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C O N T E N T S

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(Union of South Africa) and Mr. Güell (Cuba)

**President: Mr. Eelco N. VAN KLEFFENS
(Netherlands).**

AGENDA ITEM 9

General debate (*continued*)

**SPEECHES BY MR. GUIZADO (PANAMA), MR. JOOSTE
(UNION OF SOUTH AFRICA) AND MR. GÜELL (CUBA)**

1. Mr. GUIZADO (Panama) (*translated from Spanish*): The Republic of Panama is participating in the ninth session of the General Assembly, as it has done in past sessions, with enthusiasm. We have faith in this Organization despite the confusion and uncertainty about the future of nations that still prevails throughout the world, and although our efforts towards the harmony and peaceful coexistence of the peoples of the earth have not yet brought about the desired results. Once again we have to turn our minds to the great problems which threaten international peace and security; for the world situation still gives many grounds for anxiety. At this most important time when we, the great and small nations from the four corners of the earth are met in this Assembly, I feel we may well ask ourselves whether the situation in which we find ourselves has its roots in the political, social and economic conditions of the countries which are outside this Organization or whether, on the contrary, this anomalous situation has its origin in the United Nations itself.

2. In the first case, we must combine our efforts to strengthen the Organization and give it the universal character it was meant to have. Panama therefore trusts that the doors of the United Nations will remain open to all nations, many of which, although they are in full agreement with the principles of the Charter and the ideals of the Organization, have not so far been allowed to join it. And the small countries, which make up the majority, have not been able to do anything with regard to these cases for the simple reason that the nations which enjoy the privilege of the veto have not seen fit to give the countries in question the opportunity to join the Organization, although, as I have said before, it is meant to be absolutely universal.

3. In the second case, it would be logical to suppose that the situation might be due to the fact that Member

States do not all carry the same weight, so that we cannot always reach satisfactory solutions of the problems that arise. We all know, in fact, what limited and ineffective power the small nations wield in the United Nations, although they constitute the great majority; and, on the other hand, what overwhelming and decisive power is held by the five great Powers, which, as is well known, use and even abuse the right of veto in the Security Council when the most important questions are being discussed, before they can even come to the attention of the General Assembly.

4. We have heard, not once but many times, bitter criticisms of the United Nations. It is said that we vacillate, that our work is barren, that our discussions are interminable; but, what is even more serious, it is also said that the small countries do no more than serve the interests of the great Powers. Of course there is some injustice in these charges, but unfortunately they are not entirely without foundation. It is always a healthy thing to confess one's own sins, and this would be the right time to do so publicly; for there is no doubt that if we glance back over the work of the Organization, either during the sessions of the General Assembly or the meetings of the Security Council and the other organs of the United Nations, we cannot but recognize, however painful it may be, that we have not made sufficient progress towards the achievement of our legitimate aspirations, and that we have no convincing reason to be proud of any of these activities. And that must be so, because the small nations bear a large part of the responsibility for the errors into which the Organization falls or may fall, without having had, at the decisive times, such power to influence events as would justify their being blamed.

5. The small nations, which include among their number Panama and the other Latin-American countries, as well as many others from different parts of the world, are powerless to ensure that their judgment is taken seriously into account, although they make up the most numerous part of the membership of the Organization. This is the cause of the critical situation which now exists within the United Nations. Although the small nations are in a position to make a highly valuable contribution to the solution of the most serious problems arising here, their co-operation is, generally speaking, not accepted; still less does it produce any decisive effect, because of the powerful resources which the great Powers are in a position to bring into play in order to impose their judgment on the world in matters of a material nature.

6. During the discussions on the Charter at the San Francisco Conference of 1945, when, as everyone knows, they stubbornly opposed the grant of a right of veto to the five great Powers to the exclusion of the other nations, the small countries, and in particular the Latin-American countries, showed no lack of foresight; on the

contrary, they displayed a very high degree of vision. Such a right was then considered, and should be still considered as an extraordinary privilege, incompatible with democratic principles and repugnant to the other nations, which, although they approved the Charter and yielded to the inclusion of the provision they had so strongly opposed, did so against their convictions and only because they were faced with the great Powers' declaration that if they were not given the right of veto there would be no Charter.

7. Since then, this situation, as a result of which the small nations bear a burden of responsibility out of all proportion to their limited influence and power, has continued to be a source of weakness and danger for the Organization, and it is a serious obstacle to the success of our discussions.

8. Nevertheless, this threat of failure and disintegration which hangs over the United Nations, for the reasons I have explained, might be counteracted to some extent if the small nations united their forces and established close co-operation among themselves, harmonizing their views and acting with unanimity and vigour. Such measures would strengthen the role of the small nations in the United Nations. But something more is required, a modification of the Charter itself, if we wish to put an end once and for all to the internal crisis which afflicts us and to which I have referred, so that we may then, in a just and democratic way, attack with greater possibilities of success the other crisis, the external crisis, now prevailing in the world.

