the United Nations) and the question of the draft statute for the City of Jerusalem (Part III of the Plan of Partition for Palestine—General Assembly resolution of 29 November, 1947). This last question was, however, under discussion by the First Committee, and accordingly the Fourth Committee took no action on it.

The President of the Council, Mr Liu Chieh of *China*, in presenting the report, perhaps best summed up what the majority of the Committee thought should be the primary purpose of the Trusteeship Council: it should be “the guardian of the separate political entity of the trusteeship territories” and should “supervise the administration of such territories and submit it to a careful and critical analysis.”

Some of the representatives of administering Powers, however, criticized present tendencies in the Council. The *United Kingdom* delegate (Mr Grantley Adams, a Negro lawyer and labour leader who is Leader of the Barbados House of Assembly) warned that unless the Council could rid itself of “certain false notions” which had already begun to mar its work it would prove itself unequal to its responsibilities under the Charter. The colonial peoples were becoming “disillusioned, even somewhat cynical,” about the practical contributions the United Nations could make to their advancement and welfare while these matters were being discussed within the context of Power politics and rival ideologies. Mr Adams appealed to the Council to avoid the passing of “*ex cathedra* doctrinaire judgments on many important problems to whose solution the administering authorities bring years of experience and endeavour.”

Slav delegations, on the other hand, attacked the Council's report because it did not go nearly far enough. Criticism was concentrated particularly upon the trust territories in Africa, where the colonial

Powers were said to be continuing the old colonial system which obstructed all progress. The representative of *Poland* considered that in the "sad and melancholy picture" presented by the report one of the few bright spots was the comparatively satisfactory development in Western Samoa.

It may be observed that several delegates praised the work of the New Zealand Government in Western Samoa; for example, the *Indian* representative stated that he had been impressed by the "helpful and liberal attitude" of the Government in implementing many of the recommendations made by the Western Samoan Visiting Mission, while the representative of *Cuba* considered that this action provided a "wonderful example of the type of mutual co-operation and assistance that was vitally necessary in the operation of the trusteeship system."

Speaking for *New Zealand*, Mr Reid expressed appreciation of the remarks commending the progress achieved in Western Samoa. The results of the special mission showed the benefits of close co-operation between the Trusteeship Council and the administering authorities, and, even more important, impressed upon the inhabitants of trust territories that the administering authorities were helping them towards full development and self-government.

Only by the despatch of visiting missions could Council members obtain a first-hand knowledge of conditions in the trust territories. Indeed, so important was it to have complete information before making final judgment on the policies of administering authorities that it would have been wiser for the Council to have deferred definite decisions on many aspects of the administration of Tanganyika and Ruanda Urundi until the report of the mission which had just returned from East Africa had been considered. Some of the recommendations made by the Council had been arrived at without full knowledge and could be helpful neither to the inhabitants nor to the administering authorities. Mr Reid expressed grave concern at the tendency towards a split in the Council between non-administering and administering Powers and pledged New Zealand's support in all endeavours to restore the spirit of real co-operation which had been so evident earlier.

After the close of the general discussion the Committee considered various proposals which had been placed before it.

I. General Proposal

A joint resolution submitted by *Brazil, India, Norway, Pakistan,* and the *United States* "took note" of the report of the Council and recommended the Council to consider the comments and suggestions made during the discussion in the General Assembly. *Cuba* proposed an amendment directing the Council to report its conclusions to the next session of the Assembly. This amendment was opposed by *New Zealand* and many other delegations on the grounds that to consider and report on every comment made in the Fourth Committee would be impossible,

since the Council was already overburdened with work. Furthermore, the joint resolution did in fact instruct the Council to report back its general impressions of the observations made. The *Cuban* amendment was thereupon rejected by 13 in favour with 23 (N.Z.) against. The joint resolution was adopted by 49 votes (N.Z.).

2. *Proposals Dealing With Administrative Unions Between Trust Territories and Adjacent Territories*

In the general debate many speakers had expressed fears that the identity of trust territories might be extinguished where these territories were brought into close association or union with neighbouring non-self-governing territories. Similar fears had already been expressed in the Trusteeship Council, especially with regard to the scheme of inter-territorial organization for East Africa (providing for an administrative union of Tanganyika, Kenya, and Uganda) and the projected administrative union of the trust territory of New Guinea with Papua.

In the Fourth Committee the representatives of most non-administering Powers showed that they regarded the preservation of the political individuality of the trust territories as the most serious problem facing the Trusteeship Council. In their opinion some administrative unions went beyond the provisions of the Charter and of the Trusteeship Agreements. The representative of the *Soviet Union* went much further, claiming that administrative unions were merely "veiled annexation."

On the other hand, the representatives of the *United Kingdom*, *Belgium*, *France*, and *Australia* pointed to the benefits which accrued to the peoples of the trust territories by the provision of common services with neighbouring territories. Assurances were also given that administrative unions would not hamper progressive development towards self-government or independence.

Proposals put forward by a number of delegations as to the action which the Trusteeship Council might appropriately take with regard to this problem were eventually embodied in a joint draft resolution. This draft, after noting the observations made by the Council on administrative unions, and expressing the opinion that "the present status and identity of the trust territories must be carefully maintained," recommended that the Council should investigate the whole question (recommending any necessary safeguards to preserve the "distinct political status" of the territories) and report back to the General Assembly (after requesting whenever appropriate an advisory opinion of the International Court of Justice as to the legality of such unions). The resolution further recommended that before the establishment of any administrative union the administering authority concerned should consult the Trusteeship Council.

This last recommendation touched upon a fundamental issue—namely, whether the administering authorities are bound to consult the Council before taking important administrative action in the trust territories or whether the Council has only the right to evaluate the previous actions of an administering authority. Amid the welter of conflicting opinions on this subject the *New Zealand* delegation adhered to the view, which it had taken in the Trusteeship Council, that while prior consultation was neither enjoined nor forbidden by the Charter and the Trusteeship Agreements, the need for friendly relationships and constant co-operation between the Council and the administering authorities made such prior consultation desirable. Accordingly, when a series of *United States* amendments to the joint resolution were put to the vote, *New Zealand*, while supporting the deletion of certain expressions of opinion by the General Assembly which would have prejudiced the issue, abstained on a proposal to remove the recommendation that administering authorities should consult the Council before establishing any administrative union.

All the *United States* substantive amendments having failed in the Committee, *New Zealand* abstained also in the vote on the joint resolution, which, with minor modifications, was adopted by the Committee by 25 votes to 12 with 10 abstentions.

3. Proposals Dealing With Educational Advancement in Certain Trust Territories

In the general discussion many representatives had stressed the importance of education in the development of trust territories, and after various proposals had been advanced a joint text was submitted to the Committee. This draft recommended that the Council should propose to the administering authorities that they should intensify their efforts to increase educational facilities, that primary education should be free and access to higher education not dependent on means, and that existing facilities for the purpose of training indigenous teachers should be improved and expanded. Finally the draft resolution recommended that, taking into account the existing facilities for higher education already provided in Africa, and the plans already made for their development, the Council should, in consultation with the administering authorities concerned (and, if considered desirable, with UNESCO), study “the financial and technical implications of a further expansion of these facilities, including the possibility of establishing in 1952 and maintaining a University to meet the higher educational needs of the inhabitants of trust territories in Africa.”

This resolution was adopted by the Fourth Committee by 39 votes (N.Z.) with 6 abstentions.

4. Proposal Dealing With the Political, Economic, Social, and Educational Advancement of the Inhabitants of Trust Territories

The representative of *Poland* introduced a draft resolution calling upon the administering authorities to improve and promote the political, economic, social, and educational advancement of the inhabitants of trust territories and accelerate their progressive development towards self-government or independence. The proposal was couched in such terms as to constitute a vote of no-confidence not only in the administering Powers, but also in the Trusteeship Council. It was, however, adopted by 26 votes to 10 (N.Z.) with 10 abstentions.

The report of the Fourth Committee on the Trusteeship Council's report to the plenary Assembly thus contained four draft resolutions. In the voting, resolution (1) was adopted unanimously. When resolution (2) was put to the vote paragraph by paragraph, three sections which, in effect, committed the Trusteeship Council on the question of administrative union before it had undertaken the investigation which it was requested to make, were eliminated, having failed to obtain the necessary two-thirds majority. *New Zealand* voted against their adoption. The crucial paragraph calling for prior consultation by administering authorities then failed to obtain a two-thirds majority (26 for, 20 against, with 10 abstentions (N.Z.)). The amended resolution as a whole was then adopted without objection. Resolution (3) (educational development) and resolution (4) (general development) were also adopted without objection.

Report of the Government of the Union of South Africa on the Administration of South-west Africa

At its last session the General Assembly authorized the Trusteeship Council to examine the report of the South African Government on its administration of South-west Africa for 1946 and to submit observations thereon to the General Assembly. The Council examined the report during its second session, and decided that since the report was incomplete in certain particulars the South African Government (in the absence of a special representative who could supplement the report by oral explanation) should be invited to supply additional information. Accordingly a list of fifty questions was communicated to the South African Government, and in July, 1948, the Council considered the replies and the original report. After a thorough examination, the Council transmitted to the Assembly detailed observations on those aspects of the administration of South-west Africa which appeared to merit particular attention.

It was on the basis of these observations that the Fourth Committee discussed the question of South-west Africa, but in effect the debate ranged much further afield and reopened the familiar issue whether South Africa was legally or morally obliged to place South-west Africa under the trusteeship system.

