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First report of the General Committee

Chairman: Mr. Eelco N. VAN KLEFFENS
(Netherlands).

AGENDA ITEM 9

General debate (*continued*)SPEECHES BY MR. BELAÚNDE (PERU), MR. FOURNIER
(COSTA RICA) AND MR. LANGE (NORWAY)

1. Mr. BELAUNDE (Peru) (*translated from Spanish*): Mr. President, your presence here brings back the emotional and hopeful moments of the San Francisco Conference, where I had the good fortune and the honour to know you and to appreciate your fine qualities as a diplomat, and especially as a modern diplomat, because of your wide knowledge, your liberal judgment and the profoundly humanitarian way in which you dealt with all questions. I can say that at that time I had the feeling that your brilliant career would one day culminate in your presiding over the General Assembly, thus continuing the brilliant course of the Presidents who have directed our work with such great success, among whom Latin America is honoured to have had its own efficient and worthy representatives. I feel that it is indeed a happy omen that, at a time when the General Assembly's ninth session is meeting and has to cope with such difficult problems in an atmosphere of uncertainty, our work will be directed by you with the delicate tact and human feeling which are your finest attributes.

2. As the tenth anniversary of our Organization approaches, serious problems loom ahead, which, if left unsolved, may endanger its very existence. We cannot resign ourselves to the fact that, in the matter of the great questions on which not only the progress but the very existence of mankind and the survival of all culture depend today, the United Nations should merely be regarded as a rostrum from which opposing monologues are delivered. It is said that such statements

clarify world opinion and tend to form a kind of collective consciousness. That is probably so, but it is also true that debate of this kind accentuates differences, prevents problems being solved, and at times fans the passions which ominously accompany all debates. The time has come to ask ourselves in all sincerity whether the United Nations is merely a meeting place for the exchange of views, a debating society, or an institution in the scientific and historic meaning of the word, with a personality which at any moment can take effective action and take the right course.

3. An institution presupposes a community of aims and spiritual values, and, in the end, strict application of the principles deriving therefrom. The changing and ever-moving course of life may in certain cases and at certain times call for some flexibility of decision, but the fundamental purpose and standards of an effective and greater coexistence will always stand out in their great immutability. I stress the deep and beautiful meaning of the Spanish word "*convivencia*", which means much more than "coexistence". In this connexion I share the views of the President of the General Assembly. "Coexistence" seems to have a purely negative meaning, which at the present time is accentuated by the ephemeral, transitory and evanescent meaning given to the word "existence" in the vocabulary of contemporary philosophy. "*Convivencia*" means the union of lives in sincere understanding and loyal co-operation. An institution requires not only coexistence but also true *convivencia*. This spiritual community for high ends is in keeping with the great Western Judaic-Greco-Christian philosophic traditions and all the great religions of the world. It even appears in the philosophy of Hegel, who was responsible for the idea of a State being constituted by groups of the extreme right and the extreme left, forming what that philosopher called an objective spirit.

4. The United Nations cannot be conceived as other than a full and effective organ, or, if you wish, as an objective spirit. Within this concept attention must be drawn to the decisive factor of self-knowledge, or rather the knowledge of one's own personality and its destiny and the means of fulfilling that destiny. An impartial study of the United Nations shows that it has achieved success whenever its work has been inspired and accompanied by a clear institutional consciousness, a vision of its high aims and an unswerving devotion to certain standards of justice.

5. Failures have not been due, as some think, to unfavourable circumstances or to the complexity of the problems, but to some defect in its own life, in the feelings and functioning of the United Nations.

6. In contrast with the failure to solve certain political problems, there is to be noted a great unity of action among the United Nations in the exploration of economic problems, in the technical assistance programmes

and in the international efforts to protect children. Although this incipient accord may be attributed to many causes, one of the most important is the institutional manner, the clear institutional consciousness with which the United Nations has acted in this field, since it cannot be denied that we all agree on the urgent need to promote the welfare of the economically under-developed countries.

7. Despite the significance of this co-operation between the United Nations, it is obvious that this Organization's mission and responsibility are of an extent and type which go beyond the praiseworthy but nevertheless inadequate work already accomplished.

8. I fully understand that it is no longer possible to doubt that the low standard of living in the economically under-developed countries is a factor which upsets regional equilibrium, and that in turn results in the instability of peace in general. It can therefore be affirmed that to work for the welfare of such countries is really to ensure peace for the future. It might be said that it is a question of sowing the seeds of peace.

9. To this end, the Western world, both inside and outside the United Nations, should increasingly promote the economic and social progress of these countries, using for that purpose technical assistance and an international trade aimed primarily at assisting the economies of needy countries. With this same purpose in mind, the creation of the Special United Nations Fund for Economic Development and the International Finance Corporation should be expedited. They are institutions which, by complementing the action of private capital, will provide highly useful methods to be followed by these countries. The establishment of an international fund for the disposal of the surpluses or balances of all countries, to be used to finance specific economic development programmes, might also be considered.

10. These are the brief comments which my country wishes to make at present on this problem facing our whole international order. For its part, Peru has co-operated and will continue to co-operate with the United Nations, the United States and other European and Latin-American countries in numerous economic and technical assistance programmes, following the precepts of a free economy and recognizing the need to welcome all foreign capital, both public and private, which wishes to come to Peru to help develop and improve our economy. My country needs the vitalizing presence of new courses of wealth, as well as technique and co-operation generally in order to obtain foreign markets for its produce and thus procure the currencies needed for its economic development. Only in that way can my country continue the rate of progress which is recognized as its due and which it has so far experienced.

11. But, to return to the main point of my argument, I would say that the success of the United Nations is built upon a clear consciousness of itself as an institution and the fulfilment of its duties.

12. Turning to politico-legal matters, no one can deny that the United Nations affirmed its existence when it took steps, almost unanimously, to meet aggression. All the peoples of Europe, America, Asia, Africa and Oceania, with the exception of those who were concerned in the incidents in question, co-operated in condemning aggression and in adopting measures conducive to peace. Any division or deviation at that crucial

moment would have led not only to the weakening of our institution, but to its bankruptcy and disappearance.

13. Lastly, to show that the United Nations has an institutional consciousness and adheres to certain legal standards, let me quote the case which is still fresh in our memory—that of the prisoners of war in Korea. As the result of an evolution of law, the prisoner who was formerly regarded as a slave, then ransomed and exchanged, and afterwards claimed by his own country, now falls under an international protection which recognizes his right freely to decide as to his repatriation. Such a doctrine and its realization is a triumph in the history of the United Nations and emphasizes the decisive influence of its institutional and legal consciousness.

14. Very serious and profound problems confront us at the present time. Neither brilliance of debate nor the most exhaustive information will help to solve these problems if the United Nations, when faced with them, does not apply the criteria to which I have referred and which are not only in the very nature of our institution, but which are consecrated in the text of the Charter.

15. In all sincerity and objectivity I should like now to refer to the problem which sums up the profound crisis through which mankind is now passing—disarmament, in its dual aspect of prohibition of nuclear weapons and a reasonable limitation of conventional armaments to the needs of self-defence. The so-called "balance of forces" or "balance of power" has throughout history manifested itself in an interesting and sometimes useful way. It is true that armament races have led to war, but it is also true that, while the tendency towards equilibrium and a reasonable balance has not prevented war, it has given us long and fruitful periods of peace. Such periods of peace have been broken on many occasions as a result of a surprise upset in the existing equilibrium. The use of nuclear energy in its most recent forms does not allow of the application of the theory of equilibrium. The tremendous power of the new weapons requires what might be called the extension of a state of law to those armaments which were previously subject to the domestic jurisdiction of each State. It is not that the principles have changed; they are the same in so far as a State's rights and duties are concerned. But the radical and profound change in the purposes for which they are applied must necessarily have different consequences.

16. The personality of the State, with its historical and cultural physiognomy, its full political sovereignty and free economic structure, must today, as yesterday, be respected and not touched. Respect for the personality of each State is the essence of the international order. This principle cannot be attenuated or modified, but just for that reason its application at the present time requires such international regulation of nuclear energy as will ensure the life of every State and, reciprocally, the life of every State which might use such weapons. The international world today therefore inescapably requires international regulation of a weapon on which hangs the life of States and the free development of their culture.