9. What is necessary above all is that we should be able to take up and solve the problems now so deeply affecting the political, social and economic life and interests of the small countries in conformity with their own just aspirations, and not along lines dictated by the interests of certain Powers.

10. With the most praiseworthy intentions, the United Nations is devoting its greatest efforts to the solution of those problems which tend to be sources of conflict between peoples and could cause another world war; this task deserves our applause more than any other. We are happy to see that the vast resources at the disposal of the free world, which deeply desires to remain free, are being mobilized in order to prevent such possible conflicts.

11. We do not wish to bring before this Assembly problems which might lead to a conflict of interests between the great Powers and the small countries, far from it; what we are seeking—and this is not an original idea of our own—is a better distribution of strength and economic potential among the nations of the world, great and small. We are trying to solve the equation which involves the organization of all peoples in geopolitical and related groups, for the single purpose of guaranteeing a more lasting peace.

12. We firmly believe that one practical way of achieving that aim would be to abolish the use of the veto or to introduce a sort of "plural" veto which would then be more effective and, above all, more just. We are not so ingenuous as to think that this measure alone would solve all the problems we are now faced with; but it is incredible that in a world of more than 2,500 million souls, the overriding decisions should lie with the great Powers, which represent only a small fraction of the total world population. That is neither just nor democratic.

13. As we have said, Panama has come to this session actuated by the greatest desire for co-operation, and with unshakable confidence in the work of peace and international reconstruction which is being carried on here; but it comes also with the firm conviction that the success of the United Nations in the great task which it has undertaken depends first and foremost on a full understanding of the methods by which the Organization operates and a proper balance between the power and the responsibilities of the Member States, and particularly of the small countries which form the majority.

14. May the work we are now starting, at this time of great hope for the world, be directed towards the attainment of the objectives which the Republic of Panama pursues in this field.

15. Before concluding, I should like, in my capacity as Minister for External Relations of the Republic of Panama, to thank this Assembly for the warm welcome it gave our President, Colonel José Antonio Remón Cantera, when he came here last year to make a statement [450th meeting] on certain matters of importance to our country. At the same time I venture to inform you that the discussions on the draft treaty, which was the principal reason for the President's visit to the United States and to which he is devoting most of his attention, are continuing in an atmosphere of understanding and harmony.

16. As the Assembly knows, this draft treaty is intended to amend and supersede some of the less satisfactory articles of the Treaties of 1903 and 1936 concluded between Panama and the United States. These articles relate to the construction, operation and maintenance of the Panama Canal, that mighty achievement of United States engineering skill which, for reasons of geography, is embedded in the very heart of our territory.

17. This is and will continue to be a most weighty reason for the extraordinary importance which must attach to the relations between our two countries in every sphere, relations which by virtue of their very magnitude, must cast light or shadow over the rest of the American Continent. The small Republic of Panama has reason to be confident that the great nation of the United States will act justly towards it.

18. I am most grateful to the General Assembly for the attention with which it has listened to my observations on behalf of my country, and I should like now to express my most sincere good wishes for the success of its ninth session.

19. Mr. JOOSTE (Union of South Africa): This is not the first occasion on which I have been on this rostrum since the President's election, but it is the first suitable occasion on which I can tender him, as I now do, the congratulations and sincere good wishes of my delegation. We believe that few Presidents, if any, have been called upon to preside over an Assembly upon whose decisions so much may depend.

20. It is true that the agenda which has been accepted for this session contains few items which have not, in one form or another, been discussed previously. Many of the problems have, in fact, been discussed often before. It may be said, therefore, that there is little in the work for this session which is entirely new. However, I submit that this fact can-

not serve as a source of comfort to us. Indeed, when all the circumstances are carefully examined, I believe that our agenda must be regarded as a source of serious concern. I say this because, apart from the fact that the repeated reappearance on our agenda of so many problems could well be accepted as proof of our many failures in the past, some of these problems have reached a stage where continued aggravation can have the most unfortunate consequences.

21. It is in these circumstances that I say that the present session may prove to be one of the greatest importance—that, in fact, it may even be a fateful one, if not for the international situation generally, then at least for the United Nations itself.

22. The delegation of the Union of South Africa would therefore express the hope, which we are sure is shared by all other delegations, that under the President's wise guidance this Assembly will so conduct its affairs that we may get closer to the ideals of peace and co-operation which are inscribed in the Charter. It was in this connexion that we listened with such close attention, and approval, to the President's wise advice that we should, in the performance of our work during the present session, exercise "the greatest good will, the utmost prudence and a maximum restraint in action and in speech" [473rd meeting]. May I add to this the hope that the present Assembly's decisions, and the manner in which those decisions will be reached, will be such as not to drive us, the Member States, still further apart, and will be such as to ensure against dealing a further blow, perhaps a fatal blow, to the prestige of this Organization.