In opening the general discussion, Mr Louw (*South Africa*) made a long statement defending the past and present policy of the Union Government. He considered that there could be no legal obligation to submit a trusteeship agreement because "the League of Nations on its death-bed did not attempt to make the United Nations its legatee in respect of the mandated territories." So far as any moral obligation was concerned, Mr Louw claimed that both Europeans and indigenous inhabitants were in favour of incorporation. South Africa regretted, therefore, that she could not comply with previous Assembly resolutions recommending trusteeship for the territory; such a course would be in the interests neither of South-west Africa nor of the Union. Recent consultations with the people of South-west Africa had resulted in a tentative agreement for a closer integration of South-west Africa with the Union "along the lines envisaged in the previous mandate, since expired." South-west Africa would be represented in the Union Parliament by six members in the Assembly and two in the Senate. Such matters as defence would be dealt with by the Union Parliament, but, in regard to a number of other matters, the legislature of South-west Africa would in future be accorded powers considerably in excess of those enjoyed by the four provinces at present constituting the Union. This agreement would be incorporated in a Bill to be presented to the next session of the Union Parliament in January.

This statement brought voluble protests from many representatives, who claimed that there were only two possible solutions to mandated status—trusteeship or independence. The representative of *India* (Mrs Pandit) deplored South Africa's "mounting disrespect" for the United Nations. Nothing that had happened in the past year justified incorporation, which seemed to be imminent if not complete. Proposals to absorb the territory should be abandoned, and the *status quo* maintained until an impartial United Nations commission had visited South-west Africa to decide what was the real attitude of the inhabitants. Other representatives attacked the South African attitude as "a flagrant violation of the Charter," an obstinate rejection of three General Assembly resolutions, and a repudiation of a solemn obligation. It was suggested by *Slav* representatives that if South Africa were allowed to incorporate the territory it would later attempt to absorb Bechuanaland and other neighbouring territories.

Mr Louw, in his reply, denied that the territory would be absorbed. Proposals to administer South-west Africa as a fifth province had been put forward as far back as 1934, which proved that this was no new policy instituted by the Malan Government.

At the close of the general discussion, the Committee had before it a draft resolution submitted jointly by *Denmark, Norway, and Uruguay*, and a draft resolution proposed by *India*. Certain amendments were offered to the former, some of which were accepted by the sponsors. The resulting draft was moderate in tone. While maintaining the view that South-west Africa should be placed under the trusteeship system, the resolution took note of the assurance given by the South African representative that the proposed new arrangement for closer association of South-west Africa with the Union would not mean absorption of the territory. It recommended that, until agreement was reached with the United Nations regarding the future of the territory, South Africa should continue to supply annually information on its administration, and the Trusteeship Council to examine the information and transmit comments to the Assembly.

The *Indian* resolution (which was later withdrawn and replaced by an amendment to the joint resolution) was framed in much stronger language. It requested the Union Government, "pending the conclusion of a trusteeship agreement . . . not to proceed with measures which, though described as closer political association, amount to the integration of the territory into the Union of South Africa," and further to agree to a visit by a commission appointed by the Trusteeship Council. This commission should report the results of its observation to the Council for submission, together with the Council's comments, to the next session of the Assembly.

This proposal when put to the vote was rejected by 21 votes in favour, 22 (N.Z.) against, with 11 abstentions. *New Zealand* opposed this proposal on the grounds that it would only meet with a blunt refusal on the part of South Africa, whereas the joint resolution (which was eventually adopted by the Committee by 36 votes to 1) was more likely to produce beneficial results. Furthermore, the right of visit was not provided for in the mandate and was inconsistent with Article 80, paragraph 2, of the Charter. In the plenary Assembly debate the representative of *South Africa* appealed to the Assembly to leave the way open for agreement between the United Nations and the Union Government by deleting a paragraph in the joint resolution which maintained the previous recommendations that South-west Africa be placed under trusteeship. The paragraph in question was, however, adopted by 32 votes to 14 with 5 abstentions (N.Z.). The resolution as a whole was then adopted by 43 to 1 with 5 abstentions (N.Z.).

XII. FIFTH COMMITTEE : ADMINISTRATIVE AND BUDGETARY QUESTIONS ¹

Chairman : Mr L. D. WILGRESS (Canada)

Vice-Chairman : Mr ANDREI I. GALAGAN (Ukrainian S.S.R.)

Rapporteur : Mr OLYNTHO P. MACHADO (Brazil)

New Zealand Representatives

Mr. J. V. WILSON

DR W. B. SUTCH

MR T. P. DAVIN

Budgetary Estimates of Expenditure for 1949

The most important item on the agenda of the Fifth Committee was consideration of the budget estimates for expenditure during 1949. In the general discussion on the subject the *New Zealand* delegate, after welcoming the healthier position of the United Nations finances and administration disclosed by the Secretary-General's statement and the reports of the Advisory Committee, referred particularly to the need for consistency in voting by delegations in the various organs of the United Nations in relation to proposals involving expenditure. Throughout the detailed discussions on the various parts of the budget he supported the recommendations of the Advisory Committee on Administrative and Budgetary Questions concerning the budgetary estimates prepared by the Secretary-General, urging the need for all reasonable economy and a modest approach to the assumption of new responsibilities, especially where these did not relate to urgent problems affecting the maintenance of peace and security.

The estimates approved by the Committee for regular annual expenditure amounted to \$32,483,750 and showed a reduction of \$985,837 on the Secretary-General's main estimates. Supplementary estimates, however, increased this amount considerably. For example, provision had to be made for the United Nations Special Committee on the Balkans (\$1,347,000), the United Nations Conciliation Commission in Palestine (\$3,000,000), the United Nations Commission on Korea (\$334,000), the Committee of Good Offices on the Indonesian Question (\$215,114), the United Nations Commission for India and Pakistan (\$326,089), and the holding of a second part of the third session of the General Assembly (\$356,000).

¹ This Chapter is a summary. A more detailed account of the work of the Fifth Committee is available for consultation in the Department of External Affairs.

The expenditure eventually recommended by the Committee for 1949, including all supplementary estimates, amounted to \$43,487,128. Miscellaneous income for the same year is expected to yield \$4,794,550, leaving the net total of expenditure for 1949 at \$38,692,578. This, however, is not the net figure assessable against Governments for 1949. To obtain this, certain adjustments in respect of savings on appropriations for previous years and variations in receipts of income over estimates must be included. These bring the net total assessable against Governments for 1949 to an amount of \$41,650,814, of which New Zealand's share at one-half of 1 per cent. amounts to approximately \$208,254.

In the Assembly the appropriation resolution recommended by the Committee was approved by 48 votes (N.Z.) with 6 abstentions. Concern was expressed by the *Belgian* and *Soviet* delegates at the mounting size of the budget. The resolution relating to the Working Capital Fund, which is to be maintained at \$20,000,000 and the resolution dealing with unforeseen and extraordinary expenses, were approved by the Assembly without vote.

Supplementary Estimates for 1948

Supplementary estimates for 1948 amounting to \$4,460,541 were approved, thus increasing the total appropriated for 1948 from \$34,825,195 to \$39,285,736.

1947 Accounts

The Committee recommended resolutions (1) accepting the financial report and accounts for the financial period ended 31 December, 1947, and the certificate of the Board of Auditors; (2) accepting the financial report, accounts, and Board of Auditors' certificate for the same period of the International Children's Emergency Fund; and (3) taking note of the report of the Staff Benefit Committee.

Scale of Assessments for the Apportionment of the Expenses of the United Nations

The Committee recommended two resolutions under this heading. One of these, after recognizing, *inter alia*, that in normal times no one member State should contribute more than one-third of the ordinary expenses of the United Nations for any one year, accepted the principle of a ceiling to be fixed on the percentage rate of contribution of the member State bearing the highest assessment. The rate is to be fixed by the General Assembly when existing maladjustments in the present scale have been removed and, as world economic conditions improve, a more permanent scale is proposed.

The other resolution specified the actual scale of assessments for 1949 (New Zealand's assessment remains at 0.50 per cent.—*i.e.*, one-half of 1 per cent.) and empowered the Secretary-General to accept at his discretion and after consultation with the Chairman of the Committee a portion of the 1949 contributions in currencies other than United States dollars.

Regulations for the United Nations Joint Staff Pension Fund

The Committee examined and recommended for adoption by the Assembly regulations for the United Nations Joint Staff Pension Fund.

Tax Equalization : Staff Assessment Plan

The Committee agreed on a draft resolution containing the structure of a staff assessment plan on a pattern resembling that of national income-tax. Another resolution provides for the raising of existing tax-free salary rates to gross rates which, after deduction of assessments, will yield approximately the same net income. A third resolution requests relief for United Nations employees from double taxation ; and a fourth authorizes the reimbursement of staff members for any national income-taxes paid in respect of payments received from the United Nations during 1949.

United Nations Postal Administration

The Committee recommended a resolution approving in principle the establishment of a United Nations postal administration and authorizing the Secretary-General to conclude arrangements with various Governments, beginning with those in which the main United Nations offices are situated, for the issue of special or overprinted postage-stamps. No financial loss to the United Nations is to be incurred as a result of the latter arrangement.

Composition of the Secretariat and the Principles of Geographical Distribution

The Committee recommended a resolution noting with approval the progress made by the Secretary-General in the field of geographical distribution of the staff and recommending that with due regard to certain other principles embodied in the Charter he continue his efforts towards the objective of staffing on as wide a geographical basis as possible all internationally recruited posts and grades.