17. Self-imposed limitations have been notable landmarks in the effective progress of international order in protecting and safeguarding but never diminishing international sovereignty. Any international regulation presupposes the voluntary acceptance of some limitation

the offering by each State of some service on behalf of the international community. The personality, economic structure and essential rights of each State will always be reserved matters. But other matters connected with the work of States and the relations between them are more and more coming under international jurisdiction—in economics, through the creation of organs of control and administration; in politics, through conciliation commissions and arbitration *ex æquo et bono*; in the legal field, through arbitration properly so-called and, more important still through the International Court of Justice. The exclusive production and use of nuclear energy by a State without international control are therefore not only incompatible with international coexistence and harmony, but with the very existence of States.

18. To think now that because the great Powers possess nuclear weapons, and because of the fear of instantaneous and general reprisals, a mutual ban will be imposed which will lead to such weapons not being used is unfortunately a dangerous deduction which overlooks certain gloomy factors of collective psychology, such as illusion, fraudulent and equivocal calculations, the uncontrollable pressure of certain circumstances, the morbid obsession with propaganda which obscures the vision of the truth, and, lastly, that mysterious and catastrophic impulse towards suicide of which we have had examples in contemporary history and more recently in our own days. In addition, it must be remembered that, although it seems improbable that nuclear weapons will be used because of such a mutual ban, there has already been created among human beings a fear psychosis which is in itself a deterrent to international progress and harmony among men. On the other hand, this psychosis has an advantage, but certainly not for those people who by their deep and lasting ethical and legal traditions and their conception of life, know that a preventive war can never rightly be begun.

19. Nuclear weapons have brought about a profound change in the life of mankind; a psychological, moral, economic and political change. How then can it be thought that such changes do not simultaneously involve a legal change? How can our Organization, the supreme human institution, reflect the life of mankind if it does not adapt itself to the changes taking place in that life at the present time?

20. If no such adaptation takes place, the United Nations will be unable to fulfil its mission. It must follow step by step the progress and the changes occurring in the life of mankind. Let it not be said that, in order to follow such changes in parallel, revision of the Charter is essential because some of its provisions are already incompatible or inapplicable. We cannot accept that interpretation of the Charter. We cannot forget that peace and coexistence are the supreme aims of our Organization and that disarmament is envisaged in various Articles of the Charter, both in those relating to the function of the Security Council and in those relating to the functions of the General Assembly. No written constitution or charter can be as rigid as it is desired to make the United Nations Charter. Principles must be interpreted in relation to the purposes of the Organization and in accordance with the needs of the time.

21. In this connexion I remember that the Roman prætor, when dealing with the same principles in dif-

ferent circumstances, created that law which is the marvel of the centuries. Are we, with a technique which is superior to that of the Romans, and with a higher and divine moral background, to be incapable of adapting our political institutions to the needs of our time? A negative reply to that question would deny every principle of human progress. But if, in spite of this, it should be believed that the present structure of the Charter does not correspond to new and basic aspects of man's life, that fact would indicate an imperative need for revision of the Charter in order that it may correspond to the high purposes for which it was written and meet the needs of our time.

22. We fully recognize the great importance of the role played by the regional bodies and agreements, which, the veto being foreseen, were incorporated in the United Nations Charter, precisely so that changes could be made when new means of safeguarding the peace required them.

23. America has set the example of a regional body and agreement nearly seven decades old and in the Inter-American Treaty of Reciprocal Assistance has set forth effective formulas for solidarity in meeting aggression and means for peaceful settlement and punitive action. Similarly, we note with deep interest that the principles proclaimed on our continent have been extended to other areas for an essentially defensive purpose and in order to safeguard peace. But let us remember that these agreements were brought about in an international situation in which the production of nuclear weapons was scarcely beginning. Today the situation has radically changed. Methods of destruction have reached the peak of their power and are shared by all the Powers which have diametrically opposite political interests and conceptions of life. These agreements, even if they function perfectly, hardly represent the diverse aspects of a very useful, necessary, advisable, equal political equilibrium because it is always based on the uncertain supposition that a mutual ban will be placed on the use of weapons of mass destruction. Such a supposition is not a sure guarantee for the full life, free from fear, to which all the peoples of the world have a right.

24. May I recall that one of the principles included in the Atlantic Charter was freedom from fear. Freedom from fear is not solely individual. The most dangerous form of fear is collective fear, and today, because of atomic energy, man lives in that state of collective fear.

25. If the United Nations does not solve this problem, uneasiness will continue, the rivalry between the Powers will persist, and there will still be an equivocal situation, with subversive war, a cold war, with infiltration and a surprise attack at some sensitive spot. For that reason we consider that it is our duty, especially of those of us who belong to medium-sized and small nations and who abhor adventures in power, to proclaim from this rostrum the imperative need of finding without delay an immediate and final solution to the problem of disarmament by means of international control.

26. This question has been discussed as long as the United Nations has lived. Some will ironically conclude that the debate will go on without any practical result being achieved. The fact is that these discussions have already resulted in very important conclusions being reached—in Paris, for instance—in useful rapproche-

ments in many cases; and also, I must recall, although this may seem paradoxical, that some useful contrasts have been brought out. We have attacked the problem and a sound attack at least leads half-way to a solution. I draw the following conclusions from this historic debate.

27. First, as we said in Paris, any theoretical, spectacular, general, vague declaration made for the gallery on the prohibition of weapons of mass destruction, which safeguards no one and convinces no one but, on the contrary, awakens a general feeling of suspicion in proportion to the emphasis involved in such theoretical declaration, would be useless. I am not exaggerating when I say that, if the discussions in this Assembly produce a purely theoretical declaration, based on a non-existent confidence and on a sense of honour which, even though it does exist, does not inspire confidence in the public generally, it would be followed immediately—and this is a psychological factor which I wish to emphasize—by a wave of suspicion among mankind. We have at least learned that psychological factor from these debates. We cannot deceive the public, already informed on these matters, with a spectacular and theoretical declaration. The declaration will not deceive anyone. On the contrary it will engender suspicion and criticism. We should therefore avoid making any spectacular or theoretical declaration.

28. Secondly, what mankind needs, as it already has a wide knowledge of this problem, is a legal statute, a convention, establishing as a legal obligation the prohibition of the use of atomic energy by means of effective and immediate international control. That is what world opinion wants—a legal statute, a legal obligation, an agreement and a body to see that the agreement is honoured.

29. Thirdly, such control would necessarily involve the inspection and verification of all production centres. I must add, with respect to the control organ, that it should be impartially constituted and should carry out its inspection and verification duties under conditions of absolute equality and full reciprocity, so that the inspectors of one Power would have the same rights in the territory and factories of the other Power that the inspectors of the latter Power had in its own territory. Not one right more or less; not one action more or less. Nothing is more in accordance with sovereignty than such a rule of full reciprocity and fair and arithmetical equality.

30. It may be said that we have approached agreement on these three principles which were brought out in Paris, and I must recall that it was also stated in Paris that the international control organ should not have the power of veto and that all its decisions must be reached by a majority vote. The only remaining objection would seem to be the objection of sovereignty.

31. To these three points may be added two more—one of which is dependent on our legal organization and the other will depend on an accomplished fact.

32. In the fourth place, any disagreement between the international organ and the States concerned regarding the exercise of the right of inspection should be settled summarily by a court of law, by the International Court of Justice. And I would add that if it is thought that the procedures of the International Court of Justice are too complicated, then a special tribunal could be set up with full guarantees of impartiality and with powers of immediate action.

33. Fifthly, as President Eisenhower has suggested, all countries should become members of an agency set up for the purpose of encouraging and promoting the peaceful use of nuclear energy. I am grateful to the distinguished United States Secretary of State, Mr. John Foster Dulles, for making clear—indeed for revealing—the possible bases of an agreement on this matter.

34. So then—to sum up—five distinct elements are required: first, a legal statute; secondly, a fully guaranteed organ of control; thirdly, powers of inspection on a basis of equality and reciprocity; fourthly, powers of judicial action to deal with any complaint which may be made by a country in defence of its sovereignty; and, finally, co-operation among men to divert the use of atomic energy from criminal to peaceful purposes.

35. I cannot believe that, if the problem is posed in this way, if it is presented in this form to the conscience of humankind, there will not arise in support of it a great tide of opinion in all the countries of Europe, Asia, Africa, America and Oceania—a tide which nothing can hold back, for it would be the expression not only of our feelings but of the imperative demands of life itself. And I would say, with all the sincerity of which I am capable, with the respect which is due to the representatives of a great people and a great nation—I am referring to the representatives of the Soviet Union, who are profoundly aware of economic, political and military realities—that they cannot nor should they ignore the psychological reality. This factor of world opinion may penetrate the Soviet Union itself and can and should inspire the policies of its Government.

