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President: Sir Leslie MUNRO (New Zealand).

AGENDA ITEM 9.

GENERAL DEBATE (*continued*)

1. Mr. AIKEN (Ireland): In many areas during the last year we have seen the Charter of the United Nations ignored, if not defied. These situations have caused great human suffering and have increased international tension towards the breaking point. In the shadow of the general war which always threatens, it is important not only for the sake of the small nations involved but in the interest of the great Powers themselves that we should try to find ever widening areas of application for the principles of the Charter.
2. The achievement of peace based on law requires positive but limited sacrifices, which may not eventually be forthcoming, but which it is our duty to seek, each according to his ability and influence, and to seek without fear or favour.
3. One approach to this end to which this Organization has devoted much energy and thought is to set a limit to the development and manufacture of the means for mass destruction. Some people place great hopes in the outcome of disarmament talks and have reached the optimistic conclusion that the very destructiveness of modern weapons will prevent another war. There are some, however, who are beginning to fear that another war may be inevitable, because they see little hope for the general acceptance of the only basis for permanent peace - the rule of law based on justice.
4. It is not of course given to mankind to foretell the future. One thing seems certain: if war comes even the victor will be involved in appalling political, social and economic troubles - troubles which will far outweigh those advantages which, if now willingly sacrificed, might secure real and lasting peace.
5. I have referred to a view, now widely prevalent, that the destructiveness of weapons alone will prevent their being used. That is a thought with which, perhaps, it is natural for humanity to console itself in the presence of such enormous dangers. As a prediction it may be either right or wrong. But I suggest

it would be very much safer and wiser for us all not just to assume that it is right. Personally, I believe that where there is a vital conflict of interests, or mutual fear of deadly violence, between two sets of human beings, peace can only be maintained in one of two ways: by the acceptance of the rule of law or by the superior force of a third party. We are all now in the inescapable dilemma that we have no third party except the collective judgement of mankind represented in this Assembly; and unless we now make rapid progress towards the rule of law, we may soon have drifted past the last opportunity to prevent the use of the ultimate weapons.

6. If anyone today relies on the disarmament approach alone to prevent war, let him reflect that the last series of disarmament conferences began in 1920 and continued up to and even through the first battles of the last war. If he relies on the destructiveness of weapons alone to prevent war, let him reflect that it did not prevent war in 1939, although more frightful destruction and loss of life was anticipated than actually took place up to the burning of Hamburg. Indeed it should be recalled that in one of the countries that declared war in 1939 there were a quarter of a million papier-mâché coffins stored and ready, so great was the scale of destruction then expected.

7. There are many in this Assembly and outside it who know from experience that fear does not always prevent war and that indeed it sometimes drives genuinely peace-loving nations to make war. Fear does not paralyse the average man or the average nation; it stirs them into a feverish search for more and better weapons than their enemies have produced.

8. If anyone today relies on the growing military power of the United States and the Soviet Union to bring about a stalemate, let him reflect that heretofore masses of armed men seem to have obeyed the laws which govern, we are told, the explosion of uranium-238: when the amount of fissionable material becomes large enough and is in close enough proximity, the probabilities of detonation become a certainty. Today, as the masses of military weapons and forces are becoming critical, science is rapidly annihilating the safety factor of distance. If we want to prevent an explosion we must waste no time. We must immediately increase the distance between the explosive masses and, while distance still affords some measure of protection, use all our energy to lay the foundations for peace.

9. This generation, of course, is not responsible for all our difficulties. It is heir to many problems created by predatory ancestors in another age and in greatly different circumstances. It is bedevilled too by the unjust and reckless actions of some Governments in our own time. But, while it is our duty to condemn these past and present injustices on appropriate occasions, we have no time to waste in recrimination

or in bemoaning our fate. We must move swiftly, decisively and wisely if we are to save ourselves and our children from being destroyed.

10. I can see no material gain that is worth the cost for any participant in this war that threatens us. Neither do I see any moral satisfaction to be gained by anyone other than that of dying in a fight for the demonstrable and unequivocally clear purpose of establishing the rule of law based on justice and applicable universally to all mankind.

11. The danger of war today, as I see it, is inherent in the potential threat which each of the two tremendous concentrations of power represents for the other. The very existence of these gigantic and highly centralized forces, with no comparable force to hold a balance between them, is something new in human history. It generates problems of a kind which humanity has never yet had to solve. It is not enough that neither of these two great Powers is so mad as deliberately to seek a general war. It is not enough that they are prepared to discuss disarmament. If they are to survive - they and all the rest of us with them - they must create the political conditions in which disarmament talks can succeed. Those conditions do not yet exist. The relations between the great Powers at present are marked by an intensely competitive diplomacy. Such a diplomatic struggle is not compatible with progress towards disarmament. As long as that struggle continues, disarmament talks can be little more than a façade, concealing the real trend that is taking place - a trend not towards peace but towards war. That kind of disarmament discussion, the illusory kind, so far from being a preparation for peace, is in itself an actual threat to the peace. It is a threat because it gives the peoples of the world the false idea that they are safe, whereas in reality we are all in deadly and imminent danger. If we are to save ourselves from that danger we need to make great efforts and great sacrifices. To brace ourselves for those efforts and sacrifices we need to be clearly conscious of our mortal danger. Talks that tend to obscure that saving consciousness may have fatal results. Therefore, I wish to urge on the Assembly the need for a much more radical approach to disarmament: the need to lay the political foundations of peace. If those foundations can be laid, the superstructure - of agreements to limit weapons - will be solid and lasting. But until the foundations are laid there can be no stable superstructure; there will be only a flimsy and ephemeral façade.

12. What are these foundations, the political preconditions of peace? The basic idea can be expressed in a very simple form: the progressive elimination of areas of conflict is a condition precedent to the limitation of weapons. In the debate of Hungary [669th meeting], we made suggestions as to how in Europe a safety zone could be substituted for an area of potential conflict. Progressive military disengagement in Europe, along the lines which we suggested, would be a major contribution towards the building of peace. But there are other areas in which the problem, while equally acute, presents itself in a different way and needs a different solution, or rather a different application of the same basic idea.

13. In the Middle East, for example, the danger comes not from the confrontation of great military forces, or from military occupation, but from acute diplomatic

competition: competition for ascendancy in a sensitive strategic area rich in the most vital raw material of the modern world - oil - but up to now with a low standard of living. In that area, and to a lesser degree in other areas, each Power bids against the other to secure Governments friendly to itself.

14. This competition to secure friendly Governments might seem at first sight to be a harmless enough rivalry. But on closer examination we can readily see that the natural dynamics of this kind of diplomatic struggle tend inevitably towards war. The process, indeed, is only too obvious. In any country, in such a contested area, if one great Power has secured a Government friendly to itself it will naturally wish that Government to continue to hold office. The other great Power, equally naturally, will be led to wish the success of the internal opposition in that country.

15. Thus, by the intensity of their competition the great Powers become more and more deeply implicated in the internal policies of this vital and troubled region. The consequences of this involvement in terms of human suffering, both immediate and potential, would be hard to exaggerate; for the rivalry of the great Powers, sapping the spirit of independence and self-reliance in the smaller nations, constantly tends to promote both civil wars - the most cruel of all wars - and national wars among the peoples of this region. If that result were sought by deliberate long-term policy, it would be hard to find terms strong enough to condemn the callousness of the calculators. But in fact, as I have tried to indicate, the struggles which recurrently convulse this region are not provoked as a matter of deliberate long-term policy, but arise inevitably from a natural process involved in fierce diplomatic competition between great Powers for the friendship of weaker Governments. And bad as the immediate and local results of such competition are, the ultimate potential result is far more terrible. This competition, with its play of alliances and counter-alliances, with the overt or suppressed local resentments which it causes, may easily get out of the control of the participants, both great and small, and ignite a general war.

