

1950
NEW ZEALAND

THE UNITED NATIONS

REPORT OF THE NEW ZEALAND DELEGATION ON
THE FOURTH REGULAR SESSION OF THE GENERAL
ASSEMBLY HELD AT NEW YORK, 20 SEPTEMBER TO
10 DECEMBER, 1949

Presented to Both Houses of the General Assembly by Leave

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NOTE

For reasons of economy the sections of this report dealing with political and security questions—*i.e.*, Sections VII and VIII—have been abridged to approximately half of the length of the report as submitted by the leader of the delegation. The remaining sections of the report have been printed in full.

Extracts from the texts of resolutions adopted at the fourth session are 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 in the General Assembly Library.

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I. LETTER TO THE MINISTER OF EXTERNAL AFFAIRS FROM
CHAIRMAN OF DELEGATION

New Zealand Embassy, Washington 8, D.C.
28 December, 1949.

SIR,

I have the honour to present the report of the New Zealand delegation, of which I was Chairman, on the fourth regular session of the General Assembly of the United Nations.

The Assembly met on 20 September, 1949, and remained in continuous session—in the Assembly at Flushing and in Committee at Lake Success—until 10 December, 1949. During this period it discussed and disposed of sixty-nine agenda items.

This Assembly, in my opinion, did not differ materially from previous Assemblies. There was the same disproportionate expenditure of effort to results achieved, the same tendency to accept a formula or a resolution as the equivalent of action, and—I regret sincerely to say this—the same bitter and virulent language from the Soviet group.

This latter aspect was the more disappointing because the Assembly had opened in a mood of some optimism, resulting perhaps from a few polite and friendly phrases used by Mr Vyshinsky on his arrival in New York. But it soon became obvious that the Soviet tactics were unchanged. They were, as in the past, to accuse the United Kingdom and the United States, and indeed everybody outside their group, of a malicious attempt to embroil the world in a war against the Soviet Union and its allies. And, as in the past, these charges, absurd and illogical to the last degree, were expounded, in season and out of season, in language of extreme violence and bitterness, in speeches which grew longer as the session continued, and too often in that same screaming and ranting tone which was so characteristic—as indeed so much of the Soviet propaganda to-day is—of the tactics adopted by the Nazi regime in the 1930's. But once again it is encouraging to record the fact that this unbridled attempt to impose a false and artificial Soviet point of view upon the Assembly was a complete failure, indeed even more so than on previous occasions. The main propositions advanced by the Soviet Union, in

respect of what they were pleased to call the "war mongering" of the Western Powers, were rejected by 53 votes to 5, clearly indicating that on this matter the Soviet Union and its puppet supporters stood entirely alone.

Thanks very largely to the admirable chairmanship of the Assembly's President, General Carlos P. Romulo, of the Philippines, the Assembly did indeed on this occasion complete the work prescribed on its agenda. But whether this is good or bad depends upon one's appreciation of the validity of the decisions which were accepted, and it seems to me that in respect of some of the more important of these decisions it could not fairly be said that they were wise. I am by no means convinced even now that the right decisions were taken in respect of the former Italian colonies, and in respect of Jerusalem the Assembly's decision—carried by an overwhelming majority on a resolution sponsored by Australia—was, I believe, certainly among the most impracticable decisions that the United Nations has recorded. There would be general agreement—certainly I would hold that view—with the desirability of establishing in the Holy City of Jerusalem an international regime separate and distinct from the neighbouring States. A logical case could accordingly have been made for a decision by the Assembly that Israel and Jordan and the inhabitants of the city themselves would be expected, and if necessary compelled (by means which should clearly have been prescribed in the resolution), to conform with the decision of the Assembly to make of Jerusalem that separate entity which was advocated by the vast majority of the members of the United Nations and was in consonance with the convictions of at least two of the great religions of the world. And from the opposite point of view a case could logically have been made for an admission by the Assembly that in the face of opposition to any proposal for an international regime by Israel and Jordan and by the inhabitants themselves such a proposal was not in present circumstances feasible and therefore either action must be deferred or some compromise course adopted. But there was, it seemed to me, nothing whatever to be said for the resolution that was in fact passed, which in effect decided upon internationalization, but left to the Trusteeship Council—of all bodies—the impossible task of enforcing this decision, solemnly enjoining that Council that it must not "allow any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem." That was, and is, a deliberate evasion by the Assembly of the very heart and core of the problem—the problem of implementation. It was a decision quite unworthy of the Assembly, a decision which in the opinion of many—including a considerable number of delegations who actually voted for the proposal—will at best be a futility and at worst could lead to widespread suffering and bloodshed.

One very encouraging development at this Assembly was the apparent solution of the problem of Indonesia. It could not, of course, be suggested

that the United Nations is entitled to the full credit for this very happy development, but it is perfectly clear that without the United Nations the situation must have been very much worse and that the present agreement could perhaps scarcely have been reached without United Nations intervention, encouragement, and assistance. This is the kind of field in which the United Nations as it is to-day can expect to exercise its authority and influence with the best prospect of success. Of a similar character was the apparent success of the United Nations efforts in Greece, where it seems at least probable that the main difficulties have been overcome and that a final and peaceful solution may in due course be achieved.

On the economic side the outstanding achievement was the decision on technical assistance to undeveloped countries, a resolution which was unanimously approved in partial implementation, *inter alia*, of the well-known "fourth point" advanced by President Truman. If a full measure of practical effect is given to this resolution it might prove an inspiring step forward in the great work of eliminating economic inequalities and injustices among the peoples of the world.

I have been, as always, very much indebted to my colleagues on the New Zealand delegation. Despite bad health, Mr Thorn, as in the past, assumed responsibility for economic and social matters, and for the representation of New Zealand on Committees 2 and 3—which dealt with those matters—and on Committee 5, which is concerned with finance and administration. Mr Shanahan shared with me the responsibility for political subjects, which were divided among four main Committees, on which we alternated as occasion required.

We had on this occasion the pleasure of welcoming a representative of the Maori race, in the person of Mr Reedy, who quickly won affection and respect. Mr Reedy on arrival expressed a preference for the economic subjects and consequently undertook work on Committees 2 and 3, but he very wisely took the opportunity of closely following the deliberations of the political Committees and was thus enabled to obtain a very broad view of the activities of the Assembly.

Mr Laking, who necessarily took charge of the Washington Embassy during my absence, joined the delegation from time to time when it was found necessary to call upon him. Dr Sutch and Mr Weir worked hard and well with Mr Thorn on the economic side, and Mr Corner worked admirably with me and with Mr Shanahan on the political side, as did Mr Craw, who gave special attention to the Trusteeship Committee.

Mr Webster not only took the New Zealand seat on Committee 5, but successfully assumed the duties of Secretary to the delegation, while the secretarial work of the delegation was in the extremely competent hands of Miss Clark, Miss Barraclough, and Miss Moohan. I would like to record my warm appreciation and gratitude for the work performed by each and every member of the delegation.

The accompanying report is based upon the discussions in the respective Committees, but for convenience the decisions of the Assembly are recorded in each case under the Committee headings.

I have the honour to be,

Sir,

Your obedient servant,

C. A. BERENDSEN.

Hon. F. W. Doidge, M.P.,
Minister of External Affairs,
Wellington.

II. DELEGATIONS

All 59 member States of the United Nations were represented at the fourth regular session of the General Assembly.

The delegation of New Zealand was as follows :—

Delegates—

Sir CARL BERENDSEN, New Zealand Ambassador to the United States of America and Permanent New Zealand Delegate to the United Nations.

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

Mr FOSS SHANAHAN, Deputy Secretary of External Affairs
Wellington.

Mr H. T. REEDY, New Zealand.

Alternates—

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. K. WEBSTER, New Zealand Permanent Delegation to the United Nations.

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

Mr J. H. WEIR, New Zealand Permanent Delegation to the United Nations.

III. GENERAL COMMITTEE

Only one ballot was required for the election of the President of the fourth session of the General Assembly. It resulted as follows :—

General Carlos P. Romulo (*Philippines*): 53.

Dr Vladimir Clementis (*Czechoslovakia*): 5.

General Romulo, having obtained the required majority, was declared President.

The representatives of *France*, the *United States*, the *United Kingdom*, *China*, the *Soviet Union*, *Brazil*, and *Pakistan* were elected Vice-Presidents. The General Committee therefore consisted of these representatives, and the Chairmen of the main Committees as elected by the Committees as follows:—

First Committee . . . . .	..	..	Mr L. B. Pearson (<i>Canada</i>).
Second Committee . . . . .	..	..	Mr Santa Cruz (<i>Chile</i>).
Third Committee . . . . .	..	..	Mr C. E. Stolk (<i>Venezuela</i>).
Fourth Committee . . . . .	..	..	Mr H. Lannung (<i>Denmark</i>).
Fifth Committee . . . . .	..	..	Mr A. Kyrou (<i>Greece</i>).
Sixth Committee . . . . .	..	..	Mr M. Lachs (<i>Poland</i>).

The General Committee recommended to the Assembly the creation of an *ad hoc* Political Committee for the duration of the fourth regular session, and upon the creation of this *ad hoc* Political Committee the General Committee extended to its Chairman, Mr N. Entezam (*Iran*), an invitation to participate in the meetings of the General Committee without vote.

IV. ELECTIONS

SECURITY COUNCIL

Ecuador, *India*, and *Yugoslavia* were elected to the Security Council to replace, as from 1 January, 1950, *Argentina*, *Canada*, and the *Ukrainian S.S.R.*, *Ecuador*, and *India* were elected on the first ballot, receiving 57 and 56 votes respectively. On this ballot *Yugoslavia* received 37 votes, *Czechoslovakia* 20, *Afghanistan* 1, and the *Philippines* 1. A second ballot was therefore held, and on this *Yugoslavia* received the necessary two-thirds majority with 39 votes, *Czechoslovakia* receiving 19.

The membership of the Security Council for 1950 will therefore be:—

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

- Non-permanent Members: *Cuba*, *Egypt*, and *Norway* (retiring at the end of 1950); *Ecuador*, *India*, and *Yugoslavia* (retiring at the end of 1951).

ECONOMIC AND SOCIAL COUNCIL

Canada, *Czechoslovakia*, *Mexico*, *Iran*, *Pakistan*, and the *United States* were elected to take the places on the Economic and Social Council of the *Byelorussian Soviet Socialist Republic*, the *Lebanon*, *New Zealand*, *Turkey*, the *United States*, and *Venezuela*, who retire on 31 December, 1949.

The membership of the Economic and Social Council, as from 1 January, 1950, will therefore be :—

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

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

Canada, Czechoslovakia, Mexico, Iran, Pakistan, and the United States (retiring at the end of 1952).

TRUSTEESHIP COUNCIL

Argentina and *Iraq* were elected, by 50 and 45 votes respectively, to fill the vacancies created by the normal retirement from the Trusteeship Council of *Iraq* and *Mexico* at the end of 1949.

Costa Rica having announced the intention of resigning from the Trusteeship Council, the *Dominican Republic* was elected, by 45 votes, to replace *Costa Rica* for the unexpired period of the latter's term, from 20 October, 1949, to 31 December, 1950.

The membership of the Trusteeship Council, as from 1 January, 1950, will therefore be :—

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

Non-administering Members : *China* and the *Soviet Union* (permanent) the *Dominican Republic* and the *Philippines* (retiring at the end of 1950) ; *Argentina* and *Iraq* (retiring at the end of 1951).

CREDENTIALS COMMITTEE

The General Assembly, in accordance with Rule 24 of The Rules of Procedure, appointed a Committee, composed of the representatives of *Belgium, Brazil, the Byelorussian Soviet Socialist Republic, Cuba, Iran, the Union of South Africa, the Soviet Union, the United States, and Uruguay*, to examine the credentials of representatives.

V. GENERAL DEBATE

In the absence of the President of the third regular session of the General Assembly, Dr H. V. Evatt, of Australia, Mr Norman Makin, Chairman of the Australian delegation, declared the fourth regular session open and read to the Assembly a message from Dr Evatt, regretting his enforced absence, claiming that the United Nations now held an established position as the supreme world body, and making a plea for universality of membership.

General Carlos P. Romulo, of the Philippines, the President of the fourth session, expressed the hope that this might be known as the "Peace Assembly," stating his belief that this session coincided with a turning point in international relations, and urging the Assembly to move boldly in the direction of peaceful settlement.

Thirty-five members, most of them leaders of delegations, and several Foreign Ministers, spoke in the general debate which ended on 26 September. Restrained optimism was the dominant note, and the speech of Mr Dean Acheson, United States Secretary of State, was notable for its firm but conciliatory nature. The representatives of the Eastern European Powers, however, used the occasion to announce their theme for the session—denunciation of the Western Powers and condemnation of their "aggressive plans." Many delegations, including the United States, and in particular the representatives of underdeveloped countries, emphasized the need for a successful programme of technical assistance for economic development.

The speech made by Sir Carl Berendsen, Chairman of the New Zealand delegation, is annexed to this report.

VI. HEADQUARTERS CORNER-STONE CEREMONY

On 24 October, United Nations Day, the corner-stone of the United Nations permanent headquarters was laid. The ceremony took place at an open-air plenary meeting of the General Assembly on the site of the headquarters building at 42nd Street and Franklin D. Roosevelt Drive in New York City.

General Romulo, opening this plenary meeting, paid tribute to the contribution which America and Americans had made to the United Nations, from the inspiration of President Roosevelt to the generosity of John D. Rockefeller and of the United States Congress in granting the necessary loan without interest.

The President of the United States called the laying of the corner-stone an act of faith—"our unshakeable faith that the United Nations will succeed in accomplishing the great tasks for which it was created." He spoke of the United Nations as the dynamic expression of the wishes of the people of the world, and expressed the special pride of the people of the United States that the headquarters should be located in their country; at the same time, he remarked that he considered it appropriate that the United Nations should hold meetings from time to time in other countries. Mr Truman made special mention of the United Nations programme for technical assistance to under-developed countries, and reaffirmed that a major objective of United States policy was the establishment of a system of international control of atomic energy.

The corner-stone was laid and dedicated by Mr Trygve Lie, Secretary-General of the United Nations. Within the corner-stone he placed true copies of the original Charter signed at San Francisco, and of the Declaration of Human Rights adopted by the General Assembly on 10 December, 1948, together with the programme of the ceremony of dedication. In his address, Mr Lie paid tribute to all those who had assisted in the creation of the building and of the United Nations; he claimed that if the United Nations had not succeeded, certainly it had not failed; it was an unfinished structure, and many years would be needed to complete it. It would need the unwavering support of the peoples of the world, and their insistence that the machinery of the United Nations be used to its full capacity not only part of the time, but all the time.

VII. FIRST COMMITTEE : POLITICAL AND SECURITY QUESTIONS

Chairman : Mr L. PEARSON (*Canada*)

Vice-Chairman : Mr S. SARPET (*Turkey*)

Rapporteur : Mr M. DE DIEGO (*Panama*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr FOSS SHANAHAN

Mr F. H. CORNER

Mr C. CRAW

1. THREATS TO THE POLITICAL INDEPENDENCE AND TERRITORIAL INTEGRITY OF GREECE *

There was at this session a widespread feeling that the end of this problem was perhaps in sight. The United Nations Special Committee on the Balkans (UNSCOB) had reported on 19 September that the Greek Government's Armed Forces had eliminated organized guerilla resistance along the northern borders of Greece and were in effective control of the region. Moreover, Yugoslavia had closed its frontier with Greece and Albania, Bulgaria and Yugoslavia had announced that the Greek guerillas who had entered their territories had been disarmed and interned, and the "Free Greek" radio had announced, though in equivocal terms, that the rebel Army had ceased operations.

Nevertheless, UNSCOB was still of the opinion, as it had been a year before, that the situation "constitutes a threat to the political independence and territorial integrity of Greece and to peace in the Balkans." The Special Committee had continued its investigations of alleged

* The General Assembly's previous consideration of this question is recorded in publications No. 60 and No. 75 of the Department of External Affairs.

external support of the Greek guerilla movement and had made a detailed inspection of the northern frontier areas. Though hampered by the refusal of Albania, Bulgaria, and Yugoslavia to co-operate in any way, the ten participating members of the Special Committee had agreed unanimously on certain facts. These were that Albania and Bulgaria had continued to encourage the Greek guerillas in their attempts to overthrow the Greek Government, had provided them with large quantities of war materials and other supplies, had allowed them extensive use of their territories for tactical purposes, had actively assisted in the recruitment of Greeks in their territories, and had continued to operate a system whereby guerillas received treatment in their hospitals and convalescent centres and were then returned to fight in Greece.

Yugoslavia, the Special Committee reported, continued to give moral and material aid during the early part of 1949, but later (as the split between Yugoslavia and the countries of the Soviet orbit developed) this aid diminished, and by August it had possibly ceased. On the other hand, there had been an increase in the support given the rebels by certain States not bordering on Greece, notably Roumania.

As dealt with by the Assembly during this session, the Greek question had four aspects: proposals for United Nations action in the case of certain death sentences passed by Greek Courts, conciliation under United Nations auspices, UNSCOB investigation of the charges of outside intervention in Greece, and the repatriation of Greek children.

Death Sentences in Greece

Much of the First Committee's discussion of the Greek question centred round a proposal, pressed persistently by members of the *Soviet* group (supported in this case by Yugoslavia), that the United Nations should intervene to prevent the execution of death sentences pronounced by military Courts in Greece upon certain named persons who had been engaged in political activities. For several sittings the Committee considered both the allegations of the Soviet group that terroristic measures and tortures were being employed against "fighters for democracy and freedom" and the *Greek* representative's assertions that sabotage and acts of sedition encouraged from outside necessitated vigorous counter-measures which could be replaced by clemency only with the return of peace and the end of foreign intervention. Only occasionally was the question of competence raised—for instance the *New Zealand* representative (Sir Carl Berendsen), while emphasizing that the Greek Government should certainly give proof of the greatest possible clemency, stated that he could not support the proposal of the Soviet Union not only because the Committee was in total ignorance of facts which would show either the guilt or innocence of the persons mentioned in that resolution, but also because, even if fully acquainted with the facts, the Committee did not possess the authority to intervene in such

a way in the domestic affairs of Greece. Not until after fifteen hours of discussion did the Committee decide to determine whether it was in fact competent to vote upon the *Soviet* proposal and upon the four other proposals which by then had been tabled. By majorities of 40 (including New Zealand) in favour to 7 or 8 against, the Committee ruled itself incompetent to vote upon the *Soviet* and three related proposals. It did decide, however, by 31 (including New Zealand) to 16 with 12 abstentions that it was competent to vote upon a proposal of *Ecuador*, and by 40 votes (including the Soviet group) to 4 it decided to request the President of the General Assembly "to ascertain the views of the Government of Greece concerning the suspension of death sentences passed by military Courts for political reasons, as long as the Conciliation Committee is in existence." The President of the General Assembly was told by the representatives of *Greece* that the Greek Government's position was unaltered—namely, that all cases of capital punishment would be referred to an Amnesty Court. Dissatisfied with this position, the Soviet Union reintroduced its draft resolution into the plenary Assembly. It was not, however, pressed to the vote after the resolution of *Ecuador* had been reintroduced and unanimously adopted by the Assembly. On the closing day of the Assembly, General Romulo announced that he had been informed by the Government of Greece that no executions had taken place since the promulgation of clemency regulations two months previously. This suspension of executions would, he said, help to improve relations in the Balkans.

Conciliation

As soon as the First Committee reached the Greek agenda item the representative of *Australia*, noting that the Conciliation Committee established during the Assembly's third session had reported that "an early attempt to complete its work might well be successful," and that UNSCOB had recommended that conciliation be attempted at the fourth session, proposed that another Conciliation Committee be established. Next day the First Committee decided unanimously to "appoint a Conciliation Committee consisting of the President of the General Assembly, the Secretary-General and the Chairman and Vice-Chairman of the First Committee, to continue the work of the Conciliation Committee appointed at the third regular session in an endeavour to reach a pacific settlement of existing differences between Greece on the one hand and Albania, Bulgaria, and Yugoslavia on the other, to make any necessary recommendations thereto, and to consult in its discretion with other Powers which might be able to assist."

This Committee based itself upon the work of the earlier Committee, whose formula for a peaceful agreement had, according to the announcement of its President (Dr Evatt) on 19 May, 1949, received the full agreement of Greece, Albania, Bulgaria, and Yugoslavia, subject to one

point only. This formula provided for the renewal of diplomatic relations, for the revision or negotiation of frontier conventions in order to prevent frontier incidents, and for the establishment of Joint Frontier Commissions to act as conciliating bodies in the event of disputes arising from incidents at the borders. The one point in dispute was the demand by Albania that Greece should formally (*de jure*) recognize the existing boundary between the two countries as definitive ; but the Conciliation Committee made little progress towards a solution.

While the areas of specific dissent outlined above might have been reduced by conciliation (and were so reduced, in so far as little disagreement remained between Greece and Yugoslavia), the methods of conciliation were hardly appropriate to deal with the view thrown into the Conciliation Committee by the Soviet Union, and echoed by Albania and Bulgaria. The *Soviet Union* set out the following measures which it deemed "essential for the regulation of the position in Greece" : an appeal by the Powers to the conflicting parties to cease military operations should be made, and a general amnesty declared ; general free elections, supervised by representatives of the Powers, including the Soviet Union, should be carried out by a supreme Greek body which would include representatives of "Greek democratic circles at the head of the national freedom movement in Greece" ; a Joint Commission of the Powers, including the Soviet Union, should be established to control the frontiers between Greece and its northern neighbours ; concurrently there should be a declaration on the cessation of foreign military assistance to Greece, and the setting of a time-limit for the withdrawal of foreign troops from Greece.

With some delegations taking such an approach and with others feeling that the Conciliation Committee was not authorized to discuss proposals connected with the internal affairs of Greece, the Conciliation Committee reached dead-lock, and its Chairman reported on 18 October, after twenty-nine meetings, that it was unable to develop a basis of conciliation on which agreement could be reached between Albania, Yugoslavia, Bulgaria, and Greece, and that accordingly it must suspend its activities.

United Nations Special Committee on the Balkans

A general discussion on "threats to the political independence and territorial integrity of Greece" took place after the failure to achieve a settlement through conciliation. It centred around the report of the Conciliation Committee, the report of UNSCOB, a draft resolution by *Australia, China, the United Kingdom, and the United States of America* based on the findings of UNSCOB and referring to the report of the Conciliation Committee, and the draft proposals of the *U.S.S.R.** After long and often passionate debate the Soviet resolution was rejected

* See page 13.

paragraph by paragraph both in the First Committee and in the Assembly receiving in its favour only the votes of the five members of the Soviet group and of Yugoslavia; and the joint four-power draft resolution was accepted without change in the First Committee by 38 (N.Z.)† to 6 and, later, in the plenary session by 50 (N.Z.) to 6 (the Soviet group and Yugoslavia), with 2 abstentions (India and Israel).

The debate followed closely the debates at the second and third sessions of the General Assembly‡. Once again the Soviet group (now minus Yugoslavia) insisted that the true cause of the Balkan dispute and of the failure of conciliation was the aggressive character of the "vicious Monarcho-Fascist Greek Government," whose policies were supported by the United States and the United Kingdom "as part of the plan of the Anglo-American expansionists for aggression against the People's Democracies." Once again the majority of representatives defended the integrity of UNSCOB, took the Committee point by point over its conclusions and evidence, recalled that the Greek elections in 1946 were internationally supervised, and pointed out the relation between Soviet expansionism in the Balkans and in other parts of the world.

The representative of the *United Kingdom* (Mr McNeil) was the chief critic of the Soviet proposals. In his opinion it was a matter for the Greek Government to decide whether it should grant an amnesty; already it had granted relaxation of sentences. As to the proposal for the holding of free elections, Mr McNeil expressed his confidence that in due course the Greek Government would announce its intention to do so; he emphasized the problems created by civil disturbance, the movement of three-quarters of a million refugees, &c. He saw in the demand for participation of "Greek democratic circles at the head of the national freedom movement in Greece" an attempt of a group, now that its effort to overthrow the legitimate Greek Government had failed, to assume "legal" opposition to that Government. Similarly, outside supervision of elections could take place only at the invitation of the Greek Government; and he recalled that the Soviet Union when invited to participate in supervising the last Greek elections had refused in order to avoid creating a precedent for Allied scrutiny of the Bulgarian and Roumanian elections. The *Soviet Union's* proposal for a Joint Commission, including the U.S.S.R., to control the frontiers could have little meaning, since reserved places on UNSCOB awaited occupation by the Soviet Union and Poland. As to the cessation of outside aid, the Committee was not concerned with aid given at the request of the Greek Government, but with illegal aid, given in violation of the Charter and the resolution of the General Assembly, to a faction conspiring to overthrow the legal Greek Government.

† Here and subsequently the insertion of the letters "N.Z." after a voting figure denotes that that figure includes a New Zealand vote.

‡ For full summary of these, see Publications No. 60 and No. 75 of the Department of External Affairs.

The reaction of the Committee to the conflicting arguments is indicated by its overwhelming vote to accept the joint resolution, the operative provisions of which read as follows :—

“ The General Assembly

“ Considers that the active assistance given to the Greek guerrillas by Albania in particular, by Bulgaria and by certain other States, including Roumania, in disregard of the Assembly’s recommendations, is contrary to the purpose and principles of the United Nations Charter and endangers peace in the Balkans ;

“ Considers that further foreign assistance to the Greek guerrillas resulting in the launching of new armed action against Greece from adjacent territory would seriously increase the gravity of the danger to the peace and would justify the Special Committee in recommending, pursuant to paragraph 8 of resolution 109 (II), the convocation, as a matter of urgency, of a special session of the General Assembly in order to give consideration to further steps necessary for the removal of this danger to the peace ;

“ Calls upon Albania, Bulgaria and the other States concerned to cease forthwith rendering any assistance or support to the guerrillas in fighting against Greece, including the use of their territories as a base for the preparation or launching of armed actions ;

“ Recommends to all Members of the United Nations and to all other States :

“ (a) To refrain from any action designed to assist directly or through any other Government any armed group fighting against Greece ;

“ (b) To refrain from the direct or indirect provision of arms or other materials of war to Albania and Bulgaria until the Special Committee or another competent United Nations organ has determined that the unlawful assistance of these States to the Greek guerrillas has ceased ;

“ (c) To take into account, in their relations with Albania and Bulgaria, the extent to which those two countries henceforth abide by the recommendations of the General Assembly in their relations with Greece ;

“ Again calls upon Albania, Bulgaria and Yugoslavia to cooperate with Greece in the settlement of their differences by peaceful means, in accordance with the provisions of Article 2, paragraph 3, of the Charter, and to that end recommends :

“ (a) That, in view of the existence of diplomatic relations between the Governments of Greece and Yugoslavia, further efforts be made by those Governments through diplomatic channels to resolve the differences between them ;

“ (b) That Albania and Bulgaria on the one hand, and Greece on the other, establish normal diplomatic and good neighbourly relations, and endeavour through diplomatic channels to resolve differences ;

“ (c) That they renew previously operative conventions or conclude new ones providing effective machinery for the regulation and control of their common frontiers and for the peaceful adjustment of frontier incidents.

“Calls upon Albania, Bulgaria and Yugoslavia to co-operate with the Special Committee in enabling it to carry out its functions, in particular the functions in accordance with paragraph 10 (c) of resolution 193 (III) and paragraphs 10, 11 and 13 of the present resolution, and upon Greece to continue to co-operate towards the same end ;

“Approves the reports of the Special Committee and continues it in being in accordance with all the terms of reference contained in the present resolution and in General Assembly resolutions 109 (II) and 193 (III), which are hereby continued in effect ;

“Again instructs the Special Committee to continue to be available to assist the four Governments concerned in the implementation of the Assembly’s resolutions, in particular, to promote the restoration of normal relations between Greece and her northern neighbours and the maintenance of international peace and security in the Balkans, and for this purpose continues the authorization to the Special Committee, in its discretion, to appoint and utilize the services and good offices of one or more persons whether or not members of the Special Committee ;

“Notes the report of the Special Committee, which states that the Governments of Albania, Bulgaria and Yugoslavia have publicly announced that Greek guerillas who have entered their respective territories have been disarmed and interned, and calls upon all States harbouring Greek guerillas to co-operate with the Special Committee or other appropriate international agency for verification of the disarming and disposition of the Greek guerillas who have entered their respective territories ;

“Calls upon all States harbouring Greek nationals as a result of the Greek guerillas’ operations against Greece to facilitate the peaceful repatriation to Greece of all such individuals who desire to return and live in accordance with the law of the land ;

“Authorizes the Secretary-General to arrange, through the Special Committee or other appropriate United Nations or international agency, the extension of any feasible assistance to the Governments concerned in making and carrying out arrangements for the repatriation to Greece or resettlement elsewhere of Greek guerrillas and other Greek nationals who have been involved in the guerilla warfare.”

Repatriation of Greek Children

In its report of 2 August, UNSCOB referred to the 25,000 children who had been removed from their homes in Greece in 1948 by the guerillas and taken to Albania, Bulgaria, and Yugoslavia, allegedly for humanitarian reasons, and whose repatriation had been recommended by the third session of the General Assembly. Not only had the three Governments failed to comply with the resolution of 27 November, 1948, calling upon them to co-operate in the return of the children to their homes (and the International Red Cross confirmed that no children had been returned through its good offices), but UNSCOB had, since

March, 1949, received overwhelming evidence that the Greek guerilla movement had compelled children down to fourteen years of age, both boys and girls, to return to Greece and fight in their ranks.

The discussion revealed a general desire to remove this question as much as possible from the area of controversy and to emphasize the welfare of the children. A draft resolution submitted jointly by *Australia, China, the United Kingdom, and the United States* was non-condemnatory in tone and met with unanimous acceptance in Committee and later in the Assembly. The resolution instructed the Secretary-General to request international Red Cross organizations to continue their efforts towards repatriation of the children, urged the States concerned to make all necessary arrangements for the early return of the children to their homes, and invited the Red Cross to report progress to the Secretary-General.

2. DISPOSAL OF THE FORMER ITALIAN COLONIES

Since the Great Powers had bound themselves in advance by the Italian Peace Treaty to accept the recommendation of the United Nations on the final disposal of the former Italian colonies, the General Assembly's function in relation to this item of its agenda was a decisive one. No delegate was unaware of the unique and historic nature of the task entrusted to the Assembly in this instance, and few did not profess their concern that the Assembly should enhance the prestige of the United Nations by reaching, at this session, a definite and just solution.

By an overwhelming majority the Assembly decided that Libya, comprising the three regions of Cyrenaica, Tripolitania, and the Fezzan, should be constituted by 1 January, 1952, as an independent and sovereign State. A United Nations Commissioner appointed by the Assembly should assist the people of Libya in drawing up a constitution and establishing an independent Government. The Commissioner, in turn, should be advised by a Council, whose ten members would consist of nominees of the Governments of Egypt, France, India, Pakistan, the United Kingdom, and the United States, plus a representative of each of the three provinces of Libya, and a representative of the Libyan minorities. Somaliland, under the resolution, is to become an independent sovereign State "as soon as possible" and in any case not later than ten years from the day the Assembly approves a Trusteeship Agreement for the territory. Meantime Italy (aided and advised by an Advisory Council consisting of the representatives of Colombia, Egypt, and the Philippines) is to be the Administering Authority. A commission of investigation (consisting of the representatives of Burma, Guatemala, Norway, Pakistan, and the Union of South Africa) is to be despatched to Eritrea as soon as possible to ascertain more fully the wishes of the people and the best means of promoting their welfare.

It is to report to the Secretary-General with recommendations by 15 June, 1950, in order that the Interim Committee may consider its report and the Assembly may give final consideration to the Eritrean question at its fifth regular session.

This complex of decisions was generally regarded by delegates as one of the greatest accomplishments of the United Nations since its establishment, a successful exercise of the Assembly's function of conciliating widely differing viewpoints through a procedure and upon a basis of principle laid down by the Charter. Certainly it was an achievement for the Assembly to have reached any decision at all; but whether the decision was good is the essential question and one which can only be answered by the events of the next year or several years. For its part the New Zealand delegation was among the few who were not convinced that the decision was good. The Italian Peace Treaty laid down three criteria for the settlement: the wishes and welfare of the inhabitants, the interests of peace and security, and the views of interested Governments. Those criteria were often invoked, but it is by no means certain to the New Zealand delegation that they were conscientiously applied. In the first place, the Assembly's decision in respect of Libya and of Somaliland runs counter to certain very definitely expressed wishes of the inhabitants. In the second place, to the extent that the inhabitants oppose the decisions, peace and security are endangered: and, moreover, Ethiopia is convinced that the settlement for Somaliland, involving the return of Italy to an area without defined boundaries, constitutes a grave threat to Ethiopian national security. In the third place, no special attention was paid to the views of the countries which fought to liberate North and East Africa—“interested Governments” surely—or which, like the United Kingdom, had also been responsible for administering the colonies since their liberation. The decisive voice in the settlement was, in fact, that of a coalition of the Latin American, Arab, and Asiatic States, whose voting strength is preponderant.

