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NEW ZEALAND

THE UNITED NATIONS

REPORT OF THE NEW ZEALAND DELEGATION ON THE SECOND PART OF THE THIRD REGULAR SESSION OF THE GENERAL ASSEMBLY HELD AT NEW YORK, 5 APRIL TO 18 MAY, 1949

Presented to Both Houses of the General Assembly by Leave

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Note

The final text of resolutions adopted at the second 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.

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I. LETTER TO PRIME MINISTER FROM CHAIRMAN OF DELEGATION

New Zealand Delegation to the General Assembly,

8 June, 1949.

SIR,—

I have the honour to append the report of the New Zealand delegation, of which I was Chairman, to the second part of the third regular session of the General Assembly of the United Nations, which began at Flushing Meadows, New York, on 5 April, 1949, and ended on 18 May, 1949.

This meeting was, of course, merely a continuation of that which had commenced in Paris in September, 1948, but which had found itself unable to complete its work at that time and accordingly adjourned the consideration of a number of items on its agenda until April, 1949. It follows, therefore, that the full mechanism of the General Assembly was not brought entirely into play. Though the main Committees of the Assembly had been established in Paris, and though the General Committee, construction of which depends in part on these Committees, continued to meet in New York, it was not found necessary for all the Committees to meet. The Second, Fourth, and Sixth Committees found no occasion to meet, though, as indicated later, some of the work of the Sixth Committee in Paris was finally disposed of in plenary session in New York.

I do not think this was a good meeting. It is indeed true that the violence of language which has characterized previous meetings was not quite so evident; but I saw no real diminution in the opposition of the Slav group, not only to the Western Powers but to the principles and the objectives of the United Nations itself. And although the Assembly did dispose, not discreditably, of most of the items on its agenda, it did this, as usual, in a very slow and cumbersome way with a consumption of time that was out of all proportion to the results; and it is, I think, fair to point out that in the one really fundamental subject which lay before it for decision—the disposition of the Italian colonies—the Assembly lamentably failed to come to any decision at all. This failure, it seems to me, cannot but be detrimental to the United Nations, especially having regard to the fact that by its own

deliberate decision it is taking no further action in the matter until its next meeting in September of this year; and all well-wishers of the United Nations will join in the hope that the next Assembly will approach this matter with a greater sense of realism and a firmer adherence to principle.

With a somewhat dubious relevance the Slav group introduced into the debates of the plenary session an attack on the Atlantic Pact. The matter was introduced by Mr Gromyko, who, in a typical speech which did not carry much conviction, represented the Atlantic Pact as evidence of the intention of the " war mongers " to prepare for a third world war. He characterized the pact as a gross betrayal of the United Nations and of the principles for which that Organization stands, and during the course of an hour's address he traversed the ground that has now become so familiar. He was followed, of course, by the representatives of the satellite countries, but the whole effort seemed perfunctory and unreal, and having made the gesture that was no doubt expected of them the Eastern group proposed no resolution on the matter, which was by common consent allowed to drop.

The Assembly concluded with an unexpected and unpleasant incident. At the very last moment, just as the Assembly was gathering for its concluding ceremonies, the representative of Poland endeavoured to introduce on the agenda the case of Gerhart Eisler, a communist who had absconded from bail and escaped from the United States to the United Kingdom. It was generally felt that the timing of this application was not fortuitous and that the object was propaganda. The President (Dr Evatt) ruled the application out of order, and after a lengthy and noisy scene, with shouted protests by representatives of the Slav group, his ruling was upheld by an overwhelming majority.

I have, as always, to express my utmost thanks to my colleagues on the New Zealand delegation. Dr Sutch and Miss Hampton assumed responsibility for economic and social matters, while Mr Larkin and Mr Craw were of inestimable value on political matters. Of the two members of the Washington Embassy who had been appointed to the delegation to meet unforeseeable contingencies, Mr Laking attended only for a very short period, and it was in the event found unnecessary to call upon Mr Corner at all.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd) C. A. BERENDSEN.

The Right Hon. the Prime Minister,
Wellington, New Zealand.

II. DELEGATIONS

The 58 member States sent delegations to the second part of the third regular session of the General Assembly, and the admission of Israel to membership on 11 May brought the number to 59.

The New Zealand delegation consisted of—

Delegate—

Sir CARL BERENDSEN, New Zealand Ambassador to the United States.

Alternate Delegates—

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

Mr G. R. LAKING, New Zealand Embassy, Washington.

Advisers—

Mr F. H. CORNER, New Zealand Embassy, Washington.

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.

III. ELECTIONS

Committee Officers

Elections were necessary as the result of the resignation of a number of officers elected during the first part of the session.

Mr F. Van Langenhove (*Belgium*) was elected to replace Mr P. H. Spaak (*Belgium*) as Chairman of the First Committee.

Mr G. Ignatieff (*Canada*) was elected to replace Mr L. D. Wilgress (*Canada*) as Chairman of the Fifth Committee.

In the *ad hoc* Political Committee Mr V. Houdek (*Czechoslovakia*) was elected Vice-Chairman in the place of Mr V. Prochazka (*Czechoslovakia*).

During the course of the session Mrs B. Begtrup (*Denmark*), Vice-Chairman of the Third Committee, was replaced by Mr G. Ingebretson (*Norway*), and later by Dr R. Noriega (*Mexico*).

IV. GENERAL DEBATE

There was no general debate, since this session was merely the continuation of the third regular session, which had begun in Paris. Dr Evatt (*Australia*) the President of the Assembly, made a brief opening statement in which he referred to the many notable achievements to the credit of the United Nations during its three years of existence. As illustrations he quoted the Palestine case, the problem of Iran, the Kashmir case, and the Balkan and Korean questions. The United Nations, said Dr Evatt, remained to-day the corner-stone of effective international action to maintain peace and security and to promote higher standards of welfare throughout the whole world. Every delegation was pledged to the view that the United Nations was the supreme international body and all other obligations which individual nations or groups of nations might accept must be subordinate to or in agreement with the United Nations Charter.

V. FIRST COMMITTEE: POLITICAL AND SECURITY QUESTIONS

Chairman: Mr F. VAN LANGENHOVE (*Belgium*)

Vice-Chairman: Mr COSTA DU RELS (*Bolivia*)

Rapporteur: Mr S. SARPER (*Turkey*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr G. R. LAKING

Mr T. C. LARKIN

Agenda

The First Committee had three items on its agenda which had been left over from the first part of the session:—

1. Treatment of Indians in the Union of South Africa.
2. Question of the disposal of the former Italian colonies.
3. Implementation of Assembly resolution on Franco Spain.

During the session two other items were referred to the Committee:—

1. The question of Indonesia.
2. The application of Israel for membership in the United Nations.

These were subsequently allocated to the *ad hoc* Political Committee, however.

Treatment of Indians in the Union of South Africa

Discussion on the complaint of the Government of India concerning the treatment of Indians in South Africa was much less heated than in the General Assemblies of 1946 and 1947, partly because the question was by now a familiar one, partly because of the moderation with which the Indian case was presented, and partly because only one of the disputants directly concerned dealt with the substance of the problem. The leader of the *South African* delegation announced that he intended to deal only with the question of the competence of the General Assembly to discuss the question, and after delivering a very long address on that subject withdrew one seat from the Council table, resuming his place only to speak further on the question of competence and to participate in voting. Although he did not indeed make a formal statement on the question at issue, he did, however, deal incidentally with the argument of the delegation of India in sufficient detail for the South African attitude to be assessed with some precision.

The Substantive Issue

The case presented by the *Indian* delegation and its supporters was in its simplest outline as follows. In South Africa, it was asserted, policies of racial discrimination were being practised which if allowed to go unchecked were likely to lead to widespread international friction. Of the 300,000 persons of Indian origin in South Africa (the descendants of Indian merchants and of agricultural workers introduced between 1860 and 1911) over 90 per cent. were now legally nationals of the Union. Together with other Asiatic people they had, however, been subjected to particularly harsh and humiliating discrimination because of their race and colour and had been denied human rights and fundamental freedoms. They were refused equal social, political, and economic opportunities; they were deprived of freedom of movement and were subjected to isolation and segregation. Under the so-called Capetown Agreements of 1927 and 1932 all racial segregation was to have been abolished. Indians were to have enjoyed the same standard of living as Europeans and the Government of South Africa was to have co-operated with the Indian Government. Instead these two agreements had been violated. Moreover the Asiatic Land Tenure and Indian Representation Act of 1946 had inflicted strict residential and commercial segregation on Indians in Natal and now the new Government of Dr. Malan had exceeded all previous racial persecution and discrimination in the pursuit of its policy of "apartheid"—a policy of complete racial segregation intended to maintain European superiority. The measures adopted by the Government of South Africa were in conflict with the Charter and with the previous Assembly resolution

of 8 December, 1946, which had recommended that the treatment of Indians in South Africa be in conformity with the agreements concluded between the two Governments and the relevant provisions of the Charter. The problem was thus of concern to all members of the United Nations, which was faced with the open affirmation and arrogant practice of the doctrine of racial superiority. It was essential that the United Nations proceed now to investigate the position, to request the discontinuance of the racial policies which had aroused the dispute, and to accomplish the re-establishment of good relations between India and South Africa.

The basic contention of the *South African* delegation was as follows. South Africa should be left to solve its multi-racial problem in its own way on the basis of local conditions. None of the disabilities alleged by the Indian delegation to be suffered by Indians in South Africa were peculiar to South Africa, nor was it certain that they fell within the scope of human rights and fundamental freedoms. None of the human rights universally recognized as being fundamental had been or were being violated in the Union of South Africa. It was wrong to claim that the Capetown Agreement was a treaty in the sense envisaged by the Charter, since the South African Government had never considered it a binding document and the Indian Government had never until 1946 claimed that it had the force of a treaty obligation. The so-called agreement (which had incidentally never been registered with the League of Nations) had been nothing more than a statement of policy and outlined arrangements (first for repatriation, later for colonization) which had lapsed for many years owing to the lack of necessary co-operation from the Indian Government. That the so-called agreement no longer existed was conclusively proved by a recent statement of Pandit Nehru to the effect that the Indian Government disapproved of any scheme for the repatriation of Indians from South Africa as the latter were South African citizens and not Indian nationals. So far as South Africa was concerned no dispute with India existed. India had, in fact, subjected South Africa to hostile unilateral action—had, for instance, withdrawn its High Commissioner in South Africa, had ejected South African nationals from India, and had applied economic sanctions. It was thus India itself that was ignoring the Charter, Article 1, paragraph 2 of which provides for the development of friendly relations among member States. The best and most helpful approach which India might make towards settlement of the alleged dispute would therefore be to remove the measures of discrimination it had imposed.

The Question of Competence

The core of the South African case was the already familiar one that Article 2, paragraph 7, of the Charter precluded any intervention by the United Nations in matters which were essentially within the domestic

jurisdiction of any State. The persons concerned in the Indian complaint were citizens of the Union of South Africa and subject to the jurisdiction of the Parliament and Government of that country. The Union Government therefore objected to having a question essentially within its jurisdiction discussed or decided upon by the General Assembly. Any concession of the right to interfere in domestic affairs could only have dangerous consequences for the small Powers and might ultimately threaten the very existence of the United Nations.

Several delegations advanced arguments in opposition to this thesis. The General Assembly, it was asserted, could interpret its own Charter and on a number of occasions it had chosen to construe for itself the meaning of Article 2, paragraph 7. The very fact that the Assembly had already considered the treatment of Indians in South Africa on two previous occasions and now was doing so for a third time was a clear indication that arguments relating to competence had no reality. The question did not in fact fall within South Africa's domestic jurisdiction for the following reasons: because it concerned human rights and freedoms which the United Nations was bound to uphold; because it was the subject of agreements between the Governments of India and South Africa; because it had given rise to friction between the two countries and the Assembly obviously had competence to recommend measures for the peaceful adjustment of a situation likely to impair friendly relations among nations.

Several delegations, while not willing automatically to endorse the South African contentions, were of the opinion that there was indeed occasion to doubt whether the Assembly was competent to deal with the question. Sir Carl Berendsen (*New Zealand*) said that in view of the considerable uncertainty concerning the actual scope and meaning of Article 2, paragraph 7, it was the duty of the United Nations to resolve that uncertainty and that the only logical way to do so was to refer the matter to the International Court of Justice for an opinion. So long as this doubt persisted the New Zealand delegation would not support any resolution which sought either to condemn or to condone or indeed to pass any judgment upon the substance of the question. Other delegations, including those of *Belgium* and *Canada*, announced that they intended to adopt a similar attitude.

No formal resolution proposing reference to the International Court was, however, submitted to the Committee, which at the conclusion of the general debate had before it four draft resolutions. *South Africa* proposed that the General Assembly decide that the item proposed by India "is essentially within the domestic jurisdiction of the Union of South Africa and . . . does not fall within the competence of the Assembly."

Another draft resolution, submitted by *India*, stated that the treatment of Indians in the Union of South Africa was "not in conformity with the relevant provisions of the Charter and the resolutions of the Assembly and the international obligations under the agreements concluded between the two Governments", and recommended that a Commission of three member States—one nominated by India, one by South Africa, and one to be chosen by the other nominees—be appointed "to study the situation arising out of the treatment of Indians in South Africa and to report to the fourth session of the Assembly the results of its study and submit recommendations for the solution of the problem."

A *Franco-Mexican* resolution invited India and South Africa to enter into discussion at a round-table conference on the basis of the resolution of 8 December, 1946, and to invite the Government of Pakistan to take part in such talks.

The fourth resolution, submitted by *Australia*, *Denmark*, and *Sweden*, called upon India and South Africa to renew their efforts to reach an agreement through a round-table conference or by other means such as mediation and conciliation, and requested the President of the General Assembly and the Secretary-General to render all assistance in bringing the parties together and if desirable to designate a mediator.

The *South African* resolution was rejected by 33 votes to 5 with 12 abstentions (N.Z.).* The *Indian* resolution was then adopted by 21 to 17 with 12 abstentions (N.Z.). After the *Franco-Mexican* resolution had been amended so as to omit reference to the 1946 resolution and to provide that the round-table conference should take into consideration "the purposes and principles of the Charter of the United Nations and the Declaration of Human Rights," the sponsors agreed at the request of the delegate of *Byelorussia* to delete the words "and the Declaration of Human Rights" which it was contended were likely to have an inhibitory influence on negotiations between the Governments concerned, and which if retained would prevent certain delegations from supporting the resolution. This change evoked an indignant protest from the representative of *Haiti*, who proposed the restoration of the words. This was accomplished by a narrow margin, and the resolution was then adopted by 39 votes (N.Z.) to 2 with 9 abstentions. The delegate for *Australia*, who with the representatives of *Denmark* and *Sweden* had withdrawn the joint resolution in favour of the Franco-Mexican text, expressed his disappointment that the action of the delegate for Haiti had prevented the possibility of a unanimous resolution.

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

In the Assembly discussion the delegate for *India* announced that he would withdraw his resolution in favour of the Franco-Mexican text which now read:

"The General Assembly,

" Taking note of the application made by the Government of India regarding the treatment of people of Indian origin in the Union of South Africa as well as of considerations put forward by the Government of the Union, and having examined the matter,

" Invites the Governments of India, Pakistan and the Union of South Africa to enter into discussion at a round-table conference, taking into consideration the purposes and principles of the Charter of the United Nations and the Declaration of Human Rights."

The delegate from *South Africa* urged that the Assembly should seek to arrange a conference between the parties concerned which would be " without strings." The references in the proposed resolution to the Charter and more particularly to the Declaration of Human Rights constituted, he maintained, an impediment to free negotiation. After an attempt to have a separate vote on the phrase " and the Declaration of Human Rights " had been overruled by the President, however, the resolution was adopted by 47 votes (N.Z.) to 1 (South Africa) with 10 abstentions.

Question of the Disposal of the Former Italian Colonies

When the general debate on the disposal of the Italian colonies commenced on 6 April, the General Assembly was confronted with the opportunity of discharging a unique function and of operating with unique powers. For the first time the Great Powers had passed to the Assembly a problem on which that body's recommendations would be decisive and not subject to ultimate veto.