16. The progress towards disaster in the Middle East can be arrested only if the Powers concerned in their own interest genuinely agree to respect the sovereignty of the weaker countries, to harmonize their policies through the United Nations and to abate their diplomatic competition. Such an agreement would constitute a mutual diplomatic drawing-back comparable to the military drawing-back which we envisaged in the case of Europe, and would serve the same end: the reduction of international friction in order that real progress can be made towards disarmament and peace. The name "condominium" has been used to describe a possible common policy to be agreed upon between the Powers in relation to the Middle East. It would be hard to think of a term with more unfortunate suggestions. What is needed is not a condominium, a joint dominion, but an agreement to cease all attempts to dominate: not a condominium but a non-dominion.

17. But even the concept of non-dominion is inadequate, because it is negative where positive policies are required. Positive qualities must - if peace is to be saved - be developed by the Powers in concert with this Organization. For the dangers that threaten in the Middle East - and in certain other regions also -

do not derive solely from the rivalry of the great Powers, although they are enormously increased by that rivalry. With the rate of production almost static, poverty tends to increase with the very steep rise in population which medical science has made possible. And as human misery increases, dangers of violence increase with it; dictators and demagogues thrive. Nothing can avert this process save a determined and combined effort by the highly industrialized countries, by the economic interests involved, and by this Organization to help the Governments concerned to raise the standard of living and to encourage political and economic co-operation, rather than national antagonisms, among the Middle Eastern peoples. Irrigation, industrial and power development, education and technical instruction are all fields in which much remains to be done. It is true that this Organization has accomplished much useful work in the Middle East. But no one would claim that the efforts made so far, inside or outside this Organization, have been commensurate with the colossal scale of the problem. It may be said that investment on the scale required is beyond the bounds of economic and financial possibility. That is a misconception, for what is needed is not for the Powers to spend more money, but to spend it on different things.

18. If the Powers concerned can substitute joint schemes of human betterment for their present competitive economic diplomacy, the consequent reduction in international tension will enable them to slacken the present terrifying rhythm of the arms race. And if the resources - of human skill and ingenuity, no less than of material - at present committed to the arms race are used instead for an equally strenuous effort for prosperity and peace, the prospects for humanity, not alone in the Middle East but throughout the world, can be utterly transformed.

19. What we have in mind, therefore, is that a commission of this Organization could be created for the promotion of reconciliation and economic development in the Middle East. Through that commission, the highly developed countries could canalize their economic aid to the area. That aid would be without political conditions - or rather with only one political condition: that the beneficiaries should avoid recourse to war.

20. It may be said that such projects are visionary. Perhaps they are, but those who like to use that word to describe any far-reaching suggestion for peace would be well advised to keep another vision before their eyes: a vision of what the third world war would mean for mankind. No one who has that vision before him is likely to be satisfied with anything less than a full-scale all-out campaign for peace. That campaign must start from a very much greater respect for the freedom of weaker peoples. It must bring the end of imperialism in all its shapes and forms, whether direct or indirect, Eastern or Western, diplomatic or military, capitalist or communist. And the ending of imperialism is not only in the interests of the subject peoples, of peace and of the general good, but in the specific interests of the peoples of the imperial countries themselves. So far, we have been dealing with a diplomatic drawing-back by the major Powers from intervention in the affairs of nationally independent but weak countries. It is necessary to deal also with the not less dangerous case where a large Power exerts direct political control over a weaker country.

21. There was a time, of course, when wide territorial dominion meant increased wealth for an imperial power and a higher standard of life for its people. Today the increase in the standard of life arises more from the technical skill and ability to turn one form of matter or energy into another than from the possession of broad acres of wheat fields, or even of oil fields. As our skill in exchanging goods and services becomes equal to our skill in producing them, when there is a firm agreement that each nation shall buy or invest as much as it sells, then food, raw materials and industrial products will flow freely around the world. When we reach that stage, the desire to control colonial markets and sources of raw materials will have become an anachronism. Indeed, even at the present stage, the occupation of foreign lands tenanted by an unco-operative and resentful people is a financial liability rather than a net asset to the occupying Power. It is a grave personal liability, too, for the settlers of the Power that has outstayed its welcome. These settlers may have devoted their lives to building up their adopted country and may have made a success of a business or a profession; but if a bitter clash with the metropolitan country arises, they must waste their energy and their savings in perpetually defending themselves and their children. It should be noted that the countries most rapidly increasing their domestic output of goods and services, expanding their foreign markets and improving their standard of life are the countries which have no forcibly annexed territories.

22. There was a time, too, when territorial expansion meant, for the occupying Power, an increase in prestige, an increase in security and a decrease in the number of men under arms. Today, forcible control over foreign populations means permanent conscription, ever increasing numbers of munition workers and police forces, ever increasing tension abroad and ever increasing insecurity at home.

23. I have tried to state the tragic choices which involve the fate of all of us, whether occupied or unoccupied, free, partially free, or unfree. Is there a way out? I think there is, with God's help, if we co-operate in finding it and if we assist each other to follow it. We suggest that the way is through the acceptance of the following general principles.

24. Powers which are in forcible occupation of foreign territories must declare their willingness to withdraw at the earliest practicable date to be fixed in agreement with the United Nations.

25. The inhabitants of the territories concerned must declare their willingness to be patient until that date arrives, in each case, and to act forgivingly and generously thereafter.

26. The United Nations must declare its willingness to accept as a common burden the cost of the practical steps necessary to assist the withdrawal of the occupying Powers, to supervise the fulfilment of the pledges given by the peoples in the territories evacuated, and to assist the newly enfranchised peoples to meet the responsibilities of freedom.

27. The great Powers must reach an agreement to halt their present acute diplomatic competition, involving the selective arming and subsidizing of weaker peoples. For that competition, they must substitute a joint effort along some such lines as those which I have suggested for the Middle East.

28. We have no intention of attempting to draft a programme to deal with the withdrawal of all the various types of occupation, ancient and modern, from territories with different degrees of cultural and political development. That, in appropriate cases, must be the duty and the work of a competent executive authority responsible to this Assembly over a number of years to come.

29. Like many of our fellow Members here, we are a young State, but a people with a proud and ancient history. Our own outstanding national problem - the division of our country - must eventually be solved by the practical application of the principles of the Charter and, specifically, the principle of self-determination of peoples. We have never ceased to demand the application of that principle in our own as well as in other cases, and from it we have nothing to fear. Indeed it would be useless to deny that, in joining this Organization, the hope that our action might advance the attainment of this end was present in our minds. It is as such a country that we speak here today in the hope that our profound conviction, born of long experience of tragic frustration, may carry weight with this Assembly. The principle of self-determination of peoples ought, we believe, to be the great master principle by which this Assembly should be guided in its quest for a just and peaceful world order. That principle holds, for example, the key to the reunification of Germany, to the solution of the Cyprus question and also to one of the most acute and urgent of the contemporary conflicts which threaten world peace - the conflict in Algeria.

30. The case of Algeria deeply disturbs those of us who are the friends and admirers of the great French nation and of the noble and valiant French people. But the nature of the conflict there is one that leaves a country with Ireland's traditions no choice. As this case is to be considered by the General Assembly, we cannot do otherwise than support self-determination for Algeria.

31. We would urge the French Government, in the interest of the French people, in the interest of the French settlers, in the interest of the peace of mind of its friends, in the interest of world peace, and for the glory of France, to declare its readiness to concede the right of self-determination to Algeria at the earliest practicable date to be fixed in agreement with this Organization. We would urge it to concede that right absolutely and unequivocally; to declare that it is prepared to negotiate with the freely elected representatives of the Algerian people, and to accept their majority will for the future of Algeria - whether it be for union with France, association with France, or complete separation and independence. Partial concessions like those offered in the French Government's loi-cadre are not enough. The generous movement of enlightened opinion whose presence in France the world salutes must carry a French Government to bolder and wiser measures than this. The French Government must abandon the theory which the loi-cadre asserts: the theory that Algeria is an integral part of France. For that theory France has paid dear. It will be in its own best interests to replace it by the clear admission of Algeria's right to self-determination.

32. We would urge the revolutionaries in Algeria, for their part, to cease fire forthwith; to accept peacefully the result of free elections and negotiations, and to declare their willingness - if they win those elections - to be not only just but generous to all the European settlers who wish to remain following a settlement. We would urge them also to declare their willingness to compensate generously such of the settlers as might wish to leave, for the loss of their property and their way of living.