36. This would be a real trial by fire, the acid test as the English say, of the United Nations. There is nothing in the very nature of the Organization, nor in the words of the Charter, however strict and literal an interpretation may be put upon them, which would warrant opposition to the adoption of such principles. On the contrary, their application would be in full accord, allowances being made for the demands of the period, with the spirit of San Francisco, with the intention of the authors of the Charter and that of the creators of our Organization. The dilemma is inescapable: either the United Nations will be the organ for the international control of disarmament or it will not be, however long its debate may go on or its other activities be pursued.

37. Everyone is familiar with the facts which form the background to the ninth session. I shall not attempt to assess their significance nor to make forecasts from them, nor, because of them, to deny any hopes. We are not interested in what might be called final hopes based on a dubious calculation of the probabilities. To us, hope is something deeper and more real, because more urgent. It is a hope which is based on the fulfilment of a duty. Let me, without hatred, without recrimination or resentment, without guile or deception, say what I think is our mission. If any constructive principle is to guide us it should be one inspired by the thought that above the clash of particular interests and political systems and beyond the structure of States, the soul of all our peoples is longing for peace, harmony and international co-operation. Above all, we should be deeply conscious of our duty as an institution. Every duty is by its nature an important stimulus.

38. Past events are irreversible and in many cases irreparable. Fate has denied us power over the future;

there remains to us only the present within which to accomplish our duty. People will say that there are many difficulties, but the greater difficulties the more imperative the duty. It will be said that the outlook is dark, but the greater are the courage and decision required of us in fulfilling our duty. We cannot resign ourselves to the idea that after life has appeared on this planet and human consciousness has flowered, it should be precisely during this period of flowering that life itself should be annihilated and our planet revolve lifeless upon its axis in the eternal silence of infinite space, destroyed by an act of suicide. I am well aware of our present difficulties, but I have faith in the instinct of mankind, which has always turned upon every difficulty an eternal and heartening light, the light of duty fulfilled.

39. Mr. FOURNIER (Costa Rica) (*translated from Spanish*): I should like first to congratulate the President of the General Assembly on his election; the Assembly has made an excellent choice in selecting him to preside over its debates. I should also like to commend the Secretariat for the work it has done during the past year.

40. Mankind is undergoing a process of integration which is gradually leading to broader and more complex forms of society. From the small family groups or clans there developed confederations of tribes and the small States of ancient times. This progressive development has continued until our day, and we are now witnessing the culmination of the process in the gradual formation of a great supra-national society.

41. Because we see history in this way and because we are the representatives of a small but genuine democracy, we who have come here this year to speak for Costa Rica wish to co-operate wholeheartedly in shaping this nascent universal society in the image of the national communities, large and small, that have succeeded in leading their peoples towards the goal of full democracy.

42. As always, the most varied problems of mankind will be debated in this world forum. Among them will be matters of high international policy in which the small States must once again remind the great Powers that they have a heavy responsibility for the future of mankind, since it is in their power to plunge the world into lasting chaos or to build a universal society with sufficient authority to ensure that no corner of the world harbours forces capable of destroying our civilization. In any case, in most of these problems of high policy, the weaker countries can but choose, when the time comes, the side that will best further their people's aspirations for peace and freedom.

43. Side by side with these major problems of international policy, the General Assembly has in past years discussed and will in future discuss many other questions that are less sensational but equally important and about which, although they are of universal concern, the small and poorer nations, being most immediately affected, have much to say. Among them are legal problems the solution of which will make the rule of law a possibility for the common men of various languages, races, customs and religions who are toiling forgotten and silent in various parts of the world for a happier and more peaceful life. In this century of the highest civilization the world has known, the acute crisis of society makes it possible for people to

set at naught God's commandment in their dealings with their fellows. We see grave economic injustice to individuals and nations, produced sometimes by the unrestrained individualism of a few, but more often by society's lack of foresight.

44. Peoples will not believe in democracy merely through hearsay; they must experience it, politically, economically and socially. Only those who can freely elect their government can keep their hope alive; only those who can think, pray and speak without restraint can have faith. Only those who are sure of their daily bread can believe in a peaceful life. Only those who see remedy for injustice are capable of understanding the significance of the social order.

45. It is a commonplace to say that the best allies of oppression, of totalitarianism, whether of the left or the right, are the opponents of social or political progress. What good is material plenty if fathered by tyranny? What good is freedom if bought at the price of poverty?

46. Costa Rica has embarked on a great experiment. The 1948 revolution freed our country of communists and the enemies of our ancient democracy. Ours was the first country of America to learn at first hand what it means to lose temporarily but completely the great moral and political values on which Western Christian democracy is based. Consequently, the Costa Rican citizen today understands better than many others the meaning of the struggle in which the world is engaged, and we, who represent the Costa Rican people, feel bound to give our firm and wholehearted support to the great countries that have become the champions of a way of life in which we believe and which today we are better than ever able to appreciate.

47. As a result of this national revolution a new generation has been elected to remodel on modern lines a democracy which is one of the oldest in Spanish America. We want to achieve greater economic and social justice for Costa Ricans. For the first time in our country's history, power has been placed for four years in the hands of a group with a specific programme of social progress. At the same time, we have given a solemn undertaking not to destroy the old forms of political democracy bequeathed to us by the republics of ancient times. Realizing that many of the objectives of economic and social democracy cannot be achieved at the national level without supporting international action, the new Government of Costa Rica has instructed the delegation of which I am chairman to express its concern to the Assembly in the hope that an international remedy may be found for what is not a local problem of this or that country but a problem of the international community at large.

48. We, Costa Ricans of today, have our own ideas about what human society ought to be, but we know that other peoples have different beliefs and forms of government. We would never attempt unilaterally to change the course chosen by other nations; we consider ourselves good Latin Americans, and as such regard the principle of non-intervention as one of the basic principles of international life. It is only through joint action in accordance with the legal process of the international community that influence may perhaps legitimately be exerted on the way of life practised by a State within its borders. In the meantime, it is Costa Rica's wish that every people should

govern itself as it sees fit and in accordance with its own circumstances, that every State should be a good neighbour to others and that all States should respect each other.

49. Although there are various types of government in the world and on our American continent, there are major economic and social problems common to all and there is nothing to prevent us from attempting to solve them together. My Government has asked that one of these problems, which it considers vital because of its many serious implications for all States, large and small, and men of all races everywhere, should be placed on the Assembly's agenda. I refer to the question of the establishment of a world food reserve.

50. This is not the first time the subject has been raised at international conferences. However, in submitting it as a separate item at this session, Costa Rica hopes that it will be possible to arrange for a thorough study of the subject by nationals of Member States with the widest knowledge and experience of the problems involved.

51. In a world that considers itself civilized, it is incredible that millions of human beings should lack the bare necessities of life while some countries are every year threatened with economic collapse because they cannot sell their products at reasonable and stable prices. The resulting dislocation of world trade ruins producers, injures consumers, helps to foment social discontent everywhere, and is a danger to the peace of all countries rich and poor, whether they produce raw materials or manufactured goods.

52. After the 1948 revolution, the new régime in Costa Rica found itself faced with the same situation on a small scale within its borders; other nations will certainly have experienced it. Our country, one of the most fertile lands in the world, did not produce enough to provide its people with a minimum diet, while agricultural workers and farmers never knew what they would be paid for their crops or even whether they would make a living. Our Republic then launched an experiment which may, so far as the main principles are concerned, serve as a useful example for the solution of the world's permanent basic commodity problem. Without controls, which are always irksome, a non-political technical body, the Production Board, has gradually been guaranteeing the farmer a minimum market for his various crops. The producer has thus been assured of a reasonable return for his labour and the consumer has had to pay lower prices for his daily food.

53. My delegation does not claim to have found the solution to this or any other problem. It wishes merely to express its concern and to persuade world public opinion to study this economic and social phenomenon which will so long as it exists be a barrier to the advancement of most of the countries here represented. I have singled out this item on the agenda of the ninth session because I wished to outline the contribution Costa Rica hopes to make to the Assembly's work and to indicate the objectives on which we feel that this supreme world Organization and the other international organizations that may emerge during this century should concentrate their efforts.