23. While on this point, may I make one further observation, namely, that in charting this safe and wise course, we should all pay heed to the lessons of the past, to the experience which we have acquired during the years since San Francisco, in order to avoid the many pitfalls which, due often to enthusiasm but often also to more dangerous practices, have prevented the United Nations from progressing towards what one might well describe as full maturity.

24. In the President's inaugural address, when he gave expression to the relief, which we all share, that there is "no organized armed clash anywhere on any important scale", he also drew attention to what he termed "a lowering sky" in international relations, and he referred in that connexion to the fatal consequences of armed conflict in our atomic age. Other speakers have also discussed this matter, and have, almost without exception, dwelt on this threat of total destruction which is preoccupying the minds of those who have experienced the horrors of war and who now, in the light of scientific development, look with apprehension at the growing tension between the different power blocs in world affairs.

25. It is not my intention to pursue this matter. I merely refer to it as I believe it to be essential that we never lose sight of these facts, since they constitute the sombre and dangerous background against which it would be well to consider future international action.

26. And it is in this context that I, also, would like to say something about the United Nations, its place in international life and the manner in which it is seeking to fulfil its essential functions. If in doing so I repeat what we and others have said in the past—

or what has already been said in the present debate—I must ask the Assembly to bear with me. Also, if in an effort to be frank I should appear to be unduly critical then I would point out that it is only by an objective examination of past performance that we can determine whether or not the United Nations is playing the part for which it was created—and, if not, what measures should be taken to restore it to the place it was designed to take in world affairs.

27. No one could reasonably wish to detract from what the United Nations has achieved, and continues to achieve, in certain fields of its activities. Nor would anyone reasonably underestimate the importance of these activities which, in fact were prescribed for the United Nations by those who defined our purposes at San Francisco. But we should realize that, however important these activities, and however encouraging its success in many respects, the Organization will have failed, and will have failed tragically, if it does not achieve the primary purpose for which it was created—that one purpose which has been described as its *raison d'être*. This purpose is, of course, the achievement of peace and the establishment of security. This, and this alone, constitutes the primary task of the United Nations, and if the Organization fails in this task, all its other achievements, however important in themselves, can be of no avail.

28. The Assembly will have noted that in his introduction to his annual report the Secretary-General has stressed the extent to which the United Nations continues to be by-passed in the negotiations and efforts to establish and maintain international peace. In this regard Mr. Hammarskjöld states, *inter alia* [A/2663, p. xi]:

"To fail to use the United Nations machinery on those matters for which Governments have given to the Organization a special or primary responsibility under the Charter, or to improvise other arrangements without overriding practical and political reasons—to act thus may tend to weaken the position of the Organization and to reduce its influence and effectiveness, even when the ultimate purpose which it is intended to serve is a United Nations purpose."

29. Mr. Hammarskjöld also refers, in this context, to the increasing resort to regional rather than United Nations machinery not only to ensure peace and security but to achieve other forms of practical co-operation.

30. The Secretary-General does not, of course, contend that these arrangements are contrary to the Charter. Indeed, he makes it clear that this is not the case. However, while there is no question as to the validity of these arrangements, the Secretary-General's concern at the weakening effect of these developments on the position of the Organization in world affairs is a matter for serious consideration. I would submit that Mr. Hammarskjöld's concern must necessarily be shared by all Member States which, at the time of the San Francisco Conference, had hoped that the United Nations would constitute the principal international instrument for the maintenance of peace and security and for the achievement of other forms of international co-operation in matters of international concern. And here let me remind the Assembly that those who, today, are primarily responsible for the arrangements to which the Secretary-

General has referred are the very nations which played such a leading part in the establishment of the United Nations—and which today continue to play a leading part in its maintenance. These nations can therefore have no interest in any action which would in any way weaken the United Nations or impede its orderly growth—unless, of course, there are compelling reasons which require them to take urgent measures outside the United Nations for their own protection and for the solution of dangerous and urgent problems.

31. And it is in this connexion that the Secretary-General's remarks should be seriously considered in order to determine why it is that United Nations machinery is being by-passed—why it is that, notwithstanding the weakening effect which regional and other arrangements may have on the United Nations, those who have consistently been loyal to the Organization, and who continue to be loyal to it, are being obliged to embark upon such action.

32. Is the answer not this: that the present international situation is such that, having regard to events in the last few years, many nations have realized that they cannot depend solely on United Nations machinery for the protection which is essential if they are to be secure, and that in dealing with major and dangerous problems the United Nations, as it operates at present, may not be a safe and effective instrument to employ in their solution?

33. It is in these circumstances that I refer today to the working of our Organization—and my delegation believes that the time has come to give urgent attention to this matter in order to determine the reasons why the Organization has been prevented from playing its full part in world affairs.