Travelling and Subsistence Expenses

A resolution was recommended setting out the principles which are to govern payment of travelling and subsistence expenses to representatives to the General Assembly and members of commissions and other bodies.

Adoption of Spanish as One of the Working Languages of the Assembly

In compliance with a resolution adopted by the second session of the General Assembly, the Secretary-General reported on a proposal by the Philippine delegation that Spanish be adopted as one of the working languages of the Assembly. The Secretary-General was of the opinion that the proposal would involve additional costs amounting to \$347,466 and would adversely affect the efficient organization and functioning of the Secretariat. These views were endorsed by the Advisory Committee. The question was discussed at considerable length in the Committee, where the *New Zealand* representative joined in expressing opposition to the proposal; in his opinion the case had not been made out on the grounds of practical necessity, especially since the provision of simultaneous interpretation facilities had increased. Eventually the recommendation of the Advisory Committee endorsing the opinion of the Secretary-General that in the present circumstances of financial stringency it would not be advisable to impose upon the members of the United Nations this additional burden was approved by 21 votes (N.Z.) to 20 with 5 abstentions.

When the report of the Committee came up for discussion in the Assembly there was a joint resolution before the Assembly in the name of *Bolivia, Chile, Cuba, Haiti, Mexico, Peru, Philippines, and Uruguay* proposing that Spanish be adopted as a working language. The *New Zealand* representative again spoke against the proposal. The discussion continued at several meetings of the Assembly and various arguments for and against were adduced by delegations.

Eventually an amendment proposed by *Mexico* to the draft resolution of the Fifth Committee, reading "Resolves that Spanish should be included as a working language of the Assembly and that Rule 41 should be modified accordingly" was put to the vote. A *Soviet* proposal to include the Russian language in addition to Spanish was ruled out of order.

The *Mexican* amendment was adopted by 30 votes to 21 (N.Z.) with 7 abstentions.

The draft resolution as amended was then adopted by 30 votes to 20 (N.Z.) with 5 abstentions.

This was the only instance at the session where a recommendation of the Fifth Committee was reversed in the Assembly.

Appointment to Fill Vacancies in the Membership of Subsidiary Bodies of the General Assembly

It was decided to recommend that the Auditor-General of Denmark be appointed as a member of the Board of Auditors to serve for a three-year term commencing on 1 July, 1949.

Mr Leslie R. Rounds of the Federal Reserve Bank of New York was recommended as a member of the Investments Committee for a three-year term commencing on 1 January, 1949.

The Committee recommended that the three vacancies on the Advisory Committee on Administrative and Budgetary Questions be filled by the reappointment for a three-year term commencing on 1 January, 1949, of three existing members, Mr Thanassis Aghnides (Greece), Mr C. L. Hsia (China), and Mr V. I. Kabushko (Soviet Union). An interim vacancy caused by the resignation of Mr Stone (United States) resulted in the Committee recommending the appointment for the remainder of the term of Mr W. O. Hall. A proposal by Czechoslovakia aimed at terminating the appointment of Dr J. Papanek on the grounds that he had lost the confidence of the Czechoslovak Government and had therefore ceased to represent that particular geographical region was defeated, the majority view of the Committee, which was shared by the *New Zealand* delegation, being that the appointments to membership of the Committee were primarily on personal qualifications which were still possessed by Dr Papanek.

With respect to four vacancies on the Committee on Contributions, the Committee decided to recommend the appointment for three-year terms commencing on 1 January, 1949, of Mr Rene Charron (France), Mr P. M. Chernyshev (Soviet Union), Mr Seymour Jacklin (South Africa), and Mr G. Martinez-Cabanas (Mexico).

United Nations Telecommunications System

A resolution was recommended approving in principle the establishment of a United Nations telecommunications system, calling on member Governments to support United Nations needs at international telecommunications conferences, and authorizing the submission by the Secretary-General to the 1950 session of such recommendations as he deems necessary to establish a United Nations telecommunications system.

Transfer to the United Nations of the Residual Assets and Activities of the United Nations Relief and Rehabilitation Administration

A resolution was recommended approving the agreement between the Secretary-General and the Director-General of UNRRA on this subject.

Headquarters of the United Nations

The Committee recommended a resolution approving the progress report of the Secretary-General on the new headquarters of the United Nations.

Verbatim Records of the Economic and Social Council and the Trusteeship Council

A resolution was recommended which took note that the Economic and Social Council had agreed for the present to dispense with verbatim records, and approved the report of the Advisory Committee regarding a modified form of verbatim reporting for the Trusteeship Council.

Allowances from the Working Capital Fund

After having examined the report of the Secretary-General on this subject, the Committee decided to recommend that the report be noted and that sums advanced from the Fund to meet expenses for financing the United Nations Conference on Trade and Employment should be borne by the United Nations. It also recommended that the Secretary-General be authorized to make additional loans to the Interim Commission of the International Trade Organization and imposed conditions for the repayment of past and future loans.

International Facilities for the Promotion of Training in Public Administration

The Committee recommended a resolution establishing an International Centre for Training in Public Administration under the direction of the United Nations. Detailed arrangements for such a centre are to be reported to the Economic and Social Council for consideration. The *New Zealand* delegation thought this proposal premature at the present time, particularly in view of the heavy burden on the Secretariat in fulfilling essential tasks in the political field and the fact that considerable facilities for training in this field already existed at the national level in many member countries.

Transfer of the Assets of the League of Nations

A resolution was agreed to establishing the procedure for crediting to former members of the League of Nations their share in the material assets of the League which have been taken over by the United Nations and for raising the funds payable as compensation for the assets. It was agreed that nine countries formerly members of the League who were not listed as beneficiaries under the Common Plan approved by the Assembly on 12 February, 1946, would be included as beneficiaries. New Zealand's credit under the plan is thereby reduced by a sum of \$8,732.17 to a total of \$173,507.07, which will be offset in fifteen equal annual instalments against the New Zealand assessment for contributions.

Reports for 1948 of the Advisory Committee

The Committee adopted unanimously the text of a draft resolution proposed by the United States delegate which took note of the reports submitted to it by the Advisory Committee on Administrative and Budgetary Questions and expressed its appreciation of the constructive work of the Committee during the past year. Owing to pressure of time this draft resolution was not considered by the Assembly at the first part of the third session.

Approval of Committee Recommendations

All the recommendations of the Fifth Committee with the exception of that relating to the adoption of Spanish as a working language and the recommendation dealing with the reports of the Advisory Committee were approved by the General Assembly.

XIII. SIXTH COMMITTEE: LEGAL QUESTIONS

Chairman: Mr RICARDO J. ALFARO (*Panama*)

Vice-Chairman: Prince WAN WAITHAYAKON (*Siam*)

Rapporteur: Mr SPIROPOULOS (*Greece*)

New Zealand Representatives

Mr J. S. REID

Mr T. P. DAVIN

Mr C. C. AIKMAN

Mr T. C. LARKIN

Agenda

The following items were allocated to the Sixth Committee:—

1. Draft Convention on the Prevention and Punishment of the Crime of Genocide.
2. Permanent invitation to the Secretary-General of the Organization of American States to be present at sessions of the Assembly.
3. Registration and publication of treaties and international agreements.
4. Transfer to the United Nations of functions and powers previously exercised by the League of Nations under the International Convention relating to Economic Statistics, signed at Geneva on 14 December, 1928.

5. Transfer to the United Nations of the functions exercised by the French Government under the International Agreement of 18 May, 1904, and the International Convention of 4 May, 1910, for the Suppression of the White Slave Traffic, and the Agreement of 4 May, 1910, for the Suppression of the Circulation of Obscene Publications.

6. Reparation for injuries suffered in the service of the United Nations.

7. Permanent missions to the United Nations.

8. Privileges and immunities of the United Nations.

9. Violation by the Soviet Union of fundamental human rights and freedoms, and traditional diplomatic practices and other principles of the Charter.

10. Approval of supplementary agreements with specialized agencies concerning the use of the United Nations *laissez-passer*.

11. Modification of the Rules of Procedure to provide for the adoption of Spanish as a working language of the General Assembly.

Convention on the Prevention and Punishment of the Crime of Genocide

A resolution adopted by the second part of the First General Assembly defined genocide as "a denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings," and proceeded to affirm that "genocide is a crime under international law which the civilized world condemns." The same Assembly asked the Economic and Social Council to begin work on a draft convention on the crime of genocide. At its second session the General Assembly reaffirmed its earlier resolution, and asked the Economic and Social Council to continue the work it had already begun. Subsequently the Council, at its sixth session, established an *ad hoc* Committee on Genocide composed of the representatives of seven member States. It was the report of this *ad hoc* Committee, incorporating a draft convention on genocide, which came before the Sixth Committee of the third General Assembly.

Both in the seventh session of the Economic and Social Council, at which members of the Council were given an opportunity to make general statements on the report of the *ad hoc* Committee, and in the general debate with which the Sixth Committee began its work on the report, the *New Zealand* representative questioned whether the draft convention prepared by the *ad hoc* Committee had been in the hands of Governments for long enough to ensure adequate study. Since the New Zealand

delegation was anxious to see a document so carefully drafted that it would stand up to the strains and stresses of implementation, it was suggested that the Committee should give the convention a first reading only. An opportunity could then be given to the International Law Commission and the Economic and Social Council, as well as to member States, to study the draft in detail. However, the Committee felt that, since the subject of genocide had already been considered by two Assemblies, the Third Assembly should not delay further the adoption of a convention. It therefore proceeded with an article-by-article examination of the *ad hoc* Committee draft.