Outline of Procedure

The general procedure was as follows: Between 20 September and 10 October, delegations representatives of political parties and organizations in the territories and Italy expressed their views in the First Committee. Italy was given the right to sit in the Committee without vote during the consideration of the question. The requests for a hearing made by local representatives were screened by a sub-committee of eleven (including New Zealand), which recommended the grant of a hearing to all representatives who seemed to enjoy some fair measure of local support: it was obvious that several of the representatives claimed much more support than in fact they had, and in any case the sub-committee had no way of checking claims; but it seemed better

to err on the side of liberality. On 11 October the First Committee established a sub-committee of twenty-one to study the many drafts and suggestions which had by then been introduced in the Committee, and to propose a draft resolution or resolutions to settle the question of the disposal of the former Italian colonies in Africa. The real work of the Assembly on the question was done by this large—too large—sub-committee, which held twenty-nine meetings. The sub-committee dealt with Libya, Somaliland, and Eritrea in that order, and on 1 November presented its two resolutions (one covering the three territories, and one upon the method of choosing a United Nations Commissioner for Libya). The First Committee discussed the sub-committee's report between 4 and 8 November, gave a further hearing to those local representatives who desired it, and then proceeded to vote upon the sub-committee's draft resolutions, the amendments presented to them, and the draft resolutions reintroduced by the Soviet group. The General Assembly discussed the draft resolution of the First Committee between 19 and 21 November, and accepted it without change on 21 November. The draft resolutions of the Soviet group, again reintroduced, were voted down a third time.

Libya

At the Assembly's session in April–May, 1949, the solution for the Italian colonies which came nearest to acceptance was based on the Bevin-Sforza agreement.* For Libya this had provided that Cyrenaica, the Fezzan, and Tripolitania should be placed under, respectively, United Kingdom, French, and Italian trusteeship for ten years. But these proposals were lost when, following the defeat of the proposals to restore Italian administration to Tripolitania and to Somaliland, the Latin American States withdrew their support from the whole resolution.

At this, the fourth, session no attempt was made to reintroduce the Bevin-Sforza proposals. The Italian representative made no claim in Libya. Libyan unity, the subject of much discussion at the previous session, was accepted as inevitable. No one suggested that the people of Libya required more than three to five years to be ready for independence, whereas only six months previously most had held ten years to be the minimum.

The representative of the United Kingdom (Mr McNeil) opened the First Committee's discussion, in which more than thirty countries participated. He explained that the United Kingdom Government had at the beginning of September given the Emir of Cyrenaica absolute powers in the internal affairs of the territory, and the Emir had put into effect a constitution under which a Government would be set up. The United Kingdom believed that in these circumstances, even though

* See Publication No. 82 of Department of External Affairs.

Libya was a backward territory, trusteeship was no longer appropriate. As to Libyan unity, the United Kingdom thought that the union of Tripolitania and Cyrenaica was an inevitable historical development. Nevertheless, the form such union should take should be carefully considered ; the physical and practical difficulties were so great that any hasty decision would be unwise, since it might impose on the inhabitants of the territories a political structure neither adapted to their needs nor in accordance with their desires. The inhabitants of Libya should be left to themselves to decide the question once they had achieved the necessary development in their respective territories. As to the position of Italy, the United Kingdom thought modern democratic Italy well placed to supply Libya with the economic and technical aid its people might need, and in any resolution the Assembly should take note of this. It would be to the interest of any future Government of Tripolitania or Libya to conclude an agreement with Italy, but the decision on this would naturally have to be left to that Government.

The proposals advanced by the representative of the *United States* (Dr Jessup) were similar to those of the United Kingdom, except that they envisaged independence in three to four years, and they increased the part which the United Nations would play in that interim period. In Dr Jessup's view the existing administrations (British and French) should be charged with the responsibility of co-operating in the establishment of Government institutions and of preparing Libya for independence by taking whatever steps the General Assembly might deem necessary. They should submit annual reports to the United Nations in order to inform the members of the Organization of the measures taken in the interim period. Finally, an Administrative Council, acting on behalf of the General Assembly, might consult with the administrations to give them its views on the establishment of a Government (which might be federal, unitary, or of whatever form desired by the population) for a unified Libya and on such related problems as common services, a common currency, and frontier rectifications ; it should in no way interfere in the administration of the territory.

The representative of the *Soviet Union* attacked both the existing British military administration and the British and American proposals, which, he claimed, were one with the Bevin-Sforza plan in aiming at the partition of Libya in the strategic interests of the "Anglo-American imperialists." The grant of independence to Cyrenaica was an illegal and undemocratic action undermining the authority of the United Nations and unlikely to fulfil the aspirations of the people of the territory to independence ; it was merely a trick to preserve Anglo-American colonial control and the network of bases aimed at the Soviet Union. The Soviet Union demanded the immediate independence of a united Libya, the withdrawal of foreign troops, and the liquidation of bases.

The sub-committee proceeded step by step to work out a plan for the future of Libya, voting on principles rather than on the specific texts of the many resolutions before it. First it voted unanimously in favour of granting independence to Libya, and next it approved a United States proposal that "Libya shall be granted independence within as short a period as practicable and in any case not later than 1 January, 1952." Most of the succeeding discussion centred round the manner in which the United Nations would be associated in the two-year interval prior to independence. The United Kingdom welcomed the association of the United Nations, but preferred that the agent of the United Nations should be a single Commissioner rather than a Council of political representatives of Governments; this latter proposal it disliked both because of the potentially mischievous nature of a political group and because the United Kingdom had pledged that Italy would not be again given any authority in Cyrenaica. Most of the Moslem States preferred the idea of a Council because such a body might keep closer watch on the administering authority, because it was less likely to permit delay in the attainment of independence and because it might include inhabitants of the territories and the representatives of one or more Moslem States. In the voting neither a Commissioner alone nor a Council alone could secure a majority and discussion came to centre on a proposal that there should be both Commissioner and Council. The representatives of the United Kingdom urged that any Council should be expert rather than political in nature, and he warned that "proliferation in administration is a disease." In the event it was decided that the Council should be political in nature, consisting of nominees of six States, representatives of the three constituent territories, and (this over the opposition of the Arab States) one representative of the minorities. In deference to the United Kingdom the Council was given the function of advising the Commissioner, not the administering Powers (that is, the United Kingdom and France, which, it was agreed, should continue to exercise their administrative functions in the two-year period preparatory to independence), and the Commissioner was given the right to call on different members of the Council for advice on different topics, thus emphasizing the advisory nature of the Council and ensuring that Italy need not have influence in questions concerning Cyrenaica. Thirteen voted in favour of this section on the Commissioner and Council, the three of the Soviet group voted against, and 5 (including the United Kingdom) abstained.

Though the entire resolution was opposed only by the Soviet group, several of its provisions were seriously questioned. Most important of these were, first, the provision that "Libya . . . shall be established as a single, independent and sovereign State" (a principle which had been accepted unanimously in the sub-committee), and secondly the provision for an Advisory Council. As to the first, Sir Carl Berendsen

for *New Zealand*, opening the discussion of the sub-committee's proposal reminded the First Committee that the representatives of Cyrenaica desired a united Libya only if it were under the leadership of their Emir. It was his view that in respect of unity the General Assembly should assist and not insist, and, while he believed a united Libya to be the best solution, it seemed to him quite improper to impose upon the people of Libya or on any of the three divisions of Libya a unity which they might not desire. The representative of the *United Kingdom* (Mr McNeil) likewise objected to the sub-committee's text, which in his view would compel the inhabitants of Libya to adhere rigidly to a single, unified form of political structure.

He pointed out that while the Libyan people had many elements in common, there were important differences in political level and administrative patterns. He believed that the people of Libya should be left to choose freely the form of their union, and to that end he proposed amendments to the sub-committee's text. This position was supported by the *United States* and by most countries of the Commonwealth and of Western Europe. The *Soviet Group* denounced these amendments, and an Indian one which superseded them, on the grounds that they were "designed to legalize the partition of Libya into three parts, and would unite Libya in such shape as to maintain the control of the colonial Powers over various sections of Libya." Nor did the Moslem and Latin American countries see any need for amendments: they considered that the sub-committee's text left the inhabitants free to adopt any kind of constitution—unitary, federal, confederal, &c.—provided it was within the framework of a single State of Libya; change would only be needed if it were desired—and the representative of the United Kingdom had disclaimed such a desire—to provide for the possibility of three separate independent States. A compromise wording ultimately adopted reads: "That Libya, comprising Cyrenaica, Tripolitania and the Fezzan, shall be constituted an independent and sovereign State."

This was accepted by the United Kingdom delegation, but the New Zealand delegation still considered that it circumscribed unduly the freedom of choice of the inhabitants, and this, along with the provision for the Advisory Council, was the reason for the delegation's abstention in the vote on the Libyan section of the resolution.

The *New Zealand* delegation considered it a cumbersome arrangement that the United Nations Commissioner charged with the task of advising the administering Powers should in turn be advised by an Advisory Council of a political nature. Sir Carl Berendsen expressed his fear that this proposal for "back-seat drivers" would create confusion and distrust, and he asked for its reconsideration. For the *United Kingdom*, Mr McNeil argued that it was administratively untidy to create rival authorities, and that the presence of representatives of foreign Governments would involve some risk of projecting into the territory those

very inter-governmental disputes which had made the settlement of Libya so difficult in the past. No amendment, however, proved possible.

The section of the draft resolution dealing with Libya was adopted by the General Assembly by 49 votes in favour, none against, and 9 abstentions. Those abstaining were France (whose representative maintained that the resolution was quite unrealistic), New Zealand, Sweden, Yugoslavia, the Soviet Union, Ukraine, Byelorussia, Poland, and Czechoslovakia. The representative of the *United Kingdom*, the country primarily concerned with carrying out the resolution, declared that even though his delegation had doubts as to the wisdom and realism of certain details in the proposed machinery for Libya, his Government would do its utmost to co-operate in making a success of "this bold experiment."

For the office of United Nations Commissioner in Libya the Assembly appointed Mr Adrian Pelt (Netherlands), an international official of long experience.

Somaliland

The Bevin-Sforza agreement, which proved unacceptable to the Assembly in May, 1949, had provided that Italian Somaliland should be placed for an indefinite period under Italian trusteeship; at that time it seemed to be generally accepted that Somaliland was so backward that it would be pointless to set a definite date for independence. This same solution of indefinitely prolonged Italian trusteeship was advocated by the United Kingdom, the United States, France, most of the Latin American, and several other countries at the opening of the discussion at the present session of the Assembly. It was, however, a solution which did not easily commend itself to Moslem delegations, nor to a number of other States which—however much they appreciated the arguments that Italy's return to Africa involved Italy's prestige and honour and political stability and Italian relations with the West—could not forget the fundamental fact that the best evidence indicated the inhabitants of the territory to be passionately opposed to the return of Italy.

The final decision on Somaliland—part of the compromise solution for all the ex-Italian colonies—secured its majority because it gave Italy the trusteeship, but at the same time limited Italian administration to a fixed and brief term and subjected it to more controls and a greater measure of supervision than has been customary under trusteeships.

The sub-committee did not consider it necessary to examine the question whether Somaliland could be viable as a State, but quickly decided, unanimously, that Somaliland should ultimately become independent. A proposal that Somaliland should be granted independence at the end of ten years unless the Assembly at that time were to decide otherwise was accepted by 15 to 3 with 3 abstentions.

The sub-committee next proceeded to reject in two separate votes the principles of (a) multilateral or joint trusteeship and (b) a direct United Nations trusteeship, neither of which had any chance of success since so many States were committed to support an Italian trusteeship. The principle of direct United Nations administration was one which the New Zealand delegation had been instructed to support as providing the best alternative to the return of Italy, but after its defeat in the sub-committee (of which New Zealand was not a member) it secured little support in the First Committee.

The sub-committee endeavoured to make Italian trusteeship more palatable by laying down the principle that there should be annexed to the trusteeship agreement a declaration of constitutional principles guaranteeing the rights of the inhabitants of Somaliland and establishing institutions designed to ensure the inauguration, development, and subsequent establishment of self-government. In this connection it was unanimously recommended that in drafting this declaration the Trusteeship Council should "take into account" (a wording later changed by the First Committee to read "be guided by") a text proposed by the Indian delegation—a text which was, in fact, never considered by sub-committee, First Committee, or General Assembly. Despite these qualifications, the sub-committee's proposal remained unsatisfactory to the Moslem and some other delegations; most objections, however, were later stilled by two major changes adopted by the First Committee. First the words "unless at the end of that period the General Assembly decides otherwise" were deleted, thus ensuring that Italian Somaliland, whatever its state of development, must become independent at the end of ten years. Secondly, it was provided that Italy should be aided and advised by an Advisory Council, "a sort of supervisory body" as the representative of Pakistan put it, composed of representatives of Colombia, Egypt, and the Philippines. These modifications were designed not only to assure the necessary Assembly majority, but also to reduce the opposition of the inhabitants to the return of Italy and also, perhaps, to give some assurance to Ethiopia that the activities of Italian troops be supervised and so to discourage Ethiopia from taking any direct action against the return of Italy.

Sir Carl Berendsen had stated at the opening of the First Committee's discussion of the sub-committee's report that he did not believe that the people of Somaliland desired Italian trusteeship or that the benefits the territory would receive from such trusteeship were so obvious and overwhelming as to warrant overriding the wishes of the population. He had suggested that if the solution favoured by the New Zealand delegation—direct United Nations trusteeship—was unacceptable, the Commission of inquiry to Eritrea might go also to Somaliland, and he had reminded the Committee of the desirability of keeping in mind the aim of ultimately

reuniting all the Somalis—an aim which, at the purely practical level, might not be furthered by reintroducing Italian administrative methods and the Italian language to an area which for nearly a decade had used the English language and had been trained in British administrative methods. Above all, he had maintained that the people of the territories were entitled to expect from the General Assembly the most careful and earnest judgment based on the universal principles of equity, justice, and fair dealing. Not convinced that the proposed resolution was indeed in the interests of the people of Somaliland, and despite the expressions of confidence by the United States and many other representatives in the intentions of the new democratic Italy, the New Zealand delegation abstained from voting both in the Committee and in the Assembly.

The General Assembly adopted the First Committee's proposals for Somaliland by 48 votes in favour, 7 against (the Soviet group, Yugoslavia, and Ethiopia), and 3 abstentions (Liberia, New Zealand, and Sweden).

Eritrea

In May, 1949, the First Committee had accepted by the large majority of 36 votes to 6 the first part of the Bevin-Sforza Eritrean proposal providing for the allocation of part of Eritrea to Ethiopia, and had rejected by 19 to 16 the second part by which the remainder would have been joined to the Sudan. It might have been expected that Ethiopia's claims would be assured of satisfaction six months later. Quite the opposite was the case, however, and the Assembly's decisions on Eritrea and Somaliland left the Ethiopian delegation profoundly disturbed and disappointed.

The United States and the *United Kingdom* maintained their belief, and presented draft resolutions to the effect, that the central and eastern provinces should be ceded to Ethiopia (subject to guarantees for Italian and other minorities and to the provision of municipal charters for the City of Asmara and the Port of Massawa) and that the western provinces should be incorporated in the Western Sudan. In the six months between the two Assemblies, however, Italy's stand had changed, and with it the stand of most Latin American delegations. Italy now asked that Eritrea be granted independence, maintaining that the Eritreans had proved conscious of their maturity and determined to assert it; and many of the Latin American representatives who a few months previously, when Italy was seeking the trusteeship, had claimed that Eritrea was far from ready for independence, now supported its immediate independence. Several Moslem delegations, moreover, with Sir Zafrullah Khan (Pakistan) as the most effective speaker, mistrusted the solution of partition, which, they felt, would place the large Moslem minority of Eritrea under the control of the ruling Christian Coptic hierarchy of Ethiopia.

Four main proposals were advanced in the sub-committee : (a) independence ; (b) a United Nations trusteeship ; (c) partition, the eastern provinces going to Ethiopia, the western to the Sudan ; and (d) a United Nations Commission of Inquiry. Since many of the facts and arguments which support these proposals—in particular the United Kingdom-United States case for (c) and the Pakistan counter-arguments against such a solution—are already on record,* and since they will be subject to minute re-examination by the Commission of Inquiry, summary of them is dispensed with in this report. The proposal of the *United States* and *Indian* delegations (with which the delegations of Brazil, Iraq, and Liberia were also associated) must, however, be recorded because, despite its lack of success, it was a creative fusion of the most important viewpoints. This joint proposal envisaged a temporary federal union between Eritrea and Ethiopia under the leadership of the Ethiopian Emperor. Foreign Affairs, finance, communications, commerce, and currency would have fallen within the domain of the Federal Government, in which Eritrea would have participated as an autonomous unit. In all other affairs there would have been full self-government for Eritrea as soon as a constitution had been agreed upon. The task of drafting a constitution (a model draft of which was presented by the Indian representative as an illustration of a possible type of Federal Government) would have been undertaken under the guidance of a United Nations Commissioner and a group of experts, and would not have become effective until approved by the Emperor of Ethiopia on behalf of Ethiopia, and by the United Nations Commissioner on behalf of the Eritreans. In order to safeguard fully the wishes of the Eritrean population, there would have been a plebiscite at the end of ten years, at which time any province of Eritrea could have decided to continue in the federation, to secede therefrom, or to unite more closely with Ethiopia.

Despite the efforts of Dr Jessup (United States) and Sir Benegal Rau (India), the sub-committee was unable to reconcile conflicting views into a compromise formula which might command a two-thirds majority in the Assembly, and it concluded that it lacked reliable facts. On its recommendations the First Committee and the General Assembly by 47 votes (N.Z.) to 5 with 6 abstentions decided to send a five-member Commission of Inquiry to investigate the facts, weigh them against the proposals advanced at the Assembly's fourth session, and present new proposals for consideration by the Interim Committee and then by the fifth regular session of the General Assembly.

Voting in the General Assembly

The resolution as a whole was adopted by 48 votes in favour, 1 against (Ethiopia), and 9 abstentions (the Soviet group, France, New Zealand, Sweden, and Yugoslavia). Section A, Libya, was adopted by 49 to

* See Publication No. 82 of the Department of External Affairs.

nil with 9 abstentions (N.Z.); Section B, Somaliland, by 48 to 7 with 3 abstentions (N.Z.); Section C, Eritrea, by 47 (N.Z.) to 5 with 6 abstentions; Section D, administrative provisions, by 44 to 5 with 4 abstentions (N.Z.).

The Assembly also adopted by 32 (N.Z.) to 13 with 6 abstentions a proposal that the Interim Committee should "study the procedure to be adopted to delimit the boundaries of the former Italian colonies in so far as they are not already fixed by international agreement, and report with conclusions to the fifth regular session of the General Assembly."

The Attitude of Ethiopia

Neither the First Committee nor the Assembly followed up the Ethiopian delegation's request that Ethiopia be given the temporary administration of Eritrea, on condition of holding an immediate plebiscite. Throughout the debate the representative of *Ethiopia* maintained that the proposal to restore Italian control to Somaliland and the refusal to satisfy Ethiopia's claim to Eritrea took into account neither the desires and needs of the populations nor the interest of peace and security and constituted a direct threat to the independence of Ethiopia. He declared that after all its sufferings Ethiopia would not allow itself to be sacrificed on the altar of the United Nations (as had been done at the League of Nations) for the purpose of satisfying or pleasing Italy, but would abandon hope of justice from the United Nations and would take all measures of legitimate self-defence as provided for in the Charter.

3. "CONDEMNATION OF THE PREPARATIONS FOR A NEW WAR, AND CONCLUSION OF A FIVE-POWER PACT FOR THE STRENGTHENING OF PEACE."

On 23 September, 1949, the Soviet delegation tabled a resolution having the above title, in the course of a speech in which, after General Romulo had called upon delegates to ensure that this session of the Assembly would live in history as the "Peace Assembly" and after Mr Acheson had made a quiet and conciliatory speech, Mr Vyshinsky bitterly denounced the Western Powers. The first paragraph of the Soviet resolution was as follows :

"1. The General Assembly condemns the preparations for a new war now being conducted in a number of countries, and particularly in the United States of America and the United Kingdom, as reflected in the war propaganda encouraged by Governments, in the armaments race and the inflation of military budgets inflicting heavy burdens on the people, the establishment of numerous military, naval, and air bases on the territories of other countries, the organization of military blocs of States pursuing aggressive aims directed against peace-loving democratic countries, and the implementation of other measures having aggressive purposes."

The second paragraph of the resolution condemned the use of atomic weapons, and further delay in the adoption by the United Nations of measures for their prohibition and control. The third paragraph called upon the five permanent members of the Security Council to conclude a pact for the strengthening of peace.

The important feature of the debate on this item was the general recognition of the insincerity of the Soviet proposals and their utter rejection even by delegations like Sweden and India, which normally strive to hold aloof from the "East-West conflict." In this sense this year's General Assembly may be said to be the most realistic yet to have been held.

Several delegations held the view that the Soviet proposals should be rejected without any attempt to amend them or substitute others in their place. They held with the *New Zealand* representative (Sir Carl Berendsen) that "these are phony resolutions presented with no intention or expectation that they should be acted upon, but purely and solely for propaganda purposes." Nevertheless, other delegations did not wish to go on record in the negative way of opposing a "peace resolution," and the representatives of the *United States* and the *United Kingdom* presented as an alternative to the Soviet draft a positive resolution on the "Essentials of Peace," the text of which appears at the end of this section. Though this resolution is mainly a recapitulation of provisions of the Charter and the Universal Declaration of Human Rights, it singles out those particular principles and actions whose omission or commission by the Soviet Union constitutes (in the view of fifty-three members of the United Nations) a basic cause of the East-West conflict. Speaker after speaker analysed these in detail and documented them with facts, which included reference to the unrestrained use of the veto by the Soviet Union, and that country's refusal to exercise its national sovereignty in such a way as to make possible a really effective international control of atomic energy.

Against such a background, not one of the fifty-four non-communist members of the United Nations was willing to give any credence whatever to the Soviet charges such as that "the aggressive blocs of States under the leadership of the unbridled Anglo-American instigators of a new war" were drawing up military and strategic plans for aggression against the Soviet Union; that by means of the Marshall Plan the United States was trying to enslave Western Europe; or that the North Atlantic Treaty, though disguised as a defensive measure, was in reality an aggressive alliance directed against the Soviet Union.

Basically, however, as all representatives knew, facts and argument in the Assembly's debates could not of themselves solve the East-West conflict. No representative (except those of the Soviet group) believed the intentions of the United States and the United Kingdom to be evil.

and dictatorial. The representatives of countries like India, Pakistan, and Burma, who still remember colonial struggles and who normally take zealous care to be objective about Great Power disagreements, went out of their way to say that they had lived and travelled freely for long periods in Britain and the United States and were unable to believe that either the people or leaders of those countries harboured aggressive designs. The representative of *New Zealand* was still more definite : “ One wonders whether it is indeed useful seriously to analyse and discuss the Soviet resolution, because quite obviously any one who is deceived as to the purposes of those proposals is beyond the reach of logic or argument.”

The *Soviet* proposal was voted paragraph by paragraph ; each paragraph received the five votes of the Soviet group and no others. The draft resolution of the *United States* and the *United Kingdom*, unamended, received the decisive vote of 53 in favour, 5 against (the Soviet group), and 1 abstention (Yugoslavia). In the vote on the separate paragraphs the Soviet group voted against paragraphs 5, 6, 8, 10, 12, and 13 and abstained on the remainder.

The resolution is as follows :

Essentials of Peace

“ The General Assembly

“ 1. Declares that the Charter of the United Nations, the most solemn pact of peace in history, lays down basic principles necessary for an enduring peace ; that disregard of these principles is primarily responsible for the continuance of international tension ; and that it is urgently necessary for all members to act in accordance with these principles in the spirit of co-operation on which the United Nations was founded ;

“ Calls upon every nation

“ 2. To refrain from threatening or using force contrary to the Charter ;

“ 3. To refrain from any threats or acts, direct or indirect, aimed at impairing the freedom, independence or integrity of any State, or at fomenting civil strife and subverting the will of the people in any State ;

“ 4. To carry out in good faith its international agreements ;

“ 5. To afford all United Nations bodies full co-operation and free access in the performance of the tasks assigned to them under the Charter ;

“ 6. To promote, in recognition of the paramount importance of preserving the dignity and worth of the human person, full freedom for the peaceful expression of political opposition, full opportunity for the exercise of religious freedom and full respect for all the other fundamental rights expressed in the Universal Declaration of Human Rights ;

"7. To promote nationally and through international co-operation, efforts to achieve and sustain higher standards of living for all peoples ;

"8. To remove the barriers which deny to peoples the free exchange of information and ideas essential to international understanding and peace ;

"Calls upon every member

"9. To participate fully in all work of the United Nations ;

"Calls upon the five permanent members of the Security Council

"10. To broaden progressively their co-operation and to exercise restraint in the use of the veto in order to make the Security Council a more effective instrument for maintaining peace ;

"Calls upon every nation

"11. To settle international disputes by peaceful means and to co-operate in supporting United Nations efforts to resolve outstanding problems ;

"12. To co-operate to attain the effective international regulation of conventional armaments ; and

"13. To agree to the exercise of national sovereignty jointly with other nations to the extent necessary to attain international control of atomic energy which would make effective the prohibition of atomic weapons and assure the use of atomic energy for peaceful purposes only."

4. THE QUESTION OF CHINA

On 27 September, 1949, the delegation of China asked for the inclusion of the following item in the Assembly's agenda : " Threats to the political independence and territorial integrity of China and to the peace of the Far East, resulting from Soviet violations of the Sino-Soviet Treaty of Friendship and Alliance of 14 August, 1945, and from Soviet violation of the Charter of the United Nations."

The inclusion of the item was approved against Soviet opposition, but the question did not come up for discussion by the First Committee until 25 November, despite the efforts of the Chinese delegation to secure earlier consideration in view of the deteriorating situation in China. The representatives of the *Soviet* group refused to take part in the debate either in the First Committee or in the Assembly. They maintained that the " Central People's Government of the People's Republic of China " was the only lawful Government of China and that this agenda item could not properly be considered since it had been submitted by a delegation which had no right to represent the Chinese people. Accordingly, not only would they remain aloof from the debate, but they would not recognize any decision that the Assembly might adopt on the question. The representative of *Yugoslavia* took a similar position.

The Chinese case, as presented to the Committee, dealt partly with Soviet expansion from 1924 onwards into Outer Mongolia, Tannu Tuva, and Sinkiang, but centred mainly on Soviet actions in Manchuria, which,

according to the Chinese delegation, had laid the foundations over the last five years for the success of the Chinese Communists. The following is the Chinese representative's summary of his allegations :

“ It will be seen that the programme of the Soviet Union in relation to China during the post-war period, as revealed by its acts of commission, and omission, and supported by abundant and incontrovertible evidence, falls generally into three parallel lines of attack.

“ First, it was the policy of the Soviet Union to obstruct every effort of the Chinese Government to take over Manchuria and re-establish its authority there. The Soviet Union denied to China the use of Dairen in transporting troops to Manchuria ; it placed obstacles in China's way when my Government tried to use other ports, railways, and air transport. The Soviet Union prevented China from recruiting and organizing local military units to maintain law and order. The Soviet Union refused to furnish prompt and accurate information on the timetable of the withdrawal of its troops so that Chinese Government troops might take over the areas as they were evacuated.

“ Secondly, the Soviet authorities in Manchuria deliberately afforded the maximum and unfettered opportunities for the growth and expansion of Chinese Communist forces, and to permit these forces to use strategic centres of Manchuria as bases of operations against the Chinese Government.

“ Thirdly, the Soviet Government actively supported the Chinese Communists, militarily, economically and morally, with vast stores of captured and surrendered Japanese arms and ammunition and military supplies manufactured in the Soviet Union itself.

“ Finally, the Soviet Union took advantage of its occupation of Manchuria and the tragic circumstance of the civil war to demand from China vast economic concessions in Manchuria, comprising eighty per cent of the industrial resources of the region and including civil aviation. Although my Government refused these demands, there can be no doubt that the Soviet Union is completing the economic conquest of Manchuria with the connivance of the Chinese Communists.

“ It goes without saying that these acts perpetrated by the Soviet Union toward China are in open violation of the Sino-Soviet Treaty of Friendship and Alliance and the annexed Agreements which were concluded between the two nations as late as August 14, 1945. While pledging to regard Manchuria as part of China and reaffirming its respect for China's full sovereignty over Manchuria and recognizing its territorial and administrative integrity, the Soviet Union has been using every trick in the books to prevent the Chinese Government from re-establishing its authority over Manchuria. On the contrary, the Soviet Union was actually trying to force the Chinese Government to accept her as a partner over the whole area, giving her part control over eighty per cent of the heavy industries of Manchuria, as well as the operation of all major civil airfields. While pledging to give to the National Government as the Central Government of China moral support as well as aid in military supplies, the Soviet Union did the exact opposite thing of fostering the growth and expansion of the Chinese Communist Party whose programme it is to overthrow the National Government of China. This is imperialism in all its nakedness.

It is an immoral and cynical programme of aggression. It is a flagrant violation of the territorial integrity and political independence of a member State of the United Nations, and therefore is a violation of the Charter of the United Nations."

The Chinese representative concluded his case by asking the Assembly to use its moral authority in four ways: (1) to condemn the Soviet Union for breaches of the Sino-Soviet Treaty and of the Charter; (2) to urge all member States to desist and refrain from giving military and economic aid to the Chinese Communists; (3) to recommend member States not to accord diplomatic recognition to any regime organized by the Chinese Communists; (4) to call upon member States to refrain from taking advantage of the situation in China for any purpose incompatible with the political independence and territorial integrity of China. The Chinese delegation tabled a draft resolution incorporating these four points.

This draft resolution proved highly embarrassing to many members of the Assembly. The complete ejection of the Nationalist Government from the mainland of China was imminent, and several Governments believed that recognition of the Chinese Communists and establishment of normal trading relations with them would soon be necessary both to protect their countries' interests and—in the case of recognition—to fulfil the normal requirements of diplomatic practice. Moreover, since most of the alleged events had occurred several years previously it seemed to many that the filing of these charges was unwarrantably belated. Finally, as the United States had found from experience, there seemed to be no practical way to maintain the Nationalist Government in power even if it were desired to do so. Therefore any action the Assembly might take seemed to them likely merely to worsen relations between member States and a new Chinese Government with which, all questions of approval or disapproval aside, many of those States and their nationals must have dealings for many years to come.

Australia, Mexico, Pakistan, the Philippines, and the United States of America, who were among the States taking this attitude, tabled a joint draft resolution entitled "Promotion of the Stability of International Relations in the Far East" which called upon all States:

1. To respect the political independence of China and to be guided by the principles of the United Nations in their relations with China;
2. To respect the right to the people of China now and in the future to choose freely their political institutions and to maintain a Government independent of foreign control;
3. To respect existing treaties relating to China;
4. To refrain from (a) seeking to acquire spheres of influence or to create foreign controlled regimes within the territory of China; (b) seeking to obtain special rights or privileges within the territory of China.

The representative of the *United States* explained that this draft resolution was intended "to set standards for the guidance of States in the application of the principles of the Charter to their relations with China." The problem of the Assembly as a body in relation to China was, in his view, quite different from the problem confronting individual Governments in arranging their policies and relationships with China. Moreover, he maintained, alleged breaches of the Sino-Soviet agreement should be brought before the International Court of Justice before being raised in the Assembly.

Though this joint resolution did lay down certain generally acceptable principles, it by no means fulfilled the requests of the Chinese representative (for example, it did not provide for condemnation of the Soviet Union, nor for the non-recognition and economic boycott of the Chinese Communists), and it was generally regarded as an attempt to side-track the Chinese draft resolution and liquidate the Chinese item from the agenda. The representative of *New Zealand* (Sir Carl Berendsen), after recalling the contribution made by the Chinese people to the defeat of Japan and the Axis, and while making no suggestion that anything more practical was possible, suggested that "it would be improper for us to pretend . . . that we are by this resolution indeed facing the position and indeed doing something about it. That, of course, is just not so, and if the Assembly is indeed in this way intending to wash its hands of this problem we would do well to acknowledge that fact and openly and honestly to say so."

It was widely felt that the Assembly, having heard the Chinese representative make a *prima facie* case of breaches of international engagements, including most important provisions of the Charter, was faced with only three courses that it could honourably adopt. It could declare these allegations to be proved (and on this occasion, of course, the Assembly was not in a position to adopt such a resolution) or it could declare the allegations to be unfounded (and the Assembly similarly was not in a position to take that decision either) or it could undertake an inquiry as to the truth or falsehood of the allegations. But one thing that the United Nations could not do if it were to be worthy of its task was to shut its eyes to the situation, to ignore complaints of aggression made to it, and to content itself with enunciating a few impeccable general principles.

A draft resolution tabled by *Cuba, Ecuador and Peru*, with a subsequent Uruguayan amendment, reflected this view-point. It provided that the agenda item on China should be referred to the Interim Committee for continuous examination and study; and that the Interim Committee should report to the next session of the General Assembly with recommendations or, if its study showed this to be necessary, bring the question to the notice of the Security Council. To the *United States*,

the *United Kingdom*, and very many other members these proposals of Cuba, Ecuador, Peru, and Uruguay seemed out of touch with reality and, in the form presented, unwise. Several attempts (some supported by New Zealand) were made to couch these proposals in a more generally acceptable form, but all such proposals failed, and the draft resolution was adopted in the First Committee by 23 (N.Z.) to 19 with 14 abstentions.