34. It is true that there have been developments since the San Francisco Conference—developments outside this Organization over which we had no control—which have contributed, and contributed materially, to the present inability of the United Nations to discharge its proper functions. The co-operation between the great Powers, for instance, which at that time augured well for the future, has long since disappeared, with the result that the United Nations is called upon to face an international situation which those responsible for its creation had no reason to anticipate. These and other developments were not contemplated when the Charter was drafted. I need not dwell upon them, for they are known to everyone in this room.

35. On the other hand, if we are honest with ourselves, we must admit that the inability of the United Nations to cope with dangerous problems today is also due—in part at least—to its own faulty working. If this conclusion is a valid one—and my delegation holds that it is—then surely it is necessary that, in the interests of the Organization itself, as well as in the interests of the high purposes it is required to serve, every effort should be made to rectify its faults and any defective practices which may have developed since its inception. It is not enough merely to criticize the United Nations—unless by doing so we seek to render it effective as the instrument it was designed to be.

36. It is true, of course, that many who find fault with the Organization are inclined to ascribe its de-

fects to imperfections in the Charter—and who apparently believe, therefore, that Charter revision is the only sure remedy. While my delegation would be the last to claim for our constitution the merits of perfection, we believe most strongly that the errors and weaknesses which the workings of the United Nations have revealed in the past eight years have not been due so much to inherent defects in the Charter as to the incorrect application of Charter provisions. We believe that the fault lies not with our constitution so much as it does with ourselves, and that these faults will not necessarily be eliminated by a revision of the Charter, even if revision were still possible in the same spirit of compromise which prevailed at San Francisco. For let us remember that the Charter was itself the end-product of many compromises, and that it was hoped and expected that it would be applied and administered in the same spirit of co-operation and compromise which attended its birth and in a manner which would uphold its sanctity as an instrument containing obligations and safeguarding rights.

37. It is because we hold this view that the South African delegation has consistently appealed for respect for the law of our constitution. We may differ on how that law should be interpreted and applied. Our differences may well be the product of sincere and honest convictions. But let us refrain from imposing an interpretation by the application of a majority decision on fundamental provisions, the true meanings of which were not, at the time they were drafted, in dispute.

38. Among these provisions we find those which safeguard the rights of Member States—rights without which the Charter would never have been accepted. However individual delegations may today regard these Charter provisions, they remain valid and will continue to remain valid until such time as they are amended in accordance with the procedure prescribed in the Charter. To seek to destroy their original and only valid meaning by means of interpretation in the Assembly is to resort to practice which inevitably places each and every one of us at the mercy of what I must necessarily term a chance majority. This is also the negation of the rule of law and the most dangerous threat to the survival of the United Nations.

39. In this connexion let me add that it is particularly important that we have, at all times, the utmost regard for the rights of the smaller nations—those nations which do not enjoy the protection of the veto, but who have to rely on the protection afforded by a strict and legal interpretation of the Charter. In the League of Nations the unanimity rule operated to protect the rights of the individual State. In the United Nations that rule was not adopted, and the protection that it afforded under the League is therefore no longer available. But let us remember the lessons of the League's experience. In the first decade of its existence it had a record which can compare not unfavourably with the achievements of our Organization. However, the League's system started to break down the moment it ceased to ensure respect for the rights of an individual Member State—not of a minority of States, but of the individual Member State. It is a lesson we should constantly bear in mind.

40. The records of the San Francisco Conference show only too clearly that this fact was recognized by our founders, who sought to inscribe in our Charter provisions which would safeguard the rights of an individual Member State. The lengthy debates on the veto and especially on Article 2, paragraph 7, of the Charter demonstrate this only too clearly. Our founders realized that if the United Nations were to survive it would be essential to limit its operations to matters demonstrably of international concern and that it should not deal with matters which fall within the domestic jurisdiction of Member States. But this field which this Organization was given in which to operate, which is limited to matters of international concern, is a very wide one—a very wide one indeed—and affords the Organization every opportunity of discharging its many important functions. In fact, this area of common concern is so large and includes matters of such delicacy that the Organization, if it is to function effectively, must of necessity have regard to the political, social and economic framework of the world as it is. In any case, those who drafted the Charter realized that, having regard to the natural divergencies in tradition, culture and way of life of its Members, the Organization would have to operate strictly within the confines of its constitutional authority.

41. South Africa has had long experience of how departures from the course charted at San Francisco affect the interests of a Member State whose unique position is not understood and whose policies are therefore constantly misrepresented and condemned—without regard to the injustice of such a course.

42. In this connexion it is necessary that I say today from this rostrum that the people of my country find it difficult to understand why their rights as a Member State should be withheld because a majority of this Organization does not agree with South African policy affecting solely our own affairs. Surely it is unjust, as in fact it is dangerous, to deny to a Member State its legal rights upon a pretext that its affairs, about which in any case there is little comprehension, are not to the liking of others. Yet this is our experience. It is also an experience which will be shared by others as time goes on.