The *New Zealand* delegation was to some extent influenced by doubts as to whether a formal legal convention, along the lines proposed by the *ad hoc* Committee, was the most appropriate method of handling the grave problem of genocide. It was in some sympathy with the *United Kingdom* Attorney-General when he told the Committee that it was a delusion to suppose that the adoption of a convention of the type proposed, even if generally adhered to, would give people a greater sense of security or would diminish the dangers that at present existed of persecution on racial, religious, or national grounds. Besides, the acts comprising physical genocide were already recognized as crimes punishable by law, and genocide in this sense was simply a new word to describe a particular form of murder. He recognized, however, that the convention would have the advantage of marking more emphatically the detestation with which genocide should be regarded, and suggested that it should state clearly and simply those propositions with which there would be general agreement in the Committee.

This last suggestion accurately defined the attitude taken by the *New Zealand* delegation in the ensuing debates. Support was given to amendments designed to confine the convention within definite limits, and the delegation sought to ensure the inclusion of only generally acceptable principles and the adoption of as effective a document as possible. It also favoured clear and simple drafting, for, as the *New Zealand* representative pointed out in one intervention, the Committee should remember that in most cases it would be necessary for member States to translate the convention into their domestic legislation. In the majority of legal codes, a crime required a precise definition capable of limited interpretation.

Under Article I of the convention the contracting parties confirm that "genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish." The convention then proceeds to define genocide, and, naturally enough, it was this definition which led to most discussion in

the Committee. Article II deals with what can be described as "physical genocide," and its general nature is indicated by the opening words of the article:—

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such"

The article proceeds to enumerate five specific acts, the first of which is killing members of the group. There was debate as to what groups should be included, and in particular whether reference should be made to political groups. It was pointed out by the *Eastern European* and some *Latin American* States that political groups lacked the stability and homogeneity of the other groups named. It was also said that the inclusion of political groups would hamper State action against domestic subversive movements. When a vote was first taken, political groups were included by 29 votes (N.Z.) to 3 with 9 abstentions. However, at a later meeting of the Committee it was decided, as the result of a request by the *United States* representative, who had earlier been the main supporter of the inclusion of political groups, that political groups should be excluded from those protected. He explained that his delegation realized that if this was not done the convention would prove unacceptable to many States. The voting was 22 for exclusion, 6 against, and 12 abstentions. In this instance the *New Zealand* representative abstained.

Article III of the *ad hoc* Committee's draft dealt with what came to be described as "cultural genocide"—*i.e.*, "any deliberate act committed with the intent to destroy the language, religion, or culture of a national, racial, or religious group" This conception, pressed in the *ad hoc* Committee by the *Soviet Union* and *Poland*, came in for much criticism. It raised the difficult question of the treatment of minority groups, and there was strong feeling in the Committee that action with regard to this form of genocide might more appropriately be taken within the sphere of human rights. It was therefore decided by 25 votes (N.Z.) to 16 with 4 abstentions not to include provisions relating to cultural genocide in the convention.

The present Article III provides that certain acts besides genocide itself are to be punishable. The most controversial of these is "direct and public incitement to commit genocide." The *New Zealand* delegation was one of a minority which opposed this provision, on the ground that it might justify legislation imposing unnecessary restrictions on the right to free speech. It was felt that incitement should only be punishable when it constituted a direct act of conspiracy, or part of an attempt to commit genocide (on which see Article III).

Questions as to who was liable for acts of genocide and the methods by which persons liable were to be punished raised difficult problems.

It was pointed out by many members of the Committee that it was difficult to imagine any large-scale acts of genocide taking place without the complicity of the Government of the territory concerned. This raised the question whether the convention should provide for some form of international criminal tribunal to punish acts of genocide. The *Soviet Union* and other members of the Committee argued that trial by an international Court would involve interference with national sovereignty, and that a provision providing for trial by domestic Courts would suffice. The *New Zealand* delegation felt that this would, in view of the nature of the crime of genocide, make the convention quite ineffective. Support was therefore given to the present form of Article VI. This article provides for trial "by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those contracting parties which shall have accepted its jurisdiction." At the same time a resolution was passed inviting the International Law Commission to study the desirability and possibility of establishing an international judicial organ for the trial of persons charged with genocide or other crimes over which jurisdiction might be conferred on that organ by international conventions. Pending the establishment of an effective international tribunal such "teeth" as the convention has are to be found in :—

(1) Article V—requiring contracting parties to enact legislation to give effect to the convention and to provide effective penalties.

(2) Article VII—under which genocide is not to be regarded as a political crime for the purposes of extradition.

(3) Article VIII—allowing contracting parties to call upon competent organs of the United Nations.

(4) Article IX—enabling the submission of disputes "including those relating to the responsibility of a State for genocide or any of the other acts enumerated in Article III" to the International Court of Justice at the request of any of the parties to the dispute.

The Convention on the Prevention and Punishment of the Crime of Genocide was approved by the Committee by 30 votes (N.Z.) with 8 abstentions; but it was later adopted unanimously by the General Assembly. The *Soviet* delegate, before the final vote in the Assembly, explained that he would vote for the convention despite its objectionable features. He referred to the absence of provisions relating to cultural genocide and reiterated his delegation's position with regard to the International Court of Justice and an international tribunal—in particular, that the transmission of any dispute to the International Court of Justice should be only with the consent of the disputant parties. Later the *Soviet* and other *Eastern European* States reaffirmed this stand by

voting against the resolution asking the International Law Commission to study the problem of an international judicial organ. The voting on this resolution was 43 to 6 with 3 abstentions.

The convention, the text of which may be found in Appendix III, was opened for signature on the last day of the Assembly meeting, and was signed by twenty-one member States. The leader of the *New Zealand* delegation informed the Secretary-General that he would not be in a position to sign the convention until the appropriate authorities in New Zealand had had an opportunity of examining it.

The convention will come into force when twenty instruments of ratification or accession have been deposited.

Permanent Invitation to the Secretary-General of the Organization of American States to be Present at Assembly Sessions

The Committee considered an *Argentinian* proposal to issue a standing invitation to the Secretary-General of the Organization of American States to attend the meetings of the General Assembly on the same terms as those on which the Secretary-General of the United Nations had attended the meetings of the Organization of American States.

Opposing the proposal, the *Soviet* delegate stated that no provision of the Charter laid down that a permanent invitation could be extended to the Secretary-General of an organization not connected with the United Nations. Moreover, the proposal was unnecessary since the Assembly sessions were public and any one was able to attend. In reply, the *Argentinian* delegate claimed that his proposal was based on paragraphs 1 and 3 of Article 52, which required the Security Council to encourage the development of pacific settlement of local disputes through regional agencies. It was therefore not possible to contend that such agencies had no legal status. He presented a draft resolution providing that the Secretary-General of the Organization of American States should be invited to be present as an observer at sessions of the Assembly. After further discussions this text was adopted by the Committee by 41 votes (N.Z.) to 5 with 5 abstentions.

In the Assembly the draft resolution was adopted by 34 votes (N.Z. to 6 with 2 abstentions.

Registration and Publication of Treaties and International Agreements

In his report on this subject the Secretary-General gave an account of material and technical difficulties met with during the year.

Two draft resolutions were submitted to the Committee. The first, put forward by *Belgium*, instructed the Secretary-General to ensure that registered treaties or agreements were published with the least possible delay, and that the translations reached the highest possible level of accuracy and precision. The second, a *United States* draft,

noted that "relatively few" treaties and agreements had so far been published, and called on member States to take immediate steps to fulfil their obligation under Article 102 of the Charter to register every treaty or agreement entered into by them after the coming into force of the Charter.

The Committee adopted the first of these resolutions unanimously, and the second by 28 votes (N.Z.) with 13 abstentions. Both were adopted without objection by the Assembly.

Transfer to the United Nations of Functions and Powers Previously Exercised by the League of Nations Under the International Convention Relating to Economic Statistics Signed at Geneva on 14 December, 1928

The Committee considered a draft resolution proposed by the Economic and Social Council relating to a draft protocol of transfer. The case for adoption of the resolution was outlined by the Assistant Secretary-General in Charge of Economic Affairs (Mr Owen), who said that the 1928 convention (to which twenty-nine countries were parties) established a high standard of statistical procedure which was, in fact, observed by many more countries than had acceded.

The case against the resolution was developed by the delegate for the *Soviet Union*, who claimed that the United Nations had its own special statistical services, skilled groups, and secretarial personnel. There was no need for the United Nations to assume the obligations of the 1928 convention, especially since the majority of United Nations members were not parties and a number of the parties were not members of the United Nations.

Subsequent discussion was directed to amendments submitted by *Argentina* and *Haiti*. The former proposed the deletion of the first clause of the draft, which directed that all action under the protocol and the convention with respect to the Franco Government should be suspended so long as this Government was in power. It was explained by the Assistant Secretary-General that the question of deletion was not important. Spain was not a party to the Convention, and so long as the two Assembly resolutions on Spain (9 February, 1946, and 12 December, 1946) were not rescinded, Spain could not become a party to the revised convention. It would make little practical difference whether the clause remained in the resolution or not. The *United Kingdom* delegate, and others, agreed that the article was superfluous.

On the other hand it was argued, by *France* and the *Soviet Union* for example, that suppression would have political implications and that in any case the paragraph should be retained in order to apply the Assembly resolutions.