33. We would urge the United Nations in the particular circumstances of the Algerian case, to agree to supervise the arrangements agreed upon between France and Algeria; to be prepared to supply as supervisors for the elections men who have practical experience of free elections; to be prepared, if necessary, to supply a United Nations police force to assist in preserving law and order over a transitional period. Should any settler desire to leave, it should be for the United Nations to fix a generous rate of compensation, and if need be, to provide loans to Algeria to enable prompt payment to be made.

34. Finally, we would appeal to both the French and the Algerian peoples to co-operate for their mutual benefit and for the benefit of us all. The Algerian people, whatever their political decisions, will need French technical assistance and support to develop their resources in the years ahead. The French people will, I am sure, no matter how the Algerians determine, be prepared to co-operate in continuing the work of development which they carried on so efficiently, as I personally observed, in the days before 1914 and between the wars.

35. And lastly, if I may be permitted, I appeal to our French colleagues to use their influence with the people of France to persuade them in their own interest and in the best interests of the French settlers, whose difficulties they must feel so keenly, to agree to the suggestions we have made. France stands not to lose but to gain by doing so. La présence française, of which the world stands in need, is not a matter of colonial dominion but of the intellectual and moral leadership which generations of her gifted sons have earned for the great French nation. That is the true meaning of la présence française, of which the world stands deprived while France is absent in Algeria. France is often urged to liberate Algeria: it is even more important that France should liberate herself from Algeria.

36. The principles of the Charter are founded, to a great extent, on French thought and on the abiding devotion of generations of Frenchmen to the idea of liberty. Today these principles need to be given new life. The world today stands in need of inspiration, of imaginative and magnanimous action which will transcend the chafferings of short-term calculation. It is our hope - as, I am sure it will be the hope of many here - that France will, before it is too late, give the world the example of such an action. If she does so, she can take once more her place in history which belongs to her of right, the place which her heroes and her thinkers have won for her as the great exemplar and defender of human freedom and of the rights of man.

AGENDA ITEM 7

Notification by the Secretary-General under Article 12, paragraph 2, of the Charter (A/3667)

37. The PRESIDENT: The second item on the agenda deals with the notification by the Secretary-General under Article 12, paragraph 2, of the Charter. A notification has been made by the Secretary-General in a letter dated 16 September 1957, addressed to the President of the General Assembly [A/3667]. I presume I may take it that the Assembly notes the matters relative to the maintenance of international peace and security which are being dealt with by the Security Council, and also the matters with which the Security Council has ceased to deal.

The General Assembly took note of the communication.

AGENDA ITEM 8

Adoption of the agenda

FIRST REPORT OF THE GENERAL COMMITTEE (A/3670)

38. The PRESIDENT: The item before the Assembly relates to the adoption of the agenda of the twelfth session, the allocation of items to Committees and the organization of our present session. Now, with respect to this matter, the General Assembly has before it the first report of the General Committee [A/3670].

39. At the conclusion of the meeting of the General Committee yesterday afternoon, I suggested that the report of that Committee be considered today in plenary meeting only in respect of the first sixty-two items recommended for inclusion as they appear in the report [A/3670]. I trust that my suggestion, which I renew at this time to all the Members of the Assembly, will be agreeable to it. If there are no objections then we will proceed in the understanding that consideration will be given to items 1 through 62 of the agenda. Now I suggest that to expedite our proceedings, items be considered for inclusion en bloc, as appropriate, that is, in accordance with our past practice. Items 1 through 7 have already been dealt with in plenary meeting. Item 8 is being considered at this time; and, as regards item 9, the general debate has already begun.

Items 1 to 9 were placed on the agenda without discussion.

40. The PRESIDENT: Are there any observations on the inclusion of items 10 through 23? If not, these items are included in the agenda.

Items 10 to 23 were placed on the agenda without discussion.

41. The PRESIDENT: Item 24 deals with disarmament. Now in connexion with this item the General Committee decided to recommend in paragraphs 2 and 3 of its report, that an additional item, proposed by India, be included as sub-item (b) of item 24, and that item 2 of the supplementary list proposed by Belgium should be included, with a minor change in wording, as sub-item (c) of this same item. If there are no observations on this matter, item 24, as recommended by the General Committee, is included in the agenda.

Item 24 was placed on the agenda without discussion.

42. The PRESIDENT: I invite the Assembly to vote on the inclusion of items 25 and 26.

Items 25 and 26 were placed on the agenda without discussion.

43. The PRESIDENT: Items 27 through 29 deal with economic questions. I take it that all these items are included with the Assembly's approval.

Items 27 to 29 were placed on the agenda without discussion.

44. The PRESIDENT: I now invite the Assembly to vote on the inclusion of items 30 to 34, which relate to social and economic questions.

Items 30 to 34 were placed on the agenda without discussion.

45. The PRESIDENT: I now invite the Assembly to vote on the inclusion of items 35 to 39, which relate to questions affecting the Trusteeship System and Non-Self-Governing Territories.

Items 35 to 39 were placed on the agenda without discussion.

46. The PRESIDENT: I now invite the Assembly to vote on the inclusion of items 40 to 52 dealing with financial and administrative matters.

Items 40 to 52 were placed on the agenda without discussion.

47. The PRESIDENT: I invite the Assembly to vote on the inclusion of items 53 to 56, which relate to legal questions.

Items 40 to 52 were placed on the agenda without discussion.

48. The PRESIDENT: I invite the Assembly to vote on the inclusion of item 57, which deals with the effects of atomic radiation.

Item 57 was placed on the agenda without discussion.

49. The PRESIDENT: With regard to item 58, representatives will notice that the General Committee decided to recommend the inclusion of this item under the title "The Cyprus question" [A/3670, para. 4].

50. Before I call upon the first speaker, I would draw the attention of the General Assembly to rule 23 of our rules of procedure, which limits the number of speakers to three in favour of and three against inclusion.

51. Mr. AVEROFF-TOSSIZZA (Greece) (translated from French): In the General Committee, the Greek delegation urged strenuously that Greece's complaint should be included in the agenda of the current session under the full title Greece had proposed. My delegation noted, however, that most of the members of the General Committee were anxious that the item should be entered under a more concise and general title which would still allow for discussion of any point relating to the question.

52. Accordingly, desirous of making things easier for the other delegations and considering that the title proposed by the General Committee covers all the points relating to the question of Cyprus and allows for their discussion, my delegation does not oppose the adoption of that title.

53. In making this short statement, and precisely because it is so short, I reserve the right to speak again if other delegations should raise points requiring a reply on our part.

54. Mr. ESIN (Turkey): The General Committee has decided to recommend to this Assembly the inclusion of item 58 in the agenda in its present wording, that is to say, as "The Cyprus question". The debate in the General Committee started with a division. The position of my delegation in this matter is well known to the Members of the United Nations, and has been placed on record. I do not intend to take up the precious time of this Assembly by reiterating the details of our intervention in the procedural debate which took place in the General Committee. My delegation objected on various points to the way in which the Greek demand had been presented to the United Nations. The representative of the United Kingdom had previously raised other objections from the point of view of his own Government.

55. However, a tendency manifested itself within the General Committee to try to find a basis for harmonizing so far as possible the views of the parties concerned on the question of the inclusion of the item dealing with Cyprus. It was thus suggested that the item should be included on the condition that it was redrafted to its present form. In line with this conciliatory attitude in the General Committee, my delegation declared that it would not oppose the inclusion of the item in the form recommended by the Committee. My delegation continues to hold that position.

56. In this connexion, I wish to indicate that, in view of the partial improvement in the situation which has taken place during the brief period since 26 February 1957 - the date on which the General Assembly resolution on Cyprus, resolution 1013 (XI), was adopted - we continue to have doubts on the wisdom of reopening a debate which may increase tension and bitterness. We believe, on the contrary, that the high interests of the Cypriot peoples and the cause of friendly and peaceful relations in the Middle East could best be served by all interested parties through sincere efforts to arrive at a peaceful, democratic and just solution of the Cyprus question along the path indicated by the General Assembly just over six months ago.