43. Here the Assembly should realize that it is unrealistic to expect the peoples of Member States to show enthusiasm for co-operation with the United Nations when once they have the impression that the Organization is being used as a platform for propaganda against them. Indeed, when once a people are convinced that the Organization no longer recognizes the constitutional rights of their Government under the Charter, they will inevitably resist co-operation, especially when such co-operation entails sacrifices by them. This is a most important fact which can only be ignored by our Organization at its peril.

44. To return to the measures which we should consider for rendering the Organization, in due course, more effective, let me revert to the all-important matter of co-operation and say that first of all we should endeavour to learn to co-operate in a manner which will dispel the clouds of mutual suspicion which colour so much of our debates. Co-operation itself cannot of course be a forced growth. It will not result from the coercion of majorities. Attempts at coercion, under our General Assembly system, only too often make a difficult

problem even more unmanageable. If we are to rebuild mutual confidence, let us not set our sights too high. Let us learn to co-operate in the smaller things and in the spheres that are less open to controversy. Let us, wherever we can, eschew for the time being the problems that inflame passions and emotions, the disputes that make the headlines, the controversies in respect of which the parties concerned are committed, by reason of what has gone before, to hard and unyielding attitudes. Only thus, in a multi-national organization such as this, can we begin to instill the virtues and habits of co-operation.

45. One last point: let us also attempt to devise a system of priorities, related directly to the possibilities of United Nations action producing constructive results. In this the Secretary-General has given us a wise lead. In his annual report, in a plea for a reduction of work of lesser importance and for the avoidance of new tasks of dubious value, Mr. Hammarskjöld recommends that decisions be taken with due regard to certain considerations. These are as follows [A/2663, p. xiv]:

“... whether a particular task is one which an international secretariat can perform efficiently and effectively; whether it is designed to meet an urgent and vital need essential for the proper functioning of the United Nations and its principal organs; whether the desired results could not be adequately achieved through independent and unassisted national action; whether the original importance or usefulness of certain activities has diminished or, alternatively, whether having regard to the dynamic nature of United Nations operations, new efforts in new directions are called for; whether, in a particular field of inquiry or research, full account has been taken of work already carried out, either nationally or internationally, and of the practical possibilities that therefore exist of making a new and significant contribution.”

This is advice based on experience which should be one of our guiding lights when each year we consider the inscription of new items on an already overloaded agenda.

46. There are of course many other matters of importance, some of vital importance, upon which I have not touched. There is, for instance, the very important proposal for the peaceful development of atomic energy which, not only because of the benefits which mankind may derive from the implementation of such a plan but also because of our position as one of the most important sources of fissionable material, must of necessity be of interest to South Africa. The South African delegation will state our Government's attitude on this and other matters when they come up for consideration in the appropriate Committees.

47. In the meantime, I have expressed the views of my delegation on matters of a more general nature, and in doing so have once again drawn attention to the dangers which, in our view, are inherent in our procedures, dangers which, we firmly believe, must be removed in the interests of the United Nations and the development of international harmony and co-operation.

48. Mr. GÜELL (Cuba) (*translated from Spanish*): I should like first to express Cuba's deep satisfaction at the election of so eminent a person to the Presidency of this session of the General Assembly.

49. The foreign policy of the Republic of Cuba is based on a high concept of democratic coexistence, founded on the principle of economic, social and political co-operation between States and the co-ordination of their interests within the framework of the United Nations, consistent with their regional arrangements. It is Cuba's hope that this coexistence will be marked by harmony and that injustice, aggression and the violation of rights will be prevented and made good by the application of the concepts and the use of the means available to Member States to give effect to the obligations they have assumed and to fulfil the principles to which they have declared their allegiance in the United Nations Charter.

50. The position of Cuba is well-known through its efforts in the United Nations. Cuba has contributed, enthusiastically, steadily and to the best of its ability, to what it considered to be its best development, consistently advocating the adoption of principles likely to ensure the stability and integrity of nations through respect for their sovereignty, the recognition of the right of peoples to self-determination, and the observance of human rights.

51. Moreover, Cuba demonstrated its vital concern that the United Nations should be endowed with a proper democratic, legal and moral structure when, following the lengthy negotiations that brought the Organization into being and to which Cuba made a distinct contribution, it foresaw what harmful effects the international Organization would suffer from a measure which discriminated against the sovereignty of Member States by making it possible for one State, at will, to override the majority wishes of the rest. In earlier days, prompted by the same spirit of co-operation and recognizing that the development of diplomacy and international relations made it imperative to establish an international organization, Cuba worked assiduously in the old League of Nations, the body which, abandoned and undermined by some States and mortally attacked by others—circumstances which decided its ultimate fate—had been intended to meet a need which is now being met more adequately by the United Nations.