54. My Government wishes to take this opportunity to express its sincere support of the attempts to organize permanent international co-operation rep-

resented by the United Nations; we have an abiding faith in the regional American system which is the best example of organized international relations in the world; but we also desire closer relations with nations outside our continent and have no doubt that the two organizations can exist side by side without conflict in their respective fields of activity. The United Nations, particularly through its Technical Assistance Programme, has made a vital contribution to the development of the small nations; the Central-American States view with deep gratitude and satisfaction the invaluable co-operation which has enabled them to make progress towards economic integration for the first time since the break-up of the Federation. We hope that this assistance will continue and be increased.

55. I mention this, not solely because of its importance to Costa Rica, but because it is also an example of the form we feel the United Nations work should take: joint and friendly action of nations to solve their many serious problems; a courageous and persevering effort to ensure that the world lives in harmony and freedom. Only then can we build a world order in which all men in every corner of the world are assured by the community the minimum security necessary for their individual initiative, and an opportunity to achieve the happiness to which they are entitled, and to work for their material, spiritual and moral progress.

56. Mr. LANGE (Norway): I am happy, Mr. President, to have this opportunity of joining with previous speakers in congratulating you, and us, on your election to your high office.

57. This ninth regular session of the General Assembly has gathered at a moment when, for the first time in many years, open warfare on an important scale is not going on anywhere in the world. One year after the Armistice in Korea in July of last year, the armistice agreements for the three Indo-Chinese states were signed at Geneva. In my country, as I am sure in all other countries represented here, there is a sincere feeling of relief that, for the first time in nearly twenty years, no organized mass killing of man by man is going on. This feeling of relief is coupled with a strong desire to see the world proceed from a state of armistice between armed camps to one of real peace and active co-operation between nations.

58. We cannot, however, close our eyes to the fact that, despite the few encouraging signs to which I have just referred, the general world situation confronting us is deeply disturbing. Fundamental international conflicts which have beset us during most of the lifetime of this Organization remain essentially as unresolved as at any previous session of the General Assembly, and we do not know how far we shall succeed through our work here during the coming weeks in bringing their solution any nearer.

59. To an important extent our success or failure in making a constructive contribution to the cause of peace will depend on the way in which we make use of the opportunities afforded to us by this world Organization of ours.

60. We have as the basis of our general debate the comprehensive annual report [A/2663] of the Secretary-General on the work of the Organization during the past year. I avail myself of this opportunity to congratulate him not only on this particular report but in general on the documentation with which he and

the Secretariat have provided us on the many important items before this Assembly. Allow me to add my thanks to the Secretary-General for the firm, efficient and sober way in which he is discharging his great responsibilities under the Charter.

61. In the light of what I said at the outset, I should like to make a few observations on those parts of the Secretary-General's report which deal with the rôle of the United Nations in diplomatic affairs. It is of course true, as the Secretary-General points out in his introductory remarks, that the United Nations is not an end in itself. Our Organization is an instrument created by the Member States to serve them in their efforts to maintain peace and to further international co-operation in all fields of human activity. It is entirely up to us, the Member States, to use this instrument or to ignore or by-pass it. As an instrument, the United Nations cannot be self-operating.

62. In his report, the Secretary-General expresses apprehension that the United Nations be by-passed or ignored for reasons of expediency or shortsighted convenience. In the opening speech of this session, on Tuesday [473rd meeting], the outgoing President, Mrs. Pandit, also cautioned us not to encourage neglect of the machinery we have patiently built up. "Machinery", she said, "in order to be useful, must be kept running." Such warnings on the part of two of the chief servants of our Organization make it incumbent upon everyone of us representing the Member States to consider very seriously our attitude to the United Nations and the use we are making of the Organization.

63. I, for one, agree with the Secretary-General that the United Nations cannot and should not supplant the normal processes of diplomacy. There can be no disputing the Secretary-General's view that when these processes are adequate and likely to lead to positive results they should be utilized. In so doing Members should, however, bear in mind their obligations to the Organization and keep its appropriate organs informed about developments which fall within the sphere of responsibility of the United Nations.

64. There have been situations where the machinery of the United Nations has not been utilized, not because other means of negotiations seemed more promising, but because certain States, vitally interested in the particular situation, had no possibility of making themselves heard in this world Organization of ours. I have primarily in mind the fact that the People's Republic of China is not represented in the bodies of the United Nations. This is a state of affairs which, in the opinion of my Government, cannot but cause increasing concern to the Members of our Organization. It is this state of affairs which explains why vital international problems, even problems bearing directly on the question of peace or war, are precluded from realistic consideration within this forum. My Government is of the opinion that it is in the common interest of all of us that an end be put to this anomalous situation. Otherwise, there is a continued risk that the tendency to by-pass the United Nations and to substitute for it other means of international negotiation may make itself increasingly felt. The task of our Organization surely is to facilitate international contacts between Governments, and not to impede or even prevent such contacts.

65. These observations lead me to the question of the admission of new Members to the Organization,

a question which, of course, is different in principle from the problem of who should represent a particular Member nation.

66. The admission of new Members is guided by the provisions of Article 4 of the Charter. It seems reasonable to my Government to consider that Article in the light of the situation prevailing in the world at the time when it was drafted. In the final stages of the Second World War, the United Nations was generally viewed as an alliance engaged in a war against a certain group of States. This conception of the United Nations as an alliance is reflected in Article 4 and explains the inclusion in the text of that Article of the word "peace-loving", a world which at that particular moment of history meant, for all practical purposes, a State actively participating in the war on the side of the United Nations.

67. For obvious reasons, this meaning of the word "peace-loving" could not be maintained for long after the war was over. Furthermore, international developments soon put an end to the concept of the United Nations as an alliance, even in the loosest sense of that word. It is many years now since the description of our Organization as an alliance could be considered even remotely justified.

68. The developments to which I just referred must necessarily be reflected in our concept of the nature and rôle of the United Nations in the present world situation. It necessitates a shift in emphasis, away from the concept of the United Nations as a politically homogeneous body, to the concept of the United Nations which is the meeting-place of the world, and I may add of the world as it is, with all its varieties of political, social and economic systems.

69. There is no doubt need for forums, where like-minded people can meet. This does not, however, in the least detract from the great importance of maintaining and developing an organization where nations with widely differing views and interests, even with opposed views, can meet and seek peaceful solutions to conflicts and disputes. There is no organization other than the United Nations in the world today which can serve this particular purpose. This is indeed the *raison d'être* of the United Nations in the present world situation, and that is why we view the United Nations as essential to the maintenance of peace and security.

70. In order that the United Nations may play its part as a meeting-place of the world as efficiently as possible, it seems to us essential that the doors of the Organization be open to States which wish to participate in it. If we sincerely believe in the possibility of solving international problems through negotiation, it would seem illogical to pursue a restrictive policy in the membership question. My delegation will, therefore, actively support efforts at extending membership to as many applicant States as can obtain the necessary recommendation from the Security Council.

71. Having said this, I venture to add a few observations regarding the aim of the negotiations we conduct in the various bodies of our Organization. I presume it is generally agreed that the purpose of international negotiations is to reach solutions to the problems with which we are faced. In my opinion, however, there is often a tendency to forget this primary purpose in United Nations bodies. Over the

years there has been an increasing tendency to substitute voting for negotiation, obviously on the assumption that a resolution adopted by a majority is tantamount to a solution of the particular problem under consideration. It is hardly necessary to stress that this very often is a fallacious assumption. With the exception of Security Council resolutions in certain specifically defined cases, no resolutions of any United Nations body can obligate Member Governments. United Nations resolutions generally are no more than recommendations to Governments. This is a basic provision of our Charter, and Member Governments are not at the present time willing to assume more far-reaching obligations. A widening of the obligations imposed on the Members of the United Nations could not be effected without grave consequences for the structure of our Organization.

72. In my view, however, the very limitations of the obligations of Member Governments constitute a challenge to their willingness and ability to seek solutions, not through the adoption of resolutions by varying majorities, but through sincere and patient negotiations. I have noticed with apprehension the tendency prevalent in United Nations organs to press for resolutions so far-reaching that they are adopted by only a bare majority. Might it not be preferable to seek solutions perhaps less far-reaching but capable of commanding unanimous or nearly unanimous support? The method of patiently seeking unanimous solutions would no doubt produce fewer resolutions but perhaps more results. And, above all, such a method would create a better atmosphere, which in turn would facilitate the process of co-operation amongst us all.