57. In spite of these views, we have decided not to oppose the inclusion of this item in its present form on the agenda of the General Assembly, placing our faith in the wisdom, the deep sense of justice and the feeling of practical reality which exists in the General Assembly, acting as a general guide within the limits of its legal possibilities to contribute to a solution satisfactory to all concerned.

58. Mr. LLOYD (United Kingdom): It will be recalled that when this question was discussed in the General Committee, I said, in effect, that the United Kingdom would not object to a discussion of the Cyprus question if it appeared likely that such a discussion would prove constructive. I did reserve the position of the United Kingdom Government with regard to Article 2, paragraph 7, of the Charter. I will not repeat again what I said the day before yesterday in the General Committee about that matter and about other aspects of the problem. We do not deny that there are international aspects of the Cyprus problem, and, therefore, I shall not oppose the inclusion of this item. What is said during the debate will be, according to our rules, the responsibility of the representative making the statement, but it is the hope of the United Kingdom Government that when the debate comes it

will promote and not hinder the chances of a settlement.

59. The PRESIDENT: In those circumstances, I think that the Assembly would agree to the inclusion of this item in the agenda.

Item 58 was placed on the agenda.

60. Mr. AVEROFF-TOSSIZZA (Greece) [translated from French] (from the floor): I want to . . .

61. The PRESIDENT: No, you may not speak. The item is included in the agenda.

62. Mr. AVEROFF-TOSSIZZA (Greece) [translated from French] (from the floor): On a point of order.

63. The PRESIDENT: No, you may not speak. The speakers are limited to three, and there is no question of a point of order. The item is included in the agenda.

64. Mr. AVEROFF-TOSSIZZA (Greece) [translated from French] (from the floor): There is a point of order.

65. The PRESIDENT: No, there is no point of order involved at all.

66. I invite the Assembly to vote on the inclusion of item 59, which deals with the question of Algeria.

Item 59 was placed on the agenda without discussion.

67. The PRESIDENT: I next come to items 60 and 61. Does any representative wish to speak on item 60?

68. Mr. BOTHA (Union of South Africa): I am instructed to participate in the present proceedings of the Assembly in order to object in the name of the Government of South Africa to the inclusion in the agenda of items 60 and 61, namely, the question of race conflict in South Africa and the treatment of people of Indian origin in the Union of South Africa.

69. My Government objects on the basis of Article 2, paragraph 7, of the Charter. The provisions of that paragraph are well known to all representatives, as are the arguments upon which my Government's case is founded. I do not propose to repeat them. I shall merely refer the Assembly to the statement made from this rostrum on 15 November 1956 [577th meeting] by the South African Minister of External Affairs, in which South Africa's case was stated in detail. I would also remind representatives of the action taken by the Union Government when inscription was effected last year. In lodging this formal protest, I ask each representative in this room to consider most carefully, before casting his vote, whether the United Nations is to be required once again to intervene in the domestic affairs of South Africa, in clear violation of the explicit provisions of the Charter.

70. When the vote is taken, I shall request that it be taken by roll call.

71. Mr. RODRIGUEZ FABREGAT (Uruguay) (translated from Spanish): I should like to tell the General Assembly that my delegation supports the inclusion of this item in the agenda of the current session. What is more, my delegation is not only in favour of the inclusion of the item but actually joined with the delegations of Bolivia, Ceylon, Costa Rica, Egypt, India, Indonesia, Liberia and the Sudan in requesting its inclusion in the agenda of this Assembly.

72. I should like to take this opportunity of reaffirming that my delegation is quite unable to agree that the problem at issue is one of domestic jurisdiction. In our view, Article 2, paragraph 7, of the Charter does not govern this matter. The remarks which I had the privilege of making before this General Assembly a few days ago in another connexion apply equally well to this case which is basically a problem of human rights whose protection quite properly comes under international jurisdiction, and the objection of domestic jurisdiction which has so often been put forward in cases of this kind, and in this very case, is completely inadmissible.

73. My delegation believes that the presence of this item on our agenda, far from infringing the domestic jurisdiction of States, will rather reaffirm and maintain whole and intact the spirit and the letter of the Purposes and Principles of the United Nations, as set forth in the opening pages of the Charter, which has been since the San Francisco Conference the new world law and binding upon all the signatory nations, and also the Universal Declaration of Human Rights. The position of the United Nations in regard to the observance and fulfilment of those rights has only recently been confirmed.

74. My delegation is therefore in favour of the inclusion of item 60, which it proposed jointly with those Governments whose names I read out at the beginning of these remarks.

75. Mr. CASEY (Australia): The General Assembly has before it the General Committee's recommendation that item 60, the question of race conflict in the Union of South Africa, be included in the agenda of this Assembly. South Africa has objected, and we all remember that last year, when this question was included, the South African delegation withdrew from the greater part of the Assembly's work. On that occasion, I expressed the hope that the action that South Africa had taken would turn out to be no more than a temporary one and that the circumstances that had brought about its partial withdrawal would be modified as delegations reflected on the situation that had brought it about.

76. It should be remembered in this connexion that South Africa, since the establishment of the United Nations, has played its part as a Member of the Organization and has fulfilled its obligations under the Charter. We should not forget, I suggest, that South Africa was one of the sixteen countries that constituted the United Nations forces in Korea.

77. Nearly a year has passed since the South African delegation withdrew from this Assembly, and I venture to hope that in that time Members will have had opportunity to reflect on the wisdom of action which leads to the withdrawal, even partial, of a Member nation.

78. The position of the Australian delegation on this proposed item is, I believe, well known. Without expressing a view on the policies challenged in this item, we have consistently held that discussion by the General Assembly and the adoption of resolutions on this item are not matters properly within the competence of the United Nations. We believe that this issue is within the domestic jurisdiction of the Union of South Africa. Article 2, paragraph 7, of the Charter is, in our view, quite clear on this point. I would

just remind Members of that Article which, as you know, begins "Nothing contained in the present Charter shall authorize the United Nations to intervene in matters which are essentially within the domestic jurisdiction of any state...".

79. My delegation will therefore vote against the recommendation of the General Committee, as in previous years.

80. While I am at the rostrum, perhaps I might also refer to Australia's position on the inclusion of the other item to which South Africa objects, that is, item 61 dealing with the treatment of people of Indian origin in South Africa. In the past, Australia has abstained on the proposal to include this item. We have not found it possible to vote for its inscription because we believe that inscription, in this case, too, would contravene the well-known provisions of Article 2, paragraph 7, of the Charter. We understand the concern of India over the status and the conditions of people of Indian origin who now have their homes in South Africa, but we are not satisfied that the United Nations is authorized by the Charter to take up this question. Moreover, we are inclined to the view that more progress could be made in the solution of difficulties through discussions than through any action by the United Nations. It is our intention, therefore, again to abstain from voting on this item.

81. Mr. COOPER (Liberia): My Government, with other Governments, has requested that the question of race conflict in South Africa resulting from the policies of apartheid of the Government of the Union of South Africa be placed on the agenda.

82. This is no new question to the Assembly. Despite our past failures to have the South African Government change its racial policies in South Africa, my Government still entertains the hope that in the changing world South Africa will find it to its advantage and national honour to rescind these laws which are an affront to people of colour in the entire world. It is regrettable that South Africa in years gone by has based its claim concerning the discussion of this question on the Charter of the United Nations, claiming that this is an internal question of the South African Government. The South African Government must realize that race conflict and the mistreatment of people cannot be covered or shelved by any clause of the Charter. The sooner the South African Government realizes this, the better it will be for that Government and for people of colour the world over.

83. Mr. NOBLE (United Kingdom): As will be well known to Members, it has consistently been the opinion of Her Majesty's Government that the subject matter of this item lies exclusively within the domestic jurisdiction of the Union of South Africa. We therefore consider that the General Assembly has no competence either to discuss this matter or to adopt resolutions in respect of it. I therefore support what Mr. Casey said on this item, and shall vote against its inclusion.

84. The PRESIDENT: I have no further speakers on my list.

85. I now request the Assembly to vote on the inclusion of item 60. A roll-call vote has been requested.

A vote was taken by roll call.

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

In favour: Ethiopia, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Laos, Lebanon, Liberia, Libya, Federation of Malaya, Mexico, Morocco, Nepal, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Syria, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador.