During the period between Committee and Assembly consideration there was a very general realization that the Five Power proposal by itself was inadequate to the situation, and when some small adjustments had been made to the Three Power proposal it was accepted by the Assembly with only 5 opposing to 32 (N.Z.) in favour and 17 abstentions. This proposal was regarded and accepted as complementary to and not in substitution for the Five Power proposal ("Promotion of the Stability of International Relations in the Far East") which was adopted in the First Committee by 44 to 5 with 5 abstentions, and in the Assembly by 45 to 5 with no abstentions. The Chinese draft resolution was withdrawn. The Soviet group and Yugoslavia did not participate in the voting.

VIII. *Ad Hoc* POLITICAL COMMITTEE

Chairman : Mr N. ENTEZAM (*Iran*)

Vice-Chairman : Dr H. D. CASTRO (*El Salvador*)

Rapporteur : Mr J. NISOT (*Belgium*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr FOSS SHANAHAN

Mr F. H. CORNER

Mr C. CRAW

I. THE PROBLEM OF THE INDEPENDENCE OF KOREA

The report of the Commission on Korea* formed the basis of discussions in the *ad hoc* Political Committee (to which the question had been referred because of the overloading of the agenda of the First (Political) Committee.) In its report the Commission acknowledged quite frankly that the situation in Korea was no better than it had been when it began operations and confessed that it had not been able to facilitate the achievement of the objectives set by the third session of the General Assembly. It pointed out that, as long as the Soviet Union continued to oppose its efforts, neither a relaxation of hostile propaganda nor any other measure could facilitate to any substantial degree the achievement of unification. The world-wide antagonism between the

* For text of resolution establishing this Commission, see p. 58 of External Affairs Publication No. 75.

Soviet Union and the United States continued to be, according to the Commission's report, "one of the basic factors underlying the present difficulties," and without a new effort of these Powers to reach agreement on the question no real progress could be made. Nevertheless, the Commission pointed out that the Republic of Korea looked to the United Nations for the solution of many of its problems, as it felt that the Republic was in some sense a creation of the United Nations and had requested that the Commission remain in Korea for another year, since its presence had been a stabilizing factor in the situation.

Perhaps the most important aspect of the Commission's report, however, was its conclusion that the deterioration of relations between the Government of the Republic and the Northern Korean regime presented a grave danger to peace and security in Korea. The report disclosed that there was much military activity on both sides of the thirty-eighth parallel, a situation which held the serious danger of provoking armed conflict and barbarous civil war.

The Northern regime was, in the opinion of the Commission, "a creature of a military occupant" ruling by right of transference of power from the Soviet Union. The Government of the Republic, on the other hand, was the product of free elections and the expression of the people's will, but, unfortunately, psychologically, if not materially, the activities of the North had compelled it to go on a war footing, and this spiritual mobilization had, to some extent, brutalized the conduct of Governments and engendered the suspicion of those who remained independent and critical of spirit.

Before general discussion took place, the Committee considered the participation of Korean representatives in its debate. It rejected a *Soviet Union* draft resolution that representatives of the "Democratic People's Republic of Korea" should be invited to participate by 35 (N.Z.) to 6 with 5 abstentions and a *Philippine* proposal that the delegation of the Government of the Republic of Korea be invited to take part without vote. The representative of the *Republic of Korea* asked that the United Nations Commission should continue its work and that, since guerilla activity was increasing, military observers should be assigned to assist the Commission. The United Nations should declare formally that all member States were responsible for the security of the Republic of Korea and should advise certain Powers friendly to the Republic to afford military assistance and thus enable it to deal with security problems, which were becoming more and more acute as the result of the spread of communism in Asia. He expressed the hope that the Assembly would endeavour to facilitate the admission of the Republic to membership of the United Nations in view of the fact that its application had been rejected only as a result of the abuse by the Soviet Union of the veto power.

In the general debate that followed, representatives of the Slav States repeated their usual attacks on the Commission, claiming that its establishment had been contrary to the Charter and that it was merely a tool of the United States Government. Giving the Soviet version of the situation in Korea, these representatives praised developments in the North, and asserted that in the South the Seoul authorities, who were simply puppets of foreign Governments, conducted a reign of terror in order to try to crush the revolt of the Korean people. The Korean nation was, in their opinion, entitled to choose its own destiny and was not obliged to receive directions from abroad nor to submit to the rule of foreign States. While the United States was opposed to unification because it wished to create a new military, political, and economic base in Korea, the Soviet Union had always faithfully supported the Korean people and was convinced that the problem could be solved only if foreign intervention ceased.

The majority of the members of the Committee, however, rejected this fantastic account of the situation in Korea. Many speakers deplored the grave injustice to the Korean people involved in the division of their country, a division which they had no doubt was attributable to the flouting of the General Assembly's resolutions by the Soviet Union.

The *New Zealand* representative (Mr Shanahan) praised the Commission for the frankness of its report on the explosive and serious situation in Korea. He pointed out that, while it was deeply to be regretted that the relations between the Soviet Union and the United States had been such as to thwart the prospects of unification, it must nevertheless be stated emphatically that the reports of the Korean Commission showed that, while the United States had done everything in its power to ensure the successful settlement of the Korean problem by the fullest co-operation with the Commission, all efforts had been completely nullified by the Soviet Union's boycott of the Commission and by its refusal to implement two resolutions adopted by overwhelming majorities in the General Assembly. It was true that the Commission had criticized certain aspects of the policy of the Government of the Republic of Korea, but it had concluded that the Republic was "a result of free elections and the expression of the people's will." Moreover, the Korean Commission had pointed out that "psychologically, if not materially, the activities of the North have compelled the Republic to go on a war footing." The consistent refusal of the authorities in the North to co-operate with the United Nations by inviting impartial international observation of the situation could not but raise doubts as to the truth of the claim that the Northern Government was truly representative of all the people. There was, in fact, no objective evidence to show that it was democratic, and all the available impartial evidence tended to show that it had no popular basis whatever.

In the opinion of the New Zealand delegation, two conclusions reached by the Commission were noteworthy; the first was that the Republic of Korea looked to the United Nations for the solution of many of its problems and felt that the presence of the Commission had been a stabilizing factor; the second, which seemed to the New Zealand delegation to be of a most serious character, was the fact that the situation on the border between North and South Korea was extremely explosive and might in fact develop into an open military conflict. In these circumstances there was no doubt whatsoever that the Commission should not only be continued, but should be given more extensive powers and should, as one of its first tasks on re-establishment, immediately concentrate its attention upon the maintenance of peace. The New Zealand delegation therefore favoured the establishment of observer groups to report on the situation along the thirty-eighth parallel. Such action would do much to lessen the tension in that area, thus probably producing favourable conditions for the use of the Commission's good offices in the difficult task of seeking to facilitate the removal of the barriers to intercourse between North and South Korea and assisting towards the final objective—namely, the unification of the whole country.

At the end of the general debate the Committee had before it two draft resolutions :

(a) A joint draft resolution proposed by the *United States, Australia, China, and the Philippines* which, *inter alia*, took note of the conclusions of the report of the United Nations Commission on Korea and resolved that that Commission should continue in being. The Commission was to have as one of its primary functions the duty to "observe and report any developments which might lead to or otherwise involve military conflict in Korea." It was further to seek to facilitate the removal of barriers to economic and social and other friendly intercourse caused by the division of Korea and be prepared to assist, whenever in its judgment a favourable opportunity arose, in bringing about the unification of Korea. Furthermore, it was to be available for observation and consultation throughout the country in the continuing development of representative Government based on the freely expressed will of the people, including elections of national scope, and to verify the withdrawal of Soviet occupation forces in so far as it was in a position to do so.

(b) A draft resolution proposed by the *Soviet Union* which aimed at the immediate termination of the United Nations Commission on Korea. This resolution called upon the Assembly to recognize that the solution of the problem of the unification of the country was a task for the Korean people themselves and that the activities of the United Nations Commission were an obstacle to the unification of the two parts of Korea.

The joint proposal (extending the Commission) was adopted by a vote of 44 (N.Z.) to 6 with 5 abstentions. Australia, China, El Salvador, France, India, the Philippines, and Turkey were named as members of the new Commission. The draft resolution submitted by the Soviet Union was rejected by 44 votes (N.Z.) to 6 with 5 abstentions.

In the plenary meeting the joint resolution, which had been adopted by the *ad hoc* Committee, was adopted by the Assembly by the large majority of 48 votes (N.Z.) to 6 with 3 abstentions, while the Soviet resolution, which had been reintroduced, was defeated by 6 votes in favour with 42 (N.Z.) against and 5 abstentions.

2. OBSERVANCE IN BULGARIA, HUNGARY, AND ROUMANIA OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS*

This item was automatically placed on the agenda as the result of a decision taken at the second part of the third regular session.

In the *ad hoc* Committee the general debate was opened by Mr Makin, of *Australia*, who stated that since the adoption of the Assembly resolution of 30 April, 1949, information concerning events in Roumania had come to the notice of his Government and that this information was of such a character that further discussion of the situation in Hungary and Bulgaria seemed impossible unless the Assembly's attention was also drawn to a similar situation in Roumania. In that country a *prima facie* case of violation of human rights and fundamental freedoms seemed to be established by all the available facts—sufficient, Mr Makin maintained, to enable the Committee to conclude that these rights and freedoms were being abused in Roumania. The General Assembly should therefore decide to take positive and definitive action to carry out the duty imposed upon it by the Charter. Finally, in view of the fact that invitations had been sent at the third session to the Governments of Bulgaria and Hungary to send representatives to participate, without the right to vote, in the Committee's consideration of the question, the Committee should now decide to send an invitation along the same lines to the Government of Roumania.

The Committee decided, by 41 votes to none with 15 abstentions, to invite the Roumanian Government to send a representative to participate in the discussion without vote, but the Roumanian Government declined to designate a representative to the *ad hoc* Political Committee, mainly on the ground that the questions being discussed in the Committee lay entirely within the domestic jurisdiction of Roumania.

The debate followed much the same course as had been apparent at the previous session. On the one hand, the majority of representatives felt that the legal issues regarding implementation of the provisions

* For an account of previous developments and debates and of the procedure established under the peace treaties, see Publication No. 82 of the Department of External Affairs.

of the peace treaties should first be clarified, whilst, on the other, a much smaller group of delegations felt that not only could the Assembly decide to investigate the legal position, but it could also take parallel action in accordance with the general provisions of the Charter regarding human rights and outside the narrower limits of the peace treaty procedures. The *United States* representative pointed out that the United States, with several other signatories of the treaties of peace, had, in accordance with the General Assembly resolution of 30 April, 1949, taken steps to set in motion the machinery provided in the peace treaties. The Governments of Bulgaria, Hungary, and Roumania, however, had rejected the various requests made in accordance with the prescribed procedure. They had repeatedly denied any violation of the treaties, alleging that the actions against which protests had been made had been taken against subversive and Fascist elements and were, in any case, matters falling within their own jurisdiction. The refusal of the three Governments to participate in the settlement procedures raised a legal issue of paramount importance, and although the United States was convinced that the legal grounds which had been invoked were untenable, it was prepared to submit the question to an impartial judicial authority which would, in effect, advise whether the three Governments were under the obligation to participate in the appointment and functioning of the Commissions envisaged in the treaties. Accordingly, the United States, with the delegations of Bolivia and Canada, submitted a draft resolution under which the Assembly would request an advisory opinion from the International Court of Justice on the legal questions concerning the applicability and functioning of the treaty procedures.

The *New Zealand* representative (Sir Carl Berendsen), speaking at an early stage in the debate, stated that New Zealand, as a signatory to the treaties of peace with Bulgaria, Hungary, and Roumania, had associated itself with the steps taken to secure the operation of the treaty procedure. Every possibility of utilizing this machinery must be explored, and with this in view the New Zealand delegation would gladly support any appropriate suggestion that the legal questions which might be involved should be referred to the International Court of Justice. But it was particularly important to realize that the question of human rights and fundamental freedoms in Hungary, Bulgaria, and Roumania was not the exclusive concern of the signatories of the treaties of peace ; all members of the United Nations were obviously concerned, by reason of the many references in the Charter to human rights and fundamental freedoms. Moreover, the concept of human rights was inextricably bound up with the concept of security embodied in the Charter. The great lesson which had been taught by the facts and records of experience presented to the Paris Peace Conference was that "internal repression and external aggression are

directly interrelated, part of a single unhealthy climate of feeling and opinion." To ignore that interrelation when fresh cases of repression of human liberties were brought to the attention of the United Nations would be to ignore the lessons of bitter experience and the very spirit of the Charter. The Assembly, representing as it did the conscience of mankind, manifestly had the duty to take action.

Referring to his detailed discussion at the Assembly's session six months previously of the thesis that the question of violation of human rights and fundamental freedoms in the three countries was not within the competence of the General Assembly, Sir Carl Berendsen stated that, while the drafting of Article 2, paragraph 7, of the Charter was admittedly defective in certain aspects, there could be no doubt that the clear intention of the Charter was that certain fundamental rights and freedoms transcended national boundaries and could therefore not be considered as "essentially within the domestic jurisdiction of a State." Quite apart, therefore, from the explicit obligation contained in the treaties of peace, there was the additional and transcendent obligation enshrined in the Charter. The New Zealand delegation, while supporting any proposal that might be considered as desirable to ascertain in full and complete detail the facts of the case, maintained the position which had been stressed at the previous session—namely, that the Assembly had the full and clear right and duty to discuss the question, to inquire into it, to make recommendations upon it, and, if it were deemed necessary, to call upon the responsible Governments for redress or condemn them on the basis of available evidence.

The New Zealand delegation therefore supported an Australian amendment to the joint draft resolution which would have the effect of establishing an *ad hoc* Committee to report to the fifth regular session of the General Assembly on the situation in Bulgaria, Hungary, and Roumania with respect to the observance of human rights and fundamental freedoms.

The *Soviet Union* and its supporters, repeating the arguments which they had put forward at the previous session, strongly defended the case which had been advanced by Bulgaria, Hungary, and Roumania. The great majority of the Committee, however, agreed with the course of action proposed by the United States—namely, that various questions should be referred to the International Court of Justice. The Committee was therefore not prepared at that stage to accept the Australian proposal for the Fact Finding Committee as an additional safeguard should the joint resolution fail to achieve the desired result. When the Australian amendment was put to the vote it was rejected, only 5 countries (Argentina, Australia, the Lebanon, New Zealand, and Uruguay) voting in favour, there being 29 against and 22 abstentions. The joint draft resolution, with slight amendments, was then adopted by 41 votes (N.Z.) to 5 with 9 abstentions. The New Zealand delegation abstained in

the separate vote on questions 3 and 4 of the joint draft resolution, having doubts as to the efficacy of the procedures therein contemplated.

The arguments used in the general debate were repeated in the Assembly, and the Committee resolution was eventually adopted by a vote of 47 (N.Z.) to 5 with 7 abstentions. The principal operative paragraphs of the resolution are as follows :

“ The General Assembly

“ Decides to submit the following questions to the International Court of Justice for an advisory opinion :

“ I. Do the diplomatic exchanges between Bulgaria, Hungary and Roumania on the one hand and certain Allied and Associated Powers signatories to the Treaties of Peace on the other, concerning the implementation of Article 2 of the Treaties with Bulgaria and Hungary and Article 3 of the Treaty with Roumania, disclose disputes subject to the provisions for the settlement of disputes contained in Article 36 of the Treaty of Peace with Bulgaria, Article 40 of the Treaty of Peace with Hungary, and Article 38 of the Treaty of Peace with Roumania ? ’

“ In the event of an affirmative reply to question I :

“ II. Are the Governments of Bulgaria, Hungary and Roumania obligated to carry out the provisions of the articles referred to in question I, including the provisions for the appointment of their representatives to the Treaty Commissions ? ’

“ In the event of an affirmative reply to question II and if within thirty days from the date when the Court delivers its opinion, the Governments concerned have not notified the Secretary-General that they have appointed their representatives to the Treaty Commissions, and the Secretary-General has so advised the International Court of Justice :

“ III. If one party fails to appoint a representative to a Treaty Commission under the Treaties of Peace with Bulgaria, Hungary and Roumania where that party is obligated to appoint a representative to the Treaty Commission, is the Secretary-General of the United Nations authorized to appoint the third member of the Commission upon the request of the other party to a dispute according to the provisions of the respective Treaties ? ’

“ In the event of an affirmative reply to question III :

“ IV. Would a Treaty Commission composed of a representative of one party and a third member appointed by the Secretary-General of the United Nations constitute a Commission, within the meaning of the relevant Treaty articles, competent to make a definitive and binding decision in settlement of a dispute ? ’

“ Requests the Secretary-General to make available to the International Court of Justice the relevant exchanges of diplomatic correspondence communicated to the Secretary-General for circulation to the members of the United Nations and the records of the General Assembly proceedings on this question ;

“ Decides to retain on the agenda of the fifth regular session of the General Assembly the question of the observance of human rights and fundamental freedoms in Bulgaria, Hungary and Roumania, with a view to ensuring that the charges are appropriately examined and dealt with.”

3. REPORT OF INTERIM COMMITTEE TO THE GENERAL ASSEMBLY

The General Assembly on 3 December, 1948, had adopted a resolution which re-established the Interim Committee for the period between the closing of the third and the opening of the fourth regular sessions and required it to report to the fourth regular session on any changes in its constitution, duration, or terms of reference which might be considered desirable.

One of the main functions of the Interim Committee, as re-established by this resolution, was that of studying and reporting on such matters as might be referred to the Committee by or under the authority of the General Assembly. The Committee, however, had not been called upon to undertake tasks in this field, mainly because of the fact that the second part of the Assembly's third session took place in April and May of 1949, and because no particularly urgent problems arose. The second main function of the Interim Committee was to make a systematic study of methods for the promotion of international co-operation in the political field. The Committee had adopted a long-term programme in this field during the year, and had established working groups to consider two categories of questions—namely, the organization and operation of United Nations missions and the settlement by the General Assembly of disputes and special political problems.

As to the re-establishment of the Interim Committee, considerable divergence of opinion had been apparent. Some members had considered that the Committee performed no functions which could not be more appropriately undertaken by special Committees established by the General Assembly to carry out specific tasks when need arose. Other representatives, however, considered that the Interim Committee should be established as a permanent Committee of the Assembly with the same competence, during the intervals between Assembly sessions, as the six main Committees of the Assembly. The majority of representatives felt, however, that the Committee could usefully be re-established for an indefinite period with its existing terms of reference. It was generally held still to be essential that a subsidiary organ of the General Assembly should be ready, when the Assembly is not sitting in regular session, and subject to the primary responsibility of the Security Council, immediately to undertake on behalf of the Assembly, as occasion arises, study of certain political questions likely to endanger the maintenance of peace. Furthermore, the programme of discussions undertaken with a view to promoting the development of international co-operation in the political field should be continued. Finally, it was stressed that the Interim Committee, as a plenary Committee of the Assembly, was the only forum where all members of the United Nations could express their views when the Assembly was not in session.

Accordingly the Committee had recommended that its terms of reference should be practically the same and that it should be re-established for an indefinite period, although it was fully recognized that the Assembly could put an end to its existence if ever it considered that no useful purpose was being served.

In the *ad hoc* Committee the Eastern European countries again expressed violent opposition to any extension of the Interim Committee. They claimed that its real function was to by-pass the Security Council and undermine the principle of unanimity of the Great Powers, on which, they asserted, the whole cause of peace depended. The *Soviet* representative claimed that the Interim Committee was merely part of the attempt to transform the United Nations into "an obedient tool of the Anglo-American bloc" and that, far from strengthening the authority of the United Nations, the Interim Committee was, by its illegal action and its ceaseless attacks upon the principle of unanimity, undermining the very fact of the existence of the United Nations.

One or two other members of the *ad hoc* Political Committee felt that the Interim Committee had not fulfilled its purpose or achieved its objectives and that its only important work could have been performed by the Secretariat. This failure, in their opinion, was almost entirely due to the fact that the Eastern European States had refused to co-operate, and they argued that in the face of this opposition it would be unwise to continue the Committee. The majority of the *ad hoc* Political Committee, however, felt that the Interim Committee should be continued, and declared that the lack of co-operation by the Soviet group should not be an obstacle to the constructive efforts of the majority of members.

Many of the Latin American delegations felt that an attempt should be made to induce the Soviet Union and its supporters to join in the work of the Interim Committee by establishing it on a somewhat different basis. To this end the representative of *Venezuela* proposed that a sub-committee should be established for the purpose of investigating, in the light of the present discussions, the character and terms of reference which might be conferred on a subsidiary body of the General Assembly such as the Interim Committee. This conciliatory attempt, however, met with failure upon the refusal of the Soviet delegation to participate in the work of the proposed sub-committee.

When the Venezuelan proposal had been withdrawn, the only resolution before the *ad hoc* Political Committee was the draft resolution of the Interim Committee. This was eventually adopted by a vote of 41 (N.Z.) to 6 with 6 abstentions, and in the Assembly by a vote of 45 (N.Z.) to 5 with 4 abstentions.

The operative part of the resolution is as follows :

“ The General Assembly

“ Resolves that :

“ 1. There shall be re-established an Interim Committee of the General Assembly, to meet when the General Assembly is not actually in regular session, on which each member of the General Assembly shall have the right to appoint one representative ;

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

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

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

“ (c) To consider systematically, using the recommendations and studies of the Interim Committee contained in documents A/605 and A.AC/18/91, the further implementation of that part of Article 11 (paragraph 1) relating to the general principles of co-operation in the maintenance of international peace and security, and of that part of Article 13 (paragraph 1A) which deals with the promotion of international co-operation in the political field, and to report with conclusions to the General Assembly ;

“ (d) To consider, in connection with any matter under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if the Committee deems that a session is required, so to advise the Secretary-General in order that he may obtain the views of the members of the United Nations thereon ;

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

“(f) To report to the General Assembly, should the occasion arise, on any changes in the Committee’s constitution or its terms of reference which may be considered desirable in the light of experience ;

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

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

4. UNITED NATIONS FIELD SERVICE

At the second part of its third session the General Assembly established a special Committee to study the proposal for a United Nations Guard put forward by the Secretary-General.* To this Committee the Secretary-General submitted the revised proposal that there be set up a United Nations Field Service—a force of up to 300 men—and a United Nations Panel of Field Observers. (This would involve an estimated expenditure of under \$2,000,000 per year, in comparison with the \$4,000,000 which had been estimated to be the cost of the previously proposed Guard.) The Field Service would have the responsibility of ensuring protection for, and providing technical services to, United Nations missions.

The Panel of Field Observers would undertake the functions of observing truce terms and supervising polling-places during plebiscites. The Panel would be composed of lists of individuals eligible for service who were to be, however, under no legal obligation to perform the functions envisaged. They were to be called for service only as a result of a specific decision of the Assembly or the Security Council.

The majority of the special Committee approved the establishment of a Field Service, pointing out that it was quite clearly not an international military force and would in fact be no more than an extension of the regular Secretariat. Article 97 of the Charter gave the Secretary-General full authority to establish such a Service.

With regard to the Panel of Field Observers, the special Committee recommended that the Assembly should authorize the Secretary-General to establish and maintain such a panel and that it should consist of qualified persons selected by the Secretary-General in consultation

* See External Affairs Publication No. 82 at p. 28.

with national Governments or from lists of names recommended by Governments, whether or not such persons were employed in national services; selection was to be based on the principle of equitable geographical distribution.

When the report of the special Committee came before the *ad hoc* Political Committee it soon became clear that the majority of members were strongly in favour of the establishment of a Field Service, which they felt would make for more efficient operation of United Nations missions. The majority were also in favour of the Panel of Field Observers, although many reservations were made as to the actual methods whereby such a Panel should be established. The Eastern European States, however, maintained the opposition which had been expressed by their representatives in the special Committee. They claimed that the effect of the Secretary-General's plan would be to circumvent the Security Council and thus undermine the United Nations. The *Soviet* delegate, for instance, declared that what was really proposed was the establishment of an armed force which would be used in the interests of the "Anglo-American bloc," and more especially of the United States, to enable those Powers to interfere in the domestic affairs of States to whose territories United States missions might be sent. In his view, the Security Council alone had the power to set up armed forces, whatever their size.

The *United States* representative (and the majority of the Committee) agreed with the views of the Secretary-General on this question, and gave strong support to his efforts to increase the efficiency of United Nations missions. It was quite insane, in the view of the United States, to claim that the reorganization of service for field missions would be illegal and contrary to various provisions of the Charter, since it was clear that the Secretary-General possessed and would continue to possess, under the Charter, the authority to provide the services being contemplated for the Field Service and the Panel of Field Observers.

The *New Zealand* representative (Mr Shanahan) also regarded the juridical objections to the establishment of a United Nations Field Service as invalid, especially if one took into account the modifications which had been made to the original proposal. The establishment of a Field Service merely corresponded to a reorganization on a more systematic and rational basis of services that already existed in the Secretariat, and there could be no doubt that the Charter gave the Secretary-General the authority for such reorganization. The New Zealand delegation would therefore, without the slightest hesitation, vote in favour of the establishment of a Field Service. With regard to the proposal to establish a United Nations Panel of Field Observers, however, the New Zealand representative had grave doubts as to the

practical value of the plan. It would be extremely difficult to draw up the list and keep it up to date, and, furthermore, the persons chosen might not always be available when they were wanted. In view of these practical difficulties, therefore, it would be preferable that the Secretary-General should apply to Governments when observers were required for a specific task, since selection of individuals by Governments would thereby be made much easier.

Other representatives (including the *United Kingdom* delegate) also questioned the desirability of creating a Panel of Field Observers on the basis proposed because of the practical difficulties involved in setting up such a Panel.

After considerable discussion of the details of the two proposals the two draft resolutions submitted by the special Committee were put to the vote.

The resolution concerning the Field Service was adopted by 38 votes (N.Z.) to 5 with 8 abstentions; the resolution concerning the Panel of Field Observers was adopted by 28 to 7 with 18 abstentions (N.Z.). The *New Zealand* representative explained that New Zealand had abstained on the second resolution not for political or legal reasons, but because it considered that it would be a more practical procedure for the Secretary-General to consult with member States and secure field observers whenever they were required. New Zealand would, however, with a certain freedom of action as to procedure, make every effort to co-operate with the Secretary-General in the implementation of the draft resolution.

The Committee also accepted a suggestion that an oath should be administered to all persons employed as field observers, on the understanding that if any objection should be raised either by a Government or by an observer to the taking of the United Nations oath the Secretary-General would enter into negotiations with the Government concerned to overcome the difficulties. On the suggestion of the representative of the Lebanon the Committee also agreed that the term "300 men" used in the report of the special Committee should be replaced in future by the term "300 persons" in order to provide for the possible inclusion of women in the Field Service.

When the Committee's report came before the General Assembly the opponents of the proposals reiterated the same arguments against the plans which they had used before in the special Committee and in the *ad hoc* Political Committee. The Assembly nevertheless adopted draft resolution A (Field Service) by 46 votes (N.Z.) to 5 with 3 abstentions. Draft resolution B (Panel of Field Observers) was adopted by 38 votes to 6 with 11 abstentions (N.Z.)

The operative part of the draft resolutions adopted by the General Assembly is as follows :—

“ A

“ The General Assembly

“ Considering that the Secretary-General has authority to establish the United Nations Field Service, subject to budgetary limitations and the normal administrative controls of the General Assembly,

“ Takes note of the intention of the Secretary-General to establish this proposed unit as modified by the observations contained in the report of the special Committee.

“ B

“ The General Assembly

“ Requests the Secretary-General to establish and maintain a list of persons qualified to assist United Nations missions in the functions of observation and supervision, such persons to be called to service in response to a specific resolution by a competent organ of the United Nations ; such list shall be known as the United Nations Panel of Field Observers and shall be established and maintained with due regard to the observations contained in the report of the special Committee and based upon the principle of equitable distribution.”

5. ADMISSION OF NEW MEMBERS

With the sole exception of the State of Israel, no States were recommended by the Security Council for admission during the period between the first part of the third session of the Assembly and the present session ; new applications from the Korean Republic and Nepal were both vetoed by the Soviet Union. A letter of application was also received from the so-called Democratic Peoples Republic of Korea, but, bearing in mind the General Assembly's declaration* that the only lawful Government in Korea was that of the Republic of Korea, the Council decided not to consider this application further. During the year the Security Council also reconsidered the applications of Austria, Ceylon, Finland, Ireland, Italy, Jordan, Portugal, Albania, Bulgaria, Hungary, Mongolia, and Roumania in accordance with Assembly recommendations in respect of each of the first seven and with a further resolution which requested a review of all the outstanding applications. In June, 1949, the *Soviet* representative introduced a draft resolution recommending that all twelve countries be admitted to membership. The majority of the Council, however, opposed this resolution.

In his annual report on the work of the United Nations during 1948-49 the Secretary-General supported the admission of all applicants ; in his view, the objections that have been raised against the admission of certain States could be better dealt with inside the Organization than outside it.

* Assembly Resolution 195 (III) of 9 December, 1948.

In the *ad hoc* Political Committee the delegation of *Australia* submitted nine draft resolutions concerning the applications for membership of the following States : Austria, Ceylon, Finland, Ireland, Italy, Jordan, the Republic of Korea, Portugal, and Nepal. These resolutions proposed that the Security Council should be requested to reconsider these applications in the light of the Assembly's view that the States concerned fulfilled the necessary requirements for membership in the United Nations. In each case it was noted that nine members of the Security Council had supported the admission of the State concerned, but that no recommendation had been made to the Assembly because of the opposition of one permanent member (the Soviet Union). The resolutions also recalled the recommendation of the General Assembly* that each member of the Security Council and of the Assembly, in exercising its vote on the admissions, should act in accordance with the advisory opinion of the International Court of Justice of 28 May, 1948, which declared that a State was not juridically entitled to make its consent dependent upon conditions not expressly provided by Article 4 (1) of the Charter.

The *Soviet* representative, however, submitted a counter-resolution recommending the Security Council to reconsider all applications with the exception of that from the Republic of Korea. He claimed that the United States and the United Kingdom were attempting to give preferential treatment to their own supporters, and to employ the United Nations as their agent in a policy of interference in the internal affairs of the "peoples democracies."

The representative of the *United Kingdom* declared that the Soviet proposal for bloc approval of applications would mean that the arbitrary ban of the veto would be removed from certain countries only if, in exchange, admission were granted to other countries which the majority considered unsuitable for membership. Such a proposal could only be characterized as blackmail.

The majority of members of the *ad hoc* Committee agreed with the British view that each case should be judged on its own merits. The *Swedish* delegation, however, maintained the view which it had expressed at the last Assembly that the United Nations should become a universal body and that a liberal attitude towards applications for membership would enable it to fulfil that objective.

The *New Zealand* representative (Mr Shanahan) stated briefly his support for the Australian draft resolutions. He pointed out that the admission to membership in the United Nations of States which met the requirements of the Charter was essential alike for the efficiency of the Organization, the maintenance of international peace and security, and

* Resolution 197 (III) A of 8 December, 1948.

the strengthening of friendly relations between States. It could not be said that these objectives were being met if one State continued to deny the right of admission to other States which, by all tests, met the criteria laid down in the Charter. After referring to the action of the Soviet Union in vetoing the application of Ceylon in spite of the evidence given in proof of its independence, the New Zealand representative stated that Italy, Ireland, Portugal, and the other States named in the Australian resolutions had all given proof of their existence as States and of their absolute independence.

The Australian draft resolutions on the applications of the nine States which had obtained a majority in the Security Council were put to the vote, with the following results: Austria—adopted by 42 votes to 5 with 3 abstentions; Ceylon—adopted by 41 votes to 5 with 3 abstentions; Finland—adopted by 41 votes to 5 with 3 abstentions; Ireland—adopted by 40 votes to 5 with 3 abstentions; Italy—adopted by 41 votes to 6 with 3 abstentions. (Ethiopia voted against this resolution, on the ground that although under the peace treaty with Italy that State had renounced its African colonial possessions, Italy was at present maintaining claims to territories bordering on Ethiopia); Jordan—adopted by 40 votes to 5 with 4 abstentions; Republic of Korea—adopted by 37 votes to 6 with 8 abstentions; Portugal—adopted by 41 votes to 5 with 4 abstentions; Nepal—adopted by 41 votes to 5 with 4 abstentions. New Zealand voted in favour of each resolution. Following upon this action the Committee rejected the Soviet proposal for *en bloc* admission by 30 votes (N.Z.) to 9 with 16 abstentions; Sweden, Iraq, and Mexico joined the six Eastern European countries in voting for the proposal.