Under the terms of the peace treaty with Italy, signed at Paris in February, 1947, Italy renounced all rights to its former colonial possessions. Under Annex XI of the same treaty it was provided —

(*a*) That the final disposition of the territories should be determined within a year of the treaty's coming into force by the Governments of the Soviet Union, the United Kingdom, the United States, and France " in the light of the wishes and welfare of the inhabitants and the interests of peace and security taking into consideration the views of other interested Governments " ; and

(*b*) That should the four Powers concerned be unable to reach agreement within the established time limit the question should be referred to the General Assembly of the United Nations for a recommendation which the Great Powers agreed to accept.

The treaty with Italy entered into force on 15 September, 1947, and during the following twelve months the destiny of the colonies was exhaustively discussed by the Council of Foreign Ministers and their deputies. A Commission of Investigation was despatched to the territories and after a tour lasting several weeks made reports, which, though abounding in reservations, dissenting footnotes, and alternative versions, provided a mass of information concerning living and political conditions in the three colonies. In addition, interested Governments were twice given the opportunity of making oral or written statements to the Deputies concerning the fate of the territories. Despite this activity no agreement was reached by the four Powers and on 15 September, 1948, they referred the question to the General Assembly. No discussion was possible at Paris and it was agreed that the problem should be considered at the second part of the third session.

The Former Italian Colonies

The territories concerned—Libya on the Mediterranean, Eritrea on the Red Sea, and Italian Somaliland on the Indian Ocean—have certain common features; all are mostly desert and sparsely populated (a total population of little more than 3,000,000 occupies a total area of 750,000 square miles); all have in the past served as bases for aggression against neighbouring countries; and all are, as an outcome of the war, still under foreign military occupation.

Libya, the largest of the colonies, once the most prosperous and still potentially the most valuable, has since 1943 been administered in three parts: Cyrenaica, which is under British administration and contains 310,000 inhabitants, most of whom belong to the Senussi sect and only 100 of whom are Italians; Tripolitania, which is also under British administration and has a population of 800,000, of whom 44,000 are Italians; and the Fezzan, a vast desert region to the south of Tripolitania which is administered by the French and contains about 50,000 Moslem inhabitants.

Eritrea, the next in importance and in some ways the most spectacular of the territories, contains a mosaic of peoples totalling about 1,063,000, the three major groups of which are—

(*a*) The Italians, 26,000;

(*b*) The Coptic Christians, most of whom occupy the high central plateau extending from Ethiopia into Eritrea; and

(*c*) The Moslems, who occupy most of the remainder of the territory, including the low-lying Western Province and the Red Sea coastal strip.

Italian Somaliland, the third territory, which for the most part is one of the world's least promising deserts, has a population of nearly 1,000,000, over half of whom are nomadic, and 4,000 of whom are Italians.

Views of the Four Great Powers

At the opening meetings of the Committee it became clear at once that despite the apparent poverty and unimportance of the territories their future destiny would be determined only with great difficulty. The basis for future discussion in the Committee was provided by the initial statements on behalf of the four Great Powers and of the two principal claimants to the colonies, Italy and Ethiopia.

Mr Dulles (*United States*) said Libya had gone far towards autonomy and that the Assembly should insist on granting full independence to the inhabitants at an early date. For the time being, however, in view of the strategic importance of the region and its consequent relation to peace and security, the territory should be placed under the trusteeship system. Without indicating whether Libya should be treated as a whole or in parts, Mr Dulles then declared that the United Kingdom should be asked to administer Cyrenaica. Eritrea, he said, was neither homogeneous nor ready for independence. Since close racial affinities existed between certain of the inhabitants of Eritrea and Ethiopia, since Ethiopia had need of an outlet to the sea, and since it was important to protect Ethiopia from future aggression launched from Eritrea, he considered that a great part of Eritrea, including the port of Massawa and the city of Asmara, should be incorporated in Ethiopia. For the Western Province a solution might be sought which would take into account the relations of the area's inhabitants with their western neighbours. Italian Somaliland, he concluded, was of little strategic importance and would not be capable of independence for a long time. It could well therefore be entrusted to the trusteeship of the new democratic Italy.

A completely different approach was enunciated by the representative of *France,* who declared that Italy should be given trusteeship over all these territories with the exception that Ethiopia should receive some part of Eritrea as "a reparation for the past and a guarantee for the future."

Mr McNeil (*United Kingdom*) said it was unnecessary and unwise to dispose of the territories by means of a blanket solution. The United Kingdom was eager to rid itself of the heavy burden which administration of the territories entailed, but if the Assembly decided in favour of a British trusteeship for Cyrenaica the United Kingdom would undertake to promote the territory's political and economic advancement. He recalled that during the war his Government had given a pledge to the Senussi that they would never again be placed under Italian domination and he stated that this pledge would be kept. He could suggest no practical solution for Tripolitania, but stated that the United Kingdom Government might be prepared to remain as administering authority for a limited period provided they were left free to institute certain necessary progressive reforms. In Eritrea he agreed with the solution

outlined by Mr Dulles. It would in his opinion coincide with justice and the wishes of the inhabitants to give Ethiopia certain parts of Eritrea, including the mountainous area which formed part of the Ethiopian plateau and was occupied by Christians who desired incorporation in Ethiopia. In Italian Somaliland he agreed also that an Italian trusteeship would be well justified.

The United States and United Kingdom plans were attacked by the *Soviet* delegate, Mr Gromyko, who declared that the identity of viewpoint between the delegations was no accident. Already Britain had based the forces evacuated from Palestine in Libya, while the United States had established a huge airfield at Mellaha in Tripolitania. It was clear that the two countries were planning to establish military positions in the territories in order to prosecute aggressive plans against the Soviet Union and the "peoples' democracies." Already a policy of blatant imperialism had been pursued, the territories had been stripped of their assets and reduced to poverty, and now further exploitation was intended. The time had come, however, to end the oppression and misery which had accompanied the colonial regimes in the territories. The Soviet Union therefore proposed the establishment of a United Nations collective trusteeship for Libya, Eritrea, and Italian Somaliland. In each case the administrator would be appointed by the Trusteeship Council, while an advisory committee, including representatives of the Big Four and Italy, would assist him. Mr Gromyko claimed that these proposals, if accepted, would facilitate the progress of the territories to independence and would meet the desires of the overwhelming majority of the inhabitants.

The Views of Italy and Ethiopia.

The claims of *Italy*, which had been invited to attend the Committee, were presented on 12 April by Count Sforza. The present Italian Republic could not, he claimed, be held responsible for the deeds of the Fascist regime and should be given the opportunity of playing a part in the technical development of Africa and the advancement of the former colonies towards independence. Italy had in the past invested huge sums in Libya and was willing to continue to do so. Hostility to Italy did not exist in the territory and a large number of Italian settlers were still working in perfect accord with the people of Tripolitania. In Eritrea it would be wrong to give to Ethiopia more than an outlet to the sea at Assab. Annexation would inevitably bring about a decline in the Eritrean economy since Ethiopia would be unable to bear the financial and administrative burdens of the new territory, while the Italian inhabitants would be unable to discharge their key role in the country's economic life. Count Sforza urged that, in the interests not only of Eritrea but also of Ethiopia and other neighbouring territories, Italy be

allowed to administer Eritrea and to resume the civilizing mission it had formerly carried out. In Somaliland Italy would be pleased to assume and fulfil the responsibility of trusteeship. The efforts of the United Nations should be directed not to punishing Italy, but to ensuring that European influence in Africa was worthily upheld in the light of the re-awakening of the peoples of Asia and Africa.

These contentions were directly denied by Aḳlilou Wold of *Ethiopia*. Italy's achievements, he asserted, were only superficially impressive. In reality, despite her long occupation of Eritrea, Italy had done little to advance the interests of the local population, who were still in a lamentably backward state. He recalled that Ethiopia had suffered aggression from Italy—both Fascist and pre-Fascist—and warned that if it were planned once again to place Italy on both sides of his country Ethiopia would in self-preservation "have to do something about it." Mr Wold claimed that all Eritrea was linked to Ethiopia by close racial, economic, historical, religious, and cultural ties and asked that the two countries should speedily be reunited.

General Views of the Political Committee

Discussion speedily revealed considerable divergence of views both on how the Assembly should proceed to a decision and on what the decision should be. The delegate of *Australia* at an early stage suggested that the Assembly did not at present possess the information necessary for an equitable solution ; he suggested that it might prove profitable to appoint a body to collect information and to study the problem so that specific recommendations might be submitted and examined later in the year. Differences of opinion were also expressed concerning the need for simultaneous decisions in respect of all the territories concerned. In the opinion of certain delegations the problem of the Italian colonies was a single problem and should be settled as a whole ; piecemeal solutions were thus undesirable. Others emphasized the differences and distances separating the territories and claimed that since circumstances in the territories differed widely and since the colonies were widely separated there was no reason why, if a solution for one or more of them were obvious or immediately possible, it should not be applied at once.

On the question of disposal it was apparent after a fortnight's discussion that two blocs of opinion were in existence, one of which was certainly, and the other almost, numerically strong enough to prevent a decision by the requisite two-thirds majority on any solution with which the members of either bloc did not agree. Moreover, one bloc (the Latin American States) advocated a solution—return of all or most of the colonies to Italy—which the other (the Arab and Asian States linked for the time being with the Eastern European group) was determined to oppose.

Led by *Argentina, Brazil, Chile,* and *Mexico,* the Latin American delegates insisted upon: (1) simultaneous disposal of all colonies; (2) Italian administration over Tripolitania. The implication of this insistence was that unless there was satisfaction for Italy—a former enemy State and not yet a member of the United Nations—the Assembly was unlikely to be able to take a decision of any kind.

Hearings of Local Political Parties and Organizations

At an early stage in the deliberations of the Political Committee it had been decided that requests of political parties and organizations in the former Italian colonies should be referred to a sub-committee of eleven (including New Zealand) which should report on the extent to which those parties or organizations represented substantial sections of opinion and on the manner in which they should be heard. On the information available it was not possible for the sub-committee to discharge this function with complete precision. Though it was obvious that several of the representatives who appeared before the sub-committee did not in fact enjoy the measure of local support they claimed, it was agreed that provided they satisfied a generous interpretation of the sub-committee's terms of reference they should be heard by the Political Committee. As a result submissions were made to the Committee by representatives of the following organizations:—

For Libya—

The National Congress of Cyrenaica.
The National Council for the Liberation of Libya.
The Jewish Community of Tripolitania.
The Association of Libyan Ex-servicemen.

For Eritrea—

The Moslem League of Eritrea.
The New Eritrea Pro-Italia Party.
The Unionist Party.
The Italo-Eritrean Association.

For Somaliland—

The Somali Youth League.
The Somalia Conference and the Progressive League of Mijertein.

For the three territories—

The National Associations of Refugees from Libya and East Africa.

As might be expected, while some appeared to greet the prospect of the restoration of Italian rule with considerable enthusiasm, others, including the Somali Youth League, the National Congress for Cyrenaica,

and the National Council for the Liberation of Libya (all of which were known to play an important part in the political life of their countries), declared their bitter opposition to such a course and asserted that the people they represented would resist the return of Italian administration, whatever its form, by force of arms.

The Main Points of Disagreement

At the end of a month's discussion it was revealed that disagreement existed not only on the question of a restoration of Italian authority, but also on the following issues :—

(1) *The Preservation of Libyan Unity.*—Several delegations protested that proposals for the establishment of separate regimes in Tripolitania, Cyrenaica, and the Fezzan were unjustifiable since for historical, ethnological, political, and economic reasons Libya should be preserved as a unit. They recalled that Libya had been so administered in the past and that the economic interdependence of its parts was such that in time of drought dates from the Fezzan had fed the people of Tripolitania and live-stock had been driven to pasture in Cyrenaica. Under separate administrations, it was asserted, economic and social development in the three territories would take place at such widely differing rates and in such diverse ways that the ultimate achievement of unity would be impossible. Those who defended the separate treatment of the three areas contended in reply that the regions were geographically separated by deserts and that economic exchanges among them were comparatively limited. They pointed out that Libya had in the past often been administered in the same divisions into which it now fell and they emphasized that while Cyrenaica had no Italian inhabitants and possessed a political and social structure that was both compact and homogeneous, Tripolitania had a large Italian population and some measure of racial diversity. They claimed, therefore, that while unity should be the ultimate goal there were good reasons for temporary maintenance of the existing divisions.

(2) *Libyan Independence.*—Closely allied to the question of unity was that of independence. Many delegations based their attitude on this matter upon the unanimous conclusion of the Four Power Commission of Investigation that Libya, though the most advanced of the territories, was not yet ready for independence. The opinion was frequently advanced, however, especially by states which had themselves recently gained their independence, that Libya was already more fitted for self-government than many members of the United Nations. It was pointed out that the United Kingdom had recognized this fact when in 1946 it had proposed the immediate granting of independence to a united Libya.

(3) *Single Power, Multiple, or United Nations Trusteeship.*—A basic point of agreement among the Arab, Asian, and Eastern European States was their rejection of a single Power trusteeship for any of the colonies on the ground that such a solution was intended to satisfy imperialist ambitions and would be a source of future discord. Trusteeship under such conditions, one delegate observed, was a mere fig-leaf. No enthusiasm was shown for suggestions that trusteeship be granted to a group of Powers, but considerable support was accorded by many delegations to the solution now proposed by the Soviet Union—the institution of a system of trusteeship in which the United Nations itself would be the administering authority. Under such a system, it was contended, the interests and welfare of the inhabitants would automatically be safeguarded and the principles of the Charter would be upheld. The fact that there was no precedent for this was not regarded as a decisive objection, for the work of the United Nations Secretariat indicated that an international colonial service could be formed and could function effectively. Undoubtedly the system would involve additional expense for the United Nations, but if the result of this outlay was international security the price would in reality be small. Critics of the proposal considered that administrative difficulties and the very great financial burden entailed were decisive objections. They contended also that the Trusteeship Council as at present constituted was not fitted to perform such a function and warned that certain elements, while ostensibly serving the purposes of international administration, would in reality take advantage of their presence in the territories in order to advance their ideological opinions.

(4) *The Partition of Eritrea.*—Almost all delegates recognized the justice of the Ethiopian claim to an outlet through Eritrea to the Red Sea, but opinions were sharply divided as to whether Ethiopia should receive any territory additional to that containing the port of Assab.

On the one hand it was contended that Eritrea was a completely artificial entity which satisfied none of the requirements of racial, economic, or political unity and that the opportunity should be taken of rationalizing existing boundaries so as to combine various parts of Eritrea with the neighbouring territories to which they were naturally linked. Under such a provision Ethiopia would receive the territory suggested for transfer by the United States and the United Kingdom delegations, while the Western Province might go to the Sudan, with which it was geographically, and to a large extent ethnically, related.

On the other hand it was asserted that the United Nations should not be a party to a crude division and parcelling out of territories. Doubts were expressed concerning Ethiopia's fitness to govern those areas and the propriety of transferring outright to Ethiopia Eritrean

territory which contained several thousand Italians. Similar objections were made against inclusion of the Western Province in the Sudan, a territory which was not itself self-governing and was in the opinion of some merely a British colony.

On 9 May, after four weeks of discussion had failed to eliminate the differences of opinion on these questions, the Political Committee had before it the following proposals :—

(1) A *United Kingdom* resolution which recommended (*a*) Italian trusteeship for Italian Somaliland, (*b*) the incorporation into Ethiopia, with special protection for various minorities, of all Eritrea with the exception of the Western Province, which would be incorporated into the Sudan, (*c*) independence for Libya after ten years ; during the interim period Cyrenaica should be placed under United Kingdom trusteeship and the remaining part of Libya under the international trusteeship system under terms and conditions to be recommended to the fourth session of the Assembly by the Governments of Egypt, France, Italy, United Kingdom, and United States.

(2) A *Soviet* resolution which recommended a direct United Nations trusteeship for Libya, Somaliland, and Eritrea, subject to a territorial cession in favour of Ethiopia, which should receive Assab.

(3) An *Indian* resolution largely similar to the Soviet resolution but proposing that a Special Commission of seven members be despatched to ascertain the wishes of the populations and report whether the whole or any part of Eritrea should be amalgamated with Ethiopia.

(4) Three *Iraqi* resolutions recommending respectively immediate independence for Libya, a multiple (five Power) trusteeship for Somaliland, and a Commission to ascertain the wishes of the population in Eritrea.