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

Abstaining: Finland, Italy, Netherlands, New Zealand, Turkey, Argentina, Austria, Canada, Dominican Republic.

Item 60 was placed on the agenda by 64 votes to 8, with 9 abstentions.

86. The PRESIDENT: The representative of Ghana desires to explain his vote and I call upon him accordingly.

87. Mr. ADJEI (Ghana): In my statement yesterday I made quite clear Ghana's position on these racial matters. We made it quite clear that in the view of the Ghana delegation certain matters which are usually regarded as the internal affairs of States can easily endanger world peace and security, and therefore we do not consider that wherever any such matter exists in any particular State, that that State should be given the chance to hide under the rules of international law and say that "this particular matter is within my domestic jurisdiction and therefore an organization like the United Nations should not discuss it".

88. In our view, as I said yesterday - and I do not want to say too much about it now - aggression is not confined to the use of arms; but whenever the enjoyment of fundamental human rights is denied to any section of a national community within a State, that also should be regarded as aggression. In our view, the United Nations should define the word aggression as a concept in international affairs to embrace this view. For this reason, the Ghana delegation believes that the Union of South Africa should not be allowed to say that the question of race conflict in South Africa - either the treatment meted out to South Africans of Indian origin or the treatment of Africans in South Africa - should be regarded exclusively as an internal affair by the Union Government. In our view, therefore, the United Nations should include this item in the agenda and deal with it accordingly.

89. The PRESIDENT: The next item which we have to consider is item 61. I have three speakers on my list. I call upon the representative of the Union of South Africa.

90. I now call upon the representative of the United Kingdom.

91. Mr. NOBLE (United Kingdom): This item has been before the Assembly year after year and it can-

not, I think, be said that discussion of the item has in the past contributed towards a solution of the problem. Nor do we think further discussion is likely to serve any useful or constructive purpose. There is also the fact that on this occasion it is only a little over six months since this item was considered by the General Assembly. My delegation would therefore be very glad if the Assembly were to decide not to include this item in the agenda.

92. Furthermore, as my delegation has pointed out on previous occasions, Her Majesty's Government entertains serious doubts about the legality of admitting this item to discussion in the United Nations Assembly. My delegation will therefore abstain from voting on it.

93. Mr. Krishna MENON (India): Since the representative of the Union of South Africa did not come to this rostrum when the item was called, I presume that the objections he raised on the previous item covers both. We are in some difficulty about points of order, but considering the short shrift the Foreign Minister of Greece got from the President, I am a little frightened. I am a small man.

94. The item before us deals with the treatment of Indians in South Africa. First of all, I want to say that my delegation and my Government are very happy to see the return of the delegation of South Africa to the General Assembly, because we do not regard this as a vendetta against the Union. Our feelings for and our relations with the peoples of the Union of South Africa - which are not 2 million, as is usually computed, but 10 million - are of a friendly and fraternal character.

95. We regret that there have been policies pursued for the last sixty years which have created antagonism between the South African Government and the Government of India. Here it is perhaps worthwhile to remind the previous speaker that this antagonism is not peculiar to the present Government of India, but to those who have been responsible for the Government of India for the last sixty years.

96. I am therefore surprised to see my friend, the representative of the United Kingdom, adopting such an attitude in this matter. We inherited this situation from the British Government of previous days; that is to say, the differences between the Union of South Africa and the Government of India started in the days of Lord Lansdowne when he was Viceroy of India, a long time ago.

97. The problem we have before us in item 61 is, however, rather different from item 60. So far as we are concerned, we are carrying out the mandate of the Assembly. The Assembly asked us at its last session to report to this session; that is to say, we were invited to report. Of course, it is open to the Assembly to turn down the invitation and to say that it has cancelled the invitation. But that would require a two-thirds majority, which, I am afraid, will not be forthcoming in this Assembly.

98. Therefore, we have come here, not in order to include a new item in the agenda, as in the case of item 60, but in order to carry out the decisions of the Assembly inviting the parties concerned - and the Government of India is one of the parties concerned - to report on what has happened since the conclusion of

the last session. We would have been quite satisfied to leave it there because we know the feelings of the Assembly on this question. This matter was first introduced in 1946. In those days it was carried by a very considerable majority. But there were people who probably thought that if it was left alone, things would settle themselves. However, as time went on, year after year, the votes in favour of this item increased, so much so that during the last few years there was only one Government that voted against the inclusion of this item or its discussion. But, unfortunately, that one vote is a very significant vote; it is the vote of the Union of South Africa. That is the vote we want, and some day we will get it.

99. The representative of the United Kingdom, in a very unusual defeatist mood, tells us: we have tried this for ten years, so what is the use of going on. Is this argument to be repeated in the Disarmament Commission? Is this argument to be repeated with regard to the Charter of the United Nations? We have been trying to work with this Charter for ten years; there are great lapses. There are many issues. In fact, it is quite easy to defeat any question by not doing anything for ten years.

100. Therefore, I would submit that the fact that no progress has been made in ten years is no argument for not considering it again. It is only an argument for making a further effort. I hope the representative of the United Kingdom will come forward and be mindful of the constitutional international responsibilities—of which I will remind him in a moment—and will take a hand in this matter and do something about it. Because Governments do not die. In general elections they change; and even between general elections, some people lose offices. But Governments continue.

101. It so happens that the position of the Indians in South Africa is a matter of treaty obligation announced by a previous Secretary of State for the Colonies, and therefore it is an obligation of Her Majesty's Government. I can quite understand the representative of the United Kingdom saying that Her Majesty's Government has grave doubts about the legality of this question. That is a chronic state of affairs. Her Majesty's Government is always in grave doubt about the legality of any question.

102. As early as 1875, the Secretary of State for India, Lord Salisbury, who afterwards became Prime Minister, announced the policy of His Majesty's Government—it is the same thing whether it is "His Majesty" or "Her Majesty"—and he said: "Above all things we must confidently expect, as an indispensable condition of the proposed arrangement"—that is, of taking Indians to South Africa, because they could not get agricultural labour in the place—"that the colonial laws and their administration will be such that Indian settlers, who have completed the terms of service to which they agreed, as the return for the expense of bringing them to the colonies"—and let it not be forgotten that the expense of bringing them to the colonies was a charge on the Indian Exchequer, for which the British Government was responsible; and if there is one thing the British Government is good about, it is their accounts; they always balance the budgets—"will be free men in all respects"—and this was written nearly a hundred years ago—"with privileges, no whit inferior

to those of any other class of Her Majesty's subjects resident in the colonies." 1/

103. We claim it is a treaty obligation, an obligation which the British Government of the day pronounced at that time. And we have always maintained—right through these negotiations, when the late Mahatma Gandhi took it up in 1906, later in the Capetown Agreement, and right through all the negotiations—that the South African Government, as the successor of the Colonial Government, is bound by this treaty obligation.

104. I submit that Her Majesty's Government in the United Kingdom has a very serious responsibility in this matter. We are quite prepared to accept the view that, in a public assembly like this, if they abstained quietly we would say nothing. But if they abstain publicly, then we have to make our public protest. I was hoping that my friend, Mr. Noble, would not intervene in this debate, because nothing is more painful to us than to disagree with Her Majesty's Government.

105. The item is called "Treatment of people of Indian origin in the Union of South Africa". Now it deals with people of Indian and Pakistan origin. At no time has the Government of India or the Government of Pakistan ever sponsored a draft resolution of condemnation. We have strictly adhered to the provisions of the Charter whereby our function is to make recommendations and to enable the United Nations to be a centre of conciliation.

106. There is no harm in saying that sometimes we have been asked by people why we do not submit a more forceful draft resolution. We have tried various things from the very beginning. The United Nations itself laid down, first, that this was a situation that created bad relations between two Member States; and, secondly, that it was a violation of international obligations. It is a violation of international obligations in that it violates treaty rights which we have. It is a violation of every agreement that has been entered into. It is a violation of the practice of discussing these things with the Government of India, which has not been the practice for a very long time, the high-water mark of it being the Capetown Agreement concluded in 1926.