73. There is one particular field of United Nations activities on which these general observations have a direct and immediate bearing. On more than one occasion, it has been unanimously established that assistance to under-developed countries should have top priority in the activities of the United Nations. The Norwegian Government wholeheartedly endorses this view, and within the limit of its ability has tried to play its part in the efforts made in this field.

74. It would also be generally admitted, I feel, that the efforts undertaken and the means made available to this end lag far behind the well-nigh unlimited needs which such an extended technical assistance programme is intended to meet. Against this background, it is perfectly understandable that Member States from those areas of the world which are considered under-developed show a good deal of impatience at the slow progress of the United Nations technical assistance programme. On the other hand, it seems to my Government that there is not much point in recommending through a mere majority vote the setting up of agencies, such as the proposed Special United Nations Fund for Economic Development and the proposed International Finance Corporation as long as the Member States to which we must necessarily look for a major part of the capital envisaged do not see their way to contributing.

75. Having sounded this note of what to me seems common sense, I hasten to add, however, that while waiting and hoping for a better moment to start new United Nations operations to finance economic development, we attach the greatest importance to the expansion and speeding-up of the extended technical assistance programme now in operation. In submitting

to Parliament budget estimates for the fiscal year 1955-1956, my Government intends to suggest another substantial increase in Norway's contribution to this programme, with a view to doing what is in our power to help expand the activity of our Organization in this field.

76. Since the beginning of this year, Norway is once more a member of the Economic and Social Council of the United Nations. It seems appropriate, therefore, that I should dwell for a moment on one or two more of the problems now before that body.

77. To my mind, the problems connected with securing full employment in the Member States are among the most important questions dealt with by the Economic and Social Council. During its eighteenth session, the Council invited the International Labour Organisation to continue its work in the field of employment problems [*resolution 531 B (XVIII)*] and adopted various recommendations to the Member States to maintain high and expanding levels of production and employment in their territories.

78. I am fully aware that there is no simple and over-all solution to the problem of achieving and maintaining full employment. The form in which the problem presents itself is certainly very different in the highly industrialized countries and in countries which are economically under-developed, and it goes without saying, therefore, that the measures taken to ensure full employment and economic expansion must differ considerably.

79. On the other hand, the institutional framework within which we are now able to work out and implement concerted policies both on national, regional, inter-regional and world-wide levels, has been greatly expanded. It is surely our task, with energy and in close co-operation, to adapt our policies and our machinery on the various levels to a realistic attack on our inter-related economic problems.

80. In addition to policies of full employment and expansion of production, I want also to stress the importance my Government attaches to concerted international action in the field of trade and payments. These problems have been the object of international action for decades, and the post-war world particularly has grappled with them over and over again. Outstanding results have been achieved in Western Europe, and various bodies under the United Nations have made considerable progress.

81. The Economic and Social Council carries a heavy responsibility as the main organ for directing and co-ordinating the policies of Member nations in this field on a world-wide basis. During its seventeenth and eighteenth sessions, major problems of international trade and payments were discussed. I mention international capital movements, stabilization of world commodity trade and prices, trade problems generally, with particular weight given to East-West trade. It might be said that no very tangible results were arrived at, but we should be grateful for what was achieved, and I feel confident that the scope for action in this field in the present world situation was once again carefully explored.

82. In this connexion we should bear in mind that the same and related problems come up for consideration very often from other angles in international bodies other than the Economic and Social Council—

to a considerable extent in bodies inside the United Nations.

83. We expect from the members of these other bodies which are currently dealing with particular aspects of trade and payments—such as convertibility, East-West trade and inter-regional trade—a willingness to seek workable solutions which can safeguard continuing progress towards full employment and an expanding world economy.

84. There are great and obvious benefits to be derived from freer trade and payments. At the same time, however, such progress will make additional claims upon the policies of both creditor and debtor nations. Most debtors will face grave difficulties if their efforts to expand exports do not find an adequate response in creditor countries, which will be called upon to pursue a liberal or, if you prefer, a "good creditor" policy. Such a policy must include a liberal pattern of behaviour in trade matters and with regard to the international flow of capital, two fields which are very important for the proper functioning of a liberal and progressive trading system.

85. I venture to express the hope that Member governments will devote fresh energy to working out solutions to these problems at the forthcoming meetings both of the International Monetary Fund, the parties to the General Agreement on Tariffs and Trade, and elsewhere.

86. Before I leave the problems now before the Economic and Social Council, allow me to refer briefly to the refugee problem, that unhappy legacy of the last world war, which today, nine years later, still remains with us. The United Nations High Commissioner for Refugees has drawn up a comprehensive plan [A/2648] for the liquidation of the refugee camps, the permanent placement of the refugees in need of institutional care and the integration of the remainder into economic and social life. The High Commissioner's plan is of course concerned with only those refugees who fall within his mandate, the so-called "international refugees"—that is, those who do not reside in a country of which they are citizens.

87. I need not remind this Assembly that it is the obvious moral duty of this world Organization to give the High Commissioner the means to carry out his plan, and it is hardly necessary to stress the political danger of not doing everything in our power to solve the refugee problem. The reason for my mentioning the High Commissioner's plan in this debate is that I should like this Assembly to know that the Norwegian Government will suggest to Parliament a considerable increase in Norway's contribution to the High Commissioner's work. We hope that similar contributions from other Member States will enable him to start action without delay and on a broad scale.

88. From these brief remarks on a few of the problems facing us in the social, economic and humanitarian fields, I now turn to an aspect of the present world situation which, more than anything else, is causing anxiety and fear in the minds and hearts of ordinary men and women in all parts of the world. I refer to the development of weapons of mass destruction, whose application in war might cause the whole structure of modern civilization to break down, and to the heavy load of conventional armaments carried by a number of States, Members and non-Members alike.

89. In approaching the problem of disarmament it is essential that we have a clear conception as to where the primary responsibility for the present disturbing state of affairs resides.

90. Rearmament has been forced upon the democratic world. Reluctantly we have arrived at the conviction that the unilateral disbanding of military forces which took place after the Second World War was the principal factor in bringing about the cold war—for this simple reason: the Soviet Union, the only great Power victorious in the war which maintained a very high degree of military preparedness after the end of hostilities in Europe and Asia, could not resist the temptation to take advantage of the situation created by the unilateral disarmament undertaken by its democratic allies. Communist political and economic influence filled the vacuum in Eastern Europe and in parts of Asia. We were slow in waking up to reality and slow in recognizing the dangers which this development created to the maintenance of international peace and security. The democratic world was forced to respond by taking action in two fields: first, by joint action in the economic field to rehabilitate and strengthen our democratic institutions; secondly, by joint action to restore the military balance, especially in Europe, which was destroyed by the unilateral disarmament of the Western democracies after the war.

91. The action taken in the economic field was popular among peoples and governments alike. The programme implemented in the military field could not be, and has never been, popular, but it has been accepted as necessary for the preservation of our national security.

92. It goes without saying that any indication of a possibility of reducing the armaments burden will be welcomed unanimously by peoples, parliaments and governments alike in all democratic countries. It is, as I said, a burden which has been forced upon us, and we should like to get rid of it as soon as possible. By "as soon as possible" I mean this: a reduction of our armaments must not mean a reduction in our national security. This is a fundamental requirement.

93. Disarmament must be carried out, not unilaterally, but universally in a balanced way and with adequate controls. Of equal importance, however, with the working-out of elaborate plans, is the atmosphere in which we approach the problem. In the first place, without a minimum of goodwill and without a minimum of confidence, all our work in this field will be doomed to failure. In the second place, we can only hope to reach agreement on disarmament to the extent that we succeed in settling the political issues and conflicts which are the underlying causes of the present world tension.

94. One of the issues which has to be settled in order to alleviate this tension and bring about a stable situation is the problem of Germany. The way this problem is being handled, in the West as well as in the East, and in particular in Germany itself, is a severe test of our statesmanship and the key to the future of Europe.

95. For five years my country was under Nazi occupation, and we cannot forget the experience of that recent past. It seems obvious to us that a peaceful future for Europe can only be assured if, as a member of the European family of nations, there is a truly democratic Germany. An international settlement can-

not, and should not any longer, be imposed on Germany from the outside, contrary to the wishes of the German people. That would be true of the united Germany which we must hope will in no distant future emerge on the basis of truly free elections. It also holds true for the present Federal Republic of Germany.