(5) A resolution submitted jointly by eighteen *Latin American* States recommending that the terms and conditions of trusteeship in all three territories should be submitted to the fourth session by France, Italy, the United Kingdom, and the United States, together with Egypt in the case of Libya and Ethiopa in the case of Eritrea and Italian Somaliland.

(6) An *Australian* resolution recommending the establishment of a special committee of seven members to conduct an investigation and to prepare a report not later than 1 September, 1949.

It was decided that a sub-committee of sixteen be established to consider the various proposals which had been submitted or might yet be submitted to the Political Committee and to draft a resolution for its consideration.

On 10 May at the first meeting of the sub-committee the *United Kingdom* submitted new suggestions relating to the disposal of Libya. The United Kingdom delegate explained that his Government had taken advantage of the presence of Count Sforza in London to discuss with him the possibility of reconciling the views of the United Kingdom and Italy. As a result of these talks an agreement had been reached and was now advanced as a solution which the General Assembly might endorse. The new United Kingdom proposals after certain modifications were accepted by a majority of the sub-committee and were passed to the Political Committee in the form of a draft resolution recommending—

" 1. That Libya be granted independence ten years from the date of the adoption of the resolution, subject to approval by the General Assembly ; and

" (*a*) That Cyrenaica be placed under United Kingdom trusteeship ;

" (*b*) That the Fezzan be placed under French trusteeship ;

" (*c*) That Tripolitania be placed under Italian trusteeship by the end of 1951 and that, until that date, the British temporary administration be continued with the assistance of an advisory council comprising Egypt, France, Italy, the United Kingdom, the United States of America and a representative of the people of the territory ;

" 2. That Italian Somaliland be placed under Italian trusteeship."

" 3. That Eritrea, except the Western Province, be incorporated into Ethiopia, with appropriate guarantees for the protection of minorities and municipal charters for Asmara and Massawa ; and that the Western Province be incorporated into the Sudan ;

" 4. Finally, that agreements designed to give effect to those recommendations be worked out by the Trusteeship Council or the Interim Committee of the General Assembly, as the case may be, and submitted for approval to the fourth regular session of the General Assembly."

The sub-committee also presented as a minority proposal an *Iraqi* draft resolution recommending immediate independence for Libya.

In the main committee the procedure by which the sub-committee's resolution had been reached was strongly criticized by several delegates. An attempt had been made, it was asserted, to impose upon the Political Committee a solution which was the result of a " deal " concluded outside the United Nations and having nothing to do with the discussions of the previous four weeks. Criticism was also levelled against the substance of the resolution on the grounds that it ran counter to the clearly expressed wish of the inhabitants of Libya and Somaliland that the Italians should not return and that instead of settling the whole problem it was merely creating new ones. The delegate for *Pakistan* stated that the peoples concerned had asked the United Nations for bread and were to be given stones. He stated he would vote against

the sub-committee's proposal and asked the United Kingdom delegate to answer three questions : (1) Did he honestly believe on the information that he possessed that Italian trusteeship would be acceptable to the local population ? (2) If not, and there were active resistance, what would be the role of United Kingdom forces during the transition period ? (3) If resistance continued, would they withdraw as planned or would they stay and help the Italians to subjugate the population ?

Opposition to the proposals was also expressed by representatives of political parties in the territories; the representative of the National Council for the Liberation of Libya reiterated that the return of Italian rule would be opposed by force and added that a policy of non-co-operation with the military administration for Tripolitania would be immediately undertaken by the local population.

On the other hand there was considerable support for the point of view that, while objections could no doubt be advanced against the individual proposals contained in this draft resolution, they did provide a compromise which many found acceptable and most certainly did represent the best if not the only solution for which it could be expected that a two-thirds majority vote would be obtainable at this meeting. At this stage the New Zealand delegation were instructed that, after full consideration of the whole matter from every point of view (and despite the desirability of several adjustments, an attempt to achieve which proved largely unsuccessful) it was considered best for the New Zealand delegation to vote for acceptance of the Bevin-Sforza proposals as exemplified in the sub-committee's draft resolution. As indicated below, the New Zealand vote was therefore cast in accordance with these instructions.

The *Iraqi* resolution on Libya was rejected by 20 in favour, 22 (N.Z.) against, and 8 abstentions. The *Soviet* resolution and the *Indian* resolution were rejected paragraph by paragraph and the *Iraqi* resolutions on Eritrea and Italian Somaliland were defeated by large margins.

After acceptance of amendments to the sub-committee's resolution which were calculated to make Libyan independence automatic after ten years " unless the General Assembly then decide that this step is not appropriate " and which inserted a specific reference to the ultimate independence of Italian Somaliland, the resolution as a whole was voted paragraph by paragraph with the following results. The proposal to place Cyrenaica under United Kingdom trusteeship was adopted by 35 votes (N.Z.) to 17 with 5 abstentions. French trusteeship for the Fezzan was approved by 32 votes (N.Z.) to 16 with 9 abstentions, and Italian trusteeship for Tripolitania was also accepted by 32 (N.Z.) to 17 with 8 abstentions. Italian trusteeship for Italian Somaliland was approved by 36 in favour (N.Z.) to 17 with 5 abstentions, and the cession of all but the Western Province of Eritrea to Ethiopia was endorsed

by 36 votes (N.Z.) to 6 with 15 abstentions. The proposal to incorporate the Western Province in the Sudan, however, was rejected by 19 votes to 16 (N.Z.) with 21 abstentions. The draft resolution as a whole was then adopted by 34 votes (N.Z.) to 16 with 7 abstentions. The Committee also approved a *Chilean* draft resolution recommending that the Economic and Social Council take into consideration the problems of economic development and social progress of the former Italian colonies which was incorporated in the main resolution as Section B.

Although the margin in the Committee for the proposal as a whole met the requirements of the two-thirds majority, it was clear, since the section of the resolution relating to Tripolitania had failed to gain a two-thirds majority and since the support of the South American States for the proposal as a whole was conditional on the acceptance of Italy's restoration in that territory, that the matter was still in serious doubt.

In the General Assembly on 17 May criticisms of the proposal as a whole and the manner in which it had been presented to the Assembly were again heard. Sir Alexander Cadogan on behalf of the *United Kingdom* denied that the proposals were new. They were, he claimed, a reconciliation of views which had been expressed by many delegations from the early days of the Political Committee's discussion of the problem. He denied, too, that any attempt had been made to impose upon the Assembly a horse-trade concluded outside it. He said that the agreement reached by Mr. Bevin and Count Sforza had been presented to the Assembly solely in order to facilitate the working-out of an acceptable compromise solution.

An amendment to the sub-committee's resolution submitted by *Iraq* proposing immediate independence for Libya was defeated by 27 votes (N.Z.) to 23 with 9 abstentions, and after an Egyptian amendment making independence of Libya automatic at the end of ten years had been accepted, the resolution was voted upon in paragraphs. Not only did the clause covering Italian trusteeship for Tripolitania fail as in the Political Committee to gain the necessary two-thirds majority, but the proposal for restoration of Italian administration in Italian Somaliland was also defeated. The support of the Latin American States for the sub-committee's proposal as a whole was accordingly withdrawn and the proposal as a whole with the exception of Section B was then overwhelmingly defeated by 14 votes in favour (N.Z.) 37 against, with 7 abstentions. Section B was approved by 44 votes (N.Z.) with none against and 7 abstentions. The resolution reads:—

"The General Assembly

"Recommends that the Economic and Social Council should, in studying and planning its activities in connection with economically under-developed regions and countries, take into consideration the problems of economic development and social progress of the former Italian colonies."

After the rejection of all sections of the *Soviet* resolution advocating direct United Nations trusteeship for all territories, a proposal submitted by *Pakistan* to the effect that a special committee of seven should be appointed to ascertain all the relevant facts relating to the colonies, including written or oral testimony from the administering authorities, from representatives of the populations and their Governments, and other organizations and individuals for the purpose of reporting by 1 September, 1949, was rejected by 21 votes in favour (N.Z.), 28 against, and 9 abstentions. A later resolution submitted jointly by *Cuba, Uruguay,* and *Costa Rica* proposing that the problem be submitted to the Interim Committee for consideration before the Fourth Assembly was opposed by the *United Kingdom* representative on the grounds that such a procedure would create disturbances within the territories which the present administering authorities would find it difficult to control, and was finally rejected by 27 votes (N.Z.) to 21 with 11 abstentions. The General Assembly then accepted a *Polish* resolution proposing postponement of further consideration of the problem until the fourth session.

Implementation of Assembly Resolution on Franco Spain

The differences of opinion which had been expressed at the 1947 General Assembly concerning the justification for and the effectiveness of the resolution on Franco Spain of December 1946, were once again revealed in the discussion of two proposals—one submitted jointly by *Colombia, Peru, Bolivia,* and *Brazil,* which aimed at allowing members of the United Nations freedom of action in the conduct of their diplomatic relations with Spain, the other, submitted by *Poland,* which called for an intensification of United Nations pressure on Spain.

The case of the four South American States had its most insistent and eloquent advocate in Dr. Belaunde of *Peru.* In the first place Dr. Belaunde maintained that the United Nations resolution of 1946 was a "mistake" since it represented an interference in the internal affairs of a sovereign State and conflicted with the principle of self-determination which the South American States held so dear. Moreover the members of the United Nations had not only failed from the outset to apply the 1946 resolution unanimously but had in the 1947 Assembly failed to reaffirm the resolution by the necessary two-thirds majority. Thus in fact, Dr. Belaunde claimed, the resolution had been nullified and member States had been left free to restore Ambassadors to Spain if they so desired. Since many States had in fact done this it was necessary that the United Nations should now take steps to regularize the position. At present confusion concerning the validity of the 1946 resolution was preventing certain States who desired to restore Ambassadors from actually doing so and was having the unfortunate practical result of prejudicing their economic relations with Spain.

Moreover in the course of 1948 the Security Council had decided that the Spanish situation did not represent a threat to the peace and should therefore not be included in the Council's agenda. Therefore no further action by the United Nations was necessary. The Spanish people should be left to act as they chose concerning their Government, which in any case (as was proved by the testimony of Winston Churchill and J. E. Carlton-Hayes, a former United States Ambassador to Spain) had acted favourably towards the Allies during the last war.

The joint resolution was endorsed among Commonwealth countries by the representative of *South Africa*, who stated that he could see no advantage in measures which isolated the Spanish people from the rest of the world, and gained considerable support from other Latin American States; *Argentina*, for instance, contended that the majority decision of the Assembly in 1946 was recommendatory only and had no power to bind individual members to fixed courses of action. Nevertheless some of the most violent criticism of the joint resolution came from South America. The representative of *Uruguay* stated that the United Nations action had always been directed not against Spain and the Spanish people but specifically against the Franco Government and that the racial and cultural affinities between Spain and Latin America should not be allowed to obscure this fact; the *Mexico* representative quoted extensively from the records of previous discussion on the Spanish problem in order to recall and emphasize the reasons for the original condemnation of the Franco regime.

The case for intensification of measures against Spain was developed with considerable violence by the representatives of countries of Eastern Europe, and especially by Dr. Katz-Suchy of *Poland*. He contended that measures so far taken by the United Nations had failed to remove the Franco regime, partly because they were inadequate, partly because certain members of the United Nations had deliberately set out to nullify and flout the 1946 resolution. The United States and the United Kingdom particularly were deliberately disregarding Franco's role during the war, the nature of his regime, and the threat to international peace constituted by its continued existence in order to establish an ascendant economic position in Spain and to prepare the country as a military arsenal for their future aggressive plans. They hoped to see the 1946 resolution whittled away and the ultimate introduction of Franco Spain into the United Nations; thus the "quartet" of South American Powers who now proposed modification of the provision relating to recall of ambassadors were in reality part of a much larger orchestra. The Spanish situation called in fact not for weaker measures but for intensified courses of action, and the Polish resolution represented the very least that the United Nations should do.

A large group of delegations took the view that nothing had happened since 1946 which justified a change of attitude or the alteration of existing measures against the Franco regime. They accordingly declared their intention of voting against the Polish resolution, on the grounds not only that it included assertions concerning the conduct towards Spain of the United States and the United Kingdom, of which there was no evidence and which had been directly denied by those two States, but also that it proposed measures which the Spanish situation did not justify.

In the result the *Polish* proposal was rejected paragraph by paragraph, especially large margins being recorded against two paragraphs condemning the conduct of the United States and the United Kingdom.

The *New Zealand* delegation voted against these denunciatory paragraphs and, with the exception of paragraphs 1 and 4 on which they abstained, against all the recommendations of the Polish proposal. All paragraphs having been defeated the motion as a whole was not put to the vote.

A much less decisive expression of opinion was recorded on the joint resolution, a large number of delegations following the lead of the *United Kingdom* and *United States* representatives in abstaining from voting. The joint resolution read :—

"The General Assembly,

"Considering that, during its second session in 1947, a proposal intended to confirm the resolution of 12 December, 1946, on the political regime in power in Spain failed to obtain the approval of two-thirds of the votes cast,

"Considering that certain Governments have interpreted the negative vote of 1947 as virtually revoking the clause in the previous resolution which recommended the withdrawal of heads of mission with the rank of Ambassador or Minister Plenipotentiary accredited to the Spanish Government,

"Considering that, in view of the doubt regarding the validity of this interpretation, other Governments have continued to refrain from accrediting heads of mission to Madrid, thereby creating inequality to their disadvantage,

"Considering that such confusion may diminish the prestige of the United Nations, which all members of the Organization have a particular interest in preserving,

"Considering that in any event the 1946 resolution did not prescribe the breaking of political and commercial relations with the Spanish Government which have been the subject of bilateral agreements between the Governments of several member States and the Madrid Government,

"Considering that, in the negotiation of such agreements, Governments which have complied with the recommendation of 12 December, 1946, are placed in a position of inequality which works to the disadvantage of economically weaker Governments,

"Decides, without prejudice to the declarations contained in the resolution of 12 December, 1946, to leave member States full freedom of action as regards their diplomatic relations with Spain."

This proposal was voted in three sections and was approved by 25 votes to 16 with 16 abstentions, the *New Zealand* delegation abstaining on the introductory sections and voting against the final paragraph and the resolution as a whole.

In the interval between committee discussion and consideration of the problem in the General Assembly there were signs that vigorous lobbying was being undertaken by the supporters of the joint resolution in the hope of achieving the two-thirds majority necessary for its success.

Despite the fact that in plenary session some delegations did actually record different votes from those made in the Political Committee, the joint resolution received only 26 votes in favour, 15 against (N.Z.), with 16 abstentions, and thus fell short of the necessary majority.

The *Polish* resolution was reintroduced for consideration by the Assembly and was again overwhelmingly rejected.

VI. *AD HOC* POLITICAL COMMITTEE

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

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

Rapporteur : Mr H. VITERI-LAFRONTE (*Ecuador*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr G. R. LAKING

Mr C. CRAW

Agenda

The Committee had the following items left over from the earlier part of the session upon its agenda :

1. Study of methods for the promotion of international co-operation in the political field ; report of the Interim Committee of the General Assembly.
2. United Nations guard : item proposed by the Secretary-General.
3. Report of the Security Council.

One item (problem of voting in the Security Council) which had been dealt with in the Committee at the earlier part of the session received final consideration in plenary Assembly.

The Committee also dealt with a *Scandinavian* proposal for the "creation of an *ad hoc* Committee to consider methods and procedures which would enable the General Assembly to discharge its functions more effectively and expeditiously." This item had been submitted to the earlier part of the session but had not been dealt with at the time. In addition, because of the fact that the First Committee's agenda was so heavy, the Assembly found it desirable during the session to allocate the following items to the *ad hoc* Political Committee :—

1. Observance in Bulgaria and Hungary of human rights and fundamental freedoms (trial of Church leaders).

2. Question of Indonesia.

3. The application of Israel for membership in the United Nations.

Furthermore, since the Third Committee was fully occupied in dealing with the question of freedom of information, the Assembly decided to refer the following Third Committee item to this Committee—

Study of the social problems of the aboriginal populations and other under-developed social groups of the American continent.