A considerable body of opinion in the Committee, however, felt that the action contemplated in the Australian resolution was not sufficient. The representative of *Argentina*, maintaining a thesis which he had developed in the past, proposed that certain questions concerning the admission of new members should be submitted to the International Court of Justice for an advisory opinion. He claimed the General Assembly could decide to admit a State to membership in the United Nations even if the Security Council had made no recommendation for admission. This extremely involved problem was discussed at some length and it was clear that very few of the members of the Committee agreed with the Argentinian interpretation; there was, however, little opposition to a proposal to refer the question to the International Court for an opinion. Eventually the Committee adopted an amended version of the Argentinian proposal by a vote of 37 (N.Z.) to 9 with 8 abstentions. The question put to the International Court of Justice was as follows:

“ Can the admission of a State to membership in the United Nations, pursuant to Article 4, paragraph 2, of the Charter, be effected by a decision of the General Assembly when the Security Council has made

no recommendation for admission by reason of the candidate failing to obtain the requisite majority or of the negative vote of a permanent member upon a resolution so to recommend? ”

Finally, the representative of *Iraq*—who considered that after admitting Israel the Assembly had no valid reason for refusing membership to any of the thirteen candidates—introduced a draft resolution requesting all members of the Security Council to apply Article 4 (1) of the Charter with greater flexibility and generosity, and the permanent members to refrain from vetoing applications. The reference to “greater flexibility and generosity” met with considerable opposition, and a request to the Council “to keep under consideration, in the light of Article 4, paragraph 1, of the Charter, the pending applications of all States which so far have not gained admission to the United Nations” was eventually substituted for it. The amended resolution was adopted by a vote of 34 to 10 with 9 abstentions (N.Z.).

In the Assembly the nine Australian resolutions regarding the individual applications were adopted by votes ranging from 50 to 53 (N.Z.) in favour with 5 or 6 against and from 1 to 3 abstentions. The Argentinian draft resolution was adopted by 42 votes (N.Z.) to 9 with 6 abstentions and the Iraqi draft resolution by 42 votes (N.Z.) to 5 with 11 abstentions.

6. INTERNATIONAL CONTROL OF ATOMIC ENERGY

This question, one of the most vital problems with which the United Nations is confronted, provoked long and bitter debates, but despite the impetus given to the efforts of delegates by President Truman’s announcement, on 23 September, 1949, that “we have evidence that within recent weeks an atomic explosion occurred in the U.S.S.R.,” there was little to indicate that the problem is capable of effective solution in the near future.

On 16 September, 1949, the Security Council had agreed with the Atomic Energy Commission’s view that it would be well to refrain from further discussion until the sponsoring Powers (the six permanent members of the Commission) had reported that there did in fact exist a basis for agreement on the problem. The sponsoring Powers, however, although they held numerous meetings, found no basis for agreement, and the fourth General Assembly, when it took up the question of atomic energy, was therefore faced with the fact that nothing of substance had been done in the past year towards a solution.

In opening the general debate on the subject in the *ad hoc* Committee the Chairman appealed to members to make every effort towards a practical solution of the question, but neither in the Committee nor later in the Assembly was there any indication that the Soviet Union was prepared to move closer towards the views of the vast majority of the members of the United Nations. The *United States* representative

outlined the majority plan which had been approved by the General Assembly on 4 November, 1948,* which he described as containing the irreducible essentials for effective international control of the use of atomic energy. The United States Government stood ready to consider other possibilities for reaching a basis of agreement on the international control of atomic energy which would ensure the effective prohibition of atomic weapons, but it believed that the only system so far devised that might accomplish that purpose was the plan of control and prohibition already approved by the Assembly.

The representative of the *United Kingdom* agreed with this view, pointing out that while the majority plan probably called for certain departures from the principle of national sovereignty, nevertheless if there was equal sacrifice all would benefit equally.

The representative of the *Soviet Union*, however, claimed that the Western Powers wished to prevent any agreement on the prohibition of atomic weapons and the control of the observance of that prohibition. The issue at stake was the salvation of mankind from the horrors of atomic war, but the "United States plan" did not attempt to deal with that tremendous issue, being concerned merely with such matters as violation of national sovereignty, removal of atomic energy from the sphere of competence of individual States, and the prevention of scientific work directed towards the utilization of atomic energy for peaceful purposes. The Soviet Union, he declared, did not use atomic energy for purposes of accumulating stock piles of atomic bombs, although it would have as many bombs as it would need in the unhappy event of war. It was using atomic energy for purposes of its own domestic economy, as master of its own land, according to its own plans, and in doing so it was not accountable to any international organ. The Soviet Union was in favour of the conclusion of two conventions, one dealing with the prohibition of atomic weapons and the other with the control of atomic energy. Both of these should be concluded and put into effect simultaneously. The United States plan for the establishment of a control system by stages was based on the idea that the United States might be free of international control for possibly a long period of time.

While the Committee was considering the international control of atomic energy, the President of the Assembly urged the six permanent members of the Atomic Energy Commission to agree upon a plan. He stated, in brief, that all paths to agreement had not been explored, and that urgent attention should be turned to the following four possibilities : (a) a short-term atomic armistice accompanied by an inspection system ; (b) an interim prohibition on the use of atomic energy with adequate safeguards ; (c) a further compromise between the majority and minority plans for the control of atomic energy which, while maintaining provisions

* See External Affairs Publication No. 75 at p. 10.

for adequate inspection, might realize to a degree consistent with security the majority's provisions regarding ownership and management ; and (d) a new approach to the fundamental problem of control arising from a scientific contention that the amount of fissionable materials which could be used for peaceful purposes is so small that it might be relatively easier than had been envisaged to control its use for military purposes.

Some members of the Committee, probably as a result of the disclosure that the Soviet Union might now possess the atomic weapon, were also inclined to seek compromises. The *British* representative, however, pointed out that if the Soviet Union now had the secret of the atom bomb, the substance of the matter was unchanged and the need for effective control of atomic energy and the real prohibition of atomic weapons was made all the more important. It was not correct to claim, as had been claimed by the Soviet Union, that the majority plan had been based on the perpetuation of a United States monopoly of the atomic bomb, and that the United States, following upon the recent atomic explosion in the Soviet Union, should put forward new proposals. The majority plan had, in fact, been based on the supposition that the United States would not retain indefinitely the monopoly of the atomic bomb. It was the only plan which in the present circumstances would achieve the object set out as its goal, and while it was deplorable that, because no agreement could be reached, the whole world had to live under the dread of atomic weapons, it would be even more deplorable for all nations to accept an ineffective plan which might lull the peoples of the world into thinking that they had achieved security while, in fact, they lived under greatly increased danger.

The *New Zealand* delegation agreed with this attitude, and at an early stage in the general debate Sir Carl Berendsen pointed out that it was the United States, the nation which had first produced the atomic bomb, which had generously offered to place its knowledge at the disposal of all mankind, subject to the modest yet essential condition that the minimum necessary precautions be taken to prevent abuse. This promise rightly postulated an international controlling body, unfettered by the veto which had made such a mockery of the security functions of the United Nations, with a full and unrestricted right of inspection to secure compliance. All the world, with the exception of the Soviet Union, was ready to accept international control and supervision, and to allow inspection by authorized international observers. The obvious conclusion was that those who were willing to accept inspection had nothing to hide, while those who declined such inspection were inevitably and properly suspect. The situation remained unaltered whether or not the Soviet Union possessed the secret of the atomic bomb, and there could be no solution to the problem unless all the nations of

the world without exception agreed to submit to the essential supervision, without which "any plan of atomic control would be a wicked farce." The Soviet Union's refusal to accept an adequate system of international inspection and control was profoundly disturbing not only from the negative aspect of security against the abuse of the atomic weapon, but also from the important positive aspect that failure to reach agreement deprived the peoples of the world of the inestimable benefits that could be derived from the application of atomic energy to industry and to social and medical purposes. Turning to various suggestions which had been made for a compromise between the two opposing views, Sir Carl characterized as "ill-considered and potentially dangerous" the proposals to the effect that all would be well were an agreement to be signed with the Soviet Union prohibiting the use of atomic weapons or establishing a truce or a standstill agreement or providing for the destruction of all existing bombs. While paying a tribute to the motives of the proponents of such schemes, Sir Carl stated that many of the proposals put forward indicated that their advocates, in a complete misunderstanding of the actual problem, had "allowed their hearts to run away with their heads" and were ignoring the crucial fact that the Soviet Union alone had consistently rejected proposals which would give any shadow of reality to international inspection and control and that acceptance of such international inspection and control was the sole test of good faith in the matter.

The essence of the situation, Sir Carl concluded, was that a great part of the world feared aggression from the Soviet Union and, as prudent and responsible people, felt it necessary to prepare themselves against such a dread event. If this were an error the Soviet Union could quite easily dispel these anxieties by agreeing to accept, as an equal in the family of nations, the precautions necessary to restore man's confidence. If they did this they would find "many eager hands waiting to grasp theirs." The world, however, feared that the Soviet Union would not accept any real solution, and the New Zealand delegation therefore favoured the continuation of efforts on the lines of the proposals which had been approved by the majority of the General Assembly.

At the close of the general debate the Committee had before it five proposals, including—

(a) A *Franco-Canadian* draft resolution which, after urging all nations to join in the co-operative development and use of atomic energy for peaceful ends, requested that the permanent members of the United Nations Atomic Energy Commission should continue their consultations, explore all possible avenues, and examine all concrete suggestions with a view to determining whether they might lead to an agreement securing the basic objectives of the General Assembly in this question, and keep the Atomic Energy Commission

and the General Assembly informed of their progress. This draft resolution recommended that all nations, in the exercise of their rights of sovereignty, should join in mutual agreement to limit the individual exercise of those rights in the control of atomic energy to the extent required, in the light of the considerations set forth in the draft resolution, for the promotion of world security and peace, and further recommended that all nations should agree to exercise such rights jointly.

(b) A *Soviet* draft resolution which, after placing the blame for the failure of the Atomic Energy Commission upon the United States and the United Kingdom, instructed the Atomic Energy Commission to resume its work to give effect to the General Assembly's resolutions of 24 January and 14 December, 1946, and forthwith proceed to the preparation of a draft convention for the prohibition of atomic weapons and a draft convention for the control of atomic energy, it being understood that both conventions should be concluded and put into effect simultaneously.

The Franco-Canadian draft resolution was adopted by the Committee by a vote of 48 (N.Z.) to 5 with 3 abstentions. All parts of the Soviet draft were rejected by substantial majorities, the vote on the operative part being 6 to 43 (N.Z.) with 9 abstentions. Of the other proposals, two were rejected and one withdrawn.

When the report of the *ad hoc* Committee came before the General Assembly the arguments adduced in the Committee were repeated. The Committee's resolution (summarized above) was adopted by 49 (N.Z.) to 5 with 3 abstentions. The Soviet resolution, which had been resubmitted, was again voted on in parts and defeated, New Zealand voting against all sections of the proposal.

7. PROHIBITION OF THE ATOMIC WEAPON AND REDUCTION BY ONE-THIRD OF THE ARMAMENTS AND ARMED FORCES OF THE PERMANENT MEMBERS OF THE SECURITY COUNCIL

This question, which, taking a long-term view, is perhaps second only in importance to the problem of the international control of atomic energy, was again discussed by the *ad hoc* Committee, but with little positive result.*

Under a General Assembly resolution of 19 November, 1948, the Security Council had been asked to pursue the study of the regulation and reduction of conventional armaments and armed forces through the agency of the Commission for Conventional Armaments. The Commission adopted French proposals for checking information received from Governments concerning their armaments and armed forces, but

* For the origin of this agenda item, and discussion at the third session of the Assembly, see External Affairs Publication No. 75 at p. 18.

these proposals, although approved by the majority of the Commission, were vetoed in the Security Council by the Soviet Union. A Soviet proposal did not receive a majority in the Commission because of its failure to provide some method of verification of the information furnished.

At the opening of the general debate in the *ad hoc* Committee, *France* and *Norway* introduced a draft resolution in which the General Assembly would approve the proposals formulated by the Commission for Conventional Armaments for census and verification, and would recommend that the Security Council continue the study of the regulation and reduction of conventional armaments and armed forces through the agency of the Commission in order to make such progress as might be possible.

The *Soviet Union* presented a draft resolution by which the General Assembly would merely recognize it as essential that member States should submit information both on armed forces and conventional armaments and on atomic weapons.

The French-Norwegian draft received the support of the majority of the members of the Committee. The *British* representative referred to the constructive work which had been done by the Conventional Armaments Commission as laying an essential part of those foundations of international confidence upon which the structure of collective security must eventually be built. The Soviet Union had taken a short-sighted and unrealistic view by insisting on the immediate reduction of armaments while denying the need for any precautionary measures. It was not sufficient for States to publish facts and figures about their national armaments; they should also admit observers within their borders and grant them the necessary authority and freedom of movement to verify the accuracy of the data submitted. Furthermore, the types of armaments and armed forces which come within the jurisdiction of the Commission for Conventional Armaments had been explicitly defined in its terms of reference as excluding atomic weapons and other weapons of mass destruction (these being the concern of the Atomic Energy Commission), and this division of competence made abundantly clear the overwhelming urgency with which the United Nations viewed the problem of atomic weapons, which could not and should not be regarded merely as one factor in the general question of the reduction and regulation of ordinary armaments.

The representative of the *United States* agreed with this view, stating that the refusal of the Soviet Union to accept the elementary first step represented by the French census and verification proposals certainly offered little promise of success for the task that lay ahead. The United States, however, hoped that with continued patience Soviet resistance might ultimately be overcome, and he favoured therefore the resolution submitted by France and Norway.

The representative of the *Soviet Union* denounced the Western Powers for rejecting the Soviet proposals on reduction of armaments and prohibition of the atomic weapon. The Anglo-American bloc and the parties to the "North Atlantic aggressive alliance" were bent solely on vetoing any decision on the reduction of armaments and the prohibition of atomic weapons, hoping at the same time to collect information on the armaments and armed forces of other States and, above all, of the Soviet Union, the country against which the "aggressive alliances centred around the United States" were directed. The Soviet representative maintained that the principal objective of the Anglo-American bloc was to obtain full information from other States regarding existing conventional armaments and armed forces, while concealing data on atomic weapons. Surely, however, the atomic weapon had not ceased to be a military weapon? Full information therefore must include a census of atomic weapons, for the two questions could not be divided but must be taken together.

Eventually the Committee rejected the Soviet draft resolution by 6 to 30 with 14 abstentions and adopted the French-Norwegian resolution by 42 (N.Z.) to 5 with 5 abstentions. The Committee decided also that the present title of the item should be retained, but that a new title should be given to the resolution to be transmitted to the General Assembly—namely, "Regulation and Reduction of Conventional Armaments and Armed Forces."

The Assembly adopted this resolution by 44 (N.Z.) to 5 with 5 abstentions, rejecting the Soviet proposal by 6 to 39 (N.Z.) with 9 abstentions.

The operative part of the resolution adopted is as follows :—

“ Regulation and Reduction of Conventional Armaments and Armed Forces ”

“ The General Assembly ”

“ 1. Approves the proposals formulated by the Commission for Conventional Armaments for the submission by member States of full information on their conventional armaments and armed forces and the verification thereof, as constituting the necessary basis for the implementation of the above-mentioned recommendation :

“ 2. Considers that the early submission of this information would constitute an essential step towards a substantial reduction of conventional armaments and armed forces and that, on the other hand, no agreement is likely to be reached on this matter so long as each State lacks exact and authenticated information concerning the conventional armaments and armed forces of other States ;

“ 3. Notes that unanimity among the permanent members of the Security Council, which is essential for the implementation of the above-mentioned proposals, has not yet been achieved :

“ 4. Recommends therefore that the Security Council, despite the lack of unanimity among its permanent members on this essential feature of its work, continue its study of the regulation and reduction of conventional armaments and armed forces through the agency of the Commission for Conventional Armaments in accordance with its plan of work, in order to make such progress as may be possible ;

“ 5. Calls upon all members of the Security Council to co-operate to this end.”

8. THE QUESTION OF INDONESIA

The General Assembly at the second part of its third regular session had adopted a resolution noting the outcome of preliminary negotiations between the Netherlands and the Republic of Indonesia and deciding to defer further consideration of the item to the fourth regular session.

By the time the item came up for consideration by the *ad hoc* Committee the round-table Conference at the Hague between delegations representing the Netherlands, the Republic of Indonesia, and the Federal Consultative Assembly (representing areas in Indonesia other than the Republic) had already reached agreement on most of the questions in dispute. This was due in no small measure to the work of the United Nations Commissions for Indonesia, which also participated in the round-table Conference. It was agreed that complete sovereignty over Indonesia (with the exception of Dutch New Guinea, whose status was to be determined within one year) should be transferred not later than 30 December, 1949, to the Republic of the United States of Indonesia. Provision was also made for the establishment of a Netherlands-Indonesian Union symbolized by the Dutch crown on a basis of “voluntariness and equal status with equal rights” for the purpose of close co-operation in foreign affairs and defence and such co-operation as may be necessary in financial, economic and cultural matters.

In view of this agreement, most members of the *ad hoc* Committee saw little point in discussing the question at any length at this session of the Assembly. A number of delegations accordingly submitted a draft resolution proposing that the General Assembly should welcome the announcement that an agreement had been reached at the round-table Conference held at The Hague, commend the parties concerned and the United Nations Commission for Indonesia, and welcome the forthcoming establishment of the Republic of the United States of Indonesia as an independent sovereign State.

The *Soviet Union* and its supporters bitterly attacked the joint draft resolution. The Ukrainian representative, Mr Manuisky, claimed that, far from peace having been achieved in Indonesia, “Netherlands aggression in Indonesia, supported by the United States and the United Kingdom, was continuing with undiminished violence.” He also claimed

that the United Nations Commission for Indonesia had helped the Netherlands authorities to suppress the resistance of the Indonesian people and had protected United States expansionist plans in Indonesia. He accordingly submitted a draft resolution recommending the withdrawal of Netherlands forces, the release of Indonesian political prisoners, the dissolution of the United Nations Commission for Indonesia, and the establishment of a new United Nations Commission composed of representatives of members of the Security Council to observe the implementation of these points; to investigate the activities of the Netherlands authorities, which have taken the form of "brutal terrorism, murder, and persecution of the democratic leaders of the Indonesian people"; and to submit to the Security Council proposals for settlement on the basis of recognition of the independence and sovereign rights of the Indonesian people.

Mr Manuilsky's allegations were refuted by the *Netherlands* representative, who said the success of the Hague round-table Conference was due largely to the spirit of mutual co-operation manifested by all participants. The acceptance of the joint draft resolution would give expression to the satisfaction of world opinion at the successful outcome of the round-table Conference and at the same time would provide a stimulus for the parties to the agreement to continue on the road of enduring co-operation.

During the general discussion, which occupied only one meeting of the Committee, the Chairman drew the attention of the Committee to the provisions of Article 12, paragraph 1, of the Charter to the effect that "while the Security Council is exercising in respect of any dispute or situation the functions assigned to it in the present Charter, the General Assembly shall not make any recommendation with regard to that dispute or situation unless the Security Council so requests." He stated that before putting each of the draft resolutions to the vote he would ask the Committee to pronounce itself on whether the terms of the resolution constituted a recommendation within the meaning of Article 12. The Committee first decided by 41 votes (N.Z.) to 1 with 6 abstentions that the joint draft resolution did not constitute a recommendation within the meaning of Article 12 of the Charter, and thereupon adopted the joint draft resolution by 43 votes (N.Z.) to 5 with 4 abstentions.

Finally, it was decided by 42 votes (N.Z.) to 5 with 4 abstentions that the draft resolution submitted by the Ukraine did constitute a recommendation within the meaning of Article 12 of the Charter, and this draft resolution was therefore not put to the vote.

In the General Assembly the draft resolution recommended by the *ad hoc* Political Committee was adopted by 44 votes (N.Z.) in favour with 5 against and 2 abstentions. The Assembly also decided by 5 votes in favour with 33 (N.Z.) against and 12 abstentions that it was not competent to vote on the Ukrainian draft resolution.

9. REPORT OF THE SECURITY COUNCIL

In accordance with the usual procedure the Committee, and subsequently the General Assembly, "took note" of the report of the Security Council.

10. PALESTINE

(a) The Question of an International Regime for the Jerusalem Area and the Protection of the Holy Places

At its third regular session the General Assembly established the Palestine Conciliation Commission, with instructions to present to the fourth regular session "detailed proposals for a permanent international regime for the Jerusalem area which will provide for the maximum local autonomy for distinctive groups consistent with the special international status of the Jerusalem area." The Commission was also instructed to deal with the question of the Holy Places in order that access to them should be guaranteed.

After ascertaining the views of the various parties concerned, the Commission advanced proposals in the form of a draft instrument for a permanent international regime for the Jerusalem area. Under this scheme the United Nations was to establish a permanent international regime for the city and surrounding districts, under which the Jerusalem area would be divided into a Jewish zone and an Arab zone (with the present armistice line as the provisional line of demarcation), and the respective competent authorities of the two zones would deal with all matters not reserved to the competence of a proposed United Nations Commissioner. The principal tasks of the Commissioner would be to ensure protection of, and free access to, the Holy Places (which would be under his exclusive control), to supervise the demilitarization of the Jerusalem area, and to provide for the safeguarding of human rights and fundamental freedoms in general and the rights of distinctive groups in particular. The Jerusalem area was to have been permanently demilitarized in accordance with declarations to be made by the responsible authorities of the two zones.

Shortly after submitting its proposed plan the Commission issued a statement denying that it envisaged a complete separation of Jerusalem from the political life and authority of the adjoining States. It emphasized that the inhabitants of Jerusalem would retain their existing citizenship and nationality and pointed out that its plan was based on the present division of the city, that it left to the Governments of the adjoining States (Israel and Jordan) virtually all normal powers of government within the Arab and Jewish parts of Jerusalem respectively, and made it possible for them to retain or alter the present local administration.

In the *ad hoc* Committee, after the Chairman of the Conciliation Commission had outlined the plan, the *United States* representative immediately expressed his support for it, declaring that it was a reasonable compromise in that it represented a fair balance between the international aspects of the matter and the principle of maximum local autonomy. The *Turkish* and *French* representatives (members—with the United States—of the Conciliation Commission) also gave general support to the Commission's plan as a useful basis for discussion.

The *Australian* representative, however, expressed dissatisfaction with the proposals, claiming that the Statute formulated by the Trusteeship Council in 1948 under instructions from the second regular session of the Assembly offered a practical and satisfactory solution for the administration of Jerusalem and the neighbouring area. He believed religious opinion to be unanimously in favour of the internationalization of Jerusalem, which could be supervised effectively only if it were administered by an impartial and representative body—namely, the United Nations.

The *British* representative agreed in general with the United States attitude supporting the Commission's plan as an admirable conciliation of conflicting claims ; he could not agree with the Australian suggestions, which, he stated, represented a step backwards at a time when the Commission had proposed a solution satisfying the needs of the present and the future.

The Arab attitude was expressed most eloquently by Dr Malik of the *Lebanon*, who claimed that too much attention had been given by the Conciliation Commission to purely political factors, whereas spiritual factors of vital importance to Christians, Moslems, and Jews throughout the entire world had not been adequately considered. The real issue was whether Jerusalem was to be nationalized or fully internationalized. Every one who voted for the nationalization and partition of Jerusalem would be voting, knowingly or unknowingly, for the eventual "Israelization" of the whole city.

On the other hand, the *Israeli* representative asserted that the Jews, by their own efforts, had regained not merely their stake in Jerusalem, but the link between it and the State of Israel. The city had now been integrated into the State of Israel by "a series of inevitabilities," and no international regime, however wisely constituted, and even with all the necessary funds and armed forces at its disposal, would ever be able to meet the needs and provide for the growth and development of Jewish Jerusalem as adequately as the Government of Israel was doing. Israel, however, accepted the principle of international concern in the Holy Places expressed through the United Nations, but considered that any international regime should be of a "functional," not a territorial,

character and should, in fact, be concerned with supervision of the Holy Places. The best way to ensure the effective discharge of the function of supervision in the area controlled by Israel was through an agreement to be concluded between the United Nations and the Government of Israel providing for the obligations of that Government and for the prerogatives of the United Nations.

The representative of the other party chiefly concerned—namely, *Jordan*, which had been invited by the Committee to state its views—was even more strongly opposed to any scheme of internationalization, which would, he said, be “detrimental” to the safety, integrity, and interests of his country. No form of internationalization would serve any purpose, since the Holy Places under the control of Jordan were safe and secure without any necessity for a special regime. Jordan stood by its declaration to respect and guarantee freedom of worship and access to the Holy Places without any discrimination and would willingly accept and recognize any guarantees and undertakings to that effect.

The majority of Latin American delegations were strongly in favour of an effective international regime for Jerusalem. Their views were expressed most forcibly by the representative of *Peru*, who stated that the spiritual values involved exceeded in importance the narrower questions of local sovereignty and neighbourly relations. Jerusalem was the religious capital of the world, a symbol of the spiritual unity of mankind. It was impossible to envisage an exclusive sovereignty for Jerusalem. Moreover, from the legal point of view the General Assembly had never renounced its full sovereignty over Jerusalem, which derived from the 1947 resolution, and it had the absolute right to determine the status of the city. Regarded from this point of view, the Conciliation Commission’s instrument was inadequate.

The delegates of the *Soviet Union* and its supporters strongly attacked the United Kingdom and the United States for their “desperate efforts to obtain the revision of the 1947 resolution in order to satisfy their imperialistic aims in the Middle East” and urged the implementation of the provisions of that resolution, insisting that Jerusalem should be constituted as a *corpus separatum* administered by the Trusteeship Council.

At the conclusion of the general debate the Committee had before it a confusing number of draft resolutions and amendments, and it decided to appoint a seventeen-member sub-committee for the purpose of studying all proposals and submitting, if possible, a single draft resolution. The sub-committee eventually adopted by a vote of 9 to 6 with 2 abstentions a modified version of an Australian draft resolution which reaffirmed the principle of the establishment of Jerusalem as a *corpus separatum* and placed the responsibility for implementing this decision upon the Trusteeship Council.

The operative paragraph of the resolution was as follows :

“ The General Assembly

“ Decides to request for this purpose that the Trusteeship Council at its next session, whether special or regular, complete the preparation of the Statute of Jerusalem (T/118/Rev. 2), omitting the now inapplicable provisions, such as articles 32 and 39, and, without prejudice to the fundamental principles of the international regime for Jerusalem set forth in General Assembly resolution 181 (II) introducing therein amendments in the direction of its greater democratization, approve the Statute, and proceed immediately with its implementation. The Trusteeship Council shall not allow any actions taken by any interested Government or Governments to divert it from adopting and implementing the Statute of Jerusalem.”

Because the sub-committee had adopted the Australian revised draft resolution it did not discuss or vote upon the Conciliation Commission's draft instrument or any of the other proposals before it.

The supporters of the proposal thus adopted comprised, in addition to Australia, two Latin American States, three Arab States, Greece, and the Soviet Union and Ukraine, a combination which foreshadowed the unusual coalition of groups drawn together by a curious complex of material, religious, and political interests which eventually was to bring about the adoption of this proposal.

On the resumption of consideration by the full Committee the delegates of the *Netherlands* and *Sweden*, expressing complete dissatisfaction with the result of the sub-committee's work, submitted a compromise draft resolution. This draft proposed to invite the Governments of the States in Palestine to enter into certain pledges regarding the Holy Places, religious buildings, and sites in their territories, and to establish a functional international regime for the Jerusalem area, with a Commissioner to supervise the protection of and free access to the Holy Places. The representatives of the *Netherlands*, in submitting the joint resolution, stated that the final result of the adoption of the Australian resolution would, in fact, be nothing at all; and the United States delegate, agreeing with this view stated that the General Assembly would confront the Trusteeship Council with an impossible task and that the United Nations would be taking a decision knowing in advance that it was not practicable to carry it out.

Nevertheless, in spite of appeals from other representatives who asked the Committee to adopt a realistic attitude, the sub-committee's draft resolution was adopted by the Committee by 35 to 13 with 11 abstentions (N.Z.).

The strength of the coalition mentioned above also prevailed in the Assembly, where the arguments adduced in the Committee were once again advanced. The Arab States which are members of the United Nations (excluding Jordan, the Arab country most directly concerned),

still feeling, no doubt, the humiliation of the decisive military defeat which had been inflicted on them by the Israelis, considered that the adoption of the resolution would result, if it had no other effect, in the words of their leading spokesman, Dr Malik of the Lebanon, in "a moral bolstering of the Arab world and the corresponding moral sense on the part of the Israelis that there are limits to their ambitions." Strong support for the resolution adopted by the Committee also came from most countries with predominantly Roman Catholic populations—namely, most of the Latin Americans and some of the Western European States such as France and Belgium. Finally, the Soviet Union and its adherents supported the resolution, ostensibly as consistent supporters since 1947 of the internationalization of Jerusalem, but doubtless also in the belief that the adoption of the plan would promote instability in Palestine and embarrass the United States and the United Kingdom in their efforts to relieve tension in the Middle East.

On the other side, the United States and the United Kingdom, with the support of a small number of other delegations, sought a compromise solution, and above all a compromise which could be put into effect and would not, because of its impracticability, discredit the United Nations.

The *New Zealand* delegation abstained in the Assembly as it had done in the Committee, on the grounds that the Committee's proposal obviously contained no provision for implementation. In explaining his abstention in the Assembly Sir Carl Berendsen pointed out this defect in the Committee's proposal, adding, however, that the New Zealand Government continued to support the principle of an international regime for the Jerusalem area and considered that the Conciliation Commission's proposals should be taken as a reasonable basis to achieve this object.

After a last-minute attempt had failed to have the question postponed until a special session of the Assembly could consider it in 1950, the Assembly adopted the resolution proposed by the Committee (the operative paragraph of which has already been given) by a vote of 38 to 14 with 7 abstentions (N.Z.). The adoption of the scheme required an addition to the United Nations budget of over \$8,000,000 per year—a sum which, in the opinion of some countries with direct experience in the area, might well be increased four or five fold if any attempt were ever made to put the resolution into effect.

Subsequent announcements by Israel and Jordan seem to confirm the view, widely held, that the resolution is, in fact, impracticable and that the Assembly has once again, as in 1947, made the grave error of ignoring the problem of implementing its decisions concerning

Palestine and that the resolution in the form in which it was adopted is nothing more than a dangerous evasion of the problem with which it was confronted.

(b) *Assistance to Palestine Refugees*

The General Assembly in its resolution of 11 December, 1948,* had laid down certain principles regarding the satisfactory solution of the question of the Palestine refugees. The efforts of the Conciliation Commission to implement these provisions had met with little success, although the Commission had established an Economic Survey Mission which had outlined a plan providing for the employment of large numbers of refugees on public-works projects which would result not only in raising the standard of living of the refugees, but would also benefit the host countries. In the meantime an emergency relief organization, the United Nations Relief for Palestine Refugees established under the Assembly resolution of 19 November, 1948, had carried out its task of providing food and shelter for the refugees, with considerable assistance from the Children's Fund and other international organizations. Governments, private and voluntary agencies, and specialized agencies had all contributed to the programme, but the original hope that the relief organization might conclude its work during 1949 was not realized and the Assembly found that there was a continuing need for such assistance.

The majority of representatives in the *ad hoc* Committee supported the findings of the Economic Survey Mission, agreeing that while direct relief to the refugees must be continued in order to prevent starvation and distress, nevertheless, constructive measures must be taken as soon as possible in an effort to terminate the need for such relief. *France, Turkey, the United Kingdom, and the United States* accordingly submitted a draft resolution providing for the establishment of a "Near East Relief and Works Agency" to supersede the United Nations Relief for Palestine Refugees and to carry out the direct relief and works programmes as recommended by the Economic Survey Mission. All the States directly concerned—namely, Israel and the Arab States—favoured the adoption of the draft resolution, although the Arab States attacked the Israeli attitude towards the repatriation of refugees, and the Israeli representative, on the other hand, stated that a mass return of refugees from hostile States to Israel would raise insurmountable difficulties in the economic field.

The Committee adopted the revised joint draft resolution with some amendments by 48 votes (N.Z.) to none with 6 abstentions, and it was subsequently adopted by the Assembly by 47 (N.Z.) to none with 6 abstentions. The Director of the Agency thus established will be

* See External Affairs Publication No. 75 at p. 51.

advised and assisted by an Advisory Commission consisting of representatives of France, Turkey, the United Kingdom, and the United States, with power to add not more than three additional members from contributing Governments. The Director is to be appointed by the Secretary-General in consultation with the Governments represented on the Advisory Commission. The present United Nations Relief for Palestine Refugees will be continued until 1 April, 1950, or until such date thereafter as may be agreed by the Secretary-General and the Director for the transfer of its assets to the new Relief and Works Agency. The expenditure foreseen under the scheme is \$20,200,000 required for direct relief, which is to be terminated by 31 December, 1950, unless otherwise determined by the Assembly at its next regular session, \$13,500,000 for works programmes during the year 1950, and \$21,200,000 for the same item in the first six months of 1951—an overall total of \$54,900,000

The Secretary-General is authorized to advance funds not exceeding \$5,000,000 from the working capital fund to be repaid not later than 31 December, 1950, from voluntary governmental contributions which members and non-members of the United Nations are urged to make. Authorization is also given to the Secretary-General to negotiate with the International Refugee Organization for an interest-free loan of up to \$2,800,000 and to continue the special fund established under General Assembly Resolution 212 (III). Other international bodies are also asked to furnish assistance within the framework of the programme.