96. It is my belief that the negotiations now in progress on the problem of Western European security will contribute to a lasting improvement of relations not only between Germany and France, but also between the Western and the Eastern worlds. Three things seem to me essential in this connexion. The solution arrived at must be one which can command the active support of the parliaments in all the countries directly concerned. It must be so conceived as to provide, on a non-discriminatory basis, adequate guarantees against the resurgence of German militarism, and it must not preclude the possibility of uniting Germany by peaceful methods on the basis of genuinely free elections.

97. It is my hope that recent developments in Asia and coming developments in Europe will create a better atmosphere for the work of the Disarmament Commission. So far, progress has been distressingly slow. Positions have been frozen. Old ideas of national sovereignty have dominated the discussions on effective international control, which is essential for the carrying-out of any disarmament programme, however limited in scope.

98. While these negotiations have been dragging on, technical developments have proceeded at a relentless pace, which cannot but cause the gravest anxiety for the survival of our whole civilization. Nuclear weapons are the nightmare of our time. To eliminate them as instruments of destruction and to establish adequate controls should be recognized as the supreme task of governments in the world today. On their success or failure in this endeavour will depend the continued existence of our civilization, possibly the continued existence of the human race on this planet. This is the magnitude of the task. It is one of self-preservation in the strictest sense of the word.

99. Against this background, arguments against international controls based on old concepts of national sovereignty seem as absurd and as obsolete as bows and arrows in a modern battle.

100. However, this is basically a problem of mutual trust and confidence. In a world where trust does not exist, we must take the slow and cautious approach. This has been done in the Disarmament Commission. It is the sincere hope of my Government that the joint memorandum [DS/53, annex 9] of France and the United Kingdom of 11 June in the Sub-Committee will be accepted by all principal Powers as a basis for a compromise which would enable us to agree upon a programme of disarmament and the international control of atomic energy.

101. While holding this hope, we do of course fully realize that the road towards this goal is long and arduous. We therefore sincerely welcome the statement made here yesterday [475th meeting] by the United States Secretary of State that his Government is prepared to take an initiative in the near future to organize on an international basis the exploration and development of the peaceful use of atomic energy. This initiative emanates from the proposals made in the Assembly on 8 December of last year

[470th meeting] by the President of the United States. I noted with particular satisfaction that participation in this new endeavour would be open to nations from all regions of the world, and that it is suggested that the preparatory conference of scientists should be held under the auspices of the United Nations. Let us hope that this new venture in international co-operation for the peaceful use of atomic energy will expand rapidly and pave the way for genuine international co-operation and also for the purpose of eliminating the threat to our civilization which is inherent in these vast destructive forces.

102. The PRESIDENT (*translated from French*): There are no more speakers on this morning's list. I wish to inform representatives, in order to help them plan their day, that there will be a short meeting of the General Committee this afternoon at 2.45 p.m. in the Security Council Chamber. The plenary meeting of the General Assembly will be held immediately after the General Committee meeting.

AGENDA ITEM 7

Notification by the Secretary-General under Article 12, paragraph 2, of the Charter (A/2732)

103. The PRESIDENT (*translated from French*): Document A/2732, which was circulated by the Secretary-General on 21 September of this year, is a notification by the Secretary-General to the General Assembly of matters relative to the maintenance of international peace and security which are being dealt with by the Security Council. The Secretary-General sent the notification under Article 12, paragraph 2, of the Charter and rule 49 of the General Assembly's rules of procedure.

The General Assembly took note of the report.

AGENDA ITEM 8

Adoption of the agenda

FIRST REPORT OF THE GENERAL COMMITTEE (A/2733)

104. The PRESIDENT (*translated from French*): I now submit for the consideration of the General Assembly the General Committee's report dealing with the adoption of the agenda, the allocation of items to Committees and the organization of the session. The report has been circulated as document A/2733, and it is divided into three main sections.

105. The first section of the document deals with the adoption of the agenda. To make our work easier, I suggest that the items should be taken up in groups wherever appropriate.

It was so decided.

106. The PRESIDENT (*translated from French*): Representatives will have noted that, as was pointed out in the report, there was discussion in the General Committee regarding the inclusion of some of the items in the General Assembly's agenda. In this connexion, and before we consider the first part of the report, I should like to draw the General Assembly's attention to the provisions of rule 23 of the rules of procedure which reads:

"Debate on the inclusion of an item in the agenda, when that item has been recommended for inclusion by the General Committee, shall be limited to three speakers in favour of and three against the inclusion."

The President may limit the time to be allowed to speakers under this rule”.

107. It is not my intention at this point to propose limiting the time to be allowed to speakers under this rule. I would rather rely on the representatives themselves and their understanding of the spirit of rule 23 of the rules of procedure, and above all, on their discretion, for we all want to expedite our work and to adopt the agenda promptly.

108. Turning now to paragraph 3 in the first part of document A/2733, I ask the General Assembly to consider the inclusion of items 1 to 16 inclusive.

Items 1 to 16 inclusive were placed on the agenda without discussion.

109. The PRESIDENT (*translated from French*): Is there any objection to the inclusion of items 17 to 20?

Items 17 to 20 inclusive were placed on the agenda without discussion.

110. The PRESIDENT (*translated from French*): We shall now take up the inclusion of item 21 (a) and (b). Inasmuch as there was discussion in the General Committee regarding the inclusion of item 21 (b), I propose that the General Assembly should examine sub-items (a) and (b) separately.

111. Are there any objections to the inclusion of item 21 (a)?

Item 21 (a) was placed on the agenda without discussion.

112. The PRESIDENT (*translated from French*): Is there any objection to the inclusion of item 21 (b)?

113. Mr. ZARUBIN (Union of Soviet Socialist Republics) (*translated from Russian*): The delegation of the Soviet Union proposes that consideration of the question of the admission of Laos and Cambodia to membership in the United Nations should be postponed until a full political settlement of the problem of Indo-China has been reached in accordance with the agreement concluded at the Geneva Conference.

114. The PRESIDENT (*translated from French*): Since no other representative wishes to speak, I shall put to the vote the inclusion of item 21 (b).

Item 21 (b) was placed on the agenda by 43 votes to none, with 9 abstentions.

115. The PRESIDENT (*translated from French*): I call upon the representative of the Union of South Africa who wishes to speak on item 22.

116. Mr. JOOSTE (Union of South Africa): The attitude of my Government regarding the present item is, of course, well known. I have asked to be heard merely in order to reaffirm, as I did in the General Committee, that my Government's attitude remains unchanged.

117. As is known, the Union of South Africa contends that the matter at issue is one essentially within its jurisdiction, and that the General Assembly is therefore not competent to deal with it. Article 2, paragraph 7, of the Charter, which I do not have to quote today, safeguards, or was intended to safeguard, the exclusive jurisdiction of Member States with regard to matters of domestic concern. My Government is not prepared to sacrifice its rights inscribed in this Article, and is therefore not prepared to agree to the inclusion of this item.

118. My delegation is, of course, aware of the argument that the Assembly has the right to exercise jurisdiction because, *inter alia*, the subject has been dis-

cussed at every previous session since 1946. We know also that it is argued that the Assembly is obliged to accept the item in its agenda because the previous Assembly had decided to include the matter in the provisional agenda for the ninth session. These contentions we reject, and we do so because these factors do not, in our view, detract from the applicability of Article 2, paragraph 7.

119. The fact that this Organization has taken unconstitutional action in the past does not justify similar action at present or in the future. Nor can it be validly argued that, because the previous Assembly placed this item on the provisional agenda, this Assembly is automatically bound to accept it. This Assembly must decide for itself whether or not a particular item could be or should be inscribed. The mere fact that we are now considering the agenda, I submit, demonstrates this.

120. I do not propose to repeat today the arguments which we have previously presented in support of our case. I shall only say once again that my Government maintains its attitude that the Assembly is debarred by the specific provisions of Article 2, paragraph 7, from concerning itself with the matter, and that the Union of South Africa is not prepared, also in terms of the provisions of that Article, to submit the issue for settlement by the United Nations. This we have stated consistently, and this continues to be my Government's position.

121. Now, quite apart from the legal issues involved, I would ask the General Assembly to reflect whether any useful purpose is being served by the further discussion of this problem, a problem whose solution, as the records of the past eight years can testify, has been progressively exacerbated rather than facilitated by United Nations intervention. I would ask whether it is wise, in the interests of the United Nations itself, to continue to claim a jurisdiction which, by the very nature of that claim, further militates against the ending of a dispute which has absorbed the time and energy of the Organization for almost a decade—time and energy which could be profitably devoted to far more pressing problems. Surely all those familiar with the history of this matter will concede that the persistent intervention of the United Nations, characterized as it is by acrimonious debate, has in no sense whatsoever contributed towards the removal of friction, the easing of relations and the development of goodwill and understanding.