52. Here I may point out that, in participating in the League, Cuba always maintained its concept of the importance of regional arrangements within the international framework. Thus it gave its full support to the inter-American system from the very outset and has continued to do so through the inter-American Conferences. Through the juridical and constitutional structure of the Organization of American States, it is contributing effectively to the promotion and affirmation of the Purposes and Principles of the United Nations.

53. Coexistence, on behalf of which every State surrenders a limited portion of its authority in order to ensure greater protection and preservation of its sovereignty, is founded on international law, which is the basis of relations between States for the harmonious attainment of their national objectives within the international framework and, today, for the further purpose of ensuring the protection of the individual and the exercise of human rights.

54. But law is not an institution which comes into being spontaneously. It does not arise merely from intentions and desires; it cannot simply be legislated

into being. In order to exist and to fulfil its basic purposes, it must come about as a result of the exigencies of life and of the struggles and experiences of peoples. It must also reflect the practical trends which lead to progress and, if it is to prevail and fulfil its function, it must rest solidly on social justice, a well-ordered economy and civic education.

55. Law, which has been transgressed and violated so often in the course of history when politics prevailed over legal principle and force was used to overwhelm reason, always resumed its pre-eminence, for when a legal order is based on justice, it represents the final bulwark against abuse and constitutes a guarantee of stability for all States.

56. As is well known, law is not a static institution; it is essentially dynamic: it seizes upon developments favouring human progress and consolidates them in the form of legal principles. Nevertheless, the trend in international law is away from classical customary law towards written law—that is, the law built up by conventions, treaties, protocols and agreements and those documents which supplement such conventions, providing a guide and key for their interpretation, namely, the declarations, resolutions and recommendations formulated by international conferences and organizations. Accordingly, for the greater protection and security of States, collectively and individually, and of mankind itself, it is imperative in international relations to respect and defend law and to allow it to develop adequately so that it may fulfil its purposes.

57. A well-ordered economy based on justice, adapted to the needs and resources of the juridical community of nations, is essential if law is to prevail and represents a vital factor for the very survival of mankind. Bearing that in mind, Cuba maintains that the principles of law must take into account the interdependence of economies, must recognize the need for properly organized production and must provide reasonable protection for the industrial and agricultural development of States. Such principles characterize Cuba's domestic legislation, which embodies the agreements concluded by the world bodies and regional organizations in which Cuba participates, and in which it, in turn, works for the adoption of the economic standards I have described.

58. Affirmation of spiritual values and of social justice is equally essential for the proper operation of a legal system, both in relations among individuals and in the community of nations, since life requires more than the satisfaction of material needs. Coexistence, the ideal towards which the United Nations strives, demands respect for human dignity, without discrimination on grounds of religion, race or sex, the security necessary for human beings to earn their living honourably and receive a fair return for their labour, protection of health, assistance to the needy, equality before law and the prohibition of forced labour, which transforms human beings into slaves and makes humanity take a step backwards in history.

59. Cuba, whose legislation embodies the most advanced social achievements, has a deep respect for human rights as proclaimed in the Universal Declaration of Human Rights, which it supported, and is an advocate of measures which will help to establish those rights more strongly day by day.

60. Culture, which is of immeasurable social value in promoting the intellectual development of individuals

and communities and plays a major part in shaping the minds of new generations, is also of vital importance in bringing about mutual understanding among peoples. Cultural exchanges, through which we learn how the people of other countries live and react, are a decisive factor in creating mutual understanding, promoting goodwill and contributing to better and friendlier relations and co-operation among nations. To dam those currents of cultural exchange is to create a disturbance in the international community; its only purpose can be to keep peoples in ignorance of the advantages and achievements of other civilizations and to conceal from them their own deficiencies. We must promote the free exchange of ideas, freedom of information and the easy access of one country to another, not unilaterally but on a reciprocal basis and not for subversive purposes.

61. It is therefore of the greatest importance that peoples should learn to know each other better if we are to build closer spiritual bonds among them and make them aware of the similarity of their aspirations and of the congruity of their interests when they are directed towards progress and the common welfare.

62. Having set forth these principles and general considerations, I shall now turn to some of the items on the agenda of this ninth session of the United Nations General Assembly.

63. The development of atomic energy is a matter of such magnitude that it dwarfs all other subjects on our agenda. Its use will decide the welfare or destruction of mankind. The inclusion in our agenda of the item entitled "International co-operation in developing the peaceful uses of atomic energy" [item 67] is a ray of hope in the gloomy atmosphere of threats of aggression against the freedom and the very survival of peoples. Any Member State which tries to prevent that hope from being realized, as has been the case in the past and as has recently occurred in London with respect to the nobly-conceived plan of President Eisenhower, would be committing a serious crime against humanity. Cuba hopes that a fruitful understanding will be reached. The future of the world depends upon it.