107. In 1906 when Mahatma Gandhi appeared as a protest against legislation which was then passed before Lord Elgin, then Secretary of State of the Colonies, against the Transvaal Asiatic Law Amendment Ordinance, he asked for its disallowance; and it was disallowed in 1906; I am sure that no modern Government wants to be more regressive than the Government of 1906.

108. Today, however, the position is far from stable. The Government of India comes here not merely in pursuance of the resolution but because the situation has become much worse.

109. I will not deal with the substance of this matter more than is necessary. Before the General Committee one does not touch upon the substance of propositions. Before the General Assembly, when we are arguing the inclusion of an item, the practice has been to touch upon as much of the substance as is neces-

1/ Government of India, Memorandum on the Position of Indians in the Union of South Africa, submitted to the United Nations (1946), p. 6.

sary to convince people that the item should be included.

110. In August 1957, the Observer stated:

"...at midnight on 2 August some 3,000 of Johannesburg's non-white citizens became either criminals or homeless by Government decree. Acting under the Group Areas Act, the Nationalist Government had ordered these people to vacate their present homes and businesses by 3 August in order to render specified areas of the city White. Some, like the Chinese, have no alternative areas - let alone houses or livelihoods - offered to them at all; the Indians had been ordered to the bare veldt at Lenasea twenty-two miles from Johannesburg, which they alone are supposed to occupy; and the coloureds" - the mixed population - "who, with the Indians, constitute the majority of those to be moved at present, will be forced to live in unspeakable slums vacated under the same Act."

The word "slums" refers to the slums occupied by the Africans, who are the indigenous population. They will be pushed out of the slums in order to enable other people to be put there. There is a double offence in this matter.

"This move, moreover, is only the first of several already decreed, which, when completed, will in Johannesburg mean the forced uprooting of 25,000 human beings, the utter ruination of 1,600 Indian and Chinese businesses worth roughly £8 million and, on the credit side, the achievement of several lily-white squares on the city's residential checker-board."

111. These people who are being pushed out have helped to build the country. It is all very well to speak about South Africa belonging to one section of the population and the superiority of one race over another. The question is: Who did make this land out of the wilds that it was before? The country originally belonged to the Africans and the Indians did not come on their own. There was a great deal of difficulty at that time encountered by the British Government in India in persuading people to go. Public opinion was against taking these people over. They were promised they would be treated as human beings, and the British Government of the day has a sacred responsibility to stand by it. In view of the special relations that exist between the Union of South Africa and the British Government we would not have complained if the British Government had abstained quietly on this question. But if that Government is going to argue that it should not be discussed, if that Government is going to throw the weight of its powerful opinion in the Assembly against discussion of the item, then our small voice has to be raised in protest.

112. Recent legislation has been passed, which can be summarized as follows: first, the Suppression of Communism Act, as amended by the Minister of Justice. Nobody need think that it is a very good thing because it is called the Suppression of Communism Act, because it means the suppression of anything the Government does not like. The next is the Passport Regulations Act under the Group Areas Act. Then there are the Native Urban Areas Amendment Act, the Criminal Procedure Act, the Criminal Laws Amendment Act and a large number of other pieces of legislation which I shall not mention. A distinguished judge

in South Africa, Justice Broome, once said that the Government of the Union had created so many statutory offences that when an African stepped out of his house he was committing a crime. That is the position. It is not a question of whether the consideration of this matter will bring amelioration or not. Which representative can stand on this rostrum and say that the capacity of the Assembly to discharge its responsibility under the Charter has come to an end? If he says that, then I believe he has written the first chapter in the winding-up of the United Nations. Therefore the fact that this has not been carried out in the last few years is no reason at all for saying that it should not be considered again. As I said once before, we have an obligation to report on this matter.

113. The Government of India - and I believe I am right in saying the Government of Pakistan - in order to place our position fairly and squarely before all, has, under the resolutions adopted last year, made communications to the Government of the Union of South Africa. We are anxious to come to an agreement with them. We have no quarrel with the Government of the Union of South Africa. We would like to remain on friendly terms with that Government. Both our countries are in the lap of the Indian Ocean, and the time will come when we will have to forget, to live and overcome these difficulties.

114. It is only fair to point out that the contribution made by the Indian population - I am only dealing with item 61 - has been reviewed by the British Government of the period. A commission was appointed as early as 1880. Giving evidence before the commission, Sir J. C. Hulett, an ex-premier of Natal - that is, he was not even a colonial official; presumably he was a colonial African who had become Prime Minister of Natal before the Union was established - said:

"The free Indians at present in the colony are an immense benefit, being largely engaged in agricultural pursuits. I do not think the competition of the free Indians has interfered in the slightest degree with the development of the country by European settlers.^{2/}

115. It is only fair to say that since that period the Indian people have penetrated to other parts and probably have established businesses, but there have been no complaints that they are in competition with the others. Even if they were in competition, they belong to South Africa - they were born there and some of their parents were born there. Just because their skins are different, who is the Foreign Minister of Australia to come to tell us that we must take a different view about this. We have not said anything about the White Australia policy because it was not put in practice in the same way.

116. This is a matter on which the Government of India feels extremely strongly. Whatever may be the consensus of opinion in the discussions that take place here, we would have no desire to pillory the Union of South Africa, even if the Assembly agreed. So far as our Government is concerned, we shall not subscribe to any resolution which calls for a vote of condemnation. The reason is that the Charter does not provide for condemnation. The Charter does not provide for judgement of Member States. The Charter

^{2/} Ibid.

provides only for recommendations for conciliation. We shall abide by the Charter and we ask other people to do the same.

117. This matter has been before us for a long time, and each time the United Nations has adopted a resolution the Government of India, after allowing sufficient time for the South African Government to take the initiative and finding that it does not do so, has gone out of its way, even though it has no diplomatic mission in Capetown, because we do not want our people to be insulted. We have not asked the South African to come to India. We have agreed to negotiate with them in this metropolis of New York, the seat of the United Nations where both parties are members. As regards our relations with the South African delegation, we are personally on extremely friendly terms. We are members of the Commonwealth of Nations; we certainly propose to remain, and, so far as I know, they propose to remain. So none of these things are affected by this matter. But this question of the treatment of Indians in South Africa, and the abstention of a large number of delegations on this question causes a great deal of pain.

118. It was the intention of my delegation simply to say that this item should remain on the agenda, but the provocation offered by the Foreign Minister of Australia has led to this kind of statement. The Government of India could not face its own public opinion if it were to abandon the struggle which was begun sixty or seventy years ago, the impetus to which was given by Mahatma Gandhi before he began the passive resistance movement which was finally to be used in our own country in order to bring about the peaceful liberation of our people. We would not forswear our inheritance in that way.

119. Mr. BOTHA (Union of South Africa): To avoid any misunderstanding, I shall make it clear that when I spoke earlier I, of course, objected to the inclusion of both items 60 and 61, as I quite clearly said at the time.

120. The PRESIDENT: I invite the Assembly to vote on the inclusion of item 61. A roll-call vote has been requested.

A vote was taken by roll-call.

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

In favour: Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Sweden, Syria, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Austria, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Greece, Guatemala, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Japan, Laos, Lebanon, Liberia, Libya, Federation of Malaya, Mexico, Morocco, Nepal.

Against: Union of South Africa, France.

Abstaining: Netherlands, New Zealand, Nicaragua, Portugal, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, Argentina, Australia,

Belgium, Canada, China, Dominican Republic, Finland, Italy, Luxembourg.

Item 61 was placed on the agenda by 63 votes to 2, with 16 abstentions.

121. The PRESIDENT: We next come to item 62 entitled "The question of West Irian (West New Guinea)".

122. Mr. LUNS (Netherlands): It is with serious regret and grave misgivings that the Netherlands delegation noted the decision, taken last Wednesday by 7 votes to 4, with 4 abstentions, to recommend to the General Assembly the inclusion in its agenda of the item concerning Netherlands New Guinea, proposed by Indonesia and a number of other countries: regret and misgivings, not because my country has anything to fear from an open discussion of its policy, which is in full accord with the principles and the ideals of the Charter of the United Nations, but because the discussion which was held during the previous three sessions of the General Assembly has proved, on the one hand, that, owing to the attitude taken and maintained by Indonesia, no useful action can be taken by the General Assembly and, on the other hand, that the heat engendered by the debate has led to a deplorable further estrangement between our two countries. Similar results are, unfortunately, to be expected from a fourth discussion.