122. Nor, it will be agreed, has United Nations action helped in any way whatsoever to promote the material and moral welfare of the very people who form the subject of the item. On the contrary, this continued intervention in our affairs, the manner in which our rights as a Member nation under the Charter have been denied us, and the way in which every effort has been made to discredit South Africa, have had the effect rather of fanning the emotions, sowing suspicion, undermining mutual confidence and promoting distrust.

123. I shall not pursue this point, but I believe that those who do not agree with our legal thesis, which I submit has never been rebutted, should have regard to these facts in determining their attitude towards the continued inscription of the present item on the agenda. I therefore ask the General Assembly not to inscribe the item on the agenda.

124. Mr. JUNG (India): The question of the treatment of Indians in South Africa has been included in the provisional agenda of the present session of the General Assembly in accordance with paragraph 10 of General Assembly resolution 719 (VIII), adopted on 11 November 1953. At the present stage, the General Committee has also recommended its inclusion. By its resolution, the General Assembly decided to continue the United Nations Good Offices Commission, which was established at the seventh session, and requested it to report to the General Assembly at its next regular session on the extent of the progress achieved, giving as well its own views on the problem and any proposals which, in its opinion, might lead to a peaceful settlement of it. The report submitted by the Commission in compliance with the directive of the General Assembly has now been circulated in document A/2723.

125. There can therefore be little doubt that the General Assembly should consider the report which it itself requested from the Commission appointed by it for the purpose of studying the problem of the treatment of people of Indian origin in the Union of South Africa. In the circumstances, the Indian delegation does not consider it necessary at this stage to go into the question either of the substance or of the competence of the General Assembly, which has been raised by the representative of the Union of South Africa for the eighth time.

126. The General Assembly no doubt will recall that this item was first placed on the agenda of the General Assembly at its first session. Since then, the General Assembly has considered the item at all but one of its sessions. The question of competence has now been raised again by the delegation of the Union of South Africa, as it had been raised on each of the previous occasions, when the Assembly by its expressed votes decided against the South African contention. My delegation is satisfied that the General Assembly will continue to uphold its previous decisions in this matter.

127. We also have before us, as I have already submitted, the recommendation of the General Committee that item 22 should be included in the agenda of the present session, and my delegation supports that recommendation of the General Committee and commends it to the General Assembly.

128. The PRESIDENT (*translated from French*): I shall put to the vote the inclusion of item 22.

Item 22 was placed on the agenda by 45 votes to 1, with 11 abstentions.

129. The PRESIDENT (*translated from French*): Do any delegations wish to take the floor with regard to the inclusion of item 23 in the agenda?

130. Mr. JOOSTE (Union of South Africa): In the present case also, the General Assembly has before it a recommendation from the General Committee that the item in question be accepted for inscription on the agenda. Having regard to certain arguments which have been presented in the past and, in fact, repeated today when the previous item was discussed, I believe that I should refer to the circumstances under which this recommendation from the General Committee has reached the General Assembly.

131. In the first place, I would remind the General Assembly that when the agenda was under consideration in the General Committee I merely placed on record my Government's protest against the inscription

of the item. I did not ask the General Committee to remove the item from the provisional agenda. I indicated that the final decision on its inscription could only be taken by the General Assembly, where all delegations, including my own, are represented. In fact, I made it clear at the time that I did not wish a vote to be taken in the General Committee, as this would require the delegations represented on it to commit themselves before I had given a fuller explanation of our case. This I reserved for the General Assembly.

132. I do not, of course, intend to draw any invalid conclusions from the facts which I have just mentioned. I do want to make it clear, however, that we are looking to the General Assembly to adjudicate upon the competence of this Organization to inscribe the item on our agenda for the ninth session.

133. I have mentioned these circumstances also in order to emphasize a fact which, in my view, should not be overlooked or ignored, namely, that this Assembly is not obliged to decide in favour of inscription merely because the item still appears on the provisional agenda. Furthermore, it is necessary to remember that the fact that this item appears on the provisional agenda in consequence of a resolution taken last year in no way impairs the right of this Assembly to take its own decision on the matter of inscription. It is essential that this fact be borne in mind for we have been informed all too often that the Assembly is required to include an item in its agenda because the inclusion of that item was previously recommended at a former session. This view cannot, of course, as I have pointed out, be sustained, and I therefore now ask this Assembly to take its own decision and, in doing so, to decide against inscription.

134. This brings me to the South African case against inscription, a case which we have argued so often before that I do not need to repeat it again today in detail. Our arguments have been stated very fully in the past and we are satisfied that the General Assembly is familiar with them. I need merely remind the Assembly of the broad outlines of our case.

135. The Assembly will recall that it is the contention of the South African Government that the item which we are at present considering relates to matters all of which fall essentially within the domestic jurisdiction of my country. This contention frankly admits of no argument; it will be enough merely to refer to these matters in order to appreciate this fact. What are they? Let me enumerate them: the regulation and occupation of land and premises in South Africa by South African nationals, public service facilities on the South African railways and buses and in our post offices, the means employed in South Africa to suppress communism, the composition of our armed forces, the voting rights of South African citizens, educational and housing facilities for the non-European citizens of South Africa. Surely these are matters which are entirely of a domestic nature and which inevitably fall, and continue to fall, within the domestic jurisdiction of my Government. At all events, that is my Government's contention, a contention to which it will always adhere.

136. It is the submission of my Government that, since these matters are of purely domestic concern, this Organization is denied the right to deal with them and that it is denied that right because of the provisions of Article 2, paragraph 7, of the Charter. Those provisions are clear and explicit on this point; and

here let me remind the Assembly that, apart from the clear text of the Article, our contention is also borne out by the records of the San Francisco Conference. We have in the past produced evidence as to what the founders of the Organization intended by the wording of Article 2, paragraph 7. It will be recalled that, in substantiation of our case, we have referred to the explanations given at that time by such authorities as the present Secretary of State of the United States, and Mr. Evatt, the then Minister for External Affairs of Australia. This evidence is on record, and I do not propose to repeat it today. It is our case, therefore, that, having regard to the explicit provisions of Article 2, paragraph 7, of the Charter, the General Assembly is not empowered to deal with the present item; in fact, that it is explicitly prohibited from doing so.

137. It is true, of course, that, despite the arguments which we have presented in the past, many delegations have continued to quarrel with our contention that the matter is governed by Article 2, paragraph 7. Many of the grounds on which some have disagreed with us—and I say this with all respect—have been of the flimsiest nature. This is especially true of the grounds on which certain delegations have sought to argue that the matters in question, to which I referred just now, could not be regarded as essentially domestic. Many delegations have also in the past questioned our interpretation of certain parts of the wording of Article 2, paragraph 7—for example, the meaning of the word “intervene” as it is used in that paragraph.

138. Our contention has consistently been that the concept of intervention as used in the Charter refers to every action which, under the terms of the Charter, the General Assembly is competent to undertake—that is, to discuss, to consider, and to adopt resolutions. We have argued that, under the terms of the Charter, the Assembly is empowered to do only certain things, and that those things comprise discussion, consideration, and the adoption of resolutions, and nothing else. Therefore, where the Charter enjoins the Assembly not to intervene in the domestic affairs of a Member State, it denies to the Assembly the right either to discuss, to consider, or to adopt resolutions with regard to such matters. This view, my Government contends, is the only one which is permissible in the light of the wording of the Charter. And let me repeat that my Government continues to hold that view.

139. Now let me briefly remind the General Assembly of the principal grounds on which, despite our arguments, our contention has in the past been criticized.

140. In the first place, it has been alleged that a question of human rights is involved. We reject this allegation. But this is not the point. The point is whether, if a question of human rights, as it is alleged, is involved, the General Assembly is competent to set aside or to ignore the provisions of Article 2, paragraph 7. Some maintain that it can; we contend that it cannot, and in support of our contention we have pointed out that the possibility that efforts might be made to persuade the Assembly to intervene in essentially domestic matters because of an allegation that human rights are involved, was actually foreseen at San Francisco when the question was referred to a Committee for consideration and, as representatives will recall, that Committee issued a statement which reads as follows:

“The members of Committee 3 of Commission II are in full agreement that nothing contained in Chapter IX”—which is the Chapter dealing with human rights—“can be construed as giving authority to the Organization to intervene in the domestic affairs of Member States.”¹

As I stated last year, this wording could not be clearer.