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

The report of the New Zealand delegation on the first part of the third regular session contains an outline of the recommendations submitted by the Interim Committee regarding methods for giving effect to the provisions of the Charter dealing with the general principles of co-operation in the maintenance of international peace and security. Of the four proposals recommended by the Interim Committee, two were adopted by the *ad hoc* Political Committee in Paris and the decision regarding the remaining two was deferred until the second part of the session.

The two adopted by the Committee at the first part of the session were—

(1) Restoration to the General Act of 26 September, 1928, of its original efficacy. This proposal was adopted by the General Assembly by a vote of 45 (N.Z.) to 6 with 1 abstention.

(2) Appointment of a rapporteur or conciliator for a situation or a dispute brought to the attention of the Security Council. The Committee's draft resolution on this question was also adopted by the Assembly by a vote of 47 (N.Z.) to 6 with 1 abstention.

The remaining proposals of the Interim Committee were as follows :—

(1) *Proposed Amendments to the Rules of Procedure of the General Assembly Providing for the Performance by the President of the General Assembly or by Persons Appointed by Him of the Functions of a*

Rapporteur or Conciliator.—In view of the fact that this is not a particularly urgent question, and that the Interim Committee is at present engaged in a study of the whole field of the pacific settlement of disputes, the Committee adopted by 37 votes (N.Z.) to 1 with 3 abstentions a resolution recommending that the question be recommitted to the Interim Committee for further consideration in the context of these broader studies. This proposal was adopted by the Assembly by 48 votes (N.Z.) to 2 with 4 abstentions.

(2) *Creation of a Panel for Inquiry and Conciliation.*—The intention of this proposal was to establish a panel consisting of persons designated by member States from which could be chosen members of commissions of inquiry or conciliation set up to attempt settlement of controversies.

The doubts of the *New Zealand* delegation which were expressed at the first part of the session* regarding the practical value of this proposal were reiterated at this session. New Zealand was in favour of the principle of establishing such a panel of conciliators, but preferred the more elastic method of informal approaches by the Secretary-General to member States.

The proposal was, however, eventually adopted by the Committee by 41 votes to 6 with 3 abstentions (N.Z.). The *New Zealand* delegation also abstained in the Plenary Session, where the Committee's recommendation was approved by 49 votes to 6 with 2 abstentions.

It was agreed that while the persons to be included in the panel were expected to do their best to make themselves available if their services were requested, they would be under no legal obligation to serve on any Commission.

United Nations Guard

The Secretary-General of the United Nations had proposed the creation of a United Nations guard to assist United Nations missions in the field. The reasons given for this proposal were that three years of experience in the operation of United Nations missions had shown the need for a small force of well-trained men readily available to protect the security of members of missions and the property of the United Nations. The tragic events of the previous year in Palestine had brought home the necessity of every possible step being taken to ensure that United Nations personnel were not again exposed to such perils in other troubled areas.

It was pointed out that United Nations missions need not only protection but also transport, communication, and other technical services which could not easily be supplied except from a standing force which could be trained as a unit. International personnel were also needed to assist missions in the implementation of truce terms and to supervise plebiscites.

* See report of New Zealand delegation to first part of third session, page 77 (External Affairs Publication No. 75).

The Secretary-General believed that as the work of the United Nations in the fields of conciliation and mediation increased, a force of several thousand men might eventually be required, but that as a first step a force of 800 men should be set up, of which 300 would be in a permanent establishment located and trained at headquarters and 500 would form a voluntary reserve cadre, remaining in their national homes at the call of the Secretary-General. These men would not constitute a military force and their arms would be limited to personal emergency defence weapons. Units of the guard would function in a territory only with the consent of the Government of that territory. It was emphasized that the guard was not intended to carry out any military enforcement measures under Article 42 of the Charter.

This proposal had been made at the earlier part of the session, and in view of the improvement in the Palestine situation, the question of the guard had become less urgent. The Secretary-General consequently stated that, in view of the desirability of further study, he was willing to see a committee established to study all aspects of the problem and report to the fourth regular session of the General Assembly.

The *Soviet Union* and other Eastern European States strongly attacked the proposal of the Secretary-General, claiming that it had as its objective not merely the establishment of a guard but the organization of an actual armed force. Such an armed force, however, could be created only in accordance with Article 43 of the Charter, and the Secretary-General's proposal, therefore, had no legal basis. It was unthinkable that the Secretariat should perform functions connected with the maintenance of peace and security, including the use of armed force, which were the sole prerogative of the Security Council. The political design behind this proposal was, in the view of the Slav countries, the circumvention of the Security Council and as such, they alleged, it had the approval of the leading circles of the United States and the United Kingdom, who wished to have at their disposal methods of interfering more and more in the internal affairs of other countries.

The majority of the Committee, however, expressed approval in principle of the Secretary-General's proposal and were in favour of referring it to a special committee. The representative of *France*, although in favour of establishing a special committee to study all the implications of the establishment of a guard, doubted whether it would serve a practical purpose, and the representative of *South Africa* felt that full consideration should be given to the possibility of utilizing for guard duties the national police of countries concerned.

Eventually a proposal submitted by the representative of the *Philippines* was adopted by the Committee by 41 votes (N.Z.) to 6 with 3 abstentions. This resolution, which was subsequently adopted by the General Assembly by 47 votes (N.Z.) to 6 with 1 abstention,

established a committee of specially qualified representatives of the following countries: Australia, Brazil, China, Colombia, Czechoslovakia, France, Greece, Haiti, Pakistan, Poland, Soviet Union, Sweden, the United Kingdom, and the United States. This special committee is to " study the proposal for the establishment of a United Nations guard in all its relevant aspects, including technical, budgetary, and legal problems involved; and such other proposals as may be made by member States and by the Secretary-General with regard to other similar means of increasing the effectiveness of the services provided to the United Nations missions by the Secretary-General," and to prepare a report embodying its observations and recommendations for consideration by the fourth regular session.

Report of the Security Council

On the recommendation of the Committee the General Assembly, by 49 votes in favour, none against, with 2 abstentions, followed the usual practice of " taking note " of the report of the Security Council covering the period from 16 July, 1947, to 15 July, 1948. The reason for this practice is that other items of the agenda normally cover all points at issue in the Security Council reports.

The Problem of Voting in the Security Council

The report of the New Zealand delegation to the first part of the session contains a full account of the discussion of this question, together with the text of the draft resolution adopted by the Committee regarding measures for the liberalization of voting procedure in the Security Council.*

When the matter came up for discussion at an early stage of this meeting, the Eastern European States seized the opportunity in plenary session to indulge in a bitter propaganda attack upon the North Atlantic Pact.

Shortly after Mr Austin (*United States*) had supported the resolution proposed by the *ad hoc* Political Committee as representing " a policy of gradual liberalization of the voting procedures of the Security Council through processes of interpretation and application of the principles of the Charter and through agreement of the members of the Security Council," Mr Gromyko (*Soviet Union*) made a lengthy and bitter speech. After stating that the principle of unanimity was the very corner-stone of the existence of the United Nations, and referring to the agreements of Yalta and Potsdam, the Soviet representative declared that the " hubbub raised around the question of the veto " was not accidental but was rather part of a definite plan to make the United Nations an

* Op. cit., page 75.

"obedient tool" of the "military circles" of the United States and the United Kingdom. After defending the Soviet Union's attitude in the cases where it had applied the veto, Mr Gromyko claimed that the struggle against the principle of unanimity was a manifestation of the Anglo-American policy of "building up military and political groups to be used in the new war which is being hatched by the Anglo-American bloc." The establishment of the Western Union had revealed that the Anglo-American policy was to form blocs of States directed against the Soviet Union and the "peoples' democracies," since its founders from the very start excluded the possibility that the Soviet Union might be a party to it. The formation of a new military and political alliance with a wider membership and objectives no less aggressive—namely, the North Atlantic Treaty—was now being witnessed. It was obvious that this new bloc was directed against the Soviet Union, since the latter was the only Great Power in the area which was excluded, and since, furthermore, the treaty was not designed to prevent a renewal of German aggression. Again, the pact could not be justified as a regional arrangement of the kind permitted by either Article 51 or Article 52 of the United Nations Charter; it contradicted the purposes and objectives of the Anglo-Soviet Treaty of 1942 and the Franco-Soviet Treaty of 1944; its aims included interference in the internal affairs of other countries; and its signatories were taking widespread military measures—including plans for the utilization of the atom bomb and for the establishment of an extensive network of military bases—which could not be justified on defence grounds.

It was no accident that this bloc had been organized outside the United Nations, because the ruling circles of the United States and the United Kingdom had reverted to the old policy of isolating the Soviet Union; the pursuit of such actions was impossible in the Security Council, where the concurrence of all the Great Powers was required to adopt decisions on all important questions involved in the maintenance of peace.

The struggle upon the question of the veto was a struggle between the two tendencies in international politics: the tendency to isolate the Soviet Union, to unleash a new war, on the one hand, and the tendency to uphold the basic principles of the United Nations, to frustrate the aggressors, to unmask the war mongers, on the other.

The representatives of the other Eastern European States were equally violent in attacking the North Atlantic Treaty, Dr Katz-Suchy (*Poland*) even going so far as to liken the treaty to the Rome-Berlin Axis, which also had been styled a defensive alliance only.

The representative of the *United Kingdom*, Mr Hector McNeil, expressed surprise that Mr Gromyko had chosen to introduce, in violent and aggressive fashion, such irrelevancies into the debate on the veto;

and went on to say that if the Soviet Union had a complaint to make about the Atlantic Treaty, and its relation to the Charter, it could find redress within the United Nations by placing the subject on the agenda, instead of taking the present illogical position because it found itself in a political tight corner.

After pointed reference to the Soviet Government's system of alliances with its satellite States in Eastern Europe, Mr McNeil went on to refute Mr Gromyko's accusations against the pact. He maintained that there was no intention on the part of the signatories to establish military and air bases designed for an attack on the Soviet Union; that it was Marshal Stalin, if anybody, who first repudiated the Anglo-Soviet Treaty; that the pact was based squarely on Article 51 of the Charter; and that it was obviously defensive in character and in intention. Those countries, concluded Mr McNeil, which were for international stability, for settling disputes by the means provided for in the Charter, those to which the thought and methods of war were truly repugnant, would welcome the Atlantic Treaty, and only those which contemplated aggression had any reason to regret it.

For the *United States* Mr Warren Austin stated that the North Atlantic Treaty fitted clearly within the framework of the Charter and was designed to warn the aggressors of the right of self-defence specifically set out in Article 51. The inter-American system was a similar collective defence arrangement. Mr Gromyko complained that the Soviet Union was being isolated, but who was responsible for that isolation? Not only had the Soviet Union refused to participate in the programme to rebuild Europe's shattered economy, but it had placed every obstacle in the way of contacts between the Russian people and the people of the non-Soviet world. This self-made isolation could be ended any time the Soviet Union decided to join whole-heartedly the peaceful family of nations.

The lack of certainty that the Security Council would be able to function with full effectiveness was one of the reasons why it was necessary for member States to find other means within the framework of the Charter to ensure their own security. The North Atlantic Treaty was designed to serve as one of such means. It represented "a friendly association of freedom and peace-loving countries to assure peace and security in the North Atlantic area and so to contribute to the foundation of peace in the world generally."

The representatives of other countries such as *France*, *Norway*, *Canada*, and *Peru* also defended the compatibility of the North Atlantic Treaty with the provisions of the Charter.

Speaking for *New Zealand*, Sir Carl Berendsen confined his remarks to the subject on the agenda, the question of voting procedure in the Security Council. In reply to an assertion made by Mr Gromyko to

the effect that those who objected to the veto were those who had not played any part in the great struggle against Germany and Japan for liberty and decency, he referred to the part played by Dr Evatt at San Francisco in the fight against the veto, and asked whether it was suggested that Australia had taken no part in World War II. The New Zealand Prime Minister, Mr Peter Fraser, had taken a conspicuous share in the struggle against the veto at San Francisco and later, and if any one were to suggest that New Zealand had not played its proportionate part in the war the graves of dead New Zealanders all over the world would provide undying evidence that his country did not confine the support of its principles to words alone.

The New Zealand delegation would vote for the Committee's proposals because they showed a trend in the right direction, although no one could really believe that the measures proposed could be put into practical application, and even if they were applied they would not help in making a reality of the attempt to establish a world system of collective security. While there remained a veto even on enforcement measures we could never have a permanently effective system of collective security. Although New Zealand did not expect that the Committee's proposals would have any practical result (since everyone knew that the voluntary arrangements suggested would not be agreed to), he hoped that the General Assembly would give substantial support to those proposals to show its sense of extreme disquiet and dissatisfaction at the state to which the United Nations, carrying as it did the highest hopes of mankind, had been brought by the use and abuse of the veto.

The *ad hoc* Committee's resolution was adopted by 43 votes (N.Z.) to 6 with 2 abstentions.

A *Soviet* resolution which called for a reconfirmation of the principle of unanimity as the most important condition for maintaining international peace and security* was rejected by 40 votes (N.Z.) to 6 with 5 abstentions, on the ground that while it was in some ways acceptable it was already covered by the resolution just adopted.

Creation of an ad hoc *Committee to Study Methods and Procedures Which Would Enable the General Assembly to Discharge Its Functions More Effectively and Expeditiously.*

This item had been placed on the agenda during the earlier part of the session by the delegations of *Denmark, Norway,* and *Sweden.* These delegations had in the interim period prepared certain suggestions aimed at increasing the effectiveness of the work and procedures of the General Assembly, in the hope that the proposed *ad hoc* Committee might deal quickly with the question in order that its conclusions could be put into effect at the opening of the fourth regular session.

* Op. cit., page 74.

These suggestions were made under two headings :—

(1) *Reduction of the Amount of Work to be Completed by the General Assembly at a Given Session.*—It was suggested that the General Committee should give greater attention to the urgency of proposed items in relation to the total agenda and the time available for the session, and that the rules of procedure should be amended to provide that items proposed for inclusion should be accompanied by a draft resolution or by a memorandum stating the reasons in favour of including such items.

(2) *Increase in the Speed at Which the Assembly Deals With Matters Before It.*—The three delegations had suggested that work might be speeded up by the adoption of an electrical voting system, that a target date should be set for the termination of the session, that each Committee should fix target dates for the conclusion of the discussion of each item, that meetings should begin more promptly, possibly without the need for the present quorum, and that the rules regarding time limits on speeches be re-examined.

Later they made additional suggestions—namely, that a Preparatory Committee which could deal with allocation of the various items might meet before each session, that experienced Chairmen of Committees should be elected, and that in order to avoid debate on points of drafting the Chairman might, to a greater extent, refer such questions to the rapporteur.

The representatives of the Eastern European States claimed that more than purely technical measures were needed to increase the effectiveness of the work of the Assembly, and that the way to speed up this work was to avoid the discussion of such " utterly irrelevant items " as the Mindszenty case.

Other speakers, however, opposed curtailment or elimination of important items involving fundamental human rights, insisting that there should be a free and full discussion of all such questions, discussion being even more important than the decisions taken.

Finally the Committee, by 43 votes (N.Z.) in favour with 6 abstentions, approved a resolution establishing a special committee consisting of Belgium, Brazil, Canada, China, Czechoslovakia, Egypt, France, India, Iran, Mexico, Soviet Union, Sweden, the United Kingdom, United States, and Uruquay in order to—

" (*a*) Consider methods and procedures which would enable the General Assembly and its Committees to discharge their functions more effectively and expeditiously ;

" (*b*) Submit, if possible, a preliminary report to the General Assembly during the second part of its third session ;

" (*c*) Transmit a report to the Secretary-General, not later than 15 August, 1949, for circulation to members and for consideration at the fourth regular session of the General Assembly."

It was understood that the suggestions already put forward by the Scandinavian countries would be submitted to the special committee and that member States not included in the committee would be entitled to submit in writing any proposal on the subject to the committee for consideration.

This resolution was adopted by the Assembly by a vote of 48 (N.Z.) in favour with 6 abstentions.

The special committee did not find it possible to submit a preliminary report during the current session.