After a long discussion of the Committee's competence to discuss the problem, the Chairman's affirmative ruling was upheld. It was then decided by 21 votes to 14 with 13 abstentions to delete the article. *New Zealand* abstained on both votes.

The Committee also considered a *Haitian* amendment for deletion of Article 11 of the convention—the so-called colonial application clause enabling contracting parties to control the application of the convention to their dependent territories. The effect of deletion would be to make the convention immediately applicable to all territories, metropolitan and dependent. It was contended that to exclude administered territories from certain conventions on the grounds of their backwardness was a violation of the Charter.

The representative of the *United Kingdom*, which had been specifically mentioned as a typical administering Power, stated that many of the territories under United Kingdom administration enjoyed a considerable degree of self-government: it was consequently impossible for the United Kingdom Government to impose acceptance of international conventions upon them. Since it was in fact necessary for the United Kingdom Government to consult all their colonial Administrations, they favoured retention of the clause which prevented colonial participation from being made automatic. Deletion might make it impossible for the United Kingdom to sign certain conventions and would, in any case, cause great delay (owing to the constitutional procedure involved) before the United Kingdom and its colonial territories could accede. The amendment would deny to other territories the privilege that Haiti herself would certainly exercise—that of deciding to accept or reject the convention.

The arguments of Haiti were supported by the *Soviet Union* and other States of Eastern Europe, together with certain "ex-colonial" Powers, but the amendment was defeated by 17 votes (N.Z.) to 13 with 14 abstentions.

The draft resolution, after slight amendment, was adopted in the Committee by 29 votes (N.Z.) to 4 with 10 abstentions, and in the Assembly by 29 votes (N.Z.) to 11 with 12 abstentions.

Transfer to the United Nations of the Functions Exercised by the French Government Under the International Agreement of 18 May, 1904, and the International Convention of 4 May, 1910, for the Suppression of the White Slave Traffic, and the Agreement of 4 May, 1910, for the Suppression of the Circulation of Obscene Publications

This transfer of functions was proposed by the French Government to the Economic and Social Council, which directed the Secretary-General to prepare, in consultation with the French Government, protocols for the purpose of effecting the transfer and to submit them to the General Assembly for approval.

During the discussions in the Sixth Committee the *French* delegation submitted a draft resolution approving the protocols. Amendments were submitted by the *Soviet Union* to the effect that the application of the agreements should be extended to all the territories administered by a signatory State. The amendments were rejected. The resolution was approved by 35 votes (N.Z.) with 8 abstentions and adopted by the Assembly without objection.

Reparation for Injuries Suffered in the Service of the United Nations

In his statement at the opening meeting of the third session of the General Assembly, the Secretary-General mentioned the agents of the United Nations who had been killed or injured while performing official duties in Palestine. The deaths of Count Bernadotte and Colonel Serot, he said, raised more urgently than ever before the question of what the United Nations should do to make certain that its representatives enjoyed a maximum amount of protection while performing their duties in areas of physical danger.

The sixth Committee was later asked to consider—

(1) Whether a State may have a liability towards the United Nations for injury to or death of an agent of the United Nations.

(2) What should be the general policy with respect to the reparations or measure of damages which should be claimed.

(3) What should be the procedure for the presentation and settlement of claims.

In the Committee discussion it became clear that considerable doubt existed concerning the right of the United Nations to prosecute a claim at international law against a State on whose territory a United Nations agent had suffered injury. The *United Kingdom* representative argued that the United Nations had not been given international personality and that, moreover, since there was no United Nations nationality, the grounds on which a State has the right to take legal action on behalf of its nationals did not exist in the case of the United Nations. It had been agreed that the United Nations had the right to present a claim against a State under municipal law, but it had *not* been agreed that it had such a right under international law. Since Article 34 of the Statute of the International Court of Justice established that only States could appear before the Court (and therefore by implication excluded the United Nations), the Court should be asked for an advisory opinion on the question.

The *United States* representative considered that there was no principle of international law which prevented the United Nations, which can enter into treaty obligations, from claiming for loss suffered by its agents,

but agreed that the highest legal authority could suitably be consulted. His views were shared by many delegations, and an appropriate resolution was submitted by the delegate of *Belgium*.

The *Egyptian* representative, on the other hand, saw no need for reference to the International Court, and proposed that the Secretary-General be authorized to pay compensation for injury done to United Nations agents and to negotiate directly with the countries concerned for reimbursement. A similar attitude was taken by the delegate of *Uruguay*, who submitted a separate resolution, and by the delegates of *France* and the *Soviet Union*, both of whom proposed amendments to the *Egyptian* resolution.

The *French* representative said that the international juridical personality of the United Nations had been established by Article 104 of the Charter and was also recognized in Article I of the Convention on Privileges and Immunities. The problem for the General Assembly was essentially the *practical* one of the means by which reparation should be obtained. The *Soviet* representative also contended that reference to the International Court of Justice was unnecessary. He suggested that the Secretary-General should compensate the victim or his dependants immediately; he should then, in order to prevent concurrent claims being made, reach an understanding with the State of which the victim was a national, and finally make a claim on behalf of the United Nations in the national Courts of the State concerned.

A third approach was outlined by the delegate of *Syria*, who stated that a new international convention was required. He proposed, therefore, that the International Law Commission be asked to draw up an appropriate text. The two main objections to this course of action were that it should not be undertaken before a decision by the International Court had been sought and that the International Law Commission had already been burdened with several important responsibilities.

At a late stage the *Egyptian* representative accepted a *Soviet* amendment to his proposal to the effect that the Secretary-General should claim reparations in the national Courts of the responsible nation. Since the Secretary-General's right to file claims in national Courts had not been in question, the *New Zealand* representative felt that the *Egyptian* resolution in its new form implied a limitation on the Secretary-General's powers; moreover, the weight of opposition suggested that even if it were approved its authority as a justification for claims by the Secretary-General would be uncertain. Since, however, he had spoken early in the debate in favour of the original proposals as likely to obtain quick redress for United Nations agents, he abstained in the voting, which resulted in the defeat of the resolution by 9 votes for, 26 against, with 7 abstentions. The delegate of *Egypt* then declared that the

rejection of his resolution left the Committee with only one substantial alternative—to refer the question to the International Court. Such a procedure threw doubt upon the right of the United Nations to prosecute a claim for reparations and accordingly Egypt would refuse to recognize any claim submitted by the Secretary-General until the verdict of the International Court had been made known.

Attention was then directed to the *Belgian* resolution. Since several delegations had submitted amendments or additional proposals, it was agreed to establish a working group of the delegates concerned to attempt to combine all the proposals in a single resolution.

The operative part of the draft produced by the working group, read :—

“ The General Assembly,

“ Decides to request the International Court of Justice for an advisory opinion on the following legal questions :

“ I. ‘ In the event of an agent of the United Nations in the performance of his duties suffering injury in circumstances involving the responsibility of a State, has the United Nations, as an Organization, the capacity to bring an international claim against the responsible *de jure* or *de facto* Government with a view to obtaining the reparation due in respect of the damage caused (a) to the United Nations, (b) to the victim or to persons entitled through him ’ ?

“ II. ‘ In the event of an affirmative reply to point I (b) how is action by the United Nations to be reconciled with such rights as may be possessed by the State of which the victim is a national ? ’

“ Instructs the Secretary-General, after the Court has given its opinion to prepare proposals, in the light of that opinion and to submit them to the General Assembly at its next regular session.”

This resolution was adopted in the Committee by 34 votes (N.Z.) to 5 with 1 abstention and unanimously in the Assembly.

Permanent Missions to the United Nations

The representative of *Bolivia* explained that, though the practice of establishing permanent missions to the United Nations had become increasingly general, these missions lacked a proper legal basis. One special result had been that when countries not represented in the main councils of the United Nations wished to participate in the work of those bodies, their representatives were obliged to go through complicated procedures in order to have the necessary credentials accepted. Sometimes, moreover (especially in the case of distant countries), credentials arrived too late. He suggested that a practical solution would be for Governments to appoint permanent representatives and to enumerate on their credentials the organs of the United Nations for which those credentials should be valid. He submitted a resolution

which, besides emphasizing the need for permanent missions, recommended that the Rules of Procedure of the General Assembly be altered so as to allow the Credentials Committee of the Assembly to consider and approve the credentials of permanent representatives.

Mr Kernö (Assistant Secretary-General in Charge of the Legal Department) agreed that it was indeed highly desirable that a legal status should be conferred on permanent representatives to the United Nations. He pointed out, however, that each organ of the United Nations had its own Rules of Procedure governing the presentation of credentials and that it was doubtful, therefore, whether the Credentials Committee of the General Assembly could examine the credentials of a permanent representative of a State accredited to any other organ. This suggestion was taken up by the representative of *Afghanistan*, who proposed an amendment deleting the reference to revision of the Rules of Procedure and asking the Secretary-General to make an annual report to the Assembly concerning the credentials of permanent representatives. The *Bolivian* representative accepted this and several other amendments, including one (submitted by the *Soviet Union*, *Poland*, and *Yugoslavia*), deleting a reference to the Interim Committee.

The *United Kingdom* representative stated that he saw little use in the Bolivian proposal since the legal position of permanent missions was already covered in the United Nations - United States agreement, and that of other delegations by the General Convention on Privileges and Immunities, which he hoped would soon be in force. Direct opposition to the resolution, however, was voiced almost exclusively by the delegate of *Australia*, who said that it was consistent with a general and regrettable trend towards formalization of United Nations procedures.