64. Meanwhile, to safeguard the international community—one of the basic purposes of the United Nations—Cuba, like other States, is anxious to strengthen our system of collective security as a means of enforcing respect for the law of the Organization should there be any attempt to violate it. The need to revise and strengthen the collective security system was clearly shown when the organ of the United Nations upon which the Charter places primary responsibility for the maintenance of peace proved incapable of fulfilling its function.

65. The resolution "Uniting for Peace" [377 (V)] has added a vital element towards the effective operation of the collective security system in that it confers upon the General Assembly, the representative organ of the United Nations, the power to deal with cases in which the Security Council has been unable to discharge the responsibilities incumbent upon it under the Charter.

66. The importance of this reform lies in the fact that it will be able to prevent the recurrence in the future of the regrettable situation in which, for lack of unanimity on the part of the permanent members of the Security Council, the United Nations was unable to

take the action deemed proper by the great majority in matters affecting the peace and security of States. The Cuban delegation will therefore support all action designed to strengthen collective security, provided that such action is in keeping with the cardinal principles and objectives of the resolution "Uniting for Peace".

67. There is another subject I must mention because it is closely connected with international peace and security and because its omission leaves a gap in the Charter: namely, the definition of aggression. The General Assembly itself recognized [resolution 599 (VI)] in 1951 that, "although the existence of the crime of aggression may be inferred from the circumstances peculiar to each particular case, it is nevertheless possible and desirable, with a view to ensuring international peace and security and to developing international criminal law, to define aggression by reference to the elements which constitute it".

68. Consistent with the position it has steadily maintained inside and outside the United Nations, Cuba concurs with this judgment and hopes that the spirit of co-operation will prevail, so that, in the light of earlier studies, reports and decisions, the Assembly will be able at this session to agree on a definition of this crime, the most serious crime against the peace and security of mankind.

69. The Cuban delegation will also give its unequivocal support to the discussion and adoption at this session of the Code of Offences against the Peace and Security of Mankind, as also to any positive action on the statute for an international criminal court. We consider that the United Nations must examine and define all other offences, in addition to aggression, which may disturb or endanger international peace and security. It is necessary not only to ensure future observance of the principle *nullum crimen sine lege*, but also to provide criminal sanctions for acts and omissions injurious to the interests of States and to basic human rights. At the same time, the establishment of an international court competent to deal with these offences and to impose adequate penalties for them would ensure proper respect in the future for the principles of criminal justice recognized by all civilized nations.

70. In economic matters, the United Nations must pursue its efforts with increased energy, so that the resolutions adopted for the purpose of remedying the present precarious situation of many countries may bear fruit and that the lofty objectives of the United Nations may become a reality.

71. At the present session, the General Assembly will consider the establishment of an international finance corporation to help private enterprise in the under-developed countries and of a special fund for grants-in-aid and long-term low-interest loans, and also the question of the international flow of private capital for the economic development of the under-developed countries.

72. Careful consideration of these points and the subsequent incorporation of those two institutions in the economic system of the United Nations and the adoption of more adequate provisions with regard to private capital would, by promoting the expansion of industry and agriculture and, in turn, a rise of employment and an improvement in social conditions, effectively contribute towards a solution of some of the critical prob-

lems which beset the world. That solution depends on the economic and social stability of nations and on the aid they receive towards the steady development of their resources to meet the growing needs of mankind. This would also benefit, in particular, the countries which export raw materials and whose economy is under-developed, countries which languish for lack of the necessary means and co-operation and for lack of an international policy enabling them to establish a tempo of economic development that would keep pace with world progress. This would also improve somewhat the position of States which in the past were urged to co-operate in difficult times by increasing certain types of production. In order to satisfy urgent needs in the defence of democracy, these countries had to transform their economies and step up their production, only to discover that, unfortunately, once the circumstances prompting the requests for co-operation had disappeared, they were facing a general crisis because there was no longer a market for their products.

73. It may also be opportune to recall at this juncture the proposal, made and reiterated by Cuba, for the elimination of double taxation. Such a measure would stimulate the flow of private capital towards the under-developed countries. Our delegation holds the view that capital exporting nations should eliminate double taxation, or, if this is not feasible, seek to attenuate it by means of bilateral agreements. We therefore feel that the United Nations should continue to study this question and should consider recommendations to that end, so that beneficial agreements may be reached in the future.

74. With regard to social affairs, Cuba will support the adoption of the covenants which are to give effect to the Universal Declaration of Human Rights. Cuba wants these rights to be defined as broadly as possible and to be accompanied by provisions that will ensure their becoming a reality throughout the world. In my general remarks I spoke of the right of peoples to self-determination, which is so closely allied to human rights and which Cuba supports in the hope that, by methods to be agreed upon, each human community may acquire the right to choose freely its form of political organization and its government.