Observance in Bulgaria and Hungary of Human Rights and Fundamental Freedoms, with Special Reference to the Recent Trials of Church Leaders

This question was placed on the agenda at the request of two member Governments—*Bolivia*, asking that the case of Cardinal Mindszenty be acted upon under the provisions of the Charter dealing with fundamental human rights, and *Australia*, requesting that the Assembly should consider the observance of fundamental freedoms and human rights not only in Hungary but also in Bulgaria, including the question of religious and civil liberties in special relation to " recent trials of Church leaders "—*i.e.*, Cardinal Mindszenty and the Bulgarian Protestant pastors. Article II of the peace treaties with Bulgaria and Hungary (to which New Zealand is a party) provides that these countries shall take all measures necessary to secure to all persons under their jurisdiction, without distinction as to race, sex, language, or religion, the enjoyment of human rights and fundamental freedoms, including freedom of expression, of press and publication, of religious worship and political opinion, and of public meeting. Later provisions in the treaties lay down the procedure whereby, if disputes regarding the interpretation or execution of the treaties have not been settled by the heads of the diplomatic missions of the Soviet Union, the United Kingdom, and the United States in the respective countries, such disputes should, unless the parties to the dispute mutually agree upon some other means of settlement, be referred, at the request of either party, to a commission composed of one representative of each party and a third member selected by mutual agreement from nationals of a third country. Should the two parties fail to agree upon the appointment of the third member the Secretary-General of the United Nations may be requested by either member to make the appointment. Decisions of the majority of the members of such a commission shall be accepted by the parties as definitive and binding.

In spite of the opposition of the Eastern European States, who claimed that the matter was " entirely within the realm of domestic jurisdiction " and that the inclusion of this item was an attempt to use the United Nations " as a tool for intervention in the peoples' democracies," the Assembly by 30 votes (N.Z.) to 7 with 20 abstentions decided to admit the item to the agenda.

The *ad hoc* Political Committee devoted eight meetings to a study of this question. At the outset the representative of *Australia* proposed that Hungary and Bulgaria should be invited to participate without vote in the discussions, and this proposal was adopted by the Committee. These two countries, however, refused to send representatives, claiming that the action of the Assembly in taking up the matter was a flagrant violation of the Charter since it was an unlawful intervention in internal affairs.

The general debate was opened by a statement from Mr Costa du Rels (*Bolivia*), who confined himself mainly to the Mindszenty case. He declared that the case was a symbol of a most spectacular violation of human rights.

Cardinal Mindszenty was a Hungarian patriot and anti-fascist, but because his political views were not the same as those of the Hungarian Government the latter had attempted to brand him as a fascist and a common criminal. The activities of the Cardinal had been confined to ministering to his flock and safeguarding freedom of conscience and expression, but the police of the Hungarian People's Government had tried to " separate the prelate from the man in order to heap upon the latter charges falling within the scope of the penal code rather than in the realm of politics." The " People's Tribunal " which had judged the Cardinal had clearly been not a judicial organ but a political body, and the Cardinal's " confession " of guilt of non-existent crimes had been wrung from the accused by physical and psychological tortures worse than those of the Middle Ages. In Hungary, Bulgaria, and Rumania, where freedom of the press and of religion had been suppressed under conditions of terror, there were occurring the greatest possible violations of the human rights and fundamental freedoms which it was the duty of the United Nations zealously to preserve.

The delegations of *Cuba* and other members of the Committee supported Mr Costa du Rel's appraisal of the case, but the representatives of the *Eastern European* States challenged it strongly. They claimed that the trials of Cardinal Mindszenty and the Bulgarian pastors had not had the anti-religious character attributed to them and that the religious activities of the accused had not been in any way at issue. Cardinal Mindszenty had been tried solely for his crimes just as any Hungarian citizen would be. The Cardinal, said the delegate of *Poland*, had been represented by the Anglo-American press as a martyr and hero of democracy, and yet he had praised the heroism of Japanese soldiers and aviators and had

given his blessing to the Hitlerite race theory. The accused (both in Hungary and Bulgaria) had been guilty of espionage on behalf of foreign Powers and of activities intended to overthrow the democratic regimes of their respective countries by force and with foreign assistance (from the United States, *inter alia*) in order to replace them by a reactionary fascist regime. Cardinal Mindszenty, for instance, had directed a secret organization aimed at overthrowing the existing Hungarian regime by force, at re-establishing the monarchy (under Duke Otto of Habsburg), and at including the new Hungary in a monarchist federation of central Europe. He had engaged repeatedly in black-market operations in dollars and Swiss francs and had attempted by all possible means to sabotage democratic reforms and impede the country's reconstruction. He had thus been guilty of serious crimes condemned in the criminal code of all modern countries. It was therefore, absurd to speak of violation of religious freedoms, of infringement of human rights, when it was the accused themselves who had threatened the very existence of "democratic" rights and liberty in their countries. Moreover the Bulgarian and Hungarian Governments had not only the right but the duty under the peace treaties to prosecute men who attempted to re-establish fascist dictatorships. So far as the issue of religious freedom was concerned, full freedom was granted to the different faiths and financial support was given them by the Hungarian and Bulgarian Governments.

The position of the Eastern European States may be summarized as follows :—

1. Cardinal Mindszenty and the Bulgarian Protestant clergy had been sentenced for "common-law" and political crimes against their Governments ;

2. The inclusion of the question on the agenda of the General Assembly was a flagrant violation of the principle of non-interference in the internal affairs of States laid down by Article 2, paragraph 7, of the Charter ;

3. The peace treaties with Bulgaria and Hungary (Article 40 of the peace treaty with Hungary, Article 36 of the peace treaty with Bulgaria) provided a special procedure in case of difficulties arising from the interpretation or application of the clauses of the said treaties and the General Assembly should therefore not interfere in that field ;

4. The treaties placed Hungary and Bulgaria under an obligation not to tolerate on their territories organizations intended to deprive the populations under their jurisdictions of their rights and democratic liberties, and those countries had in no way violated the clauses of those treaties by acting as they had done.

The *Australian* representative (Mr Makin) expressed the concern of his Government at the persistent reports of violations of human rights and fundamental freedoms in Bulgaria and Hungary, and stated that the

General Assembly must by examination and discussion determine the facts and their significance. Mr Makin brought forward a wealth of detailed evidence showing that freedom of political opinion, of expression, and of the press had been denied with the support of the militia and the People's Courts. These latter bodies did not appear to be independent and impartial tribunals since the " people's Judges " were appointed by, and subject to removal by, the Executive. Irrespective of the facts, the impartiality of the trials was open to serious challenge and it seemed a reasonable assumption that the motive of the trials was not to punish crime but to eliminate religious opposition.

The *United Kingdom* representative (Sir Alexander Cadogan) also deplored the manner in which the trials had been conducted, laying particular stress upon the fact that the cases had been prejudged before the trials took place since, in the case of Cardinal Mindszenty, the Government of Hungary itself published a summary of the so-called evidence for the prosecution and claimed the guilt of the accused. " Thus," said Sir Alexander, " the public and, worse still, the Judge of the Peoples' Court and his party-appointed assessors were warned beforehand of the kind of verdict that was expected."

For the *United States*, Mr Cohen stated that it was inconceivable that civil and religious freedoms could survive in the two countries " if the shabbiest kind of excuse sufficed to liquidate political and religious leaders who refused to accept and support the existing totalitarian regime."

Sir Carl Berendsen (*New Zealand*), referred to the notes which his Government had addressed to the Governments of Hungary and Bulgaria, expressing feelings of grave concern and directing the attention of those Governments to the fact that millions of people all over the world had been dismayed by the actions taken against religious leaders. The New Zealand Government deplored these actions because it considered them to be in violation of human rights and fundamental freedoms the observance of which had been guaranteed in the peace treaties and to which the United Nations had given formal adherence by its recently adopted Declaration of Human Rights.

So far as the question of domestic jurisdiction was concerned the New Zealand representative pointed out the unfortunate lack of clarity of Article 2, paragraph 7, of the Charter, but went on to say that while certain questions were undoubtedly the sole concern of sovereign States, others transcended national boundaries and rights. Other parts of the Charter stressed the paramount importance of fundamental human rights, which undoubtedly were a matter of international concern, and all the more so in this case because the relevant articles of the peace treaties guaranteed their observance, and by signing these treaties the two Governments had voluntarily made these fundamental human

rights a matter of international concern. There was no more basic human right than the right to a fair trial—a right which had never been more eloquently proclaimed than in Magna Carta. The General Assembly was fully qualified and entitled to discuss this infringement of human rights, to inquire, to recommend, to deplore, and, if it deemed necessary on the basis of the evidence available, to condemn. New Zealand would be prepared to support any resolution with the above objectives.

It might be said, he continued, that any expression of condemnation or abhorrence would furnish cold comfort to the victims of oppression. Unfortunately this was true since the United Nations could act only under severe limitations. Nevertheless, the effects of moral condemnation by the Assembly were making themselves felt more and more strongly and it was to be hoped the day would soon be at hand when the United Nations might become a shield and buckler to protect innocent people all over the world against injustice and oppression.

When the general debate concluded the Committee had before it the following draft resolutions :—

1. A *Cuban* resolution which proposed appointment of a special committee for the purpose of elucidating the acts allegedly committed in Bulgaria and Hungary against human rights and fundamental freedoms, without prejudice to the rights, duties, and responsibilities of the parties signatory to the treaties of peace. It proposed also to bar the admission of Bulgaria and Hungary into the United Nations, and their participation in the work of its organs, commissions, and specialized agencies, until the special committee had submitted its report.

2. A *Bolivian* draft proposed that the General Assembly express its deep concern at the grave accusations made against Bulgaria and Hungary regarding the suppression of human rights and fundamental freedoms in these countries, note with satisfaction steps taken by several signatories of the peace treaties, express the hope that measures would be applied in accordance with the treaties, and decide to retain the question on the agenda of the fourth regular session.

3. Under an *Australian* draft resolution the General Assembly would express the view that a *prima facie* case of abridgment of human rights and fundamental freedoms in Bulgaria and Hungary had been established and would establish a committee to inquire into the situation in the two countries in respect of human rights and fundamental freedoms and report to the fourth regular session.

A *Chilean* amendment to the Bolivian draft would have condemned the acts committed by Bulgaria and Hungary in violation of human rights, but after several delegations had expressed the view that the case was, so to speak, *sub judice,* this amendment was withdrawn. The representatives of *Cuba* and *Australia* also decided to withdraw their

resolutions and to replace them by a joint amendment to the Bolivian proposal providing for the appointment by the Assembly of a committee to study the situation and report to the fourth regular session.

The majority of the members of the Committee, however, were not in favour of the establishment of a special committee at this stage. The delegates of the *United Kingdom* and the *United States*, for instance, considered that the proper and most practical and effective course for the Assembly was to encourage action under the procedures for inquiry and determination laid down in the peace treaties. They were opposed to parallel procedure by the Assembly unless it became clear that the treaty procedure would not work. The *Australian* representative, while agreeing that the peace treaty procedure should be used, denied that his proposal for a special committee of inquiry cut across the peace treaties, and stated that human rights in the two countries were not a matter exclusively for the treaty signatories but for all members of the United Nations. The *New Zealand* delegate agreed with this latter view, believing that since the Assembly had included the item on the agenda and was convinced of its competence to discuss the question it should take steps to initiate a full inquiry in order to elucidate all the facts. After this fact-finding stage, in which the co-operation of the accused countries should be invited, the Assembly could then proceed to make appropriate recommendations. Nevertheless the view prevailed that the machinery of the peace treaty should be fully utilized before any other action was taken, and the *Cuban-Australian* amendment, aimed at establishing a United Nations committee of inquiry, received support from only 4 countries (Australia, Cuba, the Lebanon, and New Zealand), 30 voting against and 18 abstaining.

The *Bolivian* resolution was then adopted by 34 (N.Z.) to 6 with 11 abstentions. Even this somewhat modified resolution was bitterly denounced by the *Eastern European* countries on the ground that it was a flagrant violation by the United Nations of the principles of the Charter, in that it represented a totally unwarranted intervention in the internal affairs of the two countries.

Eventually the Assembly adopted the resolution submitted by the *ad hoc* Political Committee by a vote of 34 (N.Z.) to 6 with 9 abstentions. The resolution reads as follows :—

" The General Assembly,

" Considering that one of the purposes of the United Nations is to achieve international co-operation in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

" Considering that the Governments of Bulgaria and Hungary have been accused, before the General Assembly, of acts contrary to the purposes of the United Nations and to their obligations under the peace treaties to ensure to all persons within their respective jurisdictions the enjoyment of human rights and fundamental freedoms,

"1. Expresses its deep concern at the grave accusations made against the Governments of Bulgaria and Hungary regarding the suppression of human rights and fundamental freedoms in those countries;

"2. Notes with satisfaction that steps have been taken by several States signatories to the peace treaties with Bulgaria and Hungary regarding these accusations, and expresses the hope that measures will be diligently applied, in accordance with the treaties, in order to ensure respect for human rights and fundamental freedoms;

"3. Most urgently draws the attention of the Governments of Bulgaria and Hungary to their obligations under the peace Treaties, including the obligation to co-operate in the settlement of all these questions;

"4. Decides to retain the question on the agenda of the fourth regular session of the General Assembly of the United Nations."

The Question of Indonesia

The question of Indonesia was placed on the agenda by the Governments of *Australia* and *India*, and was at first assigned to the First Committee; later, however, in view of the General Assembly's decision that 14 May should be the target date for the adjournment of the session, the item was reallocated to the *ad hoc* Committee.

The *Netherlands* delegation had opposed admission of this item to the agenda, claiming that a debate during the session would be harmful and contrary to the principles of the United Nations, which in any case had no competence to intervene. The *Norwegian* delegation, supported by the delegations of *Belgium*, *Canada*, *France*, and the *United Kingdom*, favoured postponement of the discussion of the Indonesian question pending the results of the current Batavia conference, but this proposal was rejected by the Assembly. It was some time, however, before the *ad hoc* Committee was able to take up the question, and in the meantime delegations of the Netherlands and the Republic of Indonesia, meeting at Batavia under the auspices of the United Nations Commission for Indonesia, came to an agreement on 7 May on important points at issue between them, including the cessation of guerrilla warfare, co-operation and restoration of peace, and the return of the Republican Government to Jogjakarta. In view of this agreement the majority of the members of the Committee felt that consideration of the question should be delayed until the fourth session, in order that the Assembly should not take action which might prejudice a settlement. The delegations of *Australia* and *India* accordingly submitted a draft resolution which noted the outcome of the preliminary negotiations in Batavia, as announced on 7 May, and proposed that further consideration be deferred to the fourth regular session. They had hoped, they stated, that by suggesting the

inclusion of the Indonesian question on the agenda the position of the Security Council would be strengthened and consequently a just and honourable solution of the Indonesian problem might be expedited; as a result of the recent agreement, which it was hoped would lead to a permanent solution, they felt that it would be wiser to postpone discussion of the substance of the question.

The *Eastern European* States, however, thought that there was good reason for believing that the latest agreement (arrived at, they asserted, after negotiations in which the parties had not been on an equal footing, since the Republican leaders were still in the hands of the Netherlands authorities) was a new manœuvre of the Netherlands, made with the support of the leading circles of the United States and the United Kingdom. They alleged that the purpose of this "manœuvre" was to prevent the world from realizing the seriousness of the situation in Indonesia, and it was clearly evident to them that the United States was trying to use the United Nations "as a screen for the aggressive policy of one of its fellow-parties to the North Atlantic Treaty."

Most members of the Committee, however, agreed with Sir Zafrullah Khan of *Pakistan*, who stated that whatever accusations could be made of violations of the Linggadjati and Renville agreements members should not dwell on the past but turn confidently to the future. The agreement recently concluded gave promise of a final settlement which would be honourable and satisfactory to both parties. It was stressed by others that the agreement was a real success for the United Nations, which should keep the subject on its agenda in order that it might, at its next regular session, observe and note the progress achieved towards reaching a final settlement.

The draft resolution was adopted by the Committee by 42 votes (N.Z.) to 6 with 4 abstentions.