123. I have stated that Indonesia's attitude in this dispute excludes the possibility of any effective contribution by the United Nations. This attitude consists in maintaining that Netherlands New Guinea is legally already part of Indonesia and in claiming the unconditional surrender by the Netherlands to Indonesia of the territory and the population of Netherlands New Guinea, which the Netherlands administers under the rules of Chapter XI of the Charter. This claim is based on a blatantly erroneous interpretation of an agreement entered into by the two countries in 1949 - the Round Table Conference agreement; it was an agreement, moreover, which Indonesia saw fit in 1956 unilaterally to abrogate and which it has consequently lost the right to adduce in support of its pretensions.

124. But even if Indonesia had not committed this rash act of unilaterally abrogating that agreement, and even if Indonesia's interpretation of the terms of the agreement were tenable, the General Assembly would have no right to decide on a territorial claim, or indeed to adjudicate on the interpretation of a treaty. If any such adjudication were necessary, the only organ of the United Nations competent to take cognizance of the case would be the International Court of Justice, and it is a significant fact that, although suggestions to that effect were officially made to Indonesia by the Netherlands Government no less than five years ago, Indonesia has persistently refused to put its interpretation of the agreement to the test of the International Court.

125. It is true that Indonesia pretends that it does not demand a recommendation for the handing over of Netherlands New Guinea, but merely a recommendation for negotiation and the appointment of a good offices commission. In the same breath, however, it affirms that it will never accept the outcome of any negotiation unless this outcome be the surrender of Netherlands New Guinea to Indonesia. It would thus have the General Assembly connive at putting pressure to bear on the Netherlands, by means of a good

offices commission, to hand over to Indonesia a territory lawfully administered by the Netherlands and a population which has no desire whatever to be annexed by Indonesia. In saying this, I am not only stating a fact; I am also quoting the Vice-President of Indonesia himself, who has declared that the population of Netherlands New Guinea is not in its present state of development, capable of expressing its will; I am also quoting the very representative of Indonesia in this Assembly, whose Government asserted in 1953 - when Mr. Sastroamidjojo was Prime Minister - that it was not willing "to consult the population of West Irian as to whether it was really prepared to accept association with Indonesia".

126. It is really astonishing that Indonesia, whose representative only three days ago extolled the principle of self-determination from this very rostrum, should ask the General Assembly to abet it in depriving the population of Netherlands New Guinea of this exercise of self-determination, which the Netherlands Government has solemnly promised to grant to that population as soon as it is able to express its will.

127. Since the Netherlands Government can in no circumstances agree to break this solemn promise, discussion by the General Assembly, negotiation or pressure from a good offices commission cannot possibly lead to any result other than a further deterioration of the relations between the Netherlands and Indonesia.

128. It is for these reasons that I earnestly request all delegations here present not to place this item on the agenda of the General Assembly.

129. Mr. SASTROAMIDJOJO (Indonesia): Responding to the request made by twenty-one States Members of the United Nations, the General Committee decided at its meeting on 18 September to recommend to the General Assembly the inclusion of item 62 in the agenda. As we explained at that time, my delegation believes that the question of West Irian - a political problem which for many years now has exacerbated relations between Indonesia and the Netherlands, and still continues today to exist as a source of grave tension between our two countries - is a matter deserving of the most serious consideration by our Organization. We come here seeking a solution to this dispute, not only in the best interest of the Indonesian and Dutch peoples, not only in the interest of promoting peace and stability in a vital region of the world, but, in its broadest context, in the high interest of promoting a new, more fruitful relationship of co-operation and understanding between new Asia and the West, thereby fulfilling the noble aim of the United Nations to be a centre for harmonizing the actions of nations.

130. I therefore rather regret that the representative of the Netherlands found it necessary to state his delegation's objections to the recommendation of the General Committee. While I respect his right, as well as that of his supporters, to do so, it behooves me to respond briefly to the arguments voiced by the representative of the Netherlands, arguments which we had previously heard in the General Committee and which were just now repeated in substance in this plenary meeting. As regards, however, the allegations concerning and quotations of remarks made

by our former Vice-President, Mr. Hatta, and me, I should like to reserve the right to answer at a later stage of the debate.

131. First of all, it has been said that the twenty-one Member States requesting the inclusion of this item in the agenda have already, in the accompanying explanatory memorandum [A/3644], prejudiced the issue by referring to West Irian, or West New Guinea, as the most eastern part of Indonesia. This assertion really comes as a surprise to us. From where do we derive confirmation of the fact that West Irian, or West New Guinea, is the most eastern part of Indonesia? From the Netherlands itself. We read - and it is there for everyone to read - in the official reports of the Netherlands to the United Nations in 1948 and as late as 1949 that Indonesia consists of a series of island groups including - and I quote from the latest of these documents: "New Guinea west of 141 degrees East longitude".^{3/} Clearly, then, as I am sure my Australian friends also will readily agree, New Guinea - or, as we call it in Indonesia, Irian - west of 141 degrees East longitude is the most eastern part of Indonesia. If, however, despite these official Dutch reports to the United Nations, any doubts should remain, we have only to look at the constitutional amendment adopted by the Netherlands in 1948, whereby in article 1 of the Netherlands Constitution of 1922, the name "the Netherlands Indies", which indisputably included West Irian, or West New Guinea, was replaced by the one name "Indonesia".

132. I do not wish to dwell on this matter any further except to say most regretfully - and only because of the aspersions directed against us - that if there is any question of prejudicing the issue beforehand by using a certain kind of terminology, it comes not from our side, but from the side of the Netherlands. It is they, after all, who, in all their statements, including the one we have heard just now, refer to the Residency of New Guinea as "Netherlands New Guinea".

133. Much has been said about the right of self-determination of the people of West Irian, and it has been said again here today. This is indeed a noble ideal, for which the people of Indonesia - the whole Indonesian nation - struggled for many tragic years. But it is a debasement of the right of self-determination to invoke it as a means of withholding freedom from a people and for maintaining the dismemberment of a nation.

134. It has also been argued that peace and order reign in West Irian. I sincerely wish that I could endorse this thesis. Unhappily, I cannot. There is no peace and order in West Irian. Tension is mounting; increasingly repressive measures are being used by the Dutch authorities against the local population and, in general, an attitude of "do nothing" characterizes Dutch policy in West Irian. To give representatives here an idea of the true state of affairs in West Irian, I need at this time cite only the following very brief excerpt from an interview given by Mr. Jacques de Kadt, member of the Dutch Parliamentary Mission which visited West Irian this month, to the Dutch newspaper *Het Vrije Volk*. Mr. de Kadt not only found that the Dutch Government did not make any efforts to improve the people's living conditions in West Irian,

^{3/} United Nations publication, Sales No.:1950.VI.B.1, vol. II, p. 158.

but, with reference to Dutch efforts to prepare the West Irian people to become independent, he had the following to say: "In West Irian nothing has been done in this direction. There is also no insight to speed up development. Development is only in the mind."

135. Yes, this is the crux of the matter: the struggle for freedom and against a life of hopeless stagnation. This is the problem of West Irian: a clear-cut question of colonialism; a problem which we have brought once more to the attention of the United Nations, believing it to be a matter of direct and immediate concern to our Organization. We seek through the United Nations a peaceful settlement of a dispute which has created, and continues to create, tensions and strains between two Member States, Indonesia and the Netherlands.

136. Certainly we cannot pretend that this dispute does not exist, nor can we afford to ignore the real differences existing between our two countries. There is a dispute, and it demands a settlement. There are differences, and they must be resolved. And it is, in our view, the task of the United Nations actively to seek solutions of tension-creating problems before they reach the point of no return - our Organization being, in the first place, an instrument for maintaining or preserving the peace.