After further amendments to the revised proposal had been voted upon and after it had been agreed that an *Iranian* amendment should be considered as a separate proposal, the *Bolivian* resolution was finally adopted unanimously, though the *Soviet* representative reserved his Government's position. The operative part of the resolution read—

“ The General Assembly,

“ Recommends

“ 1. That the credentials of the permanent representatives should be issued either by the head of the State or by the head of the Government or by the Minister of Foreign Affairs, and shall be transmitted to the Secretary-General ;

“ 2. That the appointments and changes of members of the permanent missions other than the permanent representative shall be communicated in writing to the Secretary-General by the head of the mission ;

“ 3. That the permanent representative in case of temporary absence shall notify the Secretary-General of the member of the mission who will perform the duties of head of the mission ;

“4. That member States desiring their permanent representatives to represent them on one or more of the organs of the United Nations should specify the names of those organs in the credentials transmitted to the Secretary-General;

“Instructs the Secretary-General to submit, at each regular session of the General Assembly, a report on the credentials of the permanent representatives accredited to the United Nations.”

The Iranian resolution after amendment instructed the Secretary-General :-

“To study all questions which may arise from the institution of permanent missions including permanent missions to the European Office of the United Nations and if necessary to submit a report on this subject to the next regular session of the General Assembly.”

The proposal was adopted by 23 votes to 3 with 12 abstentions.

Both resolutions were adopted unanimously by the Assembly.

Privileges and Immunities of the United Nations

The Committee received a special report by the Secretary-General giving an account of steps taken to bring into force the agreement between the United Nations and the United States on the headquarters of the Organization and a list of accessions to the Conventions on Privileges and Immunities.

It was announced that twenty-eight States had now deposited their instruments of accession to the convention, and that of these, two (Canada and New Zealand) had acceded with a reservation covering taxation of United Nations officials. The hope was expressed that, since the General Assembly had now accepted a new plan for tax equalization, it would be possible to settle the difficulties presented by the question of tax exemption. Mr Raafat of *Egypt* submitted a resolution urging acceptance of the convention by tardy States. Reservations, he said, were undesirable since they weakened the convention's application and scope.

The delegate of the *United States* explained why his Government had not yet deposited instruments of accession to the convention. The Senate, he said, had approved its adoption in principle, but had made reservations concerning immunity from national service obligations and tax exemption. Later the Foreign Affairs Committee had approved the Senate's resolution and had favoured withdrawing the reservation on tax exemption. It was now expected that Congress would authorize United States accession to the convention at its next session. Without casting doubt on the propriety of the Egyptian resolution, he would refrain from voting upon it on the ground that it covered a question which lay solely within the constitutional prerogatives of the American Congress.

The delegate of *Poland* (the only member of the Eastern bloc to have acceded to the convention) attacked the failure of the United States to ratify the convention and also charged it with preventing freedom of access to the headquarters of the United Nations and with subjecting certain members of the secretariat to inquisitorial and useless formalities.

Replying, the *United Kingdom* representative said that all member States were under a deep debt of gratitude to the United States for the assistance it had given the United Nations. The Organization was able to function freely in the United States. Would this have been the case if the United Nations had been in Poland or countries of a similar persuasion?

The *United States* delegate said that though there might have been cases of confusion and delay, full satisfaction had always been given to any requests of the Secretary-General. The unreserved support given by his Government to the Headquarters Agreement contrasted markedly with the attitude of certain States which had not only failed to ratify the Privileges and Immunities Convention but had even refused to admit officials and missions of the United Nations to their territories.

The *Egyptian* resolution was finally adopted by the Committee by 32 votes (N.Z.) to 1, with 2 abstentions, and by the Assembly without vote.

Violation by the Soviet Union of Fundamental Human Rights, Traditional Diplomatic Practices, and Other Principles of the Charter

On behalf of the Government of *Chile*, Mr Cruz Acampo, former Ambassador to Moscow, submitted a resolution which charged the Soviet Union with having violated fundamental human rights and traditional diplomatic practices by preventing the Soviet wives of citizens of other nationalities, and in particular Mrs de Cruz, daughter-in-law of the former Chilean Ambassador in Moscow, from leaving the Soviet Union. The resolution concluded by calling on the Soviet Union to withdraw the measures complained of.

During the war, Mr Cruz Acampo said, many Allied nationals had married Soviet citizens. On their return home, however, the Soviet authorities had refused to allow their wives to accompany or join them. Only a few wives had, in fact, managed to leave the Soviet Union. In March, 1947, a decree was issued by the Council of People's Commissars forbidding marriage between Soviet citizens and foreigners and making it unlawful for Soviet women married to foreigners to leave the country. This action fell within the province of human rights, which is established by the Charter as a subject of international law. Moreover, a State which by its actions violates the purposes and principles of the United Nations *ipso facto* prejudices the general welfare and impairs friendly

relations among nations. Under Article 14 of the Charter the General Assembly is empowered to deal with such matters "regardless of their origin." The present dispute fell within that definition and therefore the Soviet Union could not claim the protection of Article 2 (7) of the Charter¹.

The Soviet Government in the past had justified their conduct as necessary, firstly on grounds of national security, and secondly to protect the Soviet wives of foreign nationals from the unhappiness, humiliation, and police supervision which they would experience abroad. Surely, he said, the security of the Soviet State was not so unstable that it would be threatened if a few women left the country in order to live with their husbands. The second explanation was equally false. "Is it believable," he asked, "that people who feel unhappy anywhere in the world on account of police supervision would go to live in Russia?"

Mr. Cruz Acampo then referred to the case of his daughter-in-law. Miss Lida Liessina had contracted marriage in December, 1946, with his son, Alvaro Cruz. Having thus become a member of the Chilean Ambassador's family, she was normally entitled to diplomatic immunities in conformity with international practice. When, however, she applied to leave with Mr. Cruz Acampo and his family her request was refused.

He could not accept the Soviet argument that their practice was to grant immunities only to officials, their wives, and their children under age, and to extend them only to subjects of the country represented. Immunities were not granted on the basis of age, sex, and nationality. They were, moreover, not created by an act of Soviet sovereignty, so that the decisions of the Council of People's Commissars could not have binding force on all the nations of the world nor could it oblige them to renounce their rights.

The representatives of the *United Kingdom* and the *United States* supported the view that the Soviet Government had committed a flagrant violation of basic human rights in preventing the Soviet wives of foreigners from rejoining their husbands. Mr Fitzmaurice (*United Kingdom*) said that on the question of diplomatic privilege, he would not discuss whether strictly the Soviet attitude could, or could not, be justified. The Soviet attitude was, however, the most restrictive that could possibly be adopted, and the hostile treatment of foreign officials in Russia could not be reconciled with normal diplomatic practice.

¹ "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."

On the broader question, he considered the Soviet attitude inhuman and contrary to civilized usage. The Soviet authorities had now set themselves to destroy the marriages and were using police pressure and false arrest for that purpose. Mr Gross, for the *United States*, said that there were now 350 Soviet wives and 65 Soviet husbands of American citizens who had been refused permission to leave the Soviet Union. "It is difficult," he said, "to conceive of a violation of the fundamental human rights of the family and marriage more flagrant than the action of a Government in preventing the unity of the family by prohibiting the wife from departing from its territory, and advising divorce as the only alternative."

The *Soviet* representative (Mr Pavlov) stated that the true instigators of the resolution were the United Kingdom and the United States. The United Nations was clearly prevented from dealing with this, a purely internal concern of the Soviet Union, by Article 2 (7) of the Charter. The decree of March, 1947, was not imposed on the Russian people, but was issued to satisfy a public demand created by the hostility to the Soviet Union which had become evident elsewhere. The decree was necessary, moreover, to protect Soviet citizens from the indignities they would suffer in foreign countries.

He charged the United States representative with criticizing conditions elsewhere while resisting judgment upon such shortcomings as the prohibition by law of mixed marriages in so many parts of his own country. He contended that the granting of visas had nothing to do with the Declaration of Human Rights, citing cases in which the United States and other Governments had refused them. But if it *was* in place to refer to the Declaration of Human Rights in this connection, it was not out of place to do so in connection with, say, the United States immigration quota system.

Mr Pavlov termed the statement of the representative of Chile "empty and full of hatred against the Soviet Union." The Chilean charges appeared especially absurd when one considered that Chile had no tradition of diplomatic privileges and had allowed members of the Soviet Embassy to be machine-gunned and to be kept in Chile against their will. No diplomatic immunity could be claimed for a Soviet citizen, nor, for that matter, did it extend to the ex-Ambassador's son, who was an adult. It was not possible to define the concept of the household and to stretch the application of diplomatic immunity as Chile had sought to do.

In subsequent discussions it became clear that, while many delegations approved the Chilean resolution in principle, they considered that it could not be accepted in its present form. The delegates of *Uruguay* and *France* submitted amendments designed to alter the emphasis of

the resolution and especially to eliminate reference to the specific case cited. The delegate of *Australia* said that, since doubt concerning the scope of diplomatic privileges existed, the question should be referred to the International Court of Justice. He accordingly submitted a resolution to that effect.

In support of the Soviet position, members of the Eastern bloc spoke at great length. Mr Katz-Suchy of *Poland* said that Chile's case was based on the claim that certain rights had been infringed, but there were no such rights. Many international tribunals had decided that nationality and the movement of nationals fell within domestic jurisdiction. Any country could decide whether it banned or allowed emigration of its citizens, and the United Nations therefore had no right to consider the case of the Soviet wives.