The arguments both in favour of and against deferment of the question were repeated in the General Assembly, but although there was considerable criticism of the past record of the Dutch in regard to previous agreements, it was the majority view that discussion of the question at this stage could only be harmful and the Assembly finally adopted, by 43 votes (N.Z.) to 6 with 3 abstentions, the following resolution:—

"The General Assembly,

"Noting the outcome of preliminary negotiations between the Netherlands and the Republic of Indonesia in Batavia as announced on 7 May, 1949, which negotiations were based on the directives of the Security Council of 23 March, 1949,

"Expressing the hope that this agreement will assist the attainment of a lasting settlement in accordance with the intentions of the Security Council resolution of 28 January, 1949,

"Decides to defer further consideration of the item to the fourth regular session of the General Assembly."

Application of Israel for Membership in the United Nations

Section F of Part I of the Plan of Partition with Economic Union for Palestine adopted by the General Assembly on 29 November, 1947, provided that sympathetic consideration should be given by the General Assembly, in accordance with Article 4 of the Charter, to the application for admission to the United Nations of either the Jewish State or the Arab State to be set up under the plan when its independence had become effective.

On 29 November, 1948, Israel submitted an application for membership. In December the application was considered by the Security Council, which decided to defer the question. The application was again taken up in March, 1949, and on 4 March the Council adopted, by 9 votes to 1 (Egypt) with the United Kingdom abstaining, a resolution recommending to the General Assembly that Israel be admitted to membership in the United Nations.

When the question came before the Assembly, the General Committee recommended that this item should be dealt with directly in the plenary meeting. In the Assembly, however, a large number of States opposed this procedure and the Assembly decided by 31 votes to 18 with 7 abstentions that the item should be first discussed in the First Committee. Those favouring debate in Committee comprised the *Arab* States, who had opposed the inclusion of the item on the agenda and wished to avail themselves of every opportunity of opposing and delaying the admission of Israel to the United Nations, many *Latin American* States, who sought assurances from Israel with regard to the internationalization of Jerusalem and the protection of the Holy Places, and the *Scandinavian* countries, who demanded that Israel should clear up the question of responsibility for the assassination of the Palestine Mediator, Count Folke Bernadotte. Those States (including *Australia* and *New Zealand*) who opposed reference to a Committee considered that unnecessary delay would be caused by such a procedure.

Since the First Committee was still at work on the question of the disposal of the former Italian colonies when the *ad hoc* Committee had completed its discussion of the items previously referred to it, the Assembly eventually decided that the latter Committee should deal with Israel's application for membership.

In the course of ten meetings this Committee conducted a full discussion on the question. In order that Israel's position towards various problems closely connected with its admission to the United Nations (in particular the questions of Jerusalem and the Holy Places, the Arab refugees, and the assassination of Count Folke Bernadotte) might be clarified, the Committee decided, against the opposition of

the Arab States, to invite the Israeli representative to answer such questions and make such statements as the Committee might deem desirable. The representative of *Argentina* proposed that the Committee should also ask the Holy See to present an oral or written statement regarding the question of safeguarding the Holy Places in Palestine. It was thereupon suggested that representatives of the Greek Orthodox Church and of the Moslem faith should also present their views. Various arguments were adduced in opposition to these proposals. In the first place it was pointed out that it was not the task of the Committee to attempt to solve the problem of the protection of the Holy Places, but that, in fact, the Conciliation Commission established by the Assembly resolution of 11 December, 1948, was charged with this responsibility. It was to this Commission that the religious authorities concerned should submit their views. Further, the list of religious authorities mentioned in the proposals was by no means complete and it would in any case be quite impossible to hear the views of representatives of all sects of the Christian, Jewish, and Moslem faiths. Finally, such a procedure could only lead to a lengthy delay. In the face of this opposition, the *Argentinian* representative agreed to defer his proposal for the time being, and eventually it was withdrawn. The Committee, however, agreed to include in its final report a passage expressing the desire that the United Nations Conciliation Commission should, when studying the question of the internationalization of Jerusalem and the problem of the protection of the Holy Places, and free access thereto, take into account the views of the Holy See and other religious authorities (including the Commission of Churches on International Affairs, which was created recently by the World Council of Churches and the International Missionary Council).

When the general debate on the question of the admission of Israel began, *Iraq*, supported by the other *Arab* States and *Pakistan*, attempted to prevent action on the application by proposing that an inquiry should be sent to the Security Council "seeking further explanation of the validity of the vote taken with regard to the application of Israel for membership in the United Nations," in view of the abstention of one of the permanent members (the United Kingdom), and, "without prejudice to the discussion of the merits of the case," that an advisory opinion be sought from the International Court of Justice upon the nature of this vote. The representative of *Pakistan* (Sir Zafrullah Khan) in particular argued at length in favour of the view that the Security Council decision had not been taken in accordance with the provisions of the Charter, since it was not in conformity with the specific conditions prescribed in Article 27—namely, that decisions on other than procedural matters (and the admission of Israel was not a procedural matter) should be made "by an affirmative vote of seven members

including the concurring vote of the permanent members." The nine votes cast in the Security Council in favour of the admission of Israel had included the affirmative votes of only four of the permanent members of the Council, since the United Kingdom had abstained.

Sir Terence Shone (*United Kingdom*), however, argued that the abstention of the United Kingdom in the Security Council had been in accordance with the practice adopted in the Council by the five permanent members and reaffirmed that the abstention of a permanent member did not constitute a veto but on the contrary permitted the Council to take action without the affirmative vote of that member when a resolution was supported by seven or more votes. The majority of representatives agreed with this interpretation and several of them cited instances in which representatives of the Arab States, now declaring this practice to be invalid, had approved the procedure.

The representative of *Iraq* did not press for a vote on the proposal since the Chairman of the Committee (General Romulo) and later the President of the Assembly (Dr Evatt) ruled that it was outside the competence of the Committee or the Assembly to question the regularity of the vote in the Security Council or the validity of the decision taken.

Lengthy discussions took place on the substance of the application for membership. The *Arab* States, in opposing Israel's admission, claimed that Israel was not a peace-loving State and that it had consistently and flagrantly violated the principles of the Charter and the provisions of the Assembly resolutions concerning Palestine. Article 4 of the Charter clearly stated that an applicant for membership must, to gain admission, be a peace-loving State able and willing to carry out the obligations contained in the Charter. In the Arab view Israel was not a State in the meaning established by international law since it had not established internal peace and security and had no boundaries; nor was it peace-loving, since it had "dragged out the Arabs from their homes and massacred them." Furthermore Israel was clearly not willing to carry out the obligations contained in the Charter since it had flouted General Assembly decisions and violated Security Council cease-fire orders. The "Zionists" had not brought the assassins of Count Bernadotte to justice and had not carried out the resolutions of the Assembly concerning the Arab refugees and the internationalization of Jerusalem. For the Assembly to approve Israel's application at this session would only encourage Israel to persist in its refusal to implement the decisions of the Assembly on these last two questions. Accordingly the *Lebanese* delegate introduced a draft resolution proposing that the General Assembly defer action on the admission of Israel to its fourth regular session.

A large number of non-Arab delegations expressed considerable concern regarding the attitude of Israel to the refugee problem and the question of the internationalization of Jerusalem, and the Scandinavian countries were highly critical of Israel's failure to discover the assassins of the United Nations Mediator.

When the *Israeli* representative (Mr Eban) appeared before the Committee he was closely questioned on these three matters. In his opening speech Mr Eban stated that it was his Government's understanding that nothing but the provisions of Article 4 of the Charter was relevant in the consideration of an application for membership, but indicated his readiness to give the official view of the Israeli Government on the problems of Jerusalem and the Arab refugees, although the task of finding solutions to these problems had been allocated to the Conciliation Commission. So far as Jerusalem was concerned, Israel had co-operated to the fullest extent with the United Nations in its attempt to implement the decisions of 29 November, 1947, with regard to the city, and bore no responsibility for the failure of that project (the Statute for the City of Jerusalem). At this stage the Government of Israel thought that the international principle should be maintained, but that in existing circumstances it should be expressed "more realistically" than in the previous resolutions of the General Assembly. Israel therefore advocated the establishment by the United Nations of an international regime for Jerusalem concerned exclusively with the control and protection of the Holy Places. Thus the international regime would apply to the whole city of Jerusalem, but could be "restricted functionally so as to be concerned only with the protection and control of Holy Places and not with any purely secular aspects of life and government." Israel would seek from the fourth regular session of the Assembly recognition of its lawful authority over Jewish Jerusalem, but would co-operate in fulfilling the terms of the resolution of 11 December, 1948, which in its view envisaged other methods of settling the question than on the lines of the Statute outlined in the resolution of 29 November, 1947.

On the question of refugees Mr Eban stated that his Government felt that the Arab States which were entirely responsible for the present situation should face up squarely to their responsibility. A solution of the problem was inseparably linked with a final peace settlement in the Near East and was conditional upon co-operation between Israel and her neighbours. Thus resettlement in neighbouring areas must be considered as the main principle underlying the solution of the problem, although Israel would be ready to make its own contribution and would co-operate fully with the United Nations in the implementation of paragraph 11 of the resolution of 11 December.

In expressing the " deep sense of failure " felt by the Israeli Government because of the negative results of the investigation regarding the assassination of Count Bernadotte, the representative of Israel promised that all possible efforts would be made to discover and punish the assassins.

Finally Mr Eban declared that the solution of all problems existing in Palestine would be made easier by the admission of Israel into the United Nations. It was a cynical manœuvre on the part of the Arab States to oppose Israel's admission on the grounds that Israel had not complied with Assembly resolutions since that was placing Israel in the position of " one who, having been attacked in a dark street by seven men with heavy bludgeons, finds himself dragged into Court only to see his assailants sitting on the bench with an air of solemn virtue, delivering homilies on the duties of a peaceful citizen."

In spite of the assurances given by the Israeli representative, there were still a considerable number of members of the Committee who felt that Israel should go further towards the acceptance of—

(*a*) The principle of the internationalization of Jerusalem, and

(*b*) The principle that all Arab refugees who wished to return to their homes should be permitted to do so.

On the other hand, a majority of delegations (including that of *New Zealand*) considered that the responsibility for the solution of outstanding problems in Palestine lay with the Conciliation Commission created by the resolution of 11 December, 1948 and with the interested parties, and not with the General Assembly at its current session. The Assembly would be able to discuss the substantive aspects of the Palestine settlement at its fourth session and meanwhile Israel should be admitted to membership since that State met the requirements of Article 4 of the Charter.

Thus when the *Lebanese* proposal to defer the application till the fourth session was put to the vote it was rejected by 19 in favour with 25 (N.Z.) against and 12 abstentions. The Committee then adopted, by 33 votes (N.Z.) to 11 with 13 abstentions, a joint seven Power resolution which, after noting the statements and explanations of the Israeli representative regarding the implementation of previous Assembly resolutions with respect to Palestine, recommended that Israel be admitted to the United Nations as a " peace-loving State which accepts the obligations contained in the Charter and is able and willing to carry out those obligations."

When the recommendation of the *ad hoc* Committee came before the Assembly the *Arab* States again violently attacked the admission of Israel to membership, declaring that such a step would " drive another nail into the coffin of the United Nations " and that it would be an " everlasting shame and humiliation to the Assembly."

Sir Carl Berendsen, in expressing the intention of *New Zealand* to vote in favour of the recommendation, declared that in so doing we expected from Israel, just as from every other member of the Organization, due respect for the decisions of the United Nations. The pertinent decisions were those contained in the General Assembly resolution of 11 December, 1948, particularly those referring to the question of refugees and to the establishment of an international regime over those parts of Jerusalem specified in the resolution.

The resolution admitting Israel was eventually adopted by 37 votes (N.Z.) to 12 with 9 abstentions.

Mr Sharett, Foreign Minister of *Israel*, then expressed his deep gratitude at the decision of the Assembly and pledged Israel's loyalty to the fundamental principles of the United Nations.

The Study of the Social Problems of the Aboriginal Populations of the American Continent

In view of the heavy agenda of the Third Committee, the Assembly decided to refer this item to the *ad hoc* Political Committee, which considered the question at two meetings. The item had been placed on the agenda by the delegation of *Bolivia*, which called for the assistance of the United Nations in solving the problems of the illiterate and underdeveloped populations of its own and other countries. This task could only be accomplished, said the Bolivian delegate, if the full scope of modern scientific and technical knowledge could be brought to bear on the problem. Articles 13 and 62 of the Charter empowered the General Assembly and the Economic and Social Council to initiate such studies in international co-operation in the economic, social, cultural, educational, and health fields. Accordingly, Bolivia proposed that the Assembly should recommend to the Economic and Social Council, as the appropriate medium, that it should carry out such a study.

The *Eastern European* States seized the opportunity afforded by this general discussion to indulge in propaganda attacks, especially against the United States for its treatment of the Indian and Negro sections of its population. The *Soviet* delegate, for instance, stated that the question of the native populations of the American continent had become so acute that it could no longer be considered a domestic problem of the American States, but had to be viewed on the international level. The Assembly must regard the problem above all as a manifestation of a policy of racial discrimination, especially in the United States, and should examine it from the aspect of continuing the struggle against discrimination. The United Nations must give effective assistance to these aboriginal peoples, who, reduced to slavery, disinherited, and dispossessed, were slowly dying out as a result of disease and the unbearable conditions imposed upon them.

Eventually the Committee adopted a resolution which recommended that the Economic and Social Council, with the assistance of the specialized agencies and in collaboration with the Institute Indigenista Interamericano, should study the situation of the aboriginal population and "other under-developed groups" of the States of the American continent requesting such help.

New Zealand, with a number of other countries, abstained on this resolution, believing the problem to be so complex that it should simply be referred to the Economic and Social Council without in any way tying the hands of that Council. Furthermore, the studies to which the Council was being invited to proceed were already being pursued by a Commission of the International Labour Organization. The resolution was eventually adopted by the Assembly by 37 in favour, with 14 abstentions (N.Z.).

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

Chairman: Dr. Charles Malik (*Lebanon*)

Vice-Chairman: Mrs. B. Begtrup (*Denmark*)
Mr. S. Ingebretson (*Norway*)
Dr. R. Noriega (*Mexico*)

Rapporteur: Mr. E. St Lot (*Haiti*)

New Zealand Representatives

Sir Carl Berendsen

Dr. W. B. Sutch

Miss H. N. Hampton

Agenda

When the Third Committee resumed it had the following agenda:—

1. Freedom of information: Report of the Economic and Social Council.

2. Report of the Economic and Social Council (Chapter III).

3. Refugees and displaced persons—

(*a*) Problem of refugees and displaced persons: item proposed by Poland.

(*b*) Repatriation, resettlement, and immigration of refugees and displaced persons: report of the Economic and Social Council.

4. Discriminations practised by certain States against immigrant labour and in particular against labour recruited from the ranks of refugees; item proposed by Poland.

5. Creation of a Sub-commission of the Social Commission of the Economic and Social Council on the study of the social problems of the aboriginal populations of the American continent: item proposed by Bolivia.

During the session it became apparent that the Committee would have difficulty in completing its agenda, and the fifth item, study of the social problems of American aborigines, was transferred to the *ad hoc* Political Committee. Consideration of this item is recorded in the report of that Committee.

In the last week of the session the fourth item, regarding discrimination practised against migrant labour, was withdrawn at the request of the *Polish* delegation, who stated that they preferred to submit the item for the provisional agenda of the Fourth General Assembly.

Slavery

Although the Third Committee did not discuss the question of slavery at this session, a recommendation by the Committee was still before the Assembly. The Assembly approved, without objection, a resolution requesting the Economic and Social Council to study the problem of slavery at its next session.

Freedom of Information

The Committee had referred to it by the Economic and Social Council the three Conventions drawn up at the International Conference on Freedom of Information—viz., the Conventions on the Gathering and International Transmission of News, the Right of Correction, and Freedom of Information. The Economic and Social Council had itself prepared a redraft of the first Convention, but the Third Committee set out to consider all three, article by article. There was insufficient time to complete the third Convention, that on Freedom of Information, and this has been deferred to the Fourth General Assembly.

Early in the discussion the *French* delegation proposed that the first Convention, affording rights to correspondents in respect of the gathering and international transmission of news, should be amalgamated with the second, which provided a right of correction in respect of false and distorted reports. The French proposal was accepted by the Committee since it was felt that no Government should be entitled to the right of correction unless they extended to correspondents the facilities assured by the Convention on the Gathering and International Transmission of News.