IX. SECOND COMMITTEE: ECONOMIC AND FINANCIAL QUESTIONS

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

Vice-Chairman : Mr G. HAKIM (*Lebanon*)

Rapporteur : Mr V. P. SMOLYAR (*Byelorussia*)

New Zealand Representatives

Mr J. THORN*

Mr H. T. REEDY

Dr W. B. SUTCH

Mr J. H. WEIR

I. ECONOMIC DEVELOPMENT OF UNDER-DEVELOPED COUNTRIES

The Committee was noteworthy for the unanimity with which it reached its decisions on this subject. The preparation given by the Economic and Social Council to the subject-matter of discussion contributed greatly to this result.

* Mr Thorn's ill health unfortunately prevented him from being present at many of the meetings of the Second and Third Committees.

(a) Expanded Programme of Technical Assistance

The idea of providing technical assistance as a practical means of promoting the economic development of under-developed countries has been progressively extended over recent years. In December, 1948, the Assembly set aside \$228,000 for a programme of technical assistance for economic development during 1949; this sum provided for sixty fellowships which would enable technical experts from under-developed countries to broaden their experience by studying overseas, and for a number of field missions which would visit selected under-developed countries and make comprehensive surveys of their economies. Then in January, 1949, President Truman called for a "bold new programme for making the benefits of our scientific advances and industrial progress available for the improvement and growth of under-developed areas." Such a programme, he said, should be developed on a co-operative basis with other countries willing to participate and, whenever practicable, should be organized through the United Nations and its specialized agencies. The eighth session of the Economic and Social Council considered the idea in a preliminary way, the United States delegate at the Council having indicated that, under President Truman's proposal, finance for this expanded programme would be in addition to the normal United Nations budget. The Council requested the Secretary-General, in conjunction with the specialized agencies, to prepare a comprehensive programme for undertaking such activities. The Secretary-General's report was considered in detail at the ninth session of the Council (July-August, 1949) and the Council submitted a draft resolution for the Assembly's consideration: this draft resolution provided for an expanded programme of technical assistance to be financed out of a special account; it requested the Secretary-General to set up a Technical Assistance Board representing, at the Secretariat level, the United Nations and those specialized agencies which co-operated in the programme; it authorized the establishment of a standing Technical Assistance Committee, consisting of all members of the Economic and Social Council, to supervise the work of the Technical Assistance Board; and, finally, it authorized the Secretary-General to call a Technical Assistance Conference, firstly to ascertain the total amount of contributions which might be available from participating Governments during the first year of the programme, secondly to give final consent to the shares of the total contributions to be allotted to the various participating organizations, and thirdly to endorse other financial and organizational arrangements recommended by the Council. (The Technical Assistance Conference would enable those States which are not members of the United Nations, but are members of one or more of these specialized agencies co-operating in the programme, to participate in the expanded programme of technical assistance.)

Opening the general debate on economic development the representative of *New Zealand* (Dr W. B. Sutch) reviewed the history of the concept of technical assistance along the lines set out above, paid tribute to the United States for its initiative in this matter, and, stressing the amount of work and the degree of compromise underlying the recommendations of the Economic and Social Council, expressed the hope that the Assembly would be able to accept these proposals without change. He pointed out that technical assistance was perhaps a misnomer; the project could be better regarded as an international exchange of technical knowledge, with the emphasis on co-operation; it was in such a spirit that the Council had been able to reach agreement on the plans submitted to the Assembly. Finally, he emphasized that the primary purpose of the programme was to raise standards of living: economic development should be pursued with due regard for human development; if operated in this light, the expanded programme should enhance the prestige of the United Nations.

All delegates who participated in the ensuing general debate gave general support to the Council's proposals as being both comprehensive and a workable compromise, and stressed the importance of the programme in developing resources and promoting human welfare in the under-developed countries. Though certain delegates felt that the Economic and Social Council had overlooked some aspects of the programme, such as the priority which various fields of economic activity might be given, it was nevertheless agreed that the Council's proposals provided a sufficient basis for, at least, initial operations under the programme. As regards contributions, the representatives of Argentina, Australia, Belgium, Chile, Denmark, France, India, Liberia, Mexico, the Netherlands, New Zealand, Norway, Pakistan, Peru, Sweden, the United Kingdom, the United States, Uruguay, and Venezuela declared the definite intention of their Governments to contribute at an appropriate time to the special account to be established.

The Committee accepted unanimously an *Australian* amendment to the draft resolution of the Economic and Social Council clarifying the point that specialized agencies participating in the programme were obliged to conform to a series of guiding principles which the Economic and Social Council had agreed should govern the operation of the expanded programme: for instance, technical assistance should be given only in agreements with the Governments concerned and on the basis of requests received from them; technical assistance should not be accompanied by any considerations of a political nature; and recipient Governments should normally assume responsibility for a substantial part of the costs of technical assistance with which they might be provided—certainly for that part which can be paid in their own currencies. The only other amendment, also adopted unanimously, was proposed by the

delegate of *Lebanon* ; its effect was to leave more indefinite the date for calling the Technical Assistance Conference. The Economic and Social Council had expressed the hope that this Conference would be convened "during or immediately following the fourth session of the General Assembly," but the United States Congress had later decided not to pursue the question of United States appropriation for the expanded programme until early in 1950. In view of the fact that the United States would be the largest potential contributor, and since other Governments wished to contribute in proportion to the amount contributed by the United States, it was felt that little could be achieved if the Technical Assistance Conference were called before the American contribution had been made known.

As amended, the resolution submitted by the Economic and Social Council (the salient points of which are summarized in the first paragraph above) was adopted unanimously by both the Committee and the Assembly.

(b) Normal United Nations Programme of Technical Assistance

As noted above, the General Assembly in December, 1948, had set aside \$288,000 for a programme of technical assistance for economic development during 1949. In July, 1949, the Secretary-General reported to the Economic and Social Council on the progress being made with activities under this appropriation and recommended the Council to consider an expansion of these activities in 1950. The Council agreed, and submitted for the Assembly's consideration a draft resolution authorizing the appropriation of \$676,000 for these activities in 1950. This resolution was adopted unanimously both by the Committee and the Assembly. In the course of debate, however, several delegates expressed the view that these activities should ultimately be absorbed into the "expanded programme of technical assistance."

(c) Financing Economic Development

The Economic and Social Council at its eighth session requested the Secretary-General of the United Nations to prepare a report on methods by which the international flow of capital for financing economic development might be stimulated. When this report was discussed during the ninth session of the Council it was generally recognized that the financing of economic development was no less important than technical assistance, but in view of the concentration of the Council's work at this session on problems of technical assistance it had not been possible for the Council to give the same detailed consideration to problems of financing ; in addition, it had been thought that further information on the subject was required and the Council had requested the Secretary-General to prepare studies on particular aspects of the problem.

In the Committee's general debate on economic development many representatives of under-developed countries expressed their view that the problem of financing was a crucial issue in economic development and that, in the absence of adequate capital, improved techniques alone could not substantially increase production in the under-developed areas or raise the standards of living of their people. Other representatives stressed the need for developing favourable conditions for the investment of foreign capital and drew attention to the important part which the expanded programme of technical assistance could play in developing such a favourable climate for foreign investment. The representative of the *United States* emphasized that private investments must constitute the principal source of United States capital for economic development abroad. There was general agreement in the Committee that the financing of economic development should be carried out mainly with domestic resources, although some representatives pointed out that, owing to the low level of productivity of under-developed countries and the consequent inadequacy of the current volume of domestic savings, such a method of financing did not offer much hope for extensive development in the near future. Representatives of the Soviet group cautioned against the use of foreign investments to serve political purposes for the exclusive interests of capital-exporting countries.

There was general agreement with the *New Zealand* view (expressed by Dr Sutch in opening the general debate on economic development) that the Committee should not discuss in detail the question of financing economic development until the studies requested by the Council had been discussed, at least in a preliminary way, by the Council itself; and a resolution to this effect was tabled by the delegate of *Chile*. This resolution was couched in general terms, encouraging the Economic and Social Council, its commissions, and the specialized agencies to continue to give urgent attention to problems of economic development; in particular, the resolution asked the Council to study and make recommendations "for international action concerning the urgent problems of the financing, in all its aspects, of economic development in under-developed countries." A draft resolution along these lines was adopted unanimously by both the Committee and the Assembly.

(d) *Co-ordination of Planning of Economic Development*

The representative of *Uruguay* submitted a draft resolution stressing the importance of co-ordination between countries in planning measures for the promotion of economic development. The representative of *Uruguay* and several other delegates considered that economic development must be carefully co-ordinated if it were not to lead to a dislocation of the world economy, with certain countries obliged to isolate themselves behind customs and other barriers. Other representatives,

however, considered that this draft resolution might be misinterpreted as involving interference in a country's domestic affairs. There was also considerable doubt as to where responsibility for such co-ordination might rest. The Committee's discussion revealed a large measure of sympathy for the idea of co-ordination, but brought out also a clear recognition of the difficulties involved, difficulties which induced the delegate of Uruguay to withdraw his draft resolution.

(e) *The Influence of Commercial Policy on Economic Development*

The representative of *Cuba* submitted a draft resolution calling attention to the influence of international economic and commercial policy on the process of development. This resolution was revised to incorporate drafting changes suggested by other delegations and then amended, on the initiative of the *Polish* delegation, so as to draw the attention of the Economic and Social Council to the opinions expressed in the Committee "on the necessity of protective Customs tariffs as an effective factor in the development of national industries in under-developed countries." In the Assembly, the representative of the *United States* moved the deletion of the original *Polish* amendment since, in the *United States* view, it had singled out and given undue emphasis to one particular aspect of the many-sided discussion in the Committee and had implied neglect of a question which had, in fact, been discussed in full at the Havana Conference on Trade and Employment. This deletion was accepted by 21 (N.Z.) to 20 with 14 abstentions.

As amended, the resolution recommended that in the Economic and Social Council's forthcoming work on economic development, further attention should be paid to such questions of international economic and commercial policy as may influence the process of development of under-developed countries, with a view to making recommendations to the Assembly. The resolution was then adopted unanimously.

2. FULL EMPLOYMENT

In opening the debate on full employment (a question dealt with in Articles 55 and 56 of the Charter) the representative of *Australia* stated that events over recent months had increased the need for effective national and international action to maintain full employment. In the first half of 1949, unemployment had increased in the *United States* and, as a consequence, *United States* imports had decreased nearly 15 per cent.; imports from E.R.P. countries had fallen 30 per cent., thus checking the recovery of these countries. The *United States* economy had proved resilient after the set-back early in 1949 and the present debate was in no way an inquest on that economy; at the same time, it was clear that the *United States*, because of its

tremendous productive capacity, its advanced stage of industrial development, and its major share of world trade, had immense responsibilities to the rest of the world. The United States had repeatedly shown that it was determined to carry out these responsibilities ; for instance, in such measures as Marshall Aid. It was nevertheless obvious that a critical point had been reached in world economic development : the immediate post-war restocking and rebuilding period had passed in many countries and there was need to make adjustments to meet the changing situation ; Governments should be seized with the importance of being prepared to take action to prevent any deterioration in economic conditions before the situation reached a point where the consequences might be irreparable. The representative of Australia accordingly submitted a draft resolution recommending that all Governments consider, as a matter of urgency, the need to take action to promote and maintain full employment, as pledged in the United Nations Charter ; the draft resolution also made provision for reviewing the world economic situation at the next session of the General Assembly.

The representative of the *United States*, expressing support for the draft resolution submitted by Australia, stated that the post-war period had brought two phases of adjustment in the United States economy : firstly, there had been a reorientation to meet peacetime needs ; secondly, there had been an adjustment from the period of satisfying the backlog of demand accumulated during the war to the stage of satisfying more normal peacetime needs. This second phase of adjustment appeared to have reached a low point in July, 1949, but the decline over the months before that date had been moderate and the recovery in more recent months was reassuring. Moreover, levels of United States production and employment, even during the low points of 1949, were far higher than had been thought possible in 1939 in the perspective of pre-war performance ; this could be attributed, in part at least, to new stabilizing elements in the American economy, such as more extensive social security, farm-price supports, minimum-wage legislation, federal insurance of bank deposits, and limitations on the activities of speculators. The Employment Act of 1946 stated the objectives of the United States clearly and established administrative and legislative machinery to watch the economy and develop programmes counteracting unemployment. However, some element of uncertainty was normal in a "dynamic" economy where major economic trends were largely determined by individual decisions.

The representative of *New Zealand* (Mr H. T. Reedy) referred to the explicit pledges in the United Nations Charter and to the emphasis given in the Declaration of Human Rights to the promotion and maintenance of full employment. The right to a job at a reasonable wage was surely fundamental in any concept of human dignity. In New Zealand it was frankly recognized as a duty of the Government

to see that work was available to the people, either in public or private employment : if the Government failed in that direction, the Government provided a minimum income to the unemployed. The basic objective of economic policy in New Zealand was a steadily rising standard of living through full employment. Mr Reedy stressed the need for international co-operation arising from the interdependence of different countries, and endorsed the conclusions reached at the Havana Conference on Trade and Employment that full employment was a necessary condition for an expanding world economy and that, while unemployment must be fought primarily by national measures, the need for co-ordinated international action was also clear. Mr Reedy reviewed the work already undertaken by the United Nations and the specialized agencies in the field of full employment, but stated that the emphasis in all this work had been not so much on full employment as on the offsetting of depression conditions : there was a need to take the positive approach and shift the emphasis from talk of booms and slumps to the abolition of unemployment.

Almost all speakers in the general debate referred to the need for both national and international action to maintain full employment. Many representatives expressed their belief in the urgency and importance of the problem, in view of the tendency towards a growth in the numbers of unemployed and semi-employed in a number of countries, as a result of diminishing production and increasing economic difficulties. Several representatives, including those of Eastern Europe and the United Kingdom, declared that the United Nations had so far failed to work out any effective and concrete proposals to achieve and maintain full employment as envisaged in the Charter. Many delegates stressed the interdependence of full employment and international trade and investment. Many of the representatives of the under-developed countries stressed the existing under-employment of workers in their countries, especially in agricultural production, and pointed to the need for increasing the productivity of workers in these countries as part of the world programme of promoting and maintaining full employment. Some representatives stressed the importance of avoiding such measures as import restrictions, holding that such benefits as might be derived from these restrictions tended to be gained at the expense of other countries. Several representatives expressed their conviction that multilateral trade and convertibility could be established and maintained only if full employment policies were maintained and consumer demand was continually expanded.

Many representatives welcomed the appointment by the Secretary-General, in accordance with the request of the Economic and Social Council, of a small expert group which was preparing, in the light of the current world economic situation, a report on national and international measures required to achieve full employment.

Representatives of Eastern Europe asserted that production in their countries was so organized as to eliminate unemployment. The representative of Czechoslovakia introduced a draft resolution calling on Governments to carry out certain specific measures to maintain full employment: these measures included many that were acceptable to most delegations, but the resolution was couched in such tendentious terms as to cause its rejection by 6 votes in favour, 21 against (N.Z.), with 21 abstentions.

The original draft resolution submitted by Australia underwent four successive revisions to incorporate ideas suggested by various delegations and in its final form called on Governments to consider as a matter of urgency their international responsibilities to promote and maintain full employment through measures appropriate to their political, economic, and social institutions; the resolution also requested the Economic and Social Council to give attention to problems of under-employment, especially in under-developed countries and particularly in such critical fields as agriculture; finally, the resolution included provision for a review of the world economic situation at the next session of the Assembly. This resolution was adopted by 39 votes (N.Z.) to 5 with 3 abstentions. In the Assembly the resolution was adopted by 41 to 5 with 2 abstentions. The Czechoslovakian draft resolution was reintroduced for the Assembly's consideration, but was again rejected by a large majority.

3. CHAPTER IIB OF THE REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

In the concluding stages of the Committee's discussion and on the request of the representative of the *Soviet Union*, seconded by the *United States* and other representatives, the retiring President of the Economic and Social Council (Mr James Thorn, New Zealand) reviewed the activities of the Council. Mr Thorn said he had seen the Council develop into a compact, businesslike organization which, with the passage of time, should prove equal to the task of supplying leadership in promoting economic and social progress. There had been many disagreements in the Council, but these had not always resulted in irreconcilable positions; for instance, the Council's plans for an expanded programme of technical assistance did not embody the initial proposals of any one delegation, but represented a fusion of ideas from all delegations. Economic and social problems were often closely intermingled with political considerations, but there was a wide difference between an approach to these problems based on differing political ideas and an approach based on the hope of achieving a purely propagandist effect. At the ninth session of the Council, delegates on both sides of the argument had co-operated in a sensible degree, and that was one reason why the session had been so successful. Pressure of other work had

prevented the Council from giving adequate attention to ways and means of improving the machinery by which decisions and policy were carried out, but having now behind it the Declaration on Human Rights, and the initial work on the expanded programme of technical assistance, as well as several conventions, the Council should be able to examine more closely the work of the regional and functional commissions and the specialized agencies. The work of the Council might not reach the headlines, but it was nevertheless important, aiming at bettering conditions under which people lived and worked and promoting understanding and human solidarity.

The Committee took the unusual course of unanimously deciding to include Mr Thorn's statement as an annex to the Committee's report.

During the course of the Committee's discussion of Chapter IIB of the report of the Economic and Social Council (covering phases of the Council's economic work not otherwise included in the Committee's agenda), the representatives of *Haiti* suggested that the Council should study the possibility of establishing a Regional Economic Commission for Africa, along the lines of Commissions already set up for Europe, Asia and the Far East, and Latin America. The need for making studies of Africa was also emphasized by the representatives of Chile, India, and Pakistan.

There being no questions at issue in Chapter IIB of the Council's report, the Assembly followed the Committee's recommendation to take note of this Chapter.

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

Chairman : Mr C. STOLK (*Venezuela*)

Vice-Chairman : Mrs U. LINDSTROM (*Sweden*)

Rapporteur : Mr F. VRBA (*Czechoslovakia*)

New Zealand Representatives

Mr J. THORN

Mr H. T. REEDY

Dr W. B. SUTCH

Mr J. H. WEIR

1. FREEDOM OF INFORMATION

An International Conference on Freedom of Information, held in March-April, 1948, drew up three draft Conventions, two of which were amalgamated and adopted by the third session of the General Assembly in May, 1949, as the Convention on the International Transmission of News and the Right of Correction. At that session of the Assembly, however, there was insufficient time to consider the third

draft Convention, the aim of which was to define the principles of freedom of information and to state the conditions in which they would apply.

When the draft Convention on Freedom of Information was taken up again at the present (fourth) session of the Assembly, the delegates of the *Netherlands*, the *United Kingdom*, and the *United States* proposed further postponement. The representative of the *United Kingdom*, as the author of the original draft, explained that the plan for further postponement did not abandon the possibility of having a Convention, but previous discussion in the Assembly had revealed widely divergent views, particularly on the extent to which exceptions to the general principle of freedom of information should be allowed; secondly, on whether or not organs of information should be subject to any governmental control; and, thirdly, on whether the Convention should be a target, an ideal, or merely represent the lowest common denominator. Informal consultation among delegations showed that these widely divergent views still existed and the British delegate did not wish to see compromise introduced to such an extent that the Convention would be so weakened as not to be worthy of the name. It was suggested, instead, that the Commission on Human Rights should work out the basic principles of freedom of information and include them in the draft International Covenant on Human Rights on which it was engaged: agreement on such general principles would provide a firmer foundation on which the Assembly might then proceed to work out a detailed Convention.

The representative of *France* opposed this plan, pressing for the appointment of a sub-committee to consider the draft Convention immediately, but the Committee agreed on postponement and reference to the Commission on Human Rights by 28 (N.Z.) to 13 with 8 abstentions.

2. ACCESS FOR NEWS PERSONNEL

In addition to preparing draft Conventions, the International Conference on Freedom of Information (held in March–April, 1948) adopted a number of resolutions on particular issues. These resolutions were subsequently considered by the Economic and Social Council, which referred one of them to the General Assembly in a form suitable for adoption by the Assembly as a resolution of its own. This draft resolution urged all States members of the United Nations to grant to news personnel accredited to the United Nations or specialized agencies free access, equally and without discrimination, to countries where meetings of these international organizations might take place as well as to all public information sources and services of the United Nations and specialized agencies. This resolution was adopted by 42 votes (N.Z.), none against, with 7 abstentions.

A *Lebanese* proposal that a model agreement should be drafted by the Secretary-General to serve as a basis for agreements concluded in the future with Governments of countries where meetings of the United Nations or the specialized agencies might take place was rejected (17 votes to 19 (N.Z.) with 12 abstentions) on the grounds that the agreement between the United Nations and the United States, governing the conditions under which the headquarters of the United Nations operated in the United States, provided a sufficient basis for agreements concluded in the case of meetings held in other countries.

3. CONVENTION FOR THE SUPPRESSION OF TRAFFIC IN PERSONS

It was agreed at the seventh session of the Economic and Social Council that the existing international instruments dealing with traffic in persons and the exploitation of the prostitution of others should be unified. The Social Commission accordingly prepared a draft Convention which unified and brought up to date four agreements already in force (those of 1904, 1910, 1921, and 1933) and which also incorporated the substance of a draft Convention drawn up in 1937 by the League of Nations.

As Chairman of the Social Commission, the representative of *New Zealand* (Dr Sutch) was often called on to speak in the Committee in explanation of this and other measures which had originated in the Social Commission and had later been passed by the Economic and Social Council.

The Committee's discussion on this draft Convention centred chiefly round three Articles. As drafted, Article 1 stated that the parties to the Convention agreed to punish any person who, to gratify the passions of another, procured, enticed, or led away, for purposes of prostitution, another person, even with the consent of that person; or any person who was exploited, or was an accessory to, the prostitution of another person, provided these offences were committed for purposes of gain. However, these offences would be punishable, regardless of motives of gain, if the person procured, enticed, or led away was less than twenty-one, or was being sent abroad or was subjected to any means of duress.

The representatives of Pakistan moved the deletion of those provisions in Article 1 relating to purposes of gain, since, in his view, the offence lay in the action itself, not in the motives underlying such action. This view was supported by other representatives, including those of Brazil, Argentina, Egypt, and El Salvador, who contended that it was extremely difficult to determine the exact extent of any offence; it was also stated that deletion of the reference to purposes of gain would overcome the need to make distinctions between adults and minors, thus eliminating difficulties in administration. It was also argued, by the representative of Chile, that the motive of gain was implicit in the meaning of the

word "prostitution." The proposal to revise Article 1 in this way was opposed by the representatives of the *United Kingdom* and other delegations, who stated that motives of gain provided a factual element that could be proved in a Court of law; without any reference to motives of gain, the Convention would render liable to punishment many acts which, however reprehensible from a moral viewpoint, could not easily be given statutory definition: countries would be free to enact more stringent legislation if they wished, but the Convention should not be so idealistic as to attract few signatories. The delegate of *Pakistan* replied to this argument by contending that the Convention should take the lead in advocating advanced measures instead of being based on the minimum provisions of existing legislation. The Pakistan amendment was adopted by 22 votes to 15 (N.Z.) with 5 abstentions.

Article 6 called for the abolition of the registration of prostitutes. To this the delegate of *France* submitted an amendment making registration for medical purposes, to combat venereal disease, an exception to the general rule. In speaking against this amendment, the representatives of Belgium, Brazil, Israel, New Zealand, and other countries stated that any system of registration, whether for medical purposes or not, gave official sanction to the market of prostitution; treatment for venereal disease should be available to all within the general health programme, without separating one particular category of persons. When special health certificates were issued, the unfortunate result was that these cards were used as official certificates which gave prostitutes certain advantages in the exercise of their profession; at the same time, from a medical viewpoint, these certificates gave a false sense of security. The French amendment was rejected by 38 (N.Z.) to 3 with 7 abstentions.

Article 24 provided that the Convention would be open for signature or acceptance on behalf of any member of the United Nations, any non-member to which an invitation was addressed by the Economic and Social Council, and any Trust Territory. To this the representative of the *Ukraine* submitted an amendment, the effect of which was to oblige metropolitan Powers to sign or accept the Convention on behalf of their dependent territories automatically when the metropolitan Powers signed or accepted on their own behalf. The representative of the Ukraine also moved the deletion of Article 27, by which States signing the Convention agreed to take steps to extend the application of the Convention to dependent territories. This Article was regarded by the Ukrainian delegate as a loophole whereby dependent territories could be left outside the Convention. The Ukrainian amendments were strongly supported by the delegate of Pakistan on the ground that if metropolitan Powers regarded themselves as responsible for dependent territories to the extent of being able to commit those territories to peace and war, trade agreements, &c., then the metropolitan powers should also assume

responsibility for moral welfare in those territories ; and, on the ground that, in practice, no matter how close a dependent territory might be to self-government, the metropolitan Power invariably retained an overriding power of veto which enabled it to assume such a responsibility. The representative of the *United Kingdom* (supported by the United States and other representatives) stated that a reserve power of veto was very different from the power automatically to commit a colonial Government on a domestic matter ; indeed, the deletion of Article 27 gave a metropolitan Power not a reserve power to be used in the last resort, but an automatic power to be used at the outset. This ran counter to the whole trend of modern colonial policy, which was to use reserve powers sparingly in the interest of developing self-government in dependent territories.

As a compromise, the representative of *India* moved the addition of a further paragraph in Article 27 to the effect that any State signing or accepting the Convention should, within a year and at the end of every succeeding year, notify the Secretary-General of any of its dependent territories where the Convention had not been applied, stating the reasons therefor. The Ukrainian amendment to Article 24 was put to the vote first and accepted by 23 to 22 (N.Z.) with 5 abstentions. Article 24, as amended, was adopted by 28 to 18 (N.Z.) with 3 abstentions. As a result of this vote, the Indian amendment to Article 27 was withdrawn. The Ukrainian proposal to delete Article 27 was then put to the vote and adopted by 25 to 19 (N.Z.) with 4 abstentions.

The Third Committee referred questions of a legal character to the Sixth (Legal) Committee, which recommended a number of drafting changes that were later accepted by the Third Committee. In the Sixth Committee, two separate proposals were made for the insertion of an Article relating to the special position of federal or non-unitary States in adopting the Convention. This "federal clause" corresponded to the "colonial application clause," but neither of the texts suggested was accepted by the Committee.

As finally adopted by the Third Committee, the Convention (the text is given in document A/1164) included provisions for contracting parties to punish any person who kept or managed or knowingly financed a brothel or who knowingly let a building for such purposes ; to punish, to the extent permitted by domestic law, attempts, intentional participation, and acts preparatory to the commission of offences defined in the Convention ; and to take measures for the rehabilitation and social adjustment of prostitutes. Most of the remaining articles in the Convention (over which there was little discussion as to substance) dealt in some detail with administrative arrangements to be undertaken by contracting parties for combating traffic in persons and for punishment of offenders.

In the Assembly the *United Kingdom* delegate introduced amendments, firstly to reinsert the provisions relating to "purposes of gain" in Article 1, a proposal that was rejected by 24 against to 14 (N.Z.) with 9 abstentions; and secondly, to reinsert the "colonial application clause" by amending Article 23 (previously Article 24), a proposal that was defeated by 23 against to 14 (N.Z.) with 4 abstentions, and reinserting an additional article—previously Article 27—a proposal that was defeated by 34 against to 14 (N.Z.) with 3 abstentions. The Assembly then adopted the Convention as a whole by 35 votes, with 2 against and 15 abstentions (N.Z.).

4. DISCRIMINATION AGAINST IMMIGRANT LABOUR

The representative of *Poland* submitted a draft resolution which declared that many States discriminated against immigrant labour ("particularly labour recruited from the ranks of refugees and displaced persons") and that such workers were subject to "particularly intense exploitation at the hands of employers." The Polish delegate and other representatives of the Soviet group contended that the approaching economic crisis in capitalist countries had led to a sharp increase in unemployment in Marshall Plan countries, forcing the unemployed to emigrate and to accept minimum living standards abroad. It was alleged that foreign labour was exploited in the United States, Belgium, Canada, France, the United Kingdom, Australia, and several countries in Latin America; and it was said that discrimination against such workers took place in the field of wages, in housing conditions, in employment upon the hardest, unskilled work, and in the denial of opportunities for promotion and occupational training.

These charges were denied by the representatives of the countries concerned, and counter-charges were made, particularly by the delegate of the *United Kingdom*, that political refugees from Soviet countries had created part of the migration problem of Western Europe; that the whole economy of the arid zones of the Soviet Union was based upon obtaining cheap labour through compulsory immigration; and that the Soviet Government carried out a policy of enforced migration to quell the opposition of small nations it wished to absorb. It was stated that this policy had been followed in the case of the Moslem peoples of the Caucasus and the Crimea and the Baltic States of Estonia, Latvia, and Lithuania. The representative of the United Kingdom pointed out that the problem of migration was very complex and concerned several international organizations; two years ago the Economic and Social Council had invited the specialized agencies concerned to co-operate in examining the question; agreement had been reached on the allocation of functions among the various interested organizations and the main responsibility had been vested in the International Labour Organization; the ILO

had drawn up a Convention and recommendations on the question, and these instruments were very comprehensive, covering every aspect of the question. The United Kingdom representative accordingly introduced a draft resolution which, after minor drafting changes suggested by other delegations, noted that the question of migration had been dealt with by the ILO, and made provision for transmitting the records of the Committee's discussion to that Organization with a request that it expedite the adoption, application, and observance of the Convention on the subject.

The Polish draft resolution was rejected by the Committee in a paragraph-by-paragraph vote. The British resolution was adopted by 37 (N.Z.) to 6 with 4 abstentions, and in the Assembly by 45 to 6 with 2 abstentions.

5. ADVISORY SOCIAL WELFARE SERVICES

At its ninth session the Economic and Social Council recommended that the United Nations programme of advisory social welfare services, originally authorized at the first session of the Assembly in 1946 and continued subsequently on a year-to-year basis, should be placed on a continuing basis, with regular provision for such services in each annual budget of the United Nations. A draft resolution to this effect was submitted by the Council for the Assembly's consideration, together with a recommendation that expenditure on these services in 1950 should be approximately the same as in 1949 (\$675,000).

There was general agreement in the Committee that the existing year-to-year basis entailed certain administrative difficulties, since all activities had to be planned and concluded within a single budgetary year. General support was therefore expressed for the Council's proposal and appreciative references were made to the popularity of the welfare services (with sixty-one countries participating in the programme during the three years of its existence) and to the manner in which these services had been extended without additional cost to the United Nations; for instance, the average cost to the United Nations of fellowships in this programme had decreased by a third over the past two years as a result of increased financial participation by recipient Governments.

The representative of *Belgium* pointed out that when the United Nations had taken over the social welfare advisory services from UNRRA, these services had been regarded as dealing with the transitional and abnormal situation immediately following the war; if the services were to be placed on a continuing basis, they should be much wider in scope, as in fact they had become since taken over by the United Nations in 1946. A *Belgian-Lebanese* amendment requesting the Economic and Social Council to review the terms of reference of the resolution under

which these services had been originally undertaken by the United Nations was accordingly adopted by the Committee by 47 (N.Z.) with none against and 5 abstentions. As amended, the resolution submitted by the Economic and Social Council was adopted unanimously by the Committee and the Assembly. (Document A/1112.)

6. CHAPTER III OF THE REPORT OF THE ECONOMIC AND SOCIAL COUNCIL

On the recommendation of the Committee, the Assembly merely "took note" of Chapter III of the report of the Economic and Social Council, since other items on the Committee's agenda covered all points at issue in the social field.

7. REFUGEES AND STATELESS PERSONS

The Secretary-General submitted a report recording the decision of the General Council of the International Refugee Organization to continue the activities of that Organization until 31 March, 1951, not June, 1950, as previously planned; the General Council of IRO had requested, however, that the fourth session of the General Assembly take decisions in principle as to whether, when IRO ended, the United Nations wished to take over in some measure the work of international protection of refugees. The Secretary-General recommended that IRO should be succeeded by an international protection service headed by a High Commissioner responsible to the United Nations. The Secretary-General proposed that, as part of the task of providing for the legal protection of refugees, the High Commissioner should maintain liaison with Governments, lending his good offices to Governments to facilitate the reparation, emigration, or resettlement of refugees; that he should maintain a continuous survey of the refugee problem; that he should issue identity certificates and related documents to refugees or, instead, determine whether refugees were eligible to receive such documents from national authorities; and that he should act in the interest of individual refugees before national authorities.

The Committee's discussion of this report was opened by the representative of *France*, who tabled a draft resolution embodying certain of the recommendations submitted by the Secretary-General, including the recommendation to appoint a High Commissioner for Refugees, but restricting the functions of the High Commissioner's office to those of a higher direction, liaison, and control service not concerned with individuals to the extent that the Secretary-General had suggested. The representative of the *United States* also submitted a draft resolution in some respect similar but more restricted than that tabled by France. The two delegations accordingly prepared a joint text providing for the establishment of a High Commissioner's office on 1 January, 1951; in the meantime the Secretary-General was to prepare detailed plans for

the operation of such an office and these plans were to be considered at the next session of the Assembly. The joint draft resolution, however, set out alternative clauses on those specific points where the two delegations still differed. These points, the main issues of discussion in the Committee, were the definition of refugees, the question of how the High Commissioner should be appointed, and his authority to allocate funds for purposes of material assistance to refugees.