137. We heard with some distress, therefore, the representative of the Netherlands contend that inclusion of this item in the agenda would be a waste of the precious time of the Assembly. It is certainly, at the very least, a discourtesy to state that discussion of a question of over-riding concern to a Member State, and one regarding which twenty-one Member States have shown their deep concern by requesting inclusion, would be a waste of time. Our desire, shared, I am sure, by the overwhelming majority of Members here, to seek a peaceful solution of this long standing political dispute through the United Nations is surely not a waste of time. And the fact that this problem was discussed six months ago or more can have no bearing on the question of inclusion; the touchstone obviously being not when a question was last discussed, but whether it has been resolved or still demands the finding of a way to solution.

138. Finally, if we were amazed or distressed by some remarks of the Netherlands representative we were deeply saddened by his assertion that negotiations on this question are doomed to failure and can achieve no positive results. Such a point of view not only places in doubt the good faith of the Netherlands when it agreed initially to negotiate with Indonesia the question of the political status of the Residency of New Guinea, but, what is worse, it undermines the very *raison d'être* of the United Nations as an instrument for negotiating among Governments. Certainly, such sentiments cannot have our support. On the contrary, we believe that it is our sacred obligation to utilize and strengthen the tendency in the United Nations to wear away differences, thus helping towards solutions which approach the common interest and the application of the principles of the Charter.

139. It is in this spirit and with a desire for reconciliation through the United Nations that we request the adoption of the recommendation of the General Committee to inscribe item 62 on the agenda.

140. Mr. CASEY (Australia): The Australian delegation regrets that it has once again to oppose the inclusion of the item concerning Netherlands New Guinea in the agenda of the General Assembly. I say this because, although we differ with our Indonesian neighbours on this question, we attach a great deal of value to their goodwill and co-operation and have every desire to develop further the friendly relations which exist between our two countries. As both Governments have often pointed out, this is the only matter in dispute between Indonesia and Australia, and it is one on which, so far as Australia is concerned, I hope we can agree to disagree.

141. The Australian delegation's opposition to the inclusion of the item concerning Netherlands New Guinea in the agenda is based on three broad grounds. First, we do not believe that discussion or intervention by the Assembly in regard to this matter can achieve any constructive purpose. We fear that, instead of reducing tensions between Indonesia and the Netherlands, it will have the opposite effect. We do not regard this as being in the best interest of international peace and co-operation.

142. Secondly, it is clear from official Indonesian statements, including that made by the representative of Indonesia in the General Committee recently, that what Indonesia is seeking is not really negotiations or good offices in the sense in which these words are normally used. Indonesia wants the General Assembly to accept its contention that Netherlands New Guinea is already part of Indonesia. Indonesian leaders have made it clear on many occasions that no compromise settlement will be accepted. All they will accept is the unconditional transfer of the administration, since Indonesia has claimed that the territory is already legally part of the Republic of Indonesia. There is thus clearly no basis on which a negotiated settlement might be arrived at.

143. Thirdly, and I should like to put this if I may as a matter of paramount importance, the Netherlands Government has repeatedly promised the people of Netherlands New Guinea that the principle of self-determination would be applied as soon as the local inhabitants were ready to express their will. For the Assembly to endorse a course of action which could lead to their transfer to Indonesian control at this stage would mean the denial to the people of Netherlands New Guinea of the benefits which they presently enjoy under Chapter XI of the United Nations Charter, including the very important and well known provisions for their welfare contained in the Charter itself, as well as the annual survey of their social and economic progress by the General Assembly, based on the full reports submitted each year by the Netherlands Government.

144. It was only six months ago that the question of Netherlands New Guinea was debated here. Then, as on previous occasions in the General Assembly, the Netherlands Government made it quite clear that in view of the responsibilities which it has voluntarily accepted under the Charter, it could not countenance the cession of the territory to Indonesia. The Indonesian Government for its part has made it clear that it only wishes to negotiate with the Netherlands Government on the question of the transfer of sovereignty. These two countries have repeatedly made these views known in past years. I think it would be fair to say

that the question of Netherlands New Guinea is not the only matter on which differences exist between Indonesia and the Netherlands. Our belief is that the first step towards an improvement in their relations could be taken if the emotions generated by consideration of the Netherlands New Guinea question could be given time to cool. We put this view to our Indonesian friends on many occasions. We also believe that such a course would be in the best interest of international peace and co-operation. For these reasons, we feel it would be in the best interests of all concerned were there to be no further debate on this question at this Assembly.

145. I do not propose to follow the example of the representative of Indonesia in setting out to discuss the substance of this matter. I have tried to confine myself to consideration connected with whether the matter should be included or not. The Australian delegation, for the reasons that I have given, will vote against the inclusion of this item in the agenda, and hopes that other delegations may also find it possible to follow this course.

146. Mr. GUNWARDENE (Ceylon): It was my privilege to make several interventions on this vexing subject at the last session of the Assembly. I do not, therefore, in any event, want to go into the substance of the question before the General Assembly. I shall follow the good example of the Foreign Minister of Australia.

147. The Government of Ceylon is satisfied on legal, political and ethical grounds that a case exists to be placed before this august Assembly. A dispute undoubtedly exists. According to the contention of the Foreign Minister of the Netherlands, Indonesia obstinately claims this Territory. The Netherlands, also in the same obstinate manner, claims the Territory. It is maintained that it is purely a territorial acquisition. I am not prepared to go into this legal contention at this stage, but suffice it to say that a genuine dispute does exist. And if a genuine dispute between two Member States exists - in this case three Member States, the Indonesian Government, the Australian Government and the Netherlands Government - this forum is the proper place for a discussion of that problem, unless one believes in making use of force, and such is not the purpose of these Governments.

148. This matter has been discussed before in this Assembly. It has been included in the agenda three times, in 1954, 1955 and 1956. I see no valid reason why it should not be admitted this year. Of course, the contention has been advanced by the Foreign Minister of Australia that no useful purpose would be served because the matter was discussed only a few months ago. That contention can be raised with regard to every issue that comes before this Assembly. If you took all the items, you would find that a large number have been discussed year in and year out. I do not know why the question of West Irian specifically should not be discussed merely because it was discussed at the last session without fruitful results. I need not tell my distinguished friend that if he looks through the items on the agenda he can make use of that argument for practically every item. In that case we might as well say that there is no new subject for discussion. There is certainly no new subject for discussion. The subjects that engage the attention of the nations of the world have been discussed for some

years. We might as well wind up our business on that contention. I do not think the Assembly will take seriously the objection raised by the Foreign Minister of Australia on that ground.

149. This question has definitely engaged the attention not only of these three Governments; it has engaged the attention of the Powers of the Colombo Conference. Those Powers have reached a unanimous decision that it was a matter which disturbed the peace of that area. It engaged the attention of the Bandung Conference, which also came to the unanimous conclusion that this matter impaired good relations between the Netherlands Government on the one side and many nations in the Eastern Hemisphere on the other. It is on account of that fact that twenty-one nations have thought it fit to sponsor the draft resolution. Therefore, it is not sound to say that this is not a matter which affects international peace, or that it is a matter that can be settled between the two Governments - we would be only too glad if it were - and that there is no case for negotiation.

150. The issue is a vital one in Indonesia. There it is the one subject that all parties are agreed upon. There are many political parties in that country but on this issue there has always been a unanimous vote. In the Indonesian Parliament a resolution was adopted unanimously and sent for information to the Member States. There is a distinct desire on the part of the Indonesian people that they should establish friendly relations with their erstwhile friends - the Dutch people.

151. It is proper to say - whatever the two Governments may for official reasons say - that they are obstinate. There is a tremendous volume of public opinion in both countries that the parties should arrive at some kind of settlement. That voice is heard even in the Dutch Parliament. I quoted the actual words used by the Rapporteur who said that the time was right and that there must be good offices and an agent, somebody to intervene between the two parties. If that feeling is expressed in the Dutch Parliament, if there is a feeling of goodwill in Indonesia - a genuine desire to effect some kind of settlement - it is only right and proper that this Assembly should take the matter in hand and see whether some solution can be found.

152. The item is before the Assembly for discussion - it is for the Assembly to find a means of coming to some kind of settlement. I think that the General Assembly will not fail to discharge the responsibility which rightfully rests with this body.

153. There are items such as this which appear to be of little consequence, but which are important, which affect the happiness and contentment of many peoples. If we