The text of the amalgamated Convention, to be known as the Convention on the International Transmission of News and the Right of Correction, appears as an Appendix to this report. It contains three sections. The first affords privileges to correspondents and information agencies in the gathering and transmission of news, and lays down the

rights and obligations of Governments in this respect; the second establishes the right of correction and the conditions under which it is to be exercised; while the third contains miscellaneous provisions.

On a subject so controversial yet so fundamental to free society as freedom of information, there were naturally many divergent views among the members of the Committee. Undoubtedly the approach furthest removed from views generally held by members of the Committee was that of the *Eastern European* countries, who considered that dissemination of information should conform to the interests of the community as determined by the Government of the State. Thus one *Soviet* amendment read:—

> "The contracting States shall evolve measures to ensure increasingly wide dissemination of genuinely honest and objective information."

Such a clause would place upon a contracting State the obligation of perusing news material to determine whether its contents conformed to what that State regarded as "genuinely honest and objective." While preambular sentences in the Convention recognize the moral obligation upon correspondents not to disseminate false or distorted reports, the view of the majority of the Committee was that inclusion in the Convention itself of explicit provisions along the lines of the Soviet proposal could be exploited in a manner prejudicial to freedom of information.

Members of the Committee differed as to whether or not the Convention should be so drafted as to afford protection to nationals of a contracting State who were employed by a foreign information agency operating in that State. In the *New Zealand* delegation's view (which was shared by the majority of the Committee), a Convention which was concerned to facilitate the full flow of information should confer advantages on and subject to its requirements all employees of an information agency regardless of their nationality. It seemed undesirable that any rights or privileges accorded by the Convention should be available to foreigners but denied to nationals employed by the agency. On the other hand, some delegations, chiefly those of *India* and *China*, feared that the inclusion of nationals could have the effect of securing to those nationals extra-territorial rights. The situation might arise in which a foreign Government would intervene on their behalf with their own Government.

This difference of approach continued throughout the meetings of the Committee, and it was only at the final plenary session that the United States delegation introduced a text which secured general acceptance:—

> "Nothing in the present Convention shall oblige a contracting State to consider one of its own nationals employed by a foreign information agency operating in its territory as a correspondent, except when he is functioning on behalf of that information agency and then only to the extent required to enable that information agency fully to enjoy the benefits of this Convention: Provided, however,

that no provision of this Convention shall be construed as entitling another contracting State to intercede on behalf of such national with his Government, as distinguished from interceding on behalf of the information agency by which he is employed." *

The approach of delegations to the general subject-matter of the Committee's work was naturally conditioned not only by their traditional attitude to the freedom of the press, but also by the extent to which their countries had developed domestic and foreign press agencies. Understandably, therefore, the representatives of countries like *France*, the *Netherlands*, the *United Kingdom* and the *United States* were on the whole concerned to spell out conditions which would assure to correspondents adequate facilities to gather and transmit news and to Governments the right to correct false reports. Other representatives sought to ensure that the privileges accorded foreign information agencies by the Convention should not prejudice the establishment of domestic facilities. Thus, in Latin America and the Middle East, domestic information services are still comparatively undeveloped and agencies in both regions have found difficulty in establishing themselves in face of the commercial and financial resources of older international agencies. The production and distribution of motion pictures in Latin America is an illustration.

The difficulties raised by the second group of delegations were appreciated by the Committee and sections 4, 5, and 6 of Article XII of the Convention† permit States to extend preferential treatment to their own agencies.

Bearing in mind the varying degrees of interest and development in this specialized and controversial field, the fact that a Convention could be drawn up and adopted by the Assembly by a vote of 33 tc 6 with 11 abstentions might well prove to be a fact of some importance in itself, although obviously its full significance can be weighed only in the light of the subsequent application of the Convention.

Along with the draft convention the Assembly adopted three resolutions :—

(i) Referring to the Fourth General Assembly the draft Convention on Freedom of Information, and resolving not to open for signature the Convention on the International Transmission of News and Right of Correction until the General Assembly completes action on the draft Convention on Freedom of Information.

(ii) Referring to the Economic and Social Council a group of resolutions adopted at the Conference on Freedom of Information and relating to more technical aspects of the subject.

(iii) Urging States to accede to the Convention when it is opened for signature and to extend the application of the Convention to any territories for which they have international responsibility.

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* Article XII (8). † See Appendix.

Two resolutions were placed before the Committee under this item, viz.—

(i) A *French* resolution expressing the hope that Governments would promptly ratify the Convention on Freedom of Association and Protection of the Right to Organize, adopted by the International Labour Conference at San Francisco.

Eastern European delegates opposed the resolution on the grounds that the Convention emanated from an organization which by its constitution was intended to safeguard the interests of employers and therefore afforded no protection to labour.

Some members of the Committee—*Belgium*, the *United States*, and *Australia*—expressed doubt as to the propriety of the United Nations' urging approval of the actions of another international body. Replying to this point the *French* delegate stressed that the subject had been discussed at length by the Economic and Social Council and in the circumstances it seemed very proper that the Assembly should formally support the Convention. This view was supported by the representative of the International Labour Office when the question was put to him.

In Committee, the *French* resolution was passed by 27 votes (N.Z.) to 2 with 9 abstentions, and adopted by the General Assembly by 24 votes (N.Z.) in favour with 14 abstentions.

(ii) A *Lebanese* resolution, the operative part of which requested the Secretary-General to submit a study and research plan for the preparation of a general report on the world social and cultural situation.

In introducing his resolution the Lebanese representative stated that in the view of his delegation insufficient attention was given the social, humanitarian, and cultural field, particularly in comparison with the series of studies which the Economic and Social Council had initiated on the world economic situation. He considered that such a study would provide a background for comparison of world standards of education, health, leisure, social security, &c., and for the consideration of any claims received for assistance from various organs of the United Nations.

The *Australian* representative stated that to his delegation the Lebanese proposal seemed too general, too vague, and somewhat unrealistic, and proposed simple reference of the proposal to the Economic and Social Council for whatever action the Council considered appropriate.

This view was supported by the delegates of *Denmark*, the *Philippines*, the *United States*, *Belgium*, and others. The *New Zealand* delegation drew attention to the fact that both the Social Commission of the Council and the United Nations Educational, Scientific, and Cultural Organization were taking practical measures to revise world social and educational standards, and already had available much of the background material

contemplated in the Lebanese proposal. For these reasons it seemed wiser to refer the proposal to the Economic and Social Council, which could determine the work likely to secure the greatest results in this field.

When the *Australian* draft resolution was put to the vote it was defeated by 14 (N.Z.) to 26 with 5 abstentions.

At the suggestion of the *French* delegation, the Lebanese proposal was amended to invite the Economic and Social Council, after consultation with specialized agencies and non-governmental organizations, to report on the possibility of drawing up a report on the world social and cultural situation, and in this form the proposal was adopted by the Committee.

In plenary session the resolution was adopted by 29 (N.Z.) to 4 with 6 abstentions.

Refugees and Displaced Persons

The debate on this item, which was considered together with the report prepared by the Secretary-General of the United Nations in conjunction with the International Refugee Organization on repatriation, resettlement, and immigration of refugees and displaced persons, was opened by the delegate of *Poland* (Professor H. Altman).

Dr Altman repeated the allegations made by his delegation at former United Nations meetings that the Assembly resolutions of 1946 and 1947 laying down United Nations policy on the settlement of displaced persons had not been carried out by the International Refugee Organization or by member States. The Governments of the United Kingdom, the United States, and France had sabotaged these resolutions by permitting camp officials to disseminate propaganda calculated to dissuade displaced persons from Eastern Europe from returning to their countries of origin. In addition to spreading untrue reports upon the political situation in these countries, officials in the camps portrayed working and living conditions as arduous and poor. Dr Altman alleged that difficulties were placed in the way of repatriation missions from Eastern Europe seeking to enter reception centres, and that displaced persons were encouraged to insult their former countrymen.

The Polish delegate then referred to conditions of work and housing experienced by displaced persons who settled in Australia, Belgium, Iran, the United Kingdom, the United States, Venezuela, and other countries. In the United Kingdom particularly, he said, displaced persons were employed on the more dangerous and unpleasant tasks in coal-mines and factories, paid lower wages than British workers, given less rations, and denied medical care or compensation when injured.

These remarks were supported by the delegates of the *Soviet Union*, *Byelorussia*, and the *Ukraine*.

Most delegations against whose countries allegations had been made said that they were willing to discuss the question of resettlement and repatriation of refugees if any further assistance could be thereby given

to the people concerned. However, as the allegations made had all been replied to and denied on former occasions they could only consider the Polish, Soviet, and other similar speeches to have been made for propaganda purposes.

The *United Kingdom* representative replied in substance to the points made in the Polish speech, citing the numbers of copies of *Pravda*, *Izvestia*, &c., distributed to the camps and quoting extracts from *Pravda* to the effect that the great majority of former Soviet citizens in the camps chose repatriation rather than resettlement. This statement, he said, was untrue, but the existence of two completely contrasting Soviet statements, each of them official—(*i.e.*, the extract quoted from *Pravda* and the charges made in Committee by Soviet delegates that former Soviet citizens were not being repatriated—indicated the futility of attempting to reply. He described the universality of social security and workers' compensation provisions in England, and stated that from the time displaced persons were first admitted, trade unions had insisted upon migrants receiving union rates, to avoid any possibility of their becoming a pool of cheap labour competing with union members.

A *Polish* resolution involving criticism of the administration of displaced persons' camps and of the treatment accorded migrants was defeated by 6 votes in favour, 19 (N.Z.) against, with 11 abstentions, and the Committee adopted a resolution taking note of the Secretary-General's report on resettlement and repatriation of displaced persons.

In plenary session the *Polish* resolution was resubmitted and was again rejected by 6 votes in favour, 31 (N.Z.) against, with 14 abstentions, and the Committee's resolution adopted by 42 (N.Z.) to 6 with 4 abstentions.

VIII. FIFTH COMMITTEE: ADMINISTRATIVE AND BUDGETARY QUESTIONS

Chairman: Mr G. IGNATIEFF (*Canada*)
Vice-Chairman: Mr A. I. GALAGAN (*Ukraine*)
Rapporteur: Mr O. P. MACHADO (*Brazil*)

New Zealand Representatives:
Sir CARL BERENDSEN
Dr W. B. SUTCH
Mr C. CRAW

Appointment to Fill Vacancy in the Membership of the Committee on Contributions

A vacancy had occurred in the membership of this Committee as the result of the resignation of Dr Martinez Cabanas, to whose valuable work tributes were paid by the members of the Committee.

Dr Josue Saenz of *Mexico* was elected, without objection, to fill the vacancy for the unexpired term of Dr Martinez Cabanas, and this action of the Committee was approved by the General Assembly.

Proposals for the Adoption of Russian and Chinese as Working Languages of the Assembly

At the earlier part of the third session the General Assembly decided that Spanish should be adopted as a working language in addition to French and English, which had been used as working languages since the establishment of the Organization. At that time the *Soviet Union* and *China* respectively proposed that Russian and Chinese (the remaining two of the five official languages) should also be adopted as working languages, but it was not till the second part of the session that the proposals were discussed.

Meanwhile both the Secretary-General and the Advisory Committee on Administrative and Budgetary Questions had prepared reports on the subject. The former came to the conclusion that the adoption of these proposals would involve for a full year of operation an additional cost of approximately $1,700,000 and that an increase in the number of working languages would, apart from any consideration of expense, seriously hamper the general efficiency of the Secretariat. The Advisory Committee, while considering that the estimated cost alone could be reduced by at least $500,000, stated that in its opinion no new factors had arisen either from the administrative or financial standpoint which would warrant its making a different recommendation from that given in its report on the adoption of Spanish as a working language—namely, that for reasons of financial stringency in particular it would not be advisable to impose upon the members the additional burden proposed.

In the course of the general discussion the supporters of both proposals reiterated the arguments advanced in favour of the adoption of Spanish as a working language. It was firstly claimed by the supporters of the adoption of Russian and Chinese that if the Committee did not give the same status to these two languages as had at the earlier part of the session been given to Spanish, this action could not fail to be interpreted as an act of discrimination not merely against these two remaining official languages, but also against the millions of people who spoke them. The number of people speaking and understanding the two languages was four times larger than the number speaking and understanding Spanish, and it was therefore imperative that all current documentation should be made available in these languages in order that the Chinese and Russian peoples should increase their knowledge of the United Nations. Furthermore, both these peoples had made major contributions in the war against Nazi Germany and Fascist Japan; and by their efforts had made the establishment of the United

Nations possible. Although this question could not in their view be discussed only in relation to its budgetary and administrative aspects, however, both the Russian and Chinese delegations claimed that the estimates of the Secretary-General, even as reduced by the Administrative Committee, were grossly inflated, and detailed figures were produced in an attempt to show that the additional cost to the United Nations of the adoption of either of these languages would be less than the cost of Spanish.

Those delegations which held the contrary view paid tribute to the traditions and great inherent worth of both the Russian and Chinese languages, and to the contribution to victory made by the Russian and Chinese peoples, but denied that such considerations could be taken into account, since it might be argued with much the same justification that other languages also be made working languages of the General Assembly. For instance, it was pointed out that millions in India spoke a common language and that Arabic also was spoken by a great number of people and was a language employed by a greater number of delegations than either Russian or Chinese. In the view of the opponents of the proposals the facilities now provided under the existing rules of procedure (in accordance with the practice which had grown up) made it unnecessary to impose additional administrative and financial burdens on the General Assembly. Nor could the adoption of Spanish as a working language be used as a precedent, since this language was employed by nineteen member States. Finally, the fact that a large number of people spoke a language and that these people wished to have United Nations documents in their language could not be used as an argument for its acceptance as a working language of the Assembly, since the official records and working documents of this body were intended primarily for the use of member Governments and their representatives, and it was the duty of the official Department of Public Information to inform the general public of all countries regarding the work of the United Nations.

The *New Zealand* delegation, which had voted against the adoption of Spanish, opposed the present proposals for the same reason—namely, that they were not justified on the grounds of practical necessity. The New Zealand representative stated that no question of prestige or politics should be allowed to influence the decision. In Paris his delegation had expressed friendly understanding and appreciation of the arguments advanced in favour of Spanish, but had considered that they were outweighed by the financial and administrative drawbacks of its adoption as a working language. It regarded the Chinese and Russian proposals with the same appreciation and understanding, but could not justify the financial and administrative burden which their adoption would entail. There was full scope, within the existing rules

of procedure, for improving the present service to the Russian- and Chinese-speaking representatives, and in fact it appeared that any legitimate grievance which they might have had had already been removed.

Some delegations felt, however, that before any decision was taken with regard to Russian and Chinese the results of the experiment with Spanish should be surveyed, and consequently were inclined to favour a proposal that further consideration of the question should be deferred pending further study until the fourth regular session. This proposal was rejected by 14 in favour with 20 (N.Z.) against and 11 abstentions. Thereupon the Committee rejected the proposal for the adoption of Russian as one of the working languages of the General Assembly by 8 votes for, 28 (N.Z.) against, with 9 abstentions ; and a similar proposal that Chinese should be included was rejected by 6 votes for, 27 (N.Z.) against, with 12 abstentions.

In the Assembly, however, the Committee's report was not accepted, since many of the Latin American delegations felt that it was undesirable to reject out of hand the adoption of Russian and Chinese as working languages for the General Assembly. The delegate of *Ecuador* therefore proposed that in order to retain a cordial and friendly feeling of co-operation, and in order that it might not appear that Russian and Chinese were being discriminated against, the Assembly should not make a final decision. He proposed that the Assembly should decide to postpone discussion of the introduction of Russian and Chinese as working languages, thus giving interested countries the opportunity to bring the matter up at some timely moment. The *Soviet* delegation stated that it would support this proposal and would feel itself at liberty to submit this question at any time it judged fit, and in particular in the course of the fourth regular session. The proposal was then adopted by 24 votes to 18 (N.Z.) with 10 abstentions.

IX. SIXTH COMMITTEE : LEGAL QUESTIONS

NOTE.—The Sixth Committee did not meet. This report refers only to discussion in plenary session.