The representative of the *United States* proposed that the High Commissioner's office should be concerned with refugees under IRO definition of the term and, in addition, such "categories of refugees" as the Assembly might from time to time determine. On the other hand, the representative of *France* proposed that the Economic and Social Council should prepare new definitions of the term "refugees." The French representative stated that the United States proposal would be too restrictive and that the IRO definition had not proved entirely satisfactory even in serving the limited group of refugees that the IRO had set out to help. Although the French alternative was accepted by the Committee, the United States submitted to the Assembly a compromise proposal whereby the High Commissioner's office would be concerned with refugees under the IRO definition and, in addition, "such persons as the General Assembly may from time to time determine." This amendment was supported by the French representative and adopted by the Assembly by 36 (N.Z.) to 6 with 12 abstentions.

The *United States* proposed that the High Commissioner should be appointed by the Secretary-General, but the representative of *France* thought that only by election could the High Commissioner achieve the necessary prestige and authority to carry out his duties. The French representative explained that he had originally preferred election by the Assembly, but, as a compromise, he now proposed election by the Economic and Social Council. However, the representative of *Lebanon* moved an amendment whereby the High Commissioner would be appointed by the Assembly, and this course was approved by the Committee.

With regard to the High Commissioner's authority to allocate funds, the representative of the *United States* emphasized the need to preserve the essentially deliberative character of the United Nations; there was, he claimed, an increasing tendency to drive the organization into the field of international relief and to use its organs as the source and centre of expanding appeals for relief funds; to adopt the French proposal that the High Commissioner be given authority to allocate material assistance to refugees would invite the use of the High Commissioner's office for an endless succession of appeals which would divert the attention of the High Commissioner from his main task of legal protection. In reply, the representative of *France* stressed that

he was not asking the Assembly to provide funds for material assistance ; he simply wished to include provision for the administration of such funds in the hope that they might possibly become available on a voluntary basis. The Committee accepted the French proposal by 17 (N.Z.) to 14 with 16 abstentions. In the Assembly a *United States* amendment stating that the High Commissioner should not make an appeal for funds without the prior approval of the General Assembly was adopted by 37 (N.Z.) to 5 with 11 abstentions. The Assembly also adopted a *Brazilian* amendment stating that only the administrative expenses of the High Commissioner's office were to be borne on the United Nations budget ; all additional activities were to be financed by voluntary contributions.

The joint draft resolution submitted by France and the United States was criticized by the representative of *Brazil*, who questioned whether the Assembly possessed sufficient information on the possible scope and cost of an international legal protection service for refugees to be able to make decisions, even in principle. Moreover, by taking over one aspect of the IRO's activities, the United Nations was, at least morally, committing itself eventually to assume other more difficult and expensive activities ; it would be unthinkable to tell refugees that the Organization would provide them with papers but not with food. This last point was strongly supported by the delegates of India, Pakistan, and Iraq. The representative of *Pakistan* declared that the United Nations was being asked to make provisions for an unknown number of refugees over an unknown period of time and at an unknown cost to the United Nations.

Representatives of the Soviet group criticized the IRO as having been used as a source of cheap labour for capitalist countries. The representative of Byelorussia submitted a draft resolution urging repatriation of refugees and requesting Governments to furnish information on refugees and displaced persons in their territories. The representative of *Yugoslavia* said he would support the Byelorussian proposal in the hope that the Soviet Union would repatriate Russian citizens who, he alleged, had lost the right to hospitality in Yugoslavia because they were carrying out subversive activities. The Byelorussian draft resolution was rejected by the Committee. The same draft resolution was reintroduced for the Assembly's consideration and again rejected.

As amended in the Committee, the joint United States - France resolution was accepted by 24 (N.Z.) to 12 with 10 abstentions. In the Assembly, after the amendments noted above had been accepted, the resolution was adopted by 35 (N.Z.) to 7 with 13 abstentions. (Document A/1199.)

The Committee also adopted a separate *French* draft resolution requesting member and non-member States to give the IRO the widest

possible assistance so that it could complete its task rapidly and fully. In Committee this draft resolution was adopted by 18 (N.Z.) to 8 with 18 abstentions, and in the Assembly by 32 to 6 with 17 abstentions.

8. INTERNATIONAL CHILDREN'S EMERGENCY FUND

The Chairman of the Executive Board of the International Children's Emergency Fund reported that, although the Fund had collected \$141,300,000 during the three years of its existence, these funds had been unequal to the needs of the fifty-three countries among which funds had been distributed. The Executive Board had recognized that the Fund had been established primarily to meet urgent post-war needs, but, considering that these and other urgent needs of children might continue for some time, the Board had requested the Executive Director of the Fund, in co-operation with the Secretary-General of the United Nations, the Social Commission, and the appropriate specialized agencies, to study the continuing needs of children and report to the Economic and Social Council in February, 1950.

A joint draft resolution was submitted by *Australia, France, Israel, Mexico, and New Zealand*. This draft resolution, after commending the work of the Fund and noting with concern that emergency needs arising out of the war still persisted, and that, in addition, the Fund's experience had demonstrated great needs in under-developed countries, drew the attention of member States to the urgent need for further contributions.

The representative of the *United States* also tabled a draft resolution commending the Fund's work and drawing the attention of member States to the need for contributions "to assure procurement of supplies to enable the Fund to carry out its programme for the fiscal year ending 30 June, 1950." The representative of the United States emphasized that the Fund had been established to meet emergency needs arising out of the war; the general needs of children throughout the world were vastly beyond the scope of UNICEF, and the United Nations should take care to assess its strength and its limitations.

A third draft resolution was introduced by the *Uruguayan* representative, who desired to extend the activities of the Fund and have every country include in its annual budget provision for a contribution to the Fund. This resolution was referred to a working party of the Secretary-General which was considering the continuing needs of children.

General concern was expressed in the Committee that the United States draft resolution seemed to imply that the Fund should end in June, 1950, whereas the programmes of the Fund already sanctioned by the Board covered all of 1950, and in some cases extended into later years. There was, in fact, strong support for the continuation of the

Fund, but with its basis somewhat broadened. It was generally agreed also that any changes in the basis of UNICEF should be made no earlier than the Assembly of 1950.

The representative of *Australia* subsequently presented a new draft resolution in favour of which the two original draft resolutions were withdrawn. The Australian draft resolution, along the lines of the joint draft resolution but couched in more general terms, congratulated the Fund on its humanitarian effort, noted with concern the existence of emergency needs arising out of the war and other calamities as well as the great needs which the Fund's experience had demonstrated as existing in under-developed countries, approved the decisions of the Executive Board to devote a greater share of the Fund's resources to the development of programmes outside Europe, and drew attention to the urgent need for further contributions to enable the Fund to carry out its work. This draft resolution was adopted in the Committee by 40 (N.Z.) to none with 3 abstentions, and in the Assembly by 44 to none with 3 abstentions. (Document A/1195.)

XI. JOINT MEETINGS OF SECOND AND THIRD COMMITTEES

Chairman : Mr C. E. STOLK (*Venezuela*)

Rapporteur : Mr D. P. KARMARKAR (*India*)

New Zealand Representatives

Mr J. THORN

Mr H. T. REEDY

Dr W. B. SUTCH

Mr J. H. WEIR

AGENDA

The Committee was allocated three items, covering Chapters I, IV, and VI of the Economic and Social Council's report : (1) Constitutional and organizational questions ; (2) residual economic and social questions ; and (3) non-governmental organizations.

During the Committee's brief discussion of these questions the representative of *China* drew a distinction between the routine activities of the Economic and Social Council and the special substantive activities such as technical assistance, full employment, and financing of economic development. The representative of *China* suggested that if the Council could accordingly divide its work between its two sessions each year it would benefit from the participation, at sessions devoted to important questions of substance, of high-ranking representatives who could not be spared to discuss routine questions.

The representative of *New Zealand* drew attention to the fact that only about half the member States had replied before the due date to the questionnaire which the Secretary-General had sent out seeking

information on the extent to which recommendations of an economic and social nature had been carried out by Governments; this result might reflect the absence of adequate administrative machinery either to put into effect these recommendations or to answer the questionnaire; in either case it was important to consider carefully what form resolutions should be given, in order that they might not remain dead-letters. The representatives of *Brazil* and the *Union of South Africa* stated that the time allowed for replying to the questionnaire on implementation, as well as to other questionnaires, had been inadequate; moreover, while it was the duty of all Governments to give full consideration to all recommendations of the Council and Assembly on economic and social questions, these recommendations could not be considered to be mandatory; the Council had tended to exercise increasingly active supervision over the implementation of its resolutions, whereas it was in fact only an advisory body of eighteen members.

During the course of the Committee's discussion the representative of *Ecuador* expressed appreciation for the assistance given by the United Nations and the specialized agencies after the recent earthquake in his country.

On the Committee's recommendation, the Assembly "took note" of Chapters I, IV, and VI of the Economic and Social Council's report.

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

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

Rapporteur : Dr M. Z. N. WITTEVEEN (*Netherlands*)

New Zealand Representatives

Mr J. THORN

Mr H. T. REEDY

Dr W. B. SUTCH

Mr. C. K. WEBSTER

Mr J. H. WEIR

I. THE GENERAL PROBLEM OF CO-ORDINATION

In the course of a general discussion in this Committee, it was agreed that considerable progress had already been made on the administrative and budgetary aspects of the co-ordination of the activities of the United Nations and the specialized agencies, and that, although much remained to be done to establish effective policy and programme co-ordination of international organizations, some progress had been made in this field over the past year on particular issues such as technical assistance and migration. It was also generally agreed that Governments themselves, as the initiators of programmes in international

organizations, should co-ordinate their own policies (as between various branches of government), refrain from proposing new projects that were unimportant, and ensure that, within each organization, priority was accorded to the most essential projects. Concern was expressed at the constantly growing number of international activities, and it was pointed out that there were already signs that the resulting burdens, financial and otherwise, were becoming too heavy for member States.

Following the general debate on co-ordination, the Committee considered a number of draft resolutions on the following specific points.

2. BUDGETARY CO-ORDINATION

The representative of the *United States* submitted a draft resolution, based on the recommendations of the Advisory Committee on Administrative and Budgetary Questions, which requested the United Nations and the specialized agencies to make the most economical use of their financial resources and to give continuing attention to the possibility of reducing the number of meetings. The draft resolution also drew the attention of member States to the need for their making prompt payment of contributions to assure that the budgets which they had approved were adequately financed; it requested the administrative heads of the United Nations and the specialized agencies to review arrangements for reserve funds, study methods for the maximum use of soft currencies in financing expenditure, and intensify their efforts to achieve a common form of budget; and, finally, it urged the specialized agencies to participate in the United Nations Joint Staff Pensions Scheme and to adhere to the joint system of external audit. This draft resolution was adopted unanimously by both the Committee and the Assembly.

During the general debate on co-ordination, several delegations expressed concern about the arrears of contributions to the specialized agencies, four agencies showing arrears of more than 15 per cent. on 1948 assessments at the end of that financial year. In the case of the World Health Organization, arrears in contributions had led that Organization to express doubts about its ability to repay the balance, due in July, 1950, of a loan received from the United Nations. The representative of *Australia* accordingly tabled a draft resolution which recommended that specialized agencies keep their expenditure each year within the amount of funds reasonably expected in respect of that year and that the programme of expenditure be reviewed periodically during the year and adjusted if need be. This resolution was adopted by the Committee by 31 (N.Z.) to 2 with 15 abstentions, and in the Assembly by 42 to 1 with 5 abstentions.

The representative of *Australia* submitted a further draft resolution, pointing to the discrepancies in the method of determining the contributions of member States to the different specialized agencies and to

the United Nations. Several delegations suggested, however, that different bases for scales of contributions in the various organizations were justified, in that a Government's concern with the subjects discussed by a particular agency should be one criterion in assessing contributions ; moreover, on account of differing membership, scales could not be comparable even if based on the same criteria. In the light of changes suggested by the representative of Belgium, the Australian proposal was revised to read that, in so far as scales of contributions to the specialized agencies are based on principles similar to those on which the United Nations scale is based, the same data should be used ; to this end, the United Nations Committee on Contributions was authorized to act in an advisory capacity to the specialized agencies. This resolution was adopted in the Committee by 34 (N.Z.) to 2 with 15 abstentions, and in the Assembly by 38 to 2 with 7 abstentions.

3. AGREEMENTS BETWEEN THE UNITED NATIONS AND THE SPECIALIZED AGENCIES

The representative of *New Zealand* submitted a draft resolution proposing that no steps should be taken at the present session of the Assembly to revise the agreements with the specialized agencies (since many of these agreements had only recently come into force), but requesting the Economic and Social Council to submit a report on the subject to the next session of the Assembly. This resolution was adopted unanimously by the Committee and the Assembly.

During the discussion of this question, particular mention was made of the choice of sites for the headquarters of the specialized agencies. There were three main points of view on this subject : firstly, that these headquarters sites should be concentrated in Europe ; secondly, that these sites should be geographically dispersed ; and thirdly, that the headquarters of some of the agencies (particularly FAO) should be at the permanent seat of the United Nations, while others should be centralized at Geneva.

4. PROLIFERATION OF ACTIVITIES OF THE UNITED NATIONS AND SPECIALIZED AGENCIES

The representative of *Brazil* submitted a draft resolution concerning the problem of proliferation of activities and the overlapping of programmes of the United Nations and the specialized agencies. In 1947 the combined expenditure of the United Nations and the specialized agencies had been 43 million dollars ; it had reached 179 million in 1948 and 220 in 1949, with 225 estimated for 1950, not counting technical assistance and other special expenses. The volume of documents had increased from 23,000 in 1947 to 33,100 in 1948 and 21,000 in the first half of 1949. It seemed obvious, said the representative of Brazil, that

limits would have to be set to the mounting burdens of financial contributions, representation at meetings, and so on. The Brazilian draft resolution accordingly requested the Secretary-General to prepare studies and make recommendations on the priority of various projects, the expenses involved, and the time to be taken. While agreeing with the objectives of the Brazilian draft resolution, some representatives, particularly the representative of the *United Kingdom*, questioned the need for the detailed studies suggested in the Brazilian draft: these studies, it was said, would themselves create an extra burden of work. It was also pointed out that the major responsibility rested with member States who actually took the decisions in the various organs of the United Nations and the specialized agencies.* The representatives of Brazil and the United Kingdom subsequently presented a compromise proposal in a joint draft resolution which, after urging member States to refrain from initiating new projects other than those urgently required or which could be effectively carried out, and drawing attention to the need for greater concentration of effort and available resources, requested the Economic and Social Council to review activities "in terms of categories of priorities" and to report to the next session of the Assembly. Finally, the resolution requested the Council to pursue its work on the question of simplifying the structure of inter-governmental organizations and reducing the cost of participation. This resolution was adopted unanimously by the Committee and the Assembly.

XIII. FOURTH COMMITTEE: TRUSTEESHIP QUESTIONS

Chairman: Mr H. LANNUNG (*Denmark*)

Vice-Chairman: Prince WAN WAITHAYAKON (*Thailand*)

Rapporteur: Dr E de MARCHENA (*Dominican Republic*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr FOSS SHANAHAN

Mr G. R. LAKING

Mr C. CRAW

The Fourth Committee at this session took much more time to dispose of the items on its agenda than it did at the third regular session in Paris, the debates being extremely protracted.

I. REPORT OF THE TRUSTEESHIP COUNCIL

This report covered the activities of the Council during its fourth and fifth sessions. At these sessions the Council had examined the annual reports for 1947 from the administering authorities of the trust

* For instance, at the end of this session of the Assembly a decision on Palestine was taken which alone would increase the budget of the United Nations by at least \$8,000,000.

territories and had formulated a series of recommendations and conclusions with regard to conditions in these territories. A considerable number of petitions from residents of, or persons interested in, the trust territories were also discussed and appropriate answers despatched to the petitioners where warranted. The Council had also made arrangements for a visiting mission to proceed to the West African trust territories at the end of 1949 and for another to visit the Pacific trust territories in 1950.

The Council also considered two important questions referred to it by the General Assembly at its third regular session. The first concerned administrative unions* affecting trust territories, and on this problem it had been decided that, in order to safeguard the identity and status of these territories, the Council should continue to study the effects of existing or proposed administrative unions. The administering authorities of the territories concerned were also requested to furnish in their annual reports separate records and statistics for each trust territory. The second question dealt with educational advancement in trust territories, and in accordance with the resolution which the General Assembly had adopted at the third regular session the Council requested the administering authorities of certain trust territories to intensify their efforts in the field of education. The resolution of the General Assembly had requested the Council to study the possibility of establishing in 1952 a university for the territories in Africa, but the Council had come to the conclusion that the establishment of one university for the various trust territories in Africa was not at the present time a practicable proposition and preferred that the present facilities existing in the trust territories or in adjacent colonies should be expanded and developed.

Finally, the report of the Council contained its conclusion regarding the report of the United Nations mission which had visited East Africa in 1948.

The Committee discussions of the Council's report and of conditions in the trust territories were this year considerably more critical than at the third regular session. A large number of non-administering Powers, in particular the Eastern European representatives and certain Latin American and Asiatic delegates, strongly attacked not only the administering Powers, but also the Council itself. In the view of these delegations the Council, although it had received a large number of petitions, many of which raised matters deserving most careful consideration, had been dilatory in dealing with these petitions and had not considered them with sufficient sympathy. Furthermore, the Council should have taken more positive action on the report of the

* See report of New Zealand delegation to the first part of the third regular session, Department of External Affairs Publication No. 75, pp. 115 and 116.

visiting mission to East Africa, since a great advantage of the trusteeship system over the mandate system lay in the institution of visiting missions, which were, in the words of the delegate of Egypt, "the eyes and ears of the Council." It was suggested by some members that future visiting missions should include members of nations like India, Pakistan, and the Philippines, which had had experience of being administered as colonies. But while some of the Latin American and Asiatic delegations were critical of the Council for not having been clear and bold in its decisions, they nevertheless endorsed the constructive recommendations made in its report, and although they drew attention to shortcomings in the various trust territories, they were in most cases prepared to admit the difficulties which lay in the way of the administering authorities, from whom they asked co-operation in carrying out the work of the Council. The representatives of the Soviet bloc, however, claimed that the Council's report provided irrefutable proof of the failure of the administering Powers to promote the advancement of the peoples entrusted to their care. They complained that these Powers had taken advantage of the "undemocratic rules of procedure" which they had imposed on the Council to secure rejection of various proposals aimed at improving the lot of peoples in the trust territories. In their view the Assembly should take action to ensure the compliance of the administering Powers with the requirements of the Charter.

Representatives of most of the administering Powers defended their policies and achievements in the trust territories. The *United Kingdom* representative, for instance, advanced numerous facts to show the positive improvements which his Government had brought about in the territories under United Kingdom administration. The administering Powers themselves, continued the United Kingdom delegate, would not be fully satisfied until their task was complete. Enlightened critics recognized that they had secured a large measure of freedom from want and fear for peoples of the trust territories.

Little attention was devoted in the Fourth Committee to the territory of Western Samoa under New Zealand administration, since the discussion was focused almost entirely on the trust territories in Africa. Nevertheless, several representatives of non-administering Powers paid a tribute to the work which had been carried out in Western Samoa by the New Zealand Government. The representative of *Cuba*, for instance, congratulated New Zealand for its initiative in granting the Samoan people a greater measure of participation in the political life of the Territory. The only criticism of conditions in Western Samoa came from the Eastern European States as part of their general policy of refusing to admit that the administering authorities were in any way improving conditions in any trust territory. The *New Zealand* representative confined himself to refuting some of the misstatements which had been made by the delegates of the Soviet Union and its supporters,

pointing out in particular that the recent constitutional changes effected in Western Samoa were fully in line with the recommendations contained in the report of the Trusteeship Council's mission which had visited the territory in 1947.

At the end of the general debate the Committee had before it several draft resolutions aimed at speeding up the progress of the trust territories in all fields. Proposals dealing with political advancement in general, with the report of the Trusteeship Council and the activities of the Council with respect to petitions and visiting missions, economic advancement, and social and educational advancement were all discussed in detail in the Committee. In addition, the representative of the Philippines submitted a proposal dealing with the use of the flag of the United Nations in trust territories. The Committee appointed a sub-committee for the purpose of correlating the various draft resolutions, with the exception of that dealing with the use of the United Nations flag. This sub-committee eventually adopted two draft resolutions, one dealing with political advancement and the second with petitions and visiting missions.

Political Advancement

The sub-committee's draft resolution dealing with political advancement proposed that the General Assembly should take note of the decisions of the Council and express full support of its recommendations to the administering authorities for the adoption by the latter of measures which would hasten the advancement of the trust territories towards self-government or independence; that it should express the view that the seat of administration in respect of all trust territories should be located inside the territories; that it should recommend that the Council should include in its report to the General Assembly a special section on the implementation by the administering authorities of the Council's recommendations concerning measures for the participation of the indigenous inhabitants in the organs of government in trust territories and should call upon the administering authorities to furnish the Council, within one year, with general plans and an outline of the ways and means by which they intended to comply with the provisions of the Charter relating to the progressive development of trust territories towards self-determination, self-government, or independence.

Representatives of the administering Powers expressed strong opposition to certain sections of this proposal, pointing out that the Charter did not oblige them to consult with the Trusteeship Council on their plans for the development of trust territories, such an idea being contrary to the correct view of relations between the Council and the administering authorities, with the latter having under the trusteeship agreements primary responsibility for the administration of the territories. It was pointed out that it would be unwise and impracticable

at this stage to request the administering authorities to supply their general plans. It was pointed out by the representative of the *United States*, for instance, that circumstances varied from territory to territory and from year to year and progress must be a gradual and unfolding process which could not be placed in the same category as an architect's plan for a building. Furthermore, such plans if submitted would be of so general a character as to be of little real use, and the interests of the trust territories might be better served by avoiding a request that the administering authorities should commit themselves in advance to a given course of action. The *New Zealand* representative agreed with this point of view, pointing out that the adoption of the resolution would be based on the assumption that had been contained in an original Czechoslovakian resolution—namely, that the development of the trust territories was lagging behind. So far as the Territory of Western Samoa was concerned, the New Zealand Government not only intended to comply with the provisions of the Charter and of the trusteeship agreements, but its administration of the Territory was already based on that principle, a fact which, he was glad to see, some members of the Fourth Committee appeared to appreciate. With regard to the paragraph in the draft resolution dealing with the seat of administration of trust territories, it was pointed out that such a proposal came more properly within the scope of the second item on the agenda—namely, that dealing with the question of administrative unions—and that in any case some of the trusteeship agreements contained specific provisions stating that the territories should be administered as an integral part of neighbouring territories.

In spite of these objections, the draft resolution as a whole was adopted by the Fourth Committee by 24 votes to 10 (N.Z.) with 11 abstentions. When the resolution came before the General Assembly, however, the paragraph dealing with the seat of administration received 29 votes in favour with 15 (N.Z.) against and 8 abstentions, while the paragraph calling upon administering authorities to furnish general plans within one year received 29 in favour with 21 (N.Z.) against and 7 abstentions. Neither of the paragraphs therefore received the requisite two-thirds majority, and the draft resolution, with the omission of these points, was eventually adopted by 51 (N.Z.) in favour, none against, and 2 abstentions.

Petitions and Visiting Missions

The sub-committee also proposed a draft resolution recommending that the Trusteeship Council should take measures with a view to facilitating and accelerating the examination and disposal of petitions and direct visiting missions to report fully on the steps taken towards the realization of the objectives set forth in Article 76 (b) of the Charter and, in particular, on the steps taken towards self-government or

independence. This resolution was adopted in Committee by 42 votes (N.Z.) to none with 2 abstentions, and by the General Assembly by 54 votes (N.Z.) with none against and 1 abstention.

Economic Advancement

The delegation of *Cuba* submitted a draft resolution dealing with economic advancement in trust territories which aimed at establishing certain guiding principles in the economic development of trust territories. It stressed the criteria that all economic policies in the territories should be guided primarily by the essential interests of the indigenous inhabitants and the necessity for raising their standards of living. This resolution noted with satisfaction the excellent financial situation in the trust territories of Western Samoa and Nauru and endorsed the recommendations of the Council regarding the need for the formulation of plans laying down a sound economic foundation for these two territories. Finally, the draft recommended to the Council the inclusion in its next report of a special section on the implementation by the administering authorities of its recommendations on the economic advancement of the trust territories. This resolution was adopted by the Committee by 38 votes (N.Z.) to 1 with 7 abstentions. The Assembly adopted the resolution by 49 (N.Z.) in favour with 1 against and 7 abstentions (including the Eastern European States, who objected to the expression of satisfaction at the excellent financial situation in Western Samoa and Nauru).

Social Advancement

Cuba and *China* submitted a joint draft resolution containing various provisions relating to the question of social advancement in trust territories. The resolution endorsed the Trusteeship Council's recommendations that child marriages and corporal punishment should be prohibited, urged the adoption of measures to solve such important social problems as migrant labour, and called for the abolition of all discriminatory professions and practices in trust territories. This draft also contained a paragraph requesting the Council to include in its next report to the Assembly a special section on action towards improving social conditions. This proposal received general approval in the Committee, which adopted it by 39 votes (N.Z.) in favour with 2 against and 4 abstentions, while in the Assembly the vote was 52 (N.Z.) in favour, 1 against, and 4 abstentions.

Educational Advancement

A *Brazilian-Cuban* proposal dealing with educational advancement in trust territories was also adopted by the Committee with slight amendments by 39 votes (N.Z.) to 5 with no abstentions. The resolution draws

attention to the necessity of studying the possibility of including instruction on the United Nations in the curricula in the schools of the trust territories, expresses the hope that special prominence will be given to improving and increasing educational facilities as an essential contribution to progress towards self-government or independence, declares formally that discrimination on racial grounds as regards educational facilities available to the different communities in the trust territories is not in accordance with the principles of the Charter, the trusteeship agreements, or the Universal Declaration of Human Rights, congratulates administering authorities in Africa for their measures directed towards the improvement of institutions of higher education and calls upon them to intensify such measures, and, finally, recommends the inclusion in the Council's report of a special section similar to that mentioned in the resolutions noted above. The resolution was adopted by the General Assembly by 50 votes (N.Z.) in favour with none against and 5 abstentions.

Use of the Flag of the United Nations in Trust Territories

A draft resolution was jointly submitted by the *Philippines, China, Costa Rica, Egypt, Liberia, and Mexico* proposing that the United Nations flag should be flown in all trust territories. This proposal was based on a resolution adopted by the World Federation of United Nations Associations at a recent meeting in Rome, and the sponsors of the resolution felt that if it were adopted it would, in effect, be a recognition of the role played by the United Nations in the functioning of the trusteeship system. Some of the representatives of the administering authorities expressed emphatic opposition, stating that, in view of the constitutional and practical difficulties to which the proposal gave rise, it was essential that it should receive very careful consideration and the proper body to give it this consideration was the Trusteeship Council. The *United Kingdom* representative therefore proposed that the Council itself should be asked to study the possibility of inviting the administering authorities concerned to fly the United Nations flag, where appropriate, in all trust territories. It was pointed out that while it was important to instruct the inhabitants of trust territories regarding the United Nations and the special status of these territories, there were other and more appropriate and efficacious means of conveying that instruction. There was only one administering authority in a trust territory and this administering authority alone was the responsible authority with full powers of administration, legislation, and jurisdiction, and there should therefore be only one official flag. The New Zealand representative, Sir Carl Berendsen, stated that he would not enter into a discussion concerning the merits or demerits of the resolution, although he felt that its consideration might more properly have been entrusted to the Trusteeship Council rather than to the General Assembly. He did, however, wish to

enter a reservation. New Zealand had, in agreement with the Trusteeship Council, promoted the political advancement of the people of Samoa, and one of the results of this development was that the territory had hoisted its own flag alongside the New Zealand flag. The Samoan flag was a constant reminder to the Samoan people that the territory was theirs, and every Samoan knew that the territory was only temporarily under the administration of New Zealand acting under the authority of the United Nations. He doubted whether the Samoan people would, in fact, desire that a third flag should be flown in the Territory, and the New Zealand delegation could not support the resolution, at any rate until after the Samoans had been consulted. The natural tendency should be to reduce the number of flags in the trust territories, not to increase it, and New Zealand was looking forward to the day when it would be able to lower its flag and the only flag to fly in Samoa would be the flag of the Samoan people themselves.

In spite of these objections, however, the Committee rejected by 26 votes to 7 (N.Z.) with 7 abstentions the United Kingdom amendment, which would have requested the Trusteeship Council to study the question. The draft resolution was thereupon adopted by 35 votes to 5 with 4 abstentions (N.Z.). The resolution, which was eventually adopted also by the General Assembly by 48 votes in favour with 5 against and 4 abstentions (N.Z.), "requests the Trusteeship Council to recommend to the administering authorities concerned that the flag of the United Nations be flown over all trust territories side by side with the flag of the administering authority concerned and with the territorial flag if there is one."

2. ADMINISTRATIVE UNIONS AFFECTING TRUST TERRITORIES

The question of administrative unions between trust territories and neighbouring colonial territories is one of the most important with which the Trusteeship Council and the General Assembly are faced in performing their functions under the trusteeship system. Under the mandates system the territories of Togoland and the Cameroons under British administration were administered as integral parts of the neighbouring parts of the Gold Coast and Nigeria. A similar arrangement prevailed between Ruanda Urundi and the Belgian Congo. Since the establishment of the trusteeship system the United Kingdom Government has formed an inter-territorial organization in East Africa providing for closer association between the trust territory of Tanganyika and the neighbouring colonies of Kenya and Uganda, and the Australian Government has put into effect an administrative union of the trust territory of New Guinea with the adjacent territory of Papua. Both in the Council and in the General Assembly considerable concern has

been expressed lest, as a result of these actions, the status of these trust territories as such would be extinguished, and action has on various occasions been proposed to safeguard the separate identity of the trust territories.

On 18 November, 1948, the General Assembly adopted Resolution 224 (III), which requested the Trusteeship Council to investigate the problem and in the light of this investigation to recommend such safeguards as the Council might deem necessary to preserve the distinct political status of the trust territories and to enable the Council effectively to exercise supervisory functions over such territories. In accordance with the provisions of this resolution the Trusteeship Council conducted a detailed study, paying particular attention to the East African inter-territorial organization, and it decided that the best method of ensuring that the identity and status of the trust territories concerned should not be extinguished would be for the Council to continue to study during its regular examination of conditions in trust territories the effects of existing or proposed administrative unions on the political, economic, educational, and social advancement of the inhabitants, on the status of the trust territories, and on their separate development as distinct entities. The administering authorities concerned were requested by the Council to make the fullest possible effort to furnish in their annual reports separate records, statistics, and other information on each trust territory in order to safeguard the effective exercise of the Council's supervisory functions.

When the Committee began consideration of this question it had before it two draft resolutions. Under an *Iraqi* proposal the Assembly would have requested the Trusteeship Council to continue its study of the question while recommending that nothing should be undertaken to prejudice the individuality of the trust territories and that administrative unions should remain administrative in character and should in no way go beyond the stipulations of the trusteeship agreements. Many members of the Fourth Committee, however, were by no means satisfied with this solution, and *Cuba* and *Guatemala* proposed a much more far-reaching draft under which the Council would be asked to complete its investigation in the light of certain principles and criteria. These principles were: (1) That the administering authorities concerned should consult with the Council prior to establishing new administrative unions or expanding existing ones; (2) should it prove impossible as a consequence of an administrative union for the administering authority concerned to furnish separate data on a trust territory, the administering authority should accept such supervision over the unified administration as the Council might consider necessary; and (3) that the administering authorities should establish separate legislative, judicial, and budgetary systems for the territories.

In the lengthy debate on the subject the representatives of the administering Powers concerned stated that they were not obliged under the Charter or the trusteeship agreements to consult the Trusteeship Council before establishing administrative unions and that the administration of trust territories as integral parts of adjoining colonial territories had not retarded their political development, but would, in fact, accelerate the political advancement of the peoples under trusteeship by permitting them to gain self-government sooner than they could if administered in isolation. The *United Kingdom* representative pointed out that it had never been the intention of the United Kingdom to administer the Cameroons and Togoland as distinct political entities, but that this should not be interpreted as prejudicing their status as trust territories. The trusteeship agreements specifically enjoined the administering authority to administer these territories as integral parts of adjacent British colonies as a matter of administrative convenience and in the interests of the peoples of the territories themselves. So far as the inter-territorial organization in East Africa was concerned, it was obviously natural and certainly more economic to organize common services for the three territories under United Kingdom administration in that area. The principle of establishing common services was expressly authorized within the framework of the trusteeship agreements and would promote the development of the inhabitants of Tanganyika in accordance with Article 76 of the Charter. Other representatives supported these views, appealing to the representatives of non-administrative Powers to adopt a more realistic attitude and take into consideration all the facts of the problem, particularly the actual circumstances of the territories.