The amended version of the Chilean resolution submitted by *France* and *Uruguay*, after referring to the human rights provisions of the Charter (Articles I (3) and 55 (c)), to a resolution adopted by the Economic and Social Council on 23 August, 1948, deploring "the legislative or administrative provisions which deny to a woman the right to leave her country of origin and reside with her husband in any other," and to Articles II and 14 of the draft Declaration of Human Rights¹, continued :---

"The General Assembly

"Declares that the measures which prevent or coerce the wives of citizens of other nationalities from leaving their country of origin with their husbands or in order to join them abroad, are not in conformity with the Charter ; and when those measures refer to the wives of persons belonging to foreign diplomatic missions, or of members of their families or retinue, they are contrary to courtesy, to diplomatic practices and to the principle of reciprocity, and are likely to impair friendly relations among nations ;

"Recommends the Government of the Union of Soviet Socialist Republics to withdraw the measures of such a nature which have been adopted."

This text was approved by 26 votes (N.Z.) to 6 (the Eastern bloc) with 6 abstentions.

Discussion continued on the proposal of *Australia* to submit to the International Court of Justice the following questions :---

I. To what degree do the privileges and immunities granted to the head of a foreign mission in accordance with diplomatic practices traditionally established by international law extend to his family and to his establishment ?

¹ Articles 13 and 16 of the Universal Declaration of Human Rights as finally adopted (Appendix II).

2. In particular, is the action of a State in preventing one of its nationals who is the wife of a member of a foreign diplomatic mission or of a member of his family or of his establishment from leaving its territory with her husband, or in order to join her husband, a breach of international law?

The delegate of *Australia* claimed that his resolution was complementary to that already accepted by the Committee and would lead to the elimination of certain doubts which had been revealed during the debate. This view was supported by *New Zealand*. Several delegates considered, however, that the proposed questions were inadequate since they covered only one aspect of the problem raised by the original Chilean resolution. The resolution was lost by 9 votes (N.Z.) in favour, 13 against, with 12 abstentions.

The draft resolution adopted by the Committee was not considered by the General Assembly at the first part of the third session, and will consequently require to be dealt with by the second part of the session.

*Approval of Supplementary Agreements with Specialized Agencies
Concerning the Use of the United Nations Laissez-passer*

The Committee approved by 25 votes (N.Z.) with 6 abstentions the text of a draft resolution proposed by the *Iranian* delegation approving agreements concluded by the Secretary-General with the International Civil Aviation Organization, the United Nations Educational Scientific and Cultural Organization, and the United Nations Food and Agriculture Organization extending to officials of those agencies the benefit of the provisions of Article VII of the Convention on Privileges and Immunities of the United Nations, concerning the use of the United Nations *laissez-passer*.

In the General Assembly the draft resolution was adopted by 41 votes (N.Z.) with 6 abstentions.

*Modification of the Rules of Procedure to Provide for the Adoption of Spanish
as One of the Working Languages of the General Assembly*

A change in the Rules of Procedure was made necessary by the Assembly's decision to include Spanish among the working languages of the General Assembly.

The Committee adopted the amendment to Rule 44 and certain consequential changes in Rules 45 to 48 suggested by the Secretary-General. In the Assembly the modification of Rule 44 was approved by 39 votes (N.Z.) with 11 abstentions, and the amendments to the Rules 45, 46, 47, and 48 were adopted without vote.

APPENDIX I

Extracts From Speech Delivered by Mr J. Thorn at the Plenary Meeting of the Assembly Held on 27 September, 1948

I join with my fellow-delegates in expressing, on behalf of the New Zealand delegation, a very deep sense of pleasure that we should be privileged to attend the General Assembly in this beautiful city, the historic capital of France—a nation to which the world owes so much in the achievement of human liberty . . .

. . . The New Zealand delegation comes to the General Assembly with the single-minded object of advancing the purposes of the United Nations. We cannot remind ourselves too often of what those purposes are. They are—first, to maintain international peace and security; second, to develop friendly relations among nations; third, to achieve international co-operation in solving problems of an economic, social, or humanitarian character; and, fourth, to be a centre for harmonizing the actions of the nations. Of course, nothing is easier or more sterile than to dwell solely on the defects of international institutions—I shall mention later one or two matters which have caused us special concern—but at the outset I propose to strike a more hopeful note. Whatever its defects, the United Nations is a vital organization; it is very much alive; further, its action makes itself felt in almost every part of the world. Such is the strongest impression made upon us by the Secretary-General's report.

This, however, does not in itself prove that its action is beneficial. This is a matter which cannot be judged from day to day or even from session to session. We shall need longer perspectives to state with confidence whether here the United Nations action contributed to the alleviation of tension, here it tended to promote respect for human rights, and here it served to harmonize the conduct of the nations. Still, we feel it is now not too soon to say that in some areas—for instance, Greece—the vigilance of the United Nations has resulted in a lowering of the international temperature. In other cases, as in Indonesia and Kashmir, the United Nations has also attempted its pacific role with some limited success and some co-operation from the interested parties.

With other delegations we deplore the tragedy of the death of Count Bernadotte. The murder of this devoted man throws a blinding light upon the spirit of evil violence which stalks abroad. It is this very spirit as it affects international relations which the United Nations was called into existence to conquer. Each evidence of its strength is a challenge to the members of the United Nations to walk in the way they have chosen—the way of the Charter and especially of the Preamble to the Charter.

The task of international organization is not to promote the advantage of any one country, group, interest, or doctrine, but to affirm certain principles of international conduct which will enable human society to hold together. In a world deeply divided against itself the principles of the Charter provide a bridge which still swings perilously across the gulf. The New Zealand delegation feels that, in spite of structural defects, notably the veto provisions of Article 27, which we continue to regard as a major obstacle to the fulfilment of United Nations purposes,

this bridge must be maintained and strengthened by every means short of surrender of principle. For this reason we whole-heartedly endorse the Secretary-General's opinion that "the United Nations has become the chief force that holds the world together against all conflicting strains and stresses that are pulling it apart." This Assembly is the meeting ground of all peoples. Let us strengthen and preserve this valuable concourse, in the knowledge and belief that we can, if we so desire, make the United Nations a truly effective instrument for harmony and for serving the welfare of the world.

The central principle of the Charter is that all members shall refrain in their international relations from the threat or use of force in any manner inconsistent with the purposes of the United Nations. It cannot be said that the present position is satisfactory. There are cases which will occur to every one where such threats, more or less active and immediate, have within the past year weighed heavily on international relations and negotiations. Further there is the provision that all members shall give to the United Nations every assistance in any action it takes in accordance with the Charter. Can we say that this obligation is fulfilled by those who withhold their co-operation from United Nations organs appointed by the Assembly to attempt the peaceful adjustment of situations likely to impair the general welfare or friendly relations among the nations?

While there may be ground for apprehension, the record is not one of unrelieved failure—substantial beneficial achievement stands to the credit of the United Nations. Unfortunately, it is not the patient constructive work, nor success won in the face of many difficulties, which reaches the headlines—the headlines which distort the real picture, play into the hands of cynics, and cause large numbers of well-disposed people to doubt whether the United Nations can really play an effective part in overcoming problems and in inducing the nations to act in friendly co-operation. Nevertheless, the truth is that much progress has been made, and especially in fields in which material advantage can be, or has been, brought to millions of ordinary people.

Thus the Economic and Social Council, of which I speak from personal experience, has done much to offset disappointment encountered elsewhere. It is directing and co-ordinating work in many fields. It is also receiving and dealing with reports from the international specialized agencies; and these reports give cause for gratification that international work is extending every day rather than diminishing. Let me give the Assembly some examples of what is being done.

The Food and Agriculture Organization is proving not only that international bodies can collaborate with each other, but that advances are being made in co-operation by member States. The continuing food crisis is being approached by the FAO in a manner which involves co-ordination with the World Health Organization, so that the whole field of food and nutrition is being covered. To relieve the food crisis the FAO is working with the regional economic commissions, the Economic and Social Council, and with individual Governments. It is also giving technical advice on agriculture, the processing of foodstuffs, and the promotion of activities for increasing the world's food-supply. My delegation feels that the FAO is a progressive organization which is proving that international action is a reality.

I must also draw attention to some organizations the existence of which preceded the birth of the United Nations; for instance, the International Labour Organization, the Universal Postal Union, and the International Telecommunications Union. These organizations are, in their respective fields, carrying out international action which would have seemed impossible a few decades ago. The International Labour Organization, which has a long record of useful achievement, is actively taking steps to raise the living standard of workers, and it has given humane and enlightened leadership to Governments throughout the world. For example, at its recent conference in San Francisco it agreed on a convention for the freedom of association which was generally acceptable to the trade-unions represented and which, it is to be hoped, the member States will ratify.

Mr Thorn referred to the work being accomplished by other specialized agencies, such as the World Health Organization, the United Nations Educational Scientific and Cultural Organization, and the International Civil Aviation Organization. He went on:—

May I mention the work on the economic and social problems created by the war. New Zealand is a member of the International Refugee Organization, which, despite the failure to give it the full measure of support to which it is entitled, is carrying out the tasks assigned to it. Displaced persons are being fed and looked after, and arrangements are being made for their repatriation to their own countries or for their settlement abroad. Is not this yet another example of how nations can get together to solve a serious world problem?