Violation by Soviet Union of Fundamental Human Rights, Traditional Diplomatic Practices, and Other Principles of the Charter

The report of the New Zealand delegation on the first part of the third regular session gives an account of the discussion in the Sixth Committee with respect to a Chilean resolution which called upon the Soviet Union to withdraw certain measures which had prevented Soviet wives of citizens of various nationalities, and in particular Mrs de Cruz, daughter-in-law of the former Chilean Ambassador in Moscow, from leaving the Soviet Union. As stated in that report, the resolution

eventually adopted declared that the measures complained of were not in conformity with the Charter and recommended that the Government of the Soviet Union should withdraw such measures. There was not time, however, in Paris for the plenary session to consider the resolution adopted by the Committee, and it was accordingly postponed until the second part of the session.

When the report of the Sixth Committee on this question came before the General Assembly on 25 April, 1949, the *Chilean* delegate reiterated the views expressed by his delegation in Paris. In confutation of the Soviet argument that the Assembly was incompetent to deal with the question because of the provisions of Article 2, paragraph 7, of the Charter (the domestic jurisdiction clause), the *Chilean* delegate referred to the Soviet attempt in the Economic and Social Council to have adopted a resolution which would declare that certain legislative and administrative measures taken by some countries in connection with trade-union rights were contrary to the Charter and that they should be withdrawn. The Soviet objection to the present draft resolution, which implied exactly the same sort of action by the United Nations, was therefore in contradiction to their attitude in the Economic and Social Council and was a clear example of political opportunism. The action of the Soviet Government in this instance was, in the view of Chile, a systematic violation of the basic principles upon which the United Nations was constructed.

The *Soviet* representative, however, said that refusal to grant exit *visas* to Soviet citizens was an ordinary administrative question and could not under any circumstances be subject to discussion by the United Nations, since it related exclusively to the internal jurisdiction of the State. The present resolution was merely one of a series of attempts to use the General Assembly for the purposes of hostile propaganda and libels against the Soviet Union. It was unthinkable that the General Assembly would give serious consideration to such an inconsistent and ludicrous proposal.

Mrs Roosevelt (*United States*) and Mr McNeil (*United Kingdom*) stated that their Governments were deeply concerned at the policy of the Soviet Government in refusing to allow the Russian wives of their citizens to leave the Soviet Union; restrictions on the departure of these wives were contrary to the Universal Declaration of Human Rights and the principles of the Charter itself.

The draft resolution submitted by the Committee was adopted by a vote of 39 (N.Z.) to 6 (the Eastern European states) with 11 abstentions.

A *Chilean* amendment replacing references to articles of the draft Declaration of Human Rights by references to articles of the Universal Declaration of Human Rights as finally adopted had previously been incorporated in the resolution* by the same vote.

* Op. cit. page 142 (text of operative part of resolution).

APPENDIX

Convention on the International Transmission of News and the Right of Correction

PREAMBLE

The Contracting States,

Desiring to implement the right of their peoples to be fully and reliably informed,

Desiring to improve understanding between their peoples through the free flow of information and opinion,

Desiring thereby to protect mankind from the scourge of war, to prevent the recurrence of aggression from any source, and to combat all propaganda which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression,

Considering the danger to the maintenance of friendly relations between peoples and to the preservation of peace, arising from the publication of inaccurate reports,

Considering that at its second regular session the General Assembly of the United Nations recommended the adoption of measures designed to combat the dissemination of false or distorted reports likely to injure friendly relations between States,

Considering, however, that it is not at present practicable to institute, on the international level, a procedure for verifying the accuracy of a report which might lead to the imposition of penalties for the publication of false or distorted reports,

Considering, moreover, that to prevent the publication of reports of this nature or to reduce their pernicious effects, it is above all necessary to promote a wide circulation of news and to heighten the sense of responsibility of those regularly engaged in the dissemination of news,

Considering that an effective means to these ends is to give States directly affected by a report, which they consider false or distorted and which is disseminated by an information agency, the possibility of securing commensurate publicity for their corrections,

Considering that the legislation of certain States does not provide for a right of correction of which foreign Governments may avail themselves, and that it is therefore desirable to institute such a right on the international level, and

Having resolved to conclude a Convention for these purposes,

Have agreed as follows :

ARTICLE I

For the purposes of the present Convention :

1. " News material " means all news material, whether of information or opinion and whether visual or auditory, for dissemination to the public.

2. " News despatch " means news material transmitted in writing or by means of telecommunications, in the form customarily employed by information agencies in transmitting such news material, before publication, to newspapers, news periodicals and broadcasting organizations.

3. " Information agency " means a press, broadcasting, film, television or facsimile organization, public or private, regularly engaged in the collection and dissemination of news material, created and organized under the laws and regulations of the Contracting State in which the central organization is domiciled and which, in each Contracting State where it operates, functions under the laws and regulations of that State.

4. " Correspondent " means a national of a Contracting State or an individual employed by an information agency of a Contracting State, who in either case is regularly engaged in the collection and the reporting of news material, and who when outside his State is identified as a correspondent by a valid passport or by a similar document internationally acceptable.

Gathering and International Transmission of News

ARTICLE II

In order to facilitate the freest possible movement of correspondents in the performance of their functions, the Contracting States shall expedite, in a manner consistent with their respective laws and regulations, the administrative procedures necessary for the entry into, residence in, travel through and egress from their respective territories of correspondents of other Contracting States together with their professional equipment, and shall not impose restrictions which discriminate against such correspondents with respect to entry into, residence in, travel through or egress from such territories.

ARTICLE III

The Contracting States, while recognizing that correspondents and information agencies must conform to the laws in force in the countries in which they are operating, agree that correspondents of other Contracting States legally admitted into their territories shall not be expelled on account of any lawful exercise of their right to collect and report news material.

ARTICLE IV

The present Convention shall not apply to any correspondent of a Contracting State who, while not otherwise admissible under the laws and regulations referred to in Article II into the territory of another Contracting State, is nevertheless admitted conditionally in accordance with an agreement between that other Contracting State and the United Nations or a specialized agency thereof, in order to cover their proceedings, or pursuant to a special arrangement made by that other Contracting State in order to facilitate the entry of such correspondents.

ARTICLE V

Each Contracting State shall, to the extent compatible with its national security, permit and facilitate access to news for all correspondents of other Contracting States so far as possible on the same basis as for the correspondents employed by its domestic information agencies, and shall not discriminate among correspondents of other Contracting States as regards such access.

ARTICLE VI

Correspondents and information agencies of a Contracting State operating in the territories of other Contracting States shall have access to all facilities in such territories generally and publicly used for the international transmission of news material and shall be accorded the right to transmit news material from each such territory on the same basis and at the same rates applicable to all users of such facilities for similar purposes.

ARTICLE VII

1. The Contracting States shall permit egress from their territories of all news material of correspondents and information agencies of other Contracting States without censorship, editing or delay; provided that each Contracting State may make and enforce regulations relating directly to national defence. Such of these regulations as relate to the transmission of news material shall be communicated by the State to all correspondents and information agencies of other Contracting States operating in its territory and shall apply equally to them.

2. If the requirements of national defence should compel a Contracting State to establish censorship in peace-time it shall:

(*a*) Establish in advance which categories of news material are subject to previous inspection; and communicate to correspondents and information agencies the directives of the censor setting forth forbidden matters;

(*b*) Carry out censorship as far as possible in the presence of the correspondent or of a representative of the information agency concerned; and when censorship in the presence of the person concerned is not possible:

(i) Fix the time-limit allowed the censors for the return of the news material to the correspondent or information agency concerned;

(ii) Require the immediate return of news material submitted for censorship direct to the correspondent or information agency concerned, together with the marks indicating the portions thereof that have been deleted and any notations;

(*c*) In the case of a telegram subjected to censorship:

(i) Base the charge on the number of words composing the telegram after censorship;

(ii) Return the charge, in accordance with the relevant provisions of the international telegraph regulations currently in force, provided that the sender has cancelled the telegram before its transmission.

ARTICLE VIII

1. Each Contracting State shall permit all news despatches of correspondents and information agencies of other Contracting States to enter its territory and reach information agencies operating therein on conditions which are not less favourable than those accorded to any correspondent or information agency of any other Contracting or non-Contracting State.

2. As regards the projection of newsreels or parts thereof, the Contracting State shall take measures to prevent monopolistic practices in any form, whether open or concealed, in order to avoid restrictions, exclusions or privileges of any kind.

International Right of Correction

ARTICLE IX

1. Recognizing that the professional responsibility of correspondents and information agencies requires them to report facts without discrimination and in their proper context and thereby to promote respect for human rights and fundamental freedoms, to further international understanding and co-operation and to contribute to the maintenance of international peace and security,

Considering also that, as a matter of professional ethics, all correspondents and information agencies should, in the case of news despatches transmitted or published by them and which have been demonstrated to be false and distorted, follow the customary practice of transmitting through the same channels, or of publishing, corrections of such despatches,

The Contracting States agree that in cases where a Contracting State contends that a news despatch capable of injuring its relations with other States or its national prestige or dignity transmitted from one country to another by correspondents or information agencies of a Contracting or non-Contracting State and published or disseminated abroad is false or distorted, it may submit its version of the facts (hereinafter called "communique") to the Contracting States within whose territories such despatch has been published or disseminated. A copy of the communique shall be forwarded at the same time to the correspondent or information agency concerned to enable that correspondent or information agency to correct the news despatch in question.

2. A communique may be issued only with respect to news despatches and must be without comment or expression of opinion. It should not be longer than is necessary to correct the alleged inaccuracy or distortion and must be accompanied by a verbatim text of the despatch as published or disseminated, and by evidence that the despatch has been transmitted from abroad by a correspondent or an information agency.

ARTICLE X

1. With the least possible delay and in any case not later than five clear days from the date of receiving a communique transmitted in accordance with the provisions of Article IX, a Contracting State, whatever be its opinion concerning the facts in question, shall:

(*a*) Release the communique to the correspondents and information agencies operating in its territory through the channels customarily used for the release of news concerning international affairs for publication; and

(*b*) Transmit the communique to the headquarters of the information agency whose correspondent was responsible for originating the despatch in question, if such headquarters are within its territory.

2. In the event that a Contracting State does not discharge its obligation under this Article with respect to the communique of another Contracting State, the latter may accord, on the basis of reciprocity, similar treatment to a communique thereafter submitted to it by the defaulting State.

ARTICLE XI

1. If any of the Contracting States to which a communique has been transmitted in accordance with Article IX fails to fulfil, within the prescribed time-limit, the obligations laid down in Article X, the Contracting State exercising the right of correction may submit the said communique, together with a verbatim text of the despatch as published or disseminated, to the Secretary-General of the United Nations and shall at the same time notify the State complained against that it is doing so. The latter State may, within five clear days after receiving such notice, submit its comments to the Secretary-General, which shall relate only to the allegation that it has not discharged its obligations under Article X.

2. The Secretary-General shall in any event, within ten clear days after receiving the communique, give appropriate publicity through the information channels at his disposal to the communique, together with the despatch and the comments, if any, submitted to him by the State complained against.

Miscellaneous Provisions

ARTICLE XII

1. Nothing in the present Convention shall be construed as depriving a Contracting State of its right to make and enforce laws and public regulations for the protection of national security and public order.

2. Nothing in the present Convention shall be construed as depriving any Contracting State of its right to make and enforce laws and public regulations prohibiting news material which is blasphemous or contrary to public morals or decency.

3. No Contracting State shall, however, impose censorship in peacetime on news material leaving its territory except on grounds of national defence, and then only in accordance with Article VII.

4. Nothing in the present Convention shall be construed as prejudicing the adoption by a Contracting State of any legislation requiring that a portion of the staff employed by foreign enterprises operating in its territory shall be composed of nationals of that State.

5. Nothing in the present Convention shall be construed as preventing a Contracting State from taking measures to help the establishment and development of independent domestic information agencies or to prohibit practices tending to create monopolies.

6. Nothing in the present Convention shall limit the power of a Contracting State to reserve to its nationals the right to establish and direct in its territory newspapers, periodicals, and radio-broadcasting and television organizations.

7. Nothing in the present Convention shall be construed as limiting the discretion of a Contracting State to refuse entry into its territory to any particular person or to restrict the period of his residence therein ; provided that any such refusal or restriction is based on grounds other than that such person is a correspondent, and that any such restriction as to residence does not conflict with the provisions of Article III.

8. Nothing in the present Convention shall oblige a Contracting State to consider one of its own nationals employed by a foreign information agency operating in its territory as a correspondent, except when he is functioning on behalf of that information agency and then only to the extent required to enable that information agency fully to enjoy the benefits of this Convention ; provided, however, that no provision of this Convention shall be construed as entitling another Contracting State to intercede on behalf of such national with his Government, as distinguished from interceding on behalf of the information agency by which he is employed.

Article XIII

1. In time of war or any other public emergency, a Contracting State may take measures derogating from its obligations under the present Convention to the extent strictly limited by the exigencies of the situation.

2. Any Contracting State availing itself of this right of derogation shall promptly inform the Secretary-General of the United Nations of the measures which it has thus adopted and of the reasons therefor,and shall also inform him as and when the measures cease to operate.

Article XIV

Any dispute between any two or more Contracting States concerning the interpretation or application of the present Convention which is not settled by negotiations shall be referred to the International Court of Justice for decision unless the Contracting States agree to another mode of settlement.

Article XV

1. The present Convention shall be open for signature to all Member States of the United Nations, to every State invited to the United Nations Conference on Freedom of Information held at Geneva in 1948, and to every other State which the General Assembly may, by resolution, declare to be eligible.

2. The present Convention shall be ratified by the States signatory hereto in conformity with their respective constitutional processes. The instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article XVI

1. The present Convention shall be open for accession to the States referred to in Article XV (1).

2. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

Article XVII

When any six of the States referred to in Article XV (1) have deposited their instruments of ratification or accession, the present Convention shall come into force among them on the thirtieth day after the date of the deposit of the sixth instrument of ratification or accession. It shall come into force for each State which ratifies or accedes after that date on the thirtieth day after the deposit of its instrument of ratification or accession.

Article XVIII

1. Any State may, at the time of signature or at any time thereafter, declare by notification addressed to the Secretary-General of the United Nations that the present Convention shall extend to all or any of the territories for the international relations of which it is responsible. This Convention shall extend to the territory or territories named in the notification as from the thirtieth day after the day of receipt by the Secretary-General of the United Nations of this notification.

2. Each contracting State undertakes to take as soon as possible the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

3. The Secretary-General of the United Nations shall communicate the present Convention to the States referred to in Article XV (1) for transmission to the responsible authorities of :

(*a*) Any Non-Self-Governing Territory administered by them ;

(*b*) Any Trust Territory administered by them ;

(*c*) Any other non-metropolitan territory for the international relations of which they are responsible.

Article XIX

1. Any Contracting State may denounce the present Convention by notification to the Secretary-General of the United Nations. Denunciation shall take effect six months after the date of receipt of the notification by the Secretary-General.

2. Any Contracting State which has made a declaration under Article XVIII (1) may at any time thereafter, by notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to any territory named in the notification. The Convention shall then cease to extend to such territory six months after the date of receipt of the notification by the Secretary-General.

Article XX

The present Convention shall cease to be in force as from the date when the denunciation which reduces the number of Parties to less than six becomes effective.

ARTICLE XXI

1. A request for the revision of the present Convention may be made at any time by any Contracting State by means of a notification to the Secretary-General of the United Nations.

2. The General Assembly shall decide upon the steps, if any, to be taken in respect of such request.

ARTICLE XXII

The Secretary-General of the United Nations shall notify the States referred to in Article XV (1) of the following:

(*a*) Information received in accordance with Article XIII (2);

(*b*) Signatures, ratifications and accessions received in accordance with Articles XV and XVI;

(*c*) The date upon which the present Convention comes into force in accordance with Article XVII;

(*d*) Notifications received in accordance with Article XVIII and Article XIX (2);

(*e*) Denunciations received in accordance with Article XIX (1);

(*f*) Abrogation in accordance with Article XX;

(*g*) Notifications received in accordance with Article XXI.

ARTICLE XXIII

1. The present Convention, of which the Chinese, English, French, Russian and Spanish texts shall be equally authentic, shall be deposited in the archives of the United Nations.

2. The Secretary-General of the United Nations shall transmit a certified copy to each State referred to in Article XV (1).

3. The present Convention shall be registered with the Secretariat of the United Nations on the date of its coming into force.

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