The representative of the *Soviet Union*, however, accused the administering Powers of pursuing a policy designed to strengthen the colonial system and to deprive the trust territories of their separate status by annexing them. Other representatives of the Soviet bloc deplored what they asserted to be the growing tendency on the part of the administering Powers towards incorporation of the trust territories into their colonial systems, in violation of the Charter and the trusteeship agreements. Such a situation, they said, was intolerable, since the trusteeship system would virtually cease to exist. Representatives of other non-administering Powers also were critical of the actions of the authorities concerned in establishing administrative unions, the representative of the *Philippines*, for instance, claiming that the East African inter-territorial organization had forged such strong and permanent political and economic ties between Tanganyika and the neighbouring British colonies that the time would come when it would be difficult and economically disastrous for the trust territory to separate itself as a political entity. The New Zealand representative pointed out that there seemed to be general agreement that administrative unions could bring great

advantages to the trust territories concerned and that the General Assembly had been aware of this fact, since it had adopted trusteeship agreements which authorized the establishment of Customs, fiscal, and administrative unions, and, in particular cases, the administration of trust territories as integral parts of neighbouring territories. The Committee's task, therefore, was to determine whether the existing arrangements were compatible with the provisions of the trusteeship agreements and thus likely to promote the achievement of the fundamental objectives of the trusteeship system. If the Committee wished to reach rational conclusions it should not attempt to apply the same criteria to all trust territories, but should study the question of administrative unions involving each territory, taking into account the local conditions and the specific provisions of the respective trusteeship agreements. It was the Trusteeship Council, however, which was the proper body to ensure that the unions into which trust territories entered were not incompatible with the essential objectives of the trusteeship system and were, in fact, working in the best interests of the inhabitants. This was the real test. The problem was a continuing one upon which no immediate and final conclusions could be reached. The Trusteeship Council had already recommended certain safeguards, and it would be advisable for the Committee to express its confidence in the Council by requesting it to continue that course, examining each case separately on its own merits. In carrying out this task the work of the Council should not be hampered by a lack of complete and detailed information on each territory, and it was for this reason that the New Zealand delegation had noted with satisfaction that the administering authorities concerned had given assurances that they would endeavour to supply separate statistics, records, and other information in every case.

A sub-committee which was established to deal with the two resolutions reported back to the full Committee with a unified text which, after the approval of draft amendments, was adopted by 38 votes in favour, 9 (N.Z.) against, and 1 abstention. Certain amendments, which would have the effect of leaving to the Trusteeship Council the initiative in reaching conclusions and deleting the paragraph concerning supervision over the unified administration, which were supported by New Zealand in the Committee, were rejected. The resolution recommends that the Trusteeship Council should complete its investigation, paying particular attention to the principles and criteria laid down in the *Cuban-Guatemalan* draft resolution mentioned above, and present a special report to the next regular session of the General Assembly.

This resolution was adopted by the General Assembly by 44 votes to 9 (N.Z.) with 1 abstention after the administering Powers particularly concerned had stated that the resolution was entirely unacceptable to them.

3. INFORMATION FROM NON-SELF-GOVERNING TERRITORIES

By resolution 219 (III), adopted on 3 November, 1948, during the first part of the third regular session, the General Assembly had set up a Special Committee to examine the summaries and analyses of information transmitted under Article 73 (e) of the Charter and to submit a report thereon for the consideration of the General Assembly with such procedural recommendations as the Special Committee might deem fit and such substantive recommendations as it might deem desirable; these recommendations were to relate to functional fields generally, not to individual territories. This Committee, which had first been established in 1947, consisted of eight administering Powers and an equal number of non-administering Powers, New Zealand being a member by virtue of the fact that it transmits information on the Cook Islands and the Tokelau Islands.

The Committee's report to the General Assembly in 1948 was confined to questions of a procedural character regarding the transmission and use of information, but this year the Special Committee, which completed its two weeks' session at Lake Success on 12 September, went into more substantive questions. It adopted six draft resolutions for the consideration of the General Assembly as follows:

1. A draft resolution on the voluntary transmission of information under Part I of the standard form (as provided for in Resolution 142 (II)). This resolution refers to political information which, under the provisions of Article 73 (e), the administering authorities are under no obligation to transmit, and the draft resolution expressed the hope that such of the members as had not done so might voluntarily include such information in their reports to the Secretary-General.

2. Under a draft resolution on equal treatment in matters relating to education, the General Assembly was asked to invite the administering members to take steps where necessary to establish equal treatment in matters related to education between all the inhabitants of the non-self-governing territories under their administration, whether indigenous or not.

3. A draft resolution on the language of instruction, while noting the appreciable steps already taken by the administering Powers to preserve and develop the languages of the indigenous peoples of the non-self-governing territories, invited UNESCO to undertake a study of the whole question, including the extent to which such languages could be used as a vehicle of instruction in schools and taking account in such a study of the experience of other States in this matter, and expressed the hope that the administering members would collaborate with UNESCO in the conduct of such study.

4. A draft resolution on the eradication of illiteracy contained an invitation to UNESCO to communicate to administering members full information on measures for suppressing illiteracy in non-self-governing territories and to report annually on these measures and on requests for its services made by the members concerned.

5. A draft resolution on international collaboration in regard to economic, social, and educational conditions in non-self-governing territories requested administering members to co-operate with the specialized agencies in examining the possibility of providing adequate training facilities for students in the territories in economic development, agriculture, education, labour, public health, and social welfare.

6. A draft resolution which would have established, for a three-year period and without prejudice as to the future, a special Committee similar to the 1949 Committee and with the same terms of reference as previously.

The general debate on the report of the above-mentioned resolutions was of the same type as that on the report of the Trusteeship Council—namely, criticism, hostile when emanating from the Soviet bloc, and little more constructive from the remainder of the non-administering members, followed by a defence of their policies on the part of the main administering Powers concerned. Many of the latter, while reaffirming their intention of carrying out their obligations under Article 73 of the Charter, nevertheless opposed attempts by the Fourth Committee to widen the scope of that Article. At the end of the general debate the resolutions by the Special Committee were discussed and voted upon with the following results :—

Resolution 1, slightly amended, was adopted by 25 votes to 8 with 7 abstentions (N.Z.). The New Zealand delegation, which had abstained also in the Special Committee, did so on the grounds that, while New Zealand had no objection to the voluntary transmission of political information (and, in fact, has transmitted such information in respect of the two territories under its jurisdiction), it saw no point in attempting by Assembly resolution to force States to volunteer information, especially since the Assembly in 1947 had extended a similar invitation which had not been accepted by certain of the administering members. The Assembly also adopted this resolution by 33 votes to 9 with 11 abstentions (N.Z.).

Resolution 2, amended to provide for the provisions of full data on cases where, for exceptional reasons, educational facilities of a separate character are provided for different communities, was adopted by the Committee by a vote of 42 (N.Z.) to 1 with 4 abstentions. The Assembly adopted this resolution by 44 votes (N.Z.) to 1 with 7 abstentions.

Resolution 3 (renumbered 4), also slightly amended, was adopted in Committee by 41 votes (N.Z.) in favour with none against and 8 abstentions, and in the Assembly by 42 (N.Z.) to none with 10 abstentions.

Resolution 4 (renumbered 3) was amended in such a way that the Assembly would invite the administering members (a) to promote the use of the indigenous languages in the territories under their administration, (b) to make these languages where and whenever possible the languages of instruction in elementary, primary, secondary schools without prejudice to the use of any other languages, and (c) to include in their reports to the Secretary-General information on the scope and results of such steps ; it was then adopted by the Committee by a vote of 28 to 3 with 15 abstentions (N.Z.), and by the Assembly by 34 votes in favour with 4 against and 13 abstentions (N.Z.).

Resolutions 5, with minor amendments, was adopted by the Committee by 38 votes (N.Z.) to 1 with 9 abstentions, and by the Assembly by 39 votes (N.Z.) to 2 with 8 abstentions.

Resolution 6, regarding the establishment of a special Committee for a three-year period, was discussed at some length in the Committee, most of the administering powers stating that they could not agree that the Committee had, in fact, done useful work (outside the scope of procedure), that they could see no reason for the establishment of a similar Committee in the future, but that, in a willingness to compromise, they would support the establishment of the Committee for a further period of one year. On the other hand, the majority of representatives of non-administering powers supported the establishment of a Special Committee on a permanent basis and denied the validity of the argument that since no provision had been made by the founders of the Charter for such a Special Committee there was no reason for its establishment. Eventually, while a *French* proposal that a Special Committee be set up for only one year was rejected by 8 votes (N.Z.) in favour with 36 against and 4 abstentions, a *Czechoslovak* proposal for permanency was also rejected by 13 votes in favour with 23 (N.Z.) against and 12 abstentions, and the Committee was thus left with the Special Committee's proposal for a three-year period which was adopted by 41 votes in favour with 4 against and 2 abstentions (N.Z.). In the Assembly the resolution thus recommended by the Fourth Committee was adopted by 44 votes to 5 with 4 abstentions (N.Z.)

In addition to the resolutions which had been proposed by the Special Committee, four other resolutions were put forward in the Committee. The *United States* and *Mexico* presented a joint proposal inviting the Special Committee at its 1950 meeting to give special attention to the problems of education in the territories, and particularly to training

in the economic and social fields with the collaboration of the specialized agencies. This was accepted by a vote of 31 (N.Z.) to 3 with 13 abstentions.

A more important resolution was submitted by *Egypt*. This dealt with the question of territories to which Chapter XI of the Charter applies. Many members of the Committee had pointed out that some of the administering authorities had, for various reasons, discontinued the transmission of information on certain of their territories. It was pointed out, for instance, that the United Kingdom had ceased to transmit information on Malta, and it was claimed by many representatives of non-administering Powers that it was for the General Assembly, not the administering member concerned, to decide when a territory was no longer to be regarded as a non-self-governing territory. The United Nations, in their opinion, could not be divested of its responsibilities for any non-self-governing territory merely because the metropolitan Power had ceased to transmit information regarding that territory. Cessation of the transmission of information could be permitted only if the territory concerned had attained self-government, and it was for the General Assembly and not the metropolitan Power to decide when this had taken place.

The representatives of the administering Powers concerned, however, stated that since they themselves had voluntarily decided to transmit information on certain territories they alone were competent to judge the question of the constitutional relationship between them and the territories under their jurisdiction and thus to decide in respect of which territories information should or should not be transmitted. The representative of *France* pointed out that there were obviously many more non-self-governing territories in the world than had originally been reported on in accordance with the provisions of Article 73 (e) of the Charter. Those Governments which had transmitted information had carried out the obligations of Chapter XI of the Charter in good faith, but they should not be penalized for so doing, especially since it was quite clear that other Governments had ignored these provisions of the Charter. The *British* representative also pointed out that the transmission of information under Article 73 (e) was "subject to such limitations as security and constitutional considerations may require," and the United Kingdom had availed itself of this provision in the case of Malta, the Government of which was fully in control of those matters specified in Article 73 (e)—namely, questions in the economic, social, and educational fields. Nevertheless, a majority of the Committee agreed with the draft resolution submitted by *Egypt*, under which the General Assembly declared that it has a responsibility to express its opinion on the principles which have guided, or which may in future guide, the members concerned in enumerating the territories for which

the obligation exists to transmit information, and invited the Special Committee to examine the factors which should be taken into account in deciding whether any territory is or is not a territory whose peoples have not yet attained a full measure of self-government. This resolution was adopted by the Committee by 30 votes in favour with 10 (N.Z.) against and 7 abstentions, and later by the Assembly by 30 votes to 12 (N.Z.) with 10 abstentions.

Another proposal, submitted by *Cuba, Ecuador, and Guatemala*, invited the Secretary-General to publish periodical data on aspects of the progress achieved in non-self-governing territories. Some members pointed out that the publication of data dealing only with the non-self-governing territories could serve little purpose and might, in fact, be extremely misleading. They suggested, therefore, that in publishing this information the progress achieved in the non-self-governing territories should be compared as appropriate with that achieved in other countries as assessed from the relevant and comparable official information communicated to the United Nations or to the specialized agencies. The representative of *Canada* introduced an amendment to this effect, but it was defeated by a vote of 13 (N.Z.) with 24 against and 8 abstentions, and the joint resolution in its original form was adopted by the Committee by 28 in favour with 3 against and 14 abstentions (N.Z.) and subsequently by the Assembly by 31 votes to 4 with 16 abstentions (N.Z.).

Finally, an *Australian* draft resolution requesting the Secretary-General to keep the Special Committee informed of the nature of the technical assistance which is accorded from time to time to non-self-governing territories by specialized international bodies was adopted by the Committee by 40 votes (N.Z.) in favour with none against and 4 abstentions and by the Assembly by 46 votes (N.Z.) to 1 with 5 abstentions.

The Assembly had thus adopted ten resolutions on the question of non-self-governing territories, an indication of the extreme importance which (for varying reasons) is attached by the majority of members to the problems of the colonial areas. These resolutions constitute the framework within which the Special Committee, now established for a three-year period, will carry out its task.

Following upon the adoption by the Assembly of the resolution regarding the establishment of the Special Committee, and in accordance with the terms of that resolution, the Fourth Committee met to elect the non-administering members of the new Committee. The representative of the *Netherlands* had pointed out that possibly, during the three-year period for which the Special Committee had been established, one or more of the administering Powers might cease to transmit information in respect of all its territories and that provision should therefore be

made to rectify the unequal balance between administering and non-administering members should such a situation arise. Under the terms of the resolution, therefore, it was decided that four non-administering members should be elected for a term of three years, two for a term of two years, and two for a term of one year, in order to ensure that one or more of the non-administering Powers could retire should it be found necessary. The Fourth Committee elected the following eight members—for a term of three years: Egypt, India, Brazil, USSR; for a term of two years: Mexico and the Philippines; for a term of one year: Venezuela and Sweden.

4. QUESTION OF SOUTH-WEST AFRICA

This vexed question again provoked long and bitter debates in the Fourth Committee. The General Assembly at the first part of its third regular session had adopted a resolution which, while maintaining the view that the territory of South-west Africa should be placed under the trusteeship system, recommended that, until agreement was reached with the United Nations regarding the future of the territory, the Union Government should continue to supply annual information on its administration; the Assembly also requested the Trusteeship Council to examine such information as might be supplied. In a letter of 11 July, 1949, however, the Deputy Permanent Representative of the Union of South Africa informed the Secretary-General of the United Nations that his Government had decided to discontinue supplying information on the administration of the territory. This communication stated that the submission of such information had provided an opportunity to utilize the Trusteeship Council and the Trusteeship Committee "as a forum for unjustified criticism and censure of the Union Government's administration not only in South-west Africa but in the Union as well"; the misunderstandings and accusations to which the United Nations discussions of this subject had given rise were stated to have had repercussions both in the Union and in South-west Africa, with deleterious effects on the maintenance of the harmonious relations which had hitherto existed; furthermore, the very act of submitting a report had perhaps created an impression that the Trusteeship Council was competent to make recommendations on matters of the internal administration of South-west Africa and had fostered other misconceptions regarding the status of the territory; in these circumstances, the Union Government could no longer see that any real benefit was to be derived from submission of special reports to the United Nations and had regretfully come to the conclusion that, in the interests of efficient administration, no further reports should be forwarded. Attached to this letter was a copy of the South-west Africa Affairs Amendment Act of 1949, which introduced certain changes in the form of association between South-west Africa

and the Union, an association which, the South African delegate stated, provided South-west Africa with "a considerably greater measure of self-government than is enjoyed by a province of the Union."

In view of this decision of the South African Government, the Trusteeship Council was able to do no more than adopt a resolution which noted that the Government of the Union had now given effect to its intention to bring about a form of closer association between South-west Africa and the Union and informed the General Assembly that the refusal of the Union Government to submit further reports precluded the Council from exercising further the functions envisaged under the above-mentioned resolution of the General Assembly.

At the opening of the general debate, Mr. Jooste, the *South African* representative, made a statement regarding his Government's decision to discontinue the transmission of information on South-west Africa. He stated that events had unfortunately proved that what the South African Government had undertaken as a voluntary gesture and as an act of faith in the United Nations had been misconstrued by a large number of members, who, despite the express reservations made at the time the undertaking was given and again at the time the information was submitted, seemed to regard that voluntary undertaking as vesting a supervisory jurisdiction over South-west Africa in the United Nations. Furthermore, many members had seized upon the report as an opportunity to condemn the policy of the South African Government in the territory, although it had been the South African Government's express intention to submit a report for information only. The South African representative quoted extensively from the proceedings of the Trusteeship Council in an attempt to show how unwarranted had been the criticism and attacks levelled at the South African Government. The information, however, had been submitted in order that conditions in South-west Africa should be understood, not criticized without being understood, and for that reason the Union Government had been reluctantly obliged to cease transmitting information.

This statement was immediately challenged by the *Philippine* representative and others, who strongly criticized the Union Government on the grounds that South-west Africa had, in fact, been annexed. Such a virtual incorporation of South-west Africa into the Union of South Africa was, in the view of these representatives, a unilateral repudiation of the mandate which had as a result the denial of the right of petition to the indigenous inhabitants of South-west Africa, while the failure of the Union Government to submit annually information on the mandated territory was a violation not only of the mandate, but of Article 73 (e) of the Charter. Strong attacks were also levelled at the policy of "apartheid" which, it was stated, was now applied throughout South-west Africa. The *South African* representative in reply denied that

the territory of South-west Africa had been annexed, nor could he agree that the United Nations had inherited from the League its functions with regard to the former mandated territory; the disbandment of the League of Nations in no way affected the Union Government's authority to govern the territory, since the mandate over South-west Africa had been conferred upon the Union not by the League of Nations, but by the Council of Ten. With regard to the policy of "apartheid," the main reasons for this segregation were, he claimed, first to prevent racial deterioration, to preserve racial integrity, and to give the different racial groups an opportunity to build up and develop their racial life; second, to protect each community against infiltration by the other; third, to prevent the racial animosity which would inevitably arise if the lives of the different races were inextricably mixed; and, fourth, to prevent unemployment and overcrowding of urban areas with all their attendant evils. The policy of segregation was not a measure directed against any particular group, but was, in fact, the only way to ensure the parallel development of different groups, and is quite obviously served to stimulate advancement.

Two distinct tendencies soon became apparent in the debate. On the one hand, a number of delegations suggested that the time had come when the question of South-west Africa should be submitted to the International Court of Justice in order that the legal problem to which it gave rise should be settled; after that a final political decision might be taken. On the other hand, some members of the Committee felt that a political solution should be found at the present time.

Before these divergent views had crystallized, a new and most important question was raised. The Reverend Michael Scott, a South African clergyman at present acting as consultant for the International League for the Rights of Man, requested that he be given a hearing by the Fourth Committee on behalf of the Herero people in connection with the question of South-west Africa. Previously the Reverend Michael Scott had written to the Trusteeship Division of the Secretariat regarding the possibility of being given a hearing by the Fourth Committee, and the Assistant Secretary-General in charge of the Trusteeship Division had replied that the Fourth Committee, or indeed any other Committee, had the right to invite, if they so wished, any appropriate body or person to give evidence on any subject of which it was seized. The Reverend Mr Scott stated that he had worked for ten years among the non-European people in South Africa and was deeply concerned that South Africa should fulfil its obligations both as a member of the British Commonwealth and of the United Nations. After a procedural debate concerning the question, the representative of *Guatemala* proposed that the Fourth Committee should invite representatives of the inhabitants of South-west Africa to present their views to the Committee.

The *South African* representative stated that the Reverend Mr Scott had seized every opportunity in past years to discredit the administration of the Union Government not only in South-west Africa, but also in the Union itself. Such misrepresentations were calculated to strain relations between the Union and the outside world and to militate against harmonious relations between inhabitants not only of the Union, but also of South-west Africa. Petitions from mandated territories were channelled to the League of Nations in a prescribed fashion, but the League of Nations no longer existed and, in any case, had not permitted oral hearings. Mr Scott therefore could not invoke the right to address petitions to the League of Nations as a reason for being heard by the United Nations. The South African representative stated further that Mr Scott represented only small sections of dissidents among the inhabitants of South-west Africa and it would be inconceivable for the United Nations to allow such dissident groups to plead their cause directly before a Committee. Such a precedent would immediately be invoked by agitators throughout the world. There was no provision whatsoever in the Charter for the hearing of such complaints, and the creation of a precedent on these lines would have very serious consequences not only for a large number of countries, but also for the future of the Organization itself. A certain number of members supported this point of view. For instance, the delegate of the United Kingdom pointed out that in every country there was a minority of individuals who did not approve the policy pursued by their Government, and if, in the present case, Mr Scott's request was granted, representatives of all those minorities would take advantage of that precedent and the United Nations would be flooded with requests for hearings. The United Nations would be embarking on a dangerous course by granting hearings to representatives of indigenous populations of South-west Africa.

Nevertheless, the majority of the Committee expressed themselves in favour of granting Mr Scott's request. Many representatives denied that a precedent would be created, since the state of the territory of South-west Africa was indeterminate and the case should be considered strictly on its own merits. They pointed out that under the League of Nations mandate system there had been provision for petitions, and that under the trusteeship system a similar procedure had been adopted with the additional right of oral hearings. The fact that the Union of South Africa had, in defiance of Assembly resolutions, refused to place the territory of South-west Africa under the trusteeship system was no reason for denying the right of petition to the inhabitants of the territory. The representative of *Haiti* made a number of impassioned appeals in which he went even further, stating that there was no reason to fear a precedent if it proved good and useful, since this would strengthen the prestige of the United Nations before world opinion.

After an attempt by the *United States* delegation to effect a compromise by having the Reverend Mr Scott heard in a sub-committee had failed, the Committee, by 25 votes to 15 with 6 abstentions (N.Z.), adopted a modified version of the Guatemalan proposal by which the Fourth Committee decided to grant a hearing "to one or more representatives of the indigenous population of South-west Africa who can provide due evidence of their status by submitting suitable credentials" and established a sub-committee to study these credentials. The representative of the Union of South Africa refused to sit on the sub-committee, since his Government considered that such acceptance might be interpreted as acquiescence in the principle embodied in the decision adopted by the Assembly. The sub-committee, after examining the credentials of the Reverend Michael Scott as representative of certain groups of the indigenous populations of South-west Africa, found that they were "in suitable order and should be given full faith and credit."

When the report of the sub-committee came before the full Committee, the representative of South Africa attempted to have the question deferred until the General Assembly had pronounced itself upon the decision of the Fourth Committee, but withdrew his proposal when the Chairman stated that, in effect, it was a motion for reconsideration of the decision already taken. The Committee subsequently decided to hear the Reverend Mr Scott, whereupon the South African delegate stated that as his presence at the hearing might be interpreted as acceptance of the decision of the Committee he was, under instructions from his Government, withdrawing his delegation from the Committee.

The Reverend Mr Scott, in a dignified and moderate statement, outlined his views of the situation in South-west Africa, stressing that it had now become even more urgent, as a result of the passage of the South-west Africa Affairs Amendment Act, which terminated the mandate and annexed the territory of South-west Africa. He stated that the future of Africa and especially of South-west Africa demanded that the civilized nations should carry out their moral obligations and that the case should not be judged as a narrow juridical matter or as one of political expediency. Mr Scott, after quoting extensively from statements made by various members of the indigenous population in order to show the unsatisfactory conditions in which they existed, appealed to the Committee to give the African inhabitants an opportunity to state their case before the United Nations and asked that no final decision regarding the disposal of South-west Africa should be reached until the petitioners had been given such an opportunity. He further asked that their lands should be returned to them and their territory brought under the trusteeship system of the United Nations.

After this statement the Committee turned to a consideration of the proposals before it. The draft resolutions which had been submitted fell into two groups: (1) A proposal by the *Indian* delegation concerning

the submission by the Government of the Union of South Africa of reports on South-west Africa to the United Nations, and (2) a proposal submitted by the delegations of *Denmark, Norway, Syria, and Thailand*, and a separate one by *India*, regarding a request to the International Court of Justice for an advisory opinion on the international status of South-west Africa and on the international obligations of the Union of South Africa in respect of the territory.

As has already been noted, many members of the Committee felt that the time had come to approach the International Court of Justice on the question, and some of these felt that the adoption of any resolution of a political character might prejudice the legal questions which were to be referred to the Court. Nevertheless, a considerable body of opinion within the Committee felt that the legal aspect of the question was subordinate to the political aspect and were therefore in favour of the Assembly's taking action, pending a reply from the International Court of Justice, in order to request the Union Government to continue the submission of reports. Eventually the Committee, by 31 votes to 11 with 4 abstentions (N.Z.), adopted an amended version of the *Indian* draft resolution regarding submission of reports. This resolution expressed regret that the Government of the Union of South Africa had "repudiated its previous assurance" to submit reports for the information of the United Nations, reiterated previous General Assembly resolutions on the question and expressed regret that the Union of South Africa had decided not to take them into account, and, finally, invited the Government of the Union to resume the submission of such reports to the General Assembly and to comply with the previous decisions of the Assembly.

After the adoption of this resolution the Committee discussed and voted upon the resolutions regarding the request for an advisory opinion of the International Court of Justice. The discussion centred not so much on whether or not such a request should be sent (although this was consistently opposed by the Soviet group) as on the precise formulation of the actual questions which should be sent. The delegations of *Denmark, India, Norway, Syria, and Thailand* combined their original proposals and submitted jointly a draft resolution containing four questions to be put to the Court regarding the international status of the territory of South-west Africa and the intentional obligations of the Union of South Africa arising therefrom. The specific questions asked were: "(a) Does the Union of South Africa continue to have international obligations under the mandate for South-west Africa; and, if so, what are those obligations? (b) Is the Union of South Africa under the obligation to negotiate and conclude a trusteeship agreement for placing the Territory of South-west Africa under the international trusteeship system? (c) In the event of a negative reply to the question

under (b) : Is South-west Africa a territory to which the provisions of Chapter XI of the Charter apply ? (d) Has the Union of South Africa the competence to modify the international status of the territory of South-west Africa, or, in the event of a negative reply, where does competence rest to determine and modify the international status of the territory ? ” When the resolution was put to the vote paragraph by paragraph, however, subparagraphs (b) and (c) were both deleted by a vote of 24 in favour of deletion with 17 (N.Z.) against and 5 abstentions. The resolution thus amended was then adopted by 30 votes to 7 with 9 abstentions (N.Z.). The *New Zealand* delegation, while in favour of the submission of the question to the International Court of Justice, felt that the deletion particularly of paragraph (b) made the draft resolution largely inappropriate. In the Assembly, however, paragraph (b) was reinserted, and eventually the Assembly adopted the resolution regarding the request for an advisory opinion of the International Court of Justice by 40 votes (N.Z.) to 7 (including Eastern European countries) with 4 abstentions. The operative part of the resolution adopted reads as follows :

“ The General Assembly,

“ 1. Decides to submit the following questions to the International Court of Justice with a request for an advisory opinion which shall be transmitted to the General Assembly before its fifth regular session, if possible :

“ “ What is the international status of the territory of South-west Africa and what are the international obligations of the Union of South Africa arising therefrom, in particular :

“ “ (a) Does the Union of South Africa continue to have international obligations under the mandate for South-west Africa and, if so, what are those obligations ?

“ “ (b) Are the provisions of Chapter XII of the Charter applicable and, if so, in what manner, to the territory of South-west Africa ?

“ “ (c) Has the Union of South Africa the competence to modify the international status of the territory of South-west Africa, or, in the event of a negative reply, where does competence rest to determine and modify the international status of the territory ? ”

“ 2. Requests the Secretary-General to transmit the present resolution to the International Court of Justice, in accordance with Article 65 of the Statute of the Court, accompanied by all documents likely to throw light upon the question.”

Finally, the Assembly adopted by 33 votes in favour with 9 against and 10 abstentions (N.Z.) the resolution regarding reiteration of previous resolutions of the Assembly and submission of reports by the Government of South Africa. In its final form, however, the reference to “ repudiation ” by South Africa of its previous assurances was deleted,

as was the section expressing regret that the Government of the Union had not complied with previous Assembly resolutions. The operative part of this resolution is as follows :

“ The General Assembly

“ 1. Expresses regret that the Government of the Union of South Africa has withdrawn its previous undertaking, referred to in resolution 141 (II) of 1 November, 1947, to submit reports on its administration of the territory of South-west Africa for the information of the United Nations ;

“ 2. Reiterates in their entirety General Assembly resolutions 65 (I) of 14 December, 1946, 141 (II) of 1 November, 1947 and 227 (III) of 26 November, 1948 ;

“ 3. Invites the Government of the Union of South Africa to resume the submission of such reports to the General Assembly and to comply with the decisions of the General Assembly contained in the resolutions enumerated in the preceding paragraph.”

XIV. FIFTH COMMITTEE : ADMINISTRATIVE AND BUDGETARY QUESTIONS

Chairman : Mr A. KYROU (*Greece*)

Vice-Chairman : Mr A. D. VOYNA (*Ukrainian S.S.R.*)

Rapporteur : Dr MARIA Z. N. WITTEVEEN (*Netherlands*)

New Zealand Representatives

Mr J. THORN

Mr H. T. REEDY

Dr W. B. SUTCH

Mr C. K. WEBSTER

The main tasks of the Fifth Committee were to examine in detail the budget estimates for the financial year ending on 31 December, 1950, and to consider the financial implication of resolutions adopted by the other main Committees.

1. BUDGETARY ESTIMATES OF EXPENDITURE FOR 1950

The estimates of expenditure as originally submitted by the Secretary-General amounted to \$44,314,398 (U.S.). The Advisory Committee on Administrative and Budgetary Questions, which had examined the estimates prior to the session of the General Assembly, submitted that the estimates could, subject to administrative rearrangements, be reduced by approximately \$1,700,000. This proposal was contested by the Secretary-General, who was, however, prepared to accept a reduction of approximately \$850,000. In some of the sections of the budget in which the Secretary-General felt he was not able to accept the Advisory Committee's recommendations the figures proposed by the Secretary-General were upheld by the Committee, and in other sections various compromises were reached.

In the general debate on the budget the *New Zealand* representative expressed concern at the increasing cost of participation in international organizations and made several suggestions whereby considerable savings might result. He stated that activities concerned with the maintenance of peace and security were clearly of the highest priority, as were some of the problems in the economic and social field. There were, however, many problems which could be delayed without detriment until conditions were more suitable to allow their study. He also made objection to the growing tendency of subsidiary organs of the United Nations to plan for their meetings to take place away from the headquarters area, which not only caused administrative difficulties both to the United Nations and member States, but also involved substantial additional costs.

During the course of the Assembly, and as a result of decisions taken by the other Committees, various supplementary estimates were submitted to the Fifth Committee. The budget for 1950 was finally approved at the sum of \$49,641,773. After taking into account miscellaneous income, various adjustments in the prior years' appropriations, &c., the net amount of anticipated expenditure during 1950 amounted to \$42,171,583.

The budget includes the sum of \$8,000,000 to provide for the implementation of the resolution adopted by the General Assembly concerning the establishment of an international regime for the Jerusalem area and the protection of the Holy Places. It should be noted that this figure of \$8,000,000, which takes no account of possible revenue from Jerusalem in 1950, was based on the following assumptions: (i) That there will be co-operation on the part of all existing services in the area; (ii) that there will be no abnormal security conditions requiring the services of a police force exceeding the estimated strength of 500; and (iii) that normal municipal expenditures may be reasonably based on those for the year 1946, with the exception of a 25-per-cent. increase in population and a 30-per-cent. increase in prices.

2. CONTRIBUTIONS TO THE BUDGET OF THE UNITED NATIONS

The Fifth Committee was informed that only three member States had failed to pay their proportions (totalling 0.43 per cent.) of the budget for 1948. Contributions to the budget for 1949, however, have not been received as promptly as contributions in previous years, but as at 8 November, 1949, 85 per cent. of the total amount due had been received. It is fortunate that the General Assembly has not as yet been obliged to consider, under Article 19 of the Charter, the suspension of voting rights of member States whose financial contributions to the organizations are in arrears for the preceding two full years, as has been done in the case of some members of the specialized agencies.

3. APPORTIONMENT OF THE EXPENSES OF THE UNITED NATIONS

The report of the Committee on Contributions was received with some criticism, some members alleging that the Committee had not taken into consideration the economic recovery of certain countries. After considerable debate, in which it was stated that only twelve member States (including New Zealand) had supplied adequate statistical information, the report was adopted. New Zealand's assessment, 0.50 per cent., remained unchanged, and the amount required to meet the 1949 proportion of the budget will therefore be \$162,284* (excluding New Zealand's share of the sum appropriated for the international regime in Jerusalem, which is not payable until called for by the Secretary-General).

4. PERMANENT HEADQUARTERS OF THE UNITED NATIONS

A report was submitted by the Secretary-General advising that in June, 1949, the Congress of the United States had passed an Appropriation Act whereby the total amount of the interest-free loan (\$65,000,000) was made available to the United Nations. Substantial progress had been made in the construction of the thirty-nine-story building to accommodate the Secretariat of the United Nations, and it is hoped that this building will be completed in January, 1951. The future construction programme includes the General Assembly building, the Council chambers, meeting-halls, and underground garages. It is anticipated that the Council chambers and meeting-halls will be completed by the summer of 1951. The schedule for the completion of the General Assembly building is less certain, but possibly the building may be completed during the autumn of 1951.

At a later stage a building will possibly be erected to accommodate permanent delegations to the United Nations, but action has been delayed pending decisions by the specialized agencies as to their permanent headquarters and delays by member States in determining their space requirements. It would be necessary to make separate financial arrangements for such a building, as the interest-free loan will be fully expended on the other structures.