A further international activity for which the United Nations has been responsible and to which New Zealand has given full support is the work of the International Children's Emergency Fund. This Fund has been financed from funds carried over from UNRRA operations, from funds contributed by Governments, and from other moneys contributed privately as a result of united appeals. Contributions for such a purpose surely evidence successful international action . . .

Here I also pay tribute to the work of the Narcotics Commission. This effort is familiar to delegates because it was part of the activity of the League of Nations, but the problem of traffic in narcotic drugs is always before us, and now that synthetic drugs are developing we are confronted with even more complex problems of control. The Narcotics Commission has a hard and baffling task, but it is performing it with considerable success and its methods are a model of international co-operation.

Then there is the great question of human rights, about which a convention has to be shaped. This, in the main, is the responsibility of the Human Rights Commission, which in recent months has been drafting a Bill on Human Rights. The work already done is a considerable contribution to the raising of international standards . . .

I submit that this bare and by no means complete enumeration of constructive international endeavours should encourage those who hope for a United Nations with an authority which is unmistakable and with powers of leadership which civilized people will follow. Progress need not necessarily be dramatic; it may be as yet only faintly perceptible, but ultimately, because it reaches peoples with tangible benefits, it will create a public opinion in which the United Nations will be entrenched, and with the support of which it can build the better world we all desire.

APPENDIX II

Universal Declaration of Human Rights

PREAMBLE

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind, and the advent of a world in which human beings shall enjoy freedom of speech and belief and freedom from fear and want has been proclaimed as the highest aspiration of the common people,

Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law,

Whereas it is essential to promote the development of friendly relations among nations,

Whereas the peoples of the United Nations have in the Charter reaffirmed their faith in fundamental human rights, in the dignity and worth of the human person and in the equal rights of men and women and have determined to promote social progress and better standards of life in larger freedom,

Whereas Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms,

Whereas a common understanding of these rights and freedoms is of the greatest importance for the full realization of this pledge,

Now therefore the General Assembly proclaims

This Universal Declaration of Human Rights as a common standard of achievement for all peoples and all nations, to the end that every individual and every organ of society, keeping this Declaration constantly in mind, shall strive by teaching and education to promote respect for these rights and freedoms and by progressive measures, national and international, to secure their universal and effective recognition and observance, both among the peoples of Member States themselves and among the peoples of territories under their jurisdiction.

ARTICLE I

All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.

ARTICLE 2

(1) Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

(2) Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether this territory be an independent, Trust, or Non-Self-Governing territory, or under any other limitation of sovereignty.

ARTICLE 3

Everyone has the right to life, liberty and the security of person.

ARTICLE 4

No one shall be held in slavery or servitude ; slavery and the slave trade shall be prohibited in all their forms.

ARTICLE 5

No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.

ARTICLE 6

Everyone has the right to recognition everywhere as a person before the law.

ARTICLE 7

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.

ARTICLE 8

Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.

ARTICLE 9

No one shall be subjected to arbitrary arrest, detention or exile.

ARTICLE 10

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

ARTICLE 11

(1) Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

(2) No one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.

ARTICLE 12

No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.

ARTICLE 13

(1) Everyone has the right to freedom of movement and residence within the borders of each State.

(2) Everyone has the right to leave any country, including his own, and to return to his country.

ARTICLE 14

(1) Everyone has the right to seek and to enjoy in other countries asylum from persecution.

(2) This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.

ARTICLE 15

(1) Everyone has the right to a nationality.

(2) No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.

ARTICLE 16

(1) Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.

(2) Marriage shall be entered into only with the free and full consent of the intending spouses.

(3) The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

ARTICLE 17

(1) Everyone has the right to own property alone as well as in association with others.

(2) No one shall be arbitrarily deprived of his property.

ARTICLE 18

Everyone has the right to freedom of thought, conscience and religion ; this right includes freedom to change his religion or belief, and freedom either alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance.

ARTICLE 19

Everyone has the right to freedom of opinion and expression ; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

ARTICLE 20

(1) Everyone has the right to freedom of peaceful assembly and association.

(2) No one may be compelled to belong to an association.

ARTICLE 21

(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.

(2) Everyone has the right of equal access to public service in his country.

(3) The will of the people shall be the basis of the authority of government ; this will shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

ARTICLE 22

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

ARTICLE 23

(1) Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.

(2) Everyone, without any discrimination, has the right to equal pay for equal work.

(3) Everyone who works has the right to just and favourable remuneration insuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.

(4) Everyone has the right to form and to join trade unions for the protection of his interests.

ARTICLE 24

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

ARTICLE 25

(1) Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the

right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.

(2) Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.

ARTICLE 26

(1) Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

(2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.

(3) Parents have a prior right to choose the kind of education that shall be given to their children.

ARTICLE 27

(1) Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.

(2) Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.

ARTICLE 28

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

ARTICLE 29

(1) Everyone has duties to the community in which alone the free and full development of his personality is possible.

(2) In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.

(3) These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.

ARTICLE 30

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

APPENDIX III

Convention on the Prevention and Punishment of the Crime of Genocide

The Contracting Parties,

Having considered the declaration made by the General Assembly of the United Nations in its resolution 96 (I) dated 11 December 1946 that genocide is a crime under international law, contrary to the spirit and aims of the United Nations and condemned by the civilized world ;

Recognizing that at all periods of history genocide has inflicted great losses on humanity ; and

Being convinced that, in order to liberate mankind from such an odious scourge, international co-operation is required ;

Hereby agree as hereinafter provided :

ARTICLE I

The Contracting Parties confirm that genocide, whether committed in time of peace or in time of war, is a crime under international law which they undertake to prevent and to punish.

ARTICLE II

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such :

- (a) Killing members of the group ;
- (b) Causing serious bodily or mental harm to members of the group ;
- (c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part ;
- (d) Imposing measures intended to prevent births within the group ;
- (e) Forcibly transferring children of the group to another group.

ARTICLE III

The following acts shall be punishable :

- (a) Genocide ;
- (b) Conspiracy to commit genocide ;
- (c) Direct and public incitement to commit genocide ;
- (d) Attempt to commit genocide ;
- (e) Complicity in genocide.

ARTICLE IV

Persons committing genocide or any of the other acts enumerated in article III shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals.

ARTICLE V

The Contracting Parties undertake to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of the present Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts enumerated in article III.

ARTICLE VI

Persons charged with genocide or any of the other acts enumerated in article III shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction.

ARTICLE VII

Genocide and the other acts enumerated in article III shall not be considered as political crimes for the purpose of extradition.

The Contracting Parties pledge themselves in such cases to grant extradition in accordance with their laws and treaties in force.

ARTICLE VIII

Any Contracting Party may call upon the competent organs of the United Nations to take such action under the Charter of the United Nations as they consider appropriate for the prevention and suppression of acts of genocide or any of the other acts enumerated in article III.

ARTICLE IX

Disputes between the Contracting Parties relating to the interpretation, application or fulfilment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute.

ARTICLE X

The present Convention, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, shall bear the date of 9 December, 1948.

ARTICLE XI

The present Convention shall be open until 31 December, 1949, for signature on behalf of any Member of the United Nations and of any non-member State to which an invitation to sign has been addressed by the General Assembly.

The present Convention shall be ratified, and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.

After 1 January 1950 the present Convention may be acceded to on behalf of any Member of the United Nations and of any non-member State which has received an invitation as aforesaid.

Instruments of accession shall be deposited with the Secretary-General of the United Nations.

ARTICLE XII

Any Contracting Party may at any time, by notification addressed to the Secretary-General of the United Nations, extend the application of the present Convention to all or any of the territories for the conduct of whose foreign relations that contracting party is responsible.

ARTICLE XIII

On the day when the first twenty instruments of ratification or accession have been deposited, the Secretary-General shall draw up a *proces-verbal* and transmit a copy of it to each Member of the United Nations and to each of the non-member States contemplated in article XI.

The present Convention shall come into force on the ninetieth day following the date of deposit of the twentieth instrument of ratification or accession.

Any ratification or accession effected subsequent to the latter date shall become effective on the ninetieth day following the deposit of the instrument of ratification or accession.

ARTICLE XIV

The present Convention shall remain in effect for a period of ten years as from the date of its coming into force.

It shall thereafter remain in force for successive periods of five years for such Contracting Parties as have not denounced it at least six months before the expiration of the current period.

Denunciation shall be effected by a written notification addressed to the Secretary-General of the United Nations.

ARTICLE XV

If, as a result of denunciations, the number of Parties to the Convention should become less than sixteen, the Convention shall cease to be in force as from the date on which the last of these denunciations shall become effective.

ARTICLE XVI

A request for the revision of the present Convention may be made at any time by any Contracting Party by means of a notification in writing addressed to the Secretary-General.

The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE XVII

The Secretary-General of the United Nations shall notify all Members of the United Nations and the non-member States contemplated in article XI of the following :

- (a) Signatures, ratifications and accessions received in accordance with article XI ;
- (b) Notifications received in accordance with article XII ;
- (c) The date upon which the present Convention comes into force in accordance with article XIII ;
- (d) Denunciations received in accordance with article XIV ;
- (e) The abrogation of the Convention in accordance with article XV ;
- (f) Notifications received in accordance with article XVI.

ARTICLE XVIII

The original of the present Convention shall be deposited in the archives of the United Nations.

A certified copy of the Convention shall be transmitted to all Members of the United Nations and to the non-member States contemplated in article XI.

ARTICLE XIX

The present Convention shall be registered by the Secretary-General of the United Nations on the date of its coming into force.

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