141. There are many, of course, who have known all along that it might be difficult, if not impossible, to sustain the case for intervention to an extent which would enable them to command a majority vote merely on the grounds that a charge related to human rights. And it is for that reason that we find also the allegation that what is happening in South Africa today is a threat to international peace. My delegation fully believes that this charge, which of course is quite preposterous, was designed for the specific purpose of persuading the General Assembly to take an action which, in the absence of such a charge, would be clearly improper and outside the Assembly's competence. I would repeat what I said in this connexion last year [435th meeting], namely, that the allegation that what is happening in South Africa today constitutes a threat to the peace is, to say the least, reprehensible and mischievous in the extreme.

142. I pointed out at that time that, since there could be a threat to the peace only when the territorial integrity or political independence of another State was threatened, nothing arising out of the situation in South Africa could in any way be represented as a threat to the peace. But I do not intend to pursue this argument today. I am satisfied that objective consideration will show that there is nothing in the actions—the legitimate actions—of my Government which can be regarded by any stretch of the imagination as constituting a threat to world peace. The Assembly need but have regard to events in other parts of the world, events which have in fact imposed a severe strain on the relations between nations, in order to appreciate the extreme unfairness of this charge against my country.

143. There have been other arguments which have been adduced regarding why the Organization should intervene in the present matter. Let me refer to some of them; and I shall do so very briefly.

144. It was argued last year, for instance, that the inclusion of the item in the agenda and its subsequent discussion derived its justification from a report which the Assembly itself had called for—a report from a commission which was the creature of the Assembly—and that the Assembly could not therefore decide against inscription.

145. We are, of course, familiar with this argument. But, as we have pointed out in the past, if our contention is valid—namely, our contention that Article 2, paragraph 7, of the Charter denies to the Assembly the right to intervene in our domestic affairs—then the body which was set up to examine those affairs was an unconstitutional one, and to perpetuate that body or to continue its work would be equally unconstitutional. Surely, this is logical. I therefore submit that this argument also has no validity.

146. Secondly, there is the argument that, because the Organization has dealt with this matter in the past or has in the past decided that it has competence,

¹ See *United Nations Conference on International Organization*, II/3/55 (1), p. 271.

the present Assembly is automatically bound to adopt a similar view.

147. Our reply to this is that an unconstitutional act cannot be rendered constitutional by repetition. In any case, we all know that each Assembly is the master of its own affairs—that is, within the limits of the authority conferred upon it by the Charter—and that, as I have stated before, it is for this Assembly to decide for itself whether or not it is competent to deal with any particular item, irrespective of any action taken in the past.

148. In this connexion, permit me to quote no less an authority than Mr. Menon, who only the other day expressed the view that precedent does not overrule the rules of procedure, which were at that time under discussion. In order to justify this assertion, he stated [473rd meeting, para. 139]:

"If that were so, it would mean that a breach of law on one occasion, whatever the reason for it, would be the sanction for the abrogation of law and the negation of obedience to it."

I am in complete agreement with Mr. Menon, on this point at least.

149. A further argument with which we have to contend is that inscription is necessary in order to permit of discussion, and that discussion is necessary in order to determine the competence of the Organization. I have indicated that, in our view, discussion constitutes intervention. In fact, we have argued, and demonstrated, before that discussion in the United Nations, in the light of our own experience, constitutes one of the most insidious and dangerous forms of intervention of which this Organization is capable. We speak with authority on this point, for we have had considerable experience of this form of intervention over a long period. Indeed, any other State placed in a situation where good government and the stability of its administration are prejudiced by discussion of its internal affairs in the United Nations would, in the light of South African experience, have no option but to oppose by all means in its power every effort on the part of the Organization to discuss its domestic affairs. In any case, this matter has, despite our objection, been discussed exhaustively in the past, and I submit that there is no one in this room who is not familiar with the precise nature of the complaint which has been brought against us. Discussion for the purpose of ascertaining the burden of the complaint is therefore entirely unnecessary, as, in fact, it is unconstitutional.

150. When speaking just now on another item, I referred to the unfortunate consequences of continued discussion in the United Nations of our domestic affairs. I would ask the Assembly to take this also into consideration and to ponder whether, in persisting in denying my country its rights under the Charter and interfering in our domestic affairs, it is furthering the cause of justice and the establishment of those conditions which must prevail in all countries if good government is to be maintained. We have seen how this continued intervention in our affairs and the hostile approach to matters which fall within the exclusive sovereignty of my Government have affected race relations in my country. We have seen also how this dangerous process has stimulated events in other parts of the world, where it has been possible to persuade minority and other groups that the United Nations might be used as an instrument of agitation. And I

suggest that there are few representatives here who would deliberately promote such a development. Indeed, I believe that those who have the survival of this Organization at heart will, on further reflection, agree with us as to the serious consequences of this process and thus be prepared to oppose its further growth.

151. I do not think I need say more. I would merely now ask the Assembly to consider its attitude and to recognize and respect the rights of my country—rights which we derive from the Charter, rights without which neither we nor, I submit, any other of the smaller nations would ever have been persuaded to join this Organization.

152. It is my request that the present item be excluded from the agenda, and I should like to ask for a roll-call vote on this matter.

153. Mr. JUNG (India): The representative of the Union of South Africa has just referred to a statement made the other day by the chairman of the Indian delegation about precedents. I shall try to avoid, as far as possible, making reference to any precedents, but I should like to say that the basis of our case is not exactly, or merely, the fact that a previous resolution of the Assembly [719 (VIII)] had asked for the submission of the matter again at this session. It is not only a previous resolution expressing a wish for the submission of the case; it is a case in the present instance of a Commission having been appointed, having submitted a report, and having been asked to study the subject further and to submit a further report. To my mind, it would be very difficult for the Assembly at this stage—when, as I understand it, the Commission is about to submit its further report—to ignore the Assembly's own resolution asking for the submission of that report and to say at this stage that the item should not be included in the agenda. I am certain that that has been one of the main reasons why the General Committee itself decided to recommend the inclusion of the item in the agenda of this session.

154. I am afraid that I found nothing new in the arguments raised by the representative of the Union of South Africa in support of his position that the present item should not be included in the agenda. That representative asked the Indian delegation not to cite precedents, but he himself relied on arguments which have been raised time and time again.

155. For example, the representative of the Union of South Africa used the argument concerning the different fields of legislation, economic and social, which this resolution would affect. The General Assembly will recall that the same argument was used, and in fact put forward in the form of a draft resolution [A/AC.72/L.13], in the *Ad Hoc* Political Committee last year. The general consensus of the *Ad Hoc* Political Committee was that the mere fact that social and economic fields of legislation were covered in a resolution of this kind did not exclude the possibility of the existence of the question of human rights in those different fields. It would be most interesting to remind representatives of what took place in the *Ad Hoc* Political Committee at the eighth session. I shall not go into the details of those proceedings, but should like to draw attention to a statement made [42nd meeting] by the representative of the Netherlands. There, that representative pointed out that many of these fields of legislation—economic, social or otherwise—

directly involved questions of human rights. He further pointed out that the fact that fields of legislation were involved did not suffice—as I have submitted—to place the matter totally within a State's domestic jurisdiction.

156. The other argument which has been raised—that of competence—is of course well known to the General Assembly and has also been brought up time and time again. I am afraid that on this particular point I must rely on previous General Assembly decisions. On behalf of the Indian delegation, I should like to say that I hope that the General Assembly will rule out the question of competence raised by the representative of the Union of South Africa and will accept the General Committee's recommendation to include the present item in the agenda.

157. The PRESIDENT (*translated from French*): We shall now vote on the General Committee's recommendation for the inclusion of item 23 in the General Assembly's agenda. The representatives of the Union of South Africa has asked for a roll-call vote.

A vote was taken by roll-call.

Chile, having been drawn by lot by the President, was called upon to vote first.

In favour: Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Honduras, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada.

Against: France, Luxembourg, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium.

Abstaining: Dominican Republic, Netherlands, New Zealand, Turkey.

Item 23 was placed on the agenda by 50 votes to 6, with 4 abstentions.

158. The PRESIDENT (*translated from French*): The General Assembly will hold its next meeting this afternoon, after the meeting of the General Committee.

The meeting rose at 1.5 p.m.