5. MEETINGS OF THE ECONOMIC AND SOCIAL COUNCIL, THE TRUSTEESHIP COUNCIL, AND THEIR COMMISSIONS AND COMMITTEES

The question of the venue of meetings of the organs of the United Nations was extensively discussed by the Fifth Committee. The *New Zealand* representative strongly urged that on grounds of economy,

* Converted at current rates this represents approximately £(N.Z.)58,537.

efficiency, difficulties of representation, &c., no funds should be provided to meet the additional costs of holding the sixth session of the Trusteeship Council at Geneva. He introduced resolutions to this effect at both the first and second readings of the budget, which, however, were rejected by 23 to 19 (N.Z.) with 3 abstentions and 23 to 14 (N.Z.) with 2 abstentions. The question of the venue of the sixth session of the Trusteeship Council was again taken up in the General Assembly by Sir Carl Berendsen, but a resolution introduced by him was rejected by 32 to 12 (N.Z.) with 12 abstentions.

On the first reading of the budget it was decided not to grant funds to permit the Economic and Social Council to hold the eleventh session in Geneva, the voting being 17 in favour, 27 against (N.Z.), with 1 abstention. On the second reading the representative of France proposed that the Secretary-General, in consultation with the Advisory Committee, be authorized to transfer funds or draw from the Working Capital Fund should the Economic and Social Council reaffirm its decision to hold the eleventh session of the Council in Geneva. This resolution was rejected by 19 votes in favour, 20 against (N.Z.), with 2 abstentions. The delegations of Denmark, France, and Lebanon reintroduced the proposal in the General Assembly, where it was approved by 37 in favour, 9 against (N.Z.), with 5 abstentions.

6. DEVALUATION OF CURRENCIES

In consequence of the devaluation of currencies by certain countries it was anticipated that the savings to the United Nations budget for 1950 in respect of expenditure on information centres, special Conferences and Commissions, would amount to \$500,000. In connection with the general problem of devaluation, the Committee discussed at considerable length the question of what adjustment, if any, should be made with respect to the salaries and allowances of the Judges and Registrar of the International Court of Justice, which under General Assembly resolutions in 1946 had been fixed in terms of Netherlands florins. Certain delegations stated that, as the budget of the Court was presented in dollars, any deduction from the budget on account of devaluation of the Netherlands florin would be a breach of Article 32 of the Statute of the International Court of Justice. This article provides, *inter alia*, that the remuneration of the Judges may not be decreased during their term of office. It was eventually decided to maintain the appropriations for the Court at their present dollar level, not to increase the remuneration to the Judges, and to review the matter at the next regular session of the General Assembly.

7. REVIEW OF THE SALARY ALLOWANCE, AND LEAVE SYSTEMS OF THE SECRETARIAT

The General Assembly, in approving on 11 December, 1948, the report of the Fifth Committee, expressed its agreement that a comprehensive review should be made of the salary, allowance, and leave systems of the Secretariat, and that a working party of three independent experts should assist in this review. A committee of Experts was duly appointed and its report was submitted to the Fifth Committee. The Secretary-General expressed the opinion that the report represented a well-conceived and balanced plan, the essential features of which, if adopted, would achieve notable improvement in administration and would be of substantial long-term benefit to the staff. The main features of the report were a reduction in the number of salary grades, elimination of certain allowances, an upward adjustment of the salary ceiling, and home-leave to be provided once every three years instead of every two years as at present. The Secretary-General stated, however, that he was opposed to the recommendation for a change in the present home-leave provisions.

The Fifth Committee eventually decided to refer the report to the Advisory Committee on Administrative and Budgetary Questions for detailed study, with a request that it submit its recommendations to the Fifth Committee at the next session of the General Assembly.

8. TAX EQUALIZATION : STAFF ASSESSMENT PLAN

The Secretary-General explained to the Fifth Committee that he did not think it would be necessary to draw on the Working Capital Fund in 1949 for the purpose of reimbursing staff members required to pay national income-taxes on salaries and allowances received from the United Nations. He had reached agreement with the United States authorities (the main country concerned) to delay the payment of 1949 taxes by United States nationals until 15 March, 1950, and he would endeavour to extend this time-limit. The Secretary-General further stated that because of the particularly heavy legislative agenda of the last session of the Congress of the United States, which agenda included many important international problems of direct concern to the United Nations, he had not felt able to press for ratification of the general Convention on Privileges and Immunities. Certain delegations took the opportunity to criticize the United States Government for alleged lack of good faith. The Committee, however, decided to authorize the Secretary-General, in order that the Secretariat should not be divided into two groups—one subject to taxation and the other exempt—to withdraw from the Working Capital Fund such sums as might be necessary to reimburse members in respect of income-taxes levied upon them.

9. ADMINISTRATIVE TRIBUNAL

The Committee considered at several meetings and eventually approved the establishment of an Administrative Tribunal, which is in effect a final court of appeal to which a staff member has recourse when he considers that the terms of his contract have been violated. In addition, the Secretary-General was authorized to establish joint administrative machinery with staff participation to enable appeals to be made by staff members concerning proposed disciplinary measures, non-observance of contracts, breaches of rules and regulations, &c.

All of the decisions of the Fifth Committee were confirmed by the General Assembly with two exceptions—namely, slight modifications were made to the Statute of the United Nations Administrative Tribunal, and the Economic and Social Council was authorized, if so desired, to hold its eleventh session at Geneva.

XV. SIXTH COMMITTEE : LEGAL QUESTIONS

Chairman : Mr M. LACHS (*Poland*)

Vice-Chairman : U. E. MAUNG (*Burma*)

Rapporteur : Mr E. F. VIEYRA (*Argentina*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr FOSS SHANAHAN

Mr F. H. CORNER

Mr C. K. WEBSTER

Mr J. H. WEIR

1. METHODS AND PROCEDURES OF THE GENERAL ASSEMBLY

On 29 April, 1949, the General Assembly had adopted a resolution expressing its concern at the increasing length of its sessions and at the growing tendency towards protracted debates in its plenary meetings and Committees. At the same time it established a Special Committee of fifteen members to evolve methods and procedures which would speed up the work of the Assembly and its Committees. The Special Committee studied many factors affecting the duration of the General Assembly: the establishment of the agenda of sessions, the internal organization of the Assembly, the means of shortening debates in plenary meetings and Committees, and the clarification of those rules of procedure whose application had in the past given rise to procedural difficulties, thereby causing prolonged debates. It recommended numerous changes to the existing Rules of Procedure of the General Assembly and also made certain procedural suggestions which might be put into effect without formal alteration of the Rules of Procedure. The Sixth Committee considered these recommendations and suggestions at great length and in minute detail, and proposed that the Assembly adopt most of them, with

certain modifications. With one major exception the Assembly accepted the Sixth Committee's proposals and incorporated them in a resolution which received 43 votes in favour (N.Z.), 5 against (the Soviet group), and 3 abstentions.*

Accordingly, from 1 January, 1950, the Assembly will be conducted under slightly modified Rules of Procedure, and delegations will also have for their guidance a document, prepared by the Secretary-General, embodying in convenient form for general use a number of procedural suggestions which are not formally a part of the Rules of Procedure. In addition, the Secretary-General—to fulfil a request contained in this resolution—will (a) study and from time to time propose further means of improving the methods and procedures of the Assembly and its Committees (such means to include, perhaps, the extension of the use of mechanical and technical devices), and (b) to submit to the fifth session of the General Assembly a "thorough legal analysis" of a question which was the subject of great dispute in the Sixth Committee and the Assembly—namely, whether amendments to "important questions," or parts of such questions put to the vote separately, require for adoption by the Assembly the same two-thirds majority as does the main question.

There was fairly general recognition of the fact that an unduly prolonged session of the Assembly was harmful to its prestige for many reasons, chief among which was the fact that it is becoming increasingly difficult for Foreign Ministers and other responsible people who wish to represent their Governments in the Assembly to be present throughout these long sessions. But it proved most difficult to pass from theory to practice. A shorter session means fewer words spoken, and when quite mild practical proposals were introduced to shorten debate, to place time-limits on speeches, to increase the authority of the President and Chairmen of Committees, discussion moved back to the plane of theory: to the rights of the minority and the dictatorship of the majority, to freedom of speech, the iniquity of the "gag," the function of the Assembly as the "town meeting of the world," &c. For instance, it was only after prolonged debate centring round the legitimate right of minorities, and only by a small margin of votes, that it was possible to make a change in Rule 59 and thus implement the Special Committee's view that, because the plenary meetings of the Assembly and the main Committees are identically composed, the rediscussion of questions already discussed in a main Committee should be discouraged. The existing Rule 59 provided that such rediscussion "shall take place if at least one-third of the members present and voting at the plenary meeting consider such a discussion to be necessary," but if any representative wished to reopen the discussion the President had always permitted him to do so without polling the

* The full text of these proposals is contained in Document A/1026 as modified by Document A/1048.

Assembly. The new rule makes it mandatory for the President to ascertain by vote, without permitting discussion, whether one-third of the members do in fact desire a rediscussion.

Likewise it was only by specifically reaffirming the obvious fact that the President, in the exercise of his functions, remains under the authority of the Assembly that it was possible to secure the following relatively minor extensions of the powers of the President: he may now, in the course of the discussion of an item, propose to the Assembly the limitation of the time to be allowed to speakers, the limitation of the number of times each representative may speak on any question, the closure of the list of speakers, or the closure of the debate; he may also propose the suspension or adjournment of the meeting or the adjournment of the debate on the item under discussion.

Other new provisions accepted after much debate were a slightly revised rule regarding the quorum (one-third may now constitute a quorum for discussion, but, as before, one-half is necessary for a question to be put to the vote) and regarding the division of a proposal during the vote (if the motion for division is contested it shall be voted upon).

The *New Zealand* delegation supported almost all of the proposals of the Special Committee, since it felt that the Committee in its work had, as it claimed, kept "constantly in mind the essential role entrusted to the General Assembly under the Charter" and "been careful that none of its proposals should have the effect of diminishing the competence or functions of the General Assembly, or in any way hindering the natural development of that vital organ of the United Nations." In its opinion, too, the changes (minor though they are, and despite the rejection of several proposals supported by New Zealand) do make some contribution to the desirable end that the General Assembly should be enabled to conduct its business not only with dignity and proper deliberation, but with reasonable despatch. While welcoming the changes, however, the delegation did not forget that these will not inevitably save time. If any delegate wishes to obstruct proceedings or conduct a filibuster, or speak to "points of order" (a euphemism, usually, for speaking upon some topic that is not at the time under discussion), he can still do so; delegates have, moreover, now found a method ("to explain my vote") of circumventing a decision to close the list of speakers on any matter; much time can still be lost as a result of meetings beginning late (as they always do, without exception); and valuable time can still be wasted by delegates who feel under a compulsion to speak at length even when they have nothing to say. Indeed, this is the principal source of waste time. The old Adam in man is hard to lose, and the inordinate and quite unnecessary length of Assembly meetings is due in the main to the fact, which it is impossible either to ignore or to eliminate, that far too many delegates speak far too often and far too long.

2. REPARATIONS FOR INJURIES INCURRED IN THE SERVICE OF THE UNITED NATIONS

In the course of its third regular session last year the General Assembly considered a memorandum by the Secretary-General recounting the deaths of United Nations agents, among them Count Bernadotte and Colonel Serot, who had been killed on duty in Palestine. Feeling it "highly desirable" that the Secretary-General should be able to act "without question and as efficaciously as possible" to obtain any reparations due in such cases, the Assembly, on 3 December, 1948, sought the opinion of the International Court of Justice. The question put to the Court was whether the United Nations, as an organization, had the capacity to bring an international reparations claim against the responsible Government for damage to the United Nations and to the victim. The Court was asked also how action by the United Nations could be reconciled with the rights of the State of which the victim was a national.

The Court, in an advisory opinion on 11 April, 1949, held unanimously that the United Nations possesses an international personality; as such it is a subject of international law, capable of international rights and duties, and may maintain its rights by bringing international claims for damages caused to itself. The Court was also of the opinion, by 11 votes to 4, that the Organization has the right to bring claims for damages caused to the victim. As to reconciliation of United Nations action with the rights of the State of the victim's nationality, the Court's answer was that, since the United Nations as an organization could bring a claim for reparation of damage caused to its agent only by basing its claim upon a breach of obligation due to itself, respect for this rule would usually prevent a conflict with the rights of the agent's national State and would thus bring about a reconciliation of their claims. Furthermore, this reconciliation "must depend upon considerations applicable to each particular case, and upon agreements to be made between the Organization and individual States, either generally or in each case."

In his proposals for further action, the Secretary-General suggested that the advisory opinion of the Court be accepted by the Assembly as an authoritative expression of international law.

The Sixth Committee debated a draft resolution submitted by *Brazil, India, Iran, and the United States* under which the General Assembly would have accepted the advisory opinion of the International Court as an "authoritative expression of international law," would have authorized the Secretary-General to undertake claims for injuries incurred in the service of the United Nations and to submit to arbitration such claims as could not be settled by negotiation, and would, finally, have requested the Secretary-General to submit an annual report on relevant matters to subsequent sessions of the General Assembly.

The debate evolved principally from the questions whether this opinion of the Court was authoritative and whether it impinged upon the sovereignty of States. A *French* amendment to the joint draft resolution which received fairly general approval removed from the operative section of the resolution the paragraph requiring the General Assembly to accept the advisory opinion of the Court as an authoritative expression of international law and placed the opinion as a background consideration in the preamble. Further, the French amendment, intending to include the essential provisions of the enacting terms of the Court's opinion, introduced a revised text which would authorize the Secretary-General to claim reparation for damage caused not only to the United Nations, but "to the victim or to persons entitled through him" as well.

The *Soviet* delegation considered that this latter proposal would be inconsistent with existing international law and with the very principle of the sovereignty of States. It expressed fear that the national allegiance of United Nations agents would be impaired and that the United Nations would acquire characteristics of a super State.

Speaking to a French draft resolution that fairly successfully reconciled earlier amendments with the original joint draft resolution, the representative of *New Zealand* (Mr. Foss Shanahan) noted that there might be two categories of victims: first, persons regularly employed by the United Nations on behalf of whom the Secretary-General could rightly bring action, and secondly, members of special missions whose association with the United Nations would be limited and on whose behalf their own Governments might be in a better position than the United Nations to bring claims for damages suffered by them. His Government therefore reserved its position with regard to the latter category of agents. Further, according to paragraph 22 of the Secretary-General's report, any difference between the United Nations and a national State which could not be settled by negotiation would be reported by the Secretary-General to the General Assembly. The *New Zealand* delegate pointed out, in that connection, that if a Government itself preferred to handle a claim of one of its nationals, it could not be prevented from doing so.

At the conclusion of the debate the French draft resolution was approved as a whole by a vote of 45 (N.Z.) for and 5 (the Soviet group) against, with 1 abstention (Peru). It was adopted by the General Assembly by 48 votes in favour, the same five in opposition, and Peru again abstaining.

This resolution (Document A/1174) authorizes the Secretary-General to bring reparation claims against either member or non-member States for damage caused to the United Nations and injuries sustained by persons in its service. Claims which cannot be settled by negotiation are, if necessary, to be submitted to arbitration. The Secretary-General

is authorized to negotiate agreements in order to reconcile action by the United Nations with the rights of the State of which the victim is a national. He is to submit an annual report to subsequent General Assembly sessions on the status of claims for injuries incurred in United Nations service.

3. DRAFT CONVENTION ON THE DECLARATION OF DEATH OF MISSING PERSONS

On the suggestion of the Preparatory Commission of the International Refugee Organization, the Economic and Social Council in March, 1949, established an *ad hoc* Committee of Experts to draw up a draft international convention to introduce a greater measure of uniformity in procedures adopted for declarations of death of missing persons. When this draft convention came before the Committee it was decided not to discuss its substance because it was felt, in view of the legal difficulties involved, that such a discussion would take more time than the Committee had at its disposal. Instead, the Committee adopted by 28 to none with 11 abstentions (N.Z.) a resolution deferring the draft convention to member States for examination with a view to their adopting legislative measures or concluding bilateral or multilateral conventions on the legal status of persons missing as a result of events of the war or other disturbances in the post-war years.

A *Danish* proposal for calling an international conference early in 1950 to conclude a multilateral convention on the subject was rejected by the Committee by 14 to 12 with 11 abstentions (N.Z.). This proposal was reintroduced in the Assembly, however, and was adopted* as an amendment to the resolution recommended by the Committee by 29 to 1 with 15 abstentions (N.Z.).

4. DRAFT RULES FOR CALLING INTERNATIONAL CONFERENCES

The Committee had before it a set of draft rules, prepared by the Secretary-General and approved by the Economic and Social Council, for the calling of international conferences. The Committee discussed extensively the interpretation of the expression "international conferences" as used in the United Nations Charter, and in particular whether this expression could be applied to international conferences of a non-governmental character. The Committee decided, by 25 to 22 (N.Z.), that the present rules should be confined to the calling of international conferences of States, since the majority of the Committee members felt that rules for calling international non-governmental conferences required detailed study which, because of lack of time, could not be undertaken at the fourth session of the Assembly. The

* Final text, as amended, appears in Document A/1203.

Committee subsequently adopted an Argentinian draft resolution requesting the Secretary-General to prepare separate draft rules for the calling of international non-governmental conferences.

The chief points of discussion in the Committee concerned the participation in international conferences of States not members of the United Nations, the financing of conferences, and the allocation of authority as between the Economic and Social Council and any particular conference.

Rule 1, after being amended by the Committee, stated that the Economic and Social Council could at any time call an international conference of States, on any matter within its competence, after ensuring that the work of the conference could not be satisfactorily done by any other organ of the United Nations or by a specialized agency. Rule 2, as amended, stated that the Council should prescribe the terms of reference and prepare the provisional agenda for such conferences.

Rule 3, as drafted, stated that the Council should decide what States should be invited to the international conference and determine the extent of their participation. This rule was related to Rule 8, which stated that invitations to dependent territories should be transmitted through the intermediary of the metropolitan Powers concerned. After agreeing that the Council should decide what States should be invited to a conference, the Committee adopted by 21 to 14 (N.Z.) with 8 abstentions a Soviet amendment which stated that "non-member States whose interests are directly affected by the matters to be considered at the conference may be invited to it and shall have full rights as members thereof." The Committee then adopted a United Kingdom amendment to the effect that any member of the United Nations not invited to a conference could nevertheless send observers. Considerable discussion arose on the wording of provisions for inviting dependent territories. The original provisions were deleted, on the motion of the Soviet Union, and several alternatives were suggested. The Committee finally agreed on an amended Australian compromise proposal which states that, with the approval of the metropolitan Power, the Council could invite to a conference a dependent territory which is self-governing in the fields covered by the terms of reference of the conference, the Council to decide the extent of participation in the conference of any such territory so invited.

Rule 5, as adopted, stated that the Council should, after consultation with the Secretary-General, fix the date and place of the conference or request the Secretary-General to do so. The Soviet representative proposed that conferences should be paid for by the participating States, but the Committee adopted a United States proposal which stated that the Council should make arrangements for financing the conference,

except that any arrangements involving expenditure of United Nations funds should be subject to the applicable regulations, rules, and resolutions of the General Assembly.

The original draft of Rule 6 provided that the Council should prepare rules of procedure for the conference. This was replaced by a Lebanese amendment whereby the Council or the Secretary-General should prepare provisional rules of procedure.

Other articles in the rules, over which there was little discussion as to substance, provided for the establishment of committees preparatory to conferences, the participation of specialized agencies and non-governmental organizations in a consultative capacity, and the provision of secretarial assistance by the Secretary-General.

As amended, the draft rules (Document A/1200) were adopted in the Committee by 32 (N.Z.) to none with 7 abstentions, and in the Assembly by 39 to none with 6 abstentions.

5. INVITATIONS TO NON-MEMBER STATES TO BECOME PARTIES TO THE CONVENTION OF GENOCIDE

The Secretary-General submitted a report indicating that Article XI of the Convention on Genocide laid down that non-member States could become parties to the Convention on Genocide only when invited to do so by the General Assembly: the Secretary-General stated that it rested with the Assembly to designate the non-member States it wished to be so invited.

The representative of *France* proposed that this matter be referred to the next session of the Assembly as the convention had not yet come into force and has, in fact, been ratified by only four members. Other viewpoints were that invitations under Article XI should be addressed to all non-member States, to all non-member States which had submitted applications for membership of the United Nations, or to non-member States which were members of one or more of the specialized agencies on a particular date. However, these proposals were passed over in favour of a draft resolution submitted jointly by the representatives of *Australia* and *Cuba*. This draft resolution, incorporating drafting changes suggested by the representatives of the United Kingdom and Chile requested the Secretary-General to send invitations "to each non-member States which is or hereafter becomes an active member of one or more of the specialized agencies or which is or hereafter becomes a party to the Statute of the International Court of Justice." This resolution was adopted in the Committee by 32 (N.Z.) to none with 4 abstentions, and in the Assembly (Document A/1202) by 38 to none with 7 abstentions.

6. PRIVILEGES AND IMMUNITIES OF THE UNITED NATIONS

During a brief discussion on the privileges and immunities of the United Nations and the specialized agencies, the representative of *Poland* raised the point that the United States, although host country to the permanent headquarters of the United Nations, had not yet acceded to the Convention on the Privileges and Immunities of the United Nations and had in fact failed in certain instances to extend privileges and immunities to officials of the United Nations. In reply, the representative of the *United States* agreed it was essential, for the efficient exercise of all functions of the United Nations, that the provisions of the convention should be brought into force in all member States, and, to this end, the United States had enacted interim legislation pending the formal adoption of the convention: formal accession, however, would, in all probability, be made in 1950.

On the Committee's recommendation, the Assembly adopted a resolution "noting" the Secretary-General's report on the subject of privileges and immunities.

7. PERMANENT MISSIONS TO THE UNITED NATIONS

The Secretary-General submitted a report recording the fact that fifty-one member States had set up permanent missions at the seat of the United Nations in New York, in pursuance of resolutions adopted by previous sessions of the Assembly. After a brief discussion, the Committee (and subsequently the Assembly) adopted an Egyptian draft resolution noting this fact and inviting all member States who had set up missions to transmit the credentials of their permanent representatives if this had not already been done.

APPENDIX

Speech Delivered by the Chairman of the New Zealand Delegation, Sir Carl Berendsen, in the General Debate of the Fourth Regular Session of the United Nations, on Thursday, 22 September, 1949

It had not been my intention to take part in this general debate, but this is our annual stocktaking, our periodical survey of our achievements and our failures, of value not so much perhaps to us here, who know full well not only what we have done but what we have not done, as to the millions of right-thinking men and women in the world who pin their highest hopes on the success of this Organization. From that point of view, it seemed to me and to my colleagues of the New Zealand delegation to be our duty to express, as shortly and as succinctly as may be, our general views on the progress of the United Nations, its successes, its failures, and its prospects for the future.

There is much—and it is well to place this fact in the forefront of any appraisal of the work of the United Nations—on which we can congratulate ourselves, much for which the world should be truly thankful. That the Organization exists at all is in itself a matter of great and happy moment to mankind; whatever the merits and defects of our Organization to-day, there must be such an organization as this if man is to discuss man's problems in a manly and sensible way. And even in the matter of achievement, there is much that is gratifying, much without which the world would be less happy, less secure, and less hopeful.

Let us glance for a moment at this aspect. We can all agree that one substantial buttress of peace would be the removal or alleviation of the admitted economic and social injustices and inequalities which are so prevalent throughout the world to-day; that if we could make a determined, an enduring, and a successful effort to level up in the international field the distribution of the material resources and the amenities of life which are possessed in such full measure by the more fortunate of the nations, then one potential cause of conflict would be removed or greatly reduced. It was to rectify or alleviate this sort of injustice—and this is indeed within the power of man—that the Economic and Social Council was established. There is much—very much—in the work of that Council that gives ground for encouragement, and my Government feels that the steady consistent work of international co-operation in the economic and social field is one of the most hopeful measures of the success of the United Nations.

My own country, New Zealand, has had a very special interest in the Economic and Social Council during the present year—its final year as a member of that body—because one of its representatives has held the office of President of the Council. The work of my colleague Mr Thorn in this office has been a matter of great pride and satisfaction to the people and the Government of New Zealand. Another New Zealander, Dr Sutch, has been Chairman of the Council's Social Commission.

Those intimately associated with the Council's proceedings will agree that it is indeed overcoming many of the weaknesses apparent in its early stages, and in particular that it is now—and very properly—endeavouring to concentrate on measures of a constructive character.

Here may I pause to call attention to a very serious difficulty? We must not allow our hearts to run away with our heads; we must not allow our anxiety to achieve results as quickly as possible over as wide a field as possible to lead us too far and too fast. We do now run a risk of so dissipating our energies and our resources in endeavouring to do too much too soon that in the long-run we may fail to do enough. There can be few of us who were not shocked and astonished at the figures quoted by our colleague from Brazil as to the number of meetings held under the ægis of this Organization. When one hears of between three thousand and four thousand meetings annually under this Organization alone, one wonders how such meetings can possibly be adequately manned, how the cost of such meetings can possibly be met. It is quite clear that if meetings go on multiplying at this rate, many members, and certainly the smaller countries, will be unable effectively to cope with these demands. I suggest that we must pick and choose; first things first.

The recent session of the Economic and Social Council in Geneva was distinguished by the consideration given to the highly important question of technical assistance to under-developed countries. There are hundreds of millions of the inhabitants of this globe—our fellow human beings—who do not have enough to eat, do not have enough to wear, do not have the tools or the skills which can assist them to improve their living standards. These peoples—I repeat: hundreds of millions, mainly in the under-developed countries—can indeed be assisted by those nations here represented who are fortunate enough to have more fully developed economic systems. My Government lays great stress—very great stress—on the necessity for the economically strong to assist the economically weak, and, as we have already announced in the Economic and Social Council, when the scheme of technical assistance for economic development comes into operation New Zealand will make a full contribution to this inspiring means of international co-operation.

My Government earnestly hopes that the scheme for technical assistance for economic and social development will be quickly worked out and put into practice. In fact, my country has, to the extent of its capacity, already been assisting in international work in economic and social development. We, of course, made our contributions to UNRRA and to the Children's Fund, and, in addition, there is other work which New Zealand shares with countries with interests in the South Pacific—I refer particularly to the South Pacific Commission, where the countries concerned have agreed to a joint programme designed to raise the economic and social standards of the islands of the Pacific which come under their care. My Government has already made substantial commitments in this field of international assistance. And it would be proper here—I am sure that every one of my colleagues would agree with me—to pay a tribute to the spirit animating President Truman's "fourth point" and to the activity of the United States Government, which is endeavouring so strenuously to give reality to the proposals now under consideration. This, indeed, is one way in which the sufferings of a

large proportion of mankind can be relieved, provided—and this condition applies to many of the matters that are discussed in the United Nations and its subsidiary bodies—that our activities are not confined to words alone, provided that our activities are translated into deeds. I should be the last to minimize the usefulness of words, but words, however noble, are not enough. Fine words butter no parsnips. Fine words fill no stomachs. Fine words prevent no wars. Amongst the greatest and, I suggest to you, most common fallacies of our time is the apparently unshakable belief that, once you have passed a resolution, you have done something. Believe me, there is something quite fundamental there. The belief in words, and in words alone, can indeed bring to naught the noblest of intentions. The aim of this Organization clearly must be words followed by deeds.

The New Zealand Government notes with interest and with warm approval the importance that is attached by the Economic and Social Council, and by very many members of the United Nations, to the adoption of policies calculated to lead to full employment everywhere. This seems to us to be a fundamental requirement, and it has been an essential policy of my Government even before this Organization was established. Success will require co-operative action in many spheres and by many of the specialized agencies, and all this work must be co-ordinated by the Economic and Social Council and supervised by the General Assembly. We feel that this is a work of real importance, of real urgency, and we are hoping to play a full part in Committee discussions on this subject. The emphasis, however, must now be put on the examination of the numerous problems to be solved before we can make full employment policies on an international level effective.

I should like now to refer in passing to those very important proposals that have been drafted in respect of genocide and human rights. These do, indeed, mark an important step forward in man's development. But, again, let us not deceive ourselves. The drafting of conventions does not in itself effect anything; it merely points a way. The conventions in practice will mean little or nothing unless and until the nations of the world adopt them—and, even then, they may be largely ineffective unless the nations of the world implement them. It can scarcely be suggested, for example, that a people who could sink to such a depth of turpitude as to be guilty of genocide are likely to attach any meticulous importance to their pledged word in a convention. It could scarcely be suggested that they are likely to shrink from a breach of their word. The mere signature of a convention does not—unless we are determined to see that it does—necessarily lead to the elimination of this horror of genocide. Nor, of course, are human rights for all times to be preserved merely because the nations declare that they should be.

And we must not lose sight of the fundamentally important functions exercised by the United Nations in the promotion of understanding among its members and in the field of conciliation. It is of the utmost importance to mankind that the world should possess a forum such as this, a table around which all the nations of the world can gather to discuss their mutual problems and to endeavour so to adjust matters that the common welfare of all may be achieved. If time permitted, I should welcome the opportunity of recording many instances of successful conciliation which have, in some cases, removed a threat of conflict and, in others, greatly reduced such a threat.

Now, all those things are good. They are, I think, better than the man and the woman in the street fully realize. They are unquestionably and incontestably sufficiently good for the United Nations to deserve, to demand, the fullest encouragement and support from every honest citizen in every country in the world. That support must be accorded, must be continued, must be increased. And I could stop here, with great satisfaction to myself and without having stated one thing that is not completely true.

But I should not have told the whole truth. These things, I say, are good; they are very good, but they are not good enough. Unless now, and in the years immediately to come, we are successful in preventing war, the soaring hopes of mankind will fall broken to the ground. The preservation of peace, the prevention of war, is the first and most fundamental problem upon the solution of which depends everything else. This Organization was established to prevent the unlawful use of force. The primary purpose of this Organization was the establishment of a system of collective security. In that primary purpose—and there should be no attempt to conceal the fact—we have not been successful. I suggest that it is a disservice to the United Nations, a disservice to the cause of peace, to pretend to ourselves that we possess in the United Nations an effective system of collective security. Every informed man or woman knows by now that we possess no such thing. It is true, most regrettably true, as the representative of Brazil pointed out to us in his opening speech, that this Organization has been singularly unfortunate in the international climate in which it has had to operate, and that the world-wide clash of ideologies between those on the one hand who believe in the supremacy of the individual and those on the other hand who believe in the supremacy of the State, between democracy as we know it and authoritarianism, between those who desire to implement the principles and objects of the Charter of the United Nations and those who have too often appeared to desire the stultification of that body, has placed a strain—not clearly foreseen—on a young organization which has proved beyond its strength. No doubt much of this is true, but the plain fact of the matter is that the structure which was approved in San Francisco was never adequate to support an effective system of collective security.

I do not intend to inflict upon the General Assembly another exposition of my country's views on the veto power which has so crippled this Organization as a means of preserving peace. But those views remain unaltered and I must repeat what I have said so often from this rostrum—namely, that while each of the five Great Powers insists on retaining to itself not only the right to say whether it itself will take action, but, incredible as it may sound, the right to prevent the Organization from taking action, even if that one Great Power is in a minority of one—while this blot on the Charter remains we can never have an effective system of collective security. I do not presume to say to the five Great Powers that they should relinquish this great and pregnant privilege. That is their business. But I do say that unless and until they do relinquish that privilege there never can be an effective system of collective security.

That what I say is true will, I think, be widely admitted, and I suggest that it is proved by the necessity of the establishment, for purposes of self-defence, of two separate and limited systems of collective security, one on this continent, the other the Atlantic Pact. I have nothing whatever to say against those thoroughly justifiable and non-aggressive

agreements for self-defence. They are—most unhappily—essential in circumstances as they exist to-day. They are incontestably justifiable if and so long as they meet, as they do at present meet, the following three conditions—namely, that they do not represent any threat to any peace-loving State, that they are for the parties a real and not merely a verbal reinforcement of security, for the smaller countries in the group as well as for the greater, and—which is of primary importance to a country such as mine—that they are not regarded as an excuse for non-participation in more general action by the United Nations in the case of acts of aggression or threats to the peace which are not covered by the terms of the particular arrangement. But no one can possibly suggest—and no one, I think, has attempted to suggest—that the peace of the world can, in the long-run, be maintained by such limited and partial arrangements. I could not agree more fully with what the representative of the United States said in his address—namely, that the problem of peace is a universal problem which cannot be solved except on a universal basis.

The long and the short of it—as sensible men and women throughout the world should always remember—is that while we have in this Organization something that is very precious indeed and something that is worthy of all support, nevertheless, we do not have the one thing, the means of defeating aggression, which in the long-run man must achieve or perish.

I am one of those who believe that if the world has the good fortune to enjoy a long enough period of peace, the United Nations will prove itself able to preserve the peace; that if we have sufficient time we shall find means to free ourselves of the shackles of the veto and to establish an effective Organization of all peace and liberty loving countries determined to protect themselves, all for one and one for all, against any aggression. But have we the time? I do not know and you do not know. This much is certainly abundantly clear: the problem is not only fundamental and vital, it is insistent, it is urgent, it is on our very doorsteps, it is in our every home. Man must solve this problem—and solve it in time—or man will perish.

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