75. In cultural matters, in line with the governing principles I have expounded, we support the United Nations Educational, Scientific and Cultural Organization (UNESCO) and its work, so that education, knowledge and culture may be carried to all corners of the world, so that the peoples may throw off the burden of ignorance and be able to make an intelligent choice of what is to their own best interest, and so that each person, being given an opportunity for self-development, may make a positive contribution to the community.

76. I may mention that the Regional Centre of UNESCO in the Western Hemisphere is in Cuba. The Centre represents a most effective aspect of the work of this specialized agency, which must of necessity rely on regional bodies well acquainted with the needs and the intellectual and cultural characteristics of the areas in which they work. Their reports and activities facilitate the work of the central agency which, being far away, cannot fully appreciate the psychological elements involved and the wishes and potentialities of these territories.

77. We are able to say with pride that, in spite of the financial difficulties it is facing, Cuba has achieved notable progress in the economic, social and cultural fields. After being obliged to reduce by more than 25 per cent the production of its basic commodity, sugar, a production which it had expanded, in a spirit of co-operation, to meet the requirements of the last war, Cuba has enacted the necessary legislation to reconstruct its economy, to stimulate the social programmes outlined in its Constitution and to help to make education and culture accessible to all the inhabitants of the island.

78. This legislation relates to the following institutions and measures: the Rural Credit Association and the Bank for Agricultural and Industrial Development, which gives credit to farmers; the National Executive Commission of the Local, Urban and Rural Employers' Associations, which supervises the construction of roads linking the production areas with the centres of consumption and distribution; development of mining as a source of wealth, employment and higher wages and establishment of the National Executive Commission of Agricultural and Mining Co-operatives, which promotes the development of the mining industry; the Programme of Economic and Social Development, which finances irrigation projects, hydroelectric plants, harbour installations, plantations, mines, etc.; the Industrial Stimulation Act, granting new firms which are being established in the country exemption from certain taxes; the National Finance Corporation, with capital subscribed by the National Bank of Cuba, established for the total or partial financing of public works; the National Housing Commission, which will make possible mass construction of cheap housing for workers and employees; the organization of free and democratic trade unions and employers' associations, which between them ensure a proper balance in all matters affecting capital and labour, and which, with the watchful co-operation of the State, are giving increasingly satisfactory results.

79. In addition to numerous hospitals, workers' maternity homes, homes for the aged and children, we have the following institutions, whose names explain their purpose: the National Organization of Children's Dispensaries; the National Organization for the Rehabilitation of Invalids; the Institution for Assistance to the Children, the Aged, the Handicapped and the Sick; the National Organization of School and Public Dining Rooms.

80. I must also mention some recently established educational and cultural centres, such as the State Universities of Oriente and Las Villas, in addition to two set up by private enterprise, and many newly-constructed rural and urban schools and vocational centres offering programmes adapted to the needs of our economic development. The economic, social and cultural policy of the Cuban Government is inspired throughout by an unwavering desire to help the Cuban people achieve higher standards of living and a greater measure of happiness by giving them that security which arises from a solid economy and a just and democratic social organization, with equal safeguards and opportunities for all.

81. Before concluding these remarks, I wish to recall that General Fulgencio Batista, the President of Cuba, who is adamantly opposing the infiltration and subversive activities of Communists in Cuba, said in his

monumental statement of 12 September, during the electoral campaign preceding the general elections to be held on 1 November: "We cannot hope to achieve a total and complete defeat of communism unless part of our campaign is devoted to the long struggle against ignorance and poverty in the absence of which communism is seldom successful." I might add that this strikingly apt remark eloquently reflects a cardinal objective of the Cuban Government's policy.

82. This general ideology and these concepts, as also the stand we have taken on specific items of the General Assembly's agenda, are an earnest of Cuba's co-operation and of its contribution to the constructive work of the United Nations, whose common ideals and unity of action are more than ever essential now that the fate of mankind depends upon the moral forces and material possibilities of joint defence against that which threatens its liberty and progress and, indeed, its democratic existence. The plans and stratagems which are being laid to lead the world into conflict and conflagration must be thwarted for the general good. This can be done only by agreement reached within

this great Organization, where the nations of the world are met for the noble and lofty purposes of preventing the forces of evil from exercising their pernicious action on States and individuals, and of attaining and strengthening peace—not a peace founded on the oppression of peoples and individuals, but one in which justice, mankind's highest ideal, shall prevail.

83. The PRESIDENT (*translated from French*): Now that we have heard the last three statements, the list of speakers for this meeting is exhausted. Only one representative has announced his intention of speaking tomorrow morning. I took the liberty of asking him to defer his statement until the afternoon meeting, for which I have three speakers on the list. I am sure that I may speak for the General Assembly in thanking him for having consented. The General Assembly will accordingly meet in plenary session tomorrow, Thursday, at 3 p.m. to continue the general debate.

84. On Friday morning, I shall propose to the General Assembly that the list of speakers should be closed.

The meeting rose at 4.30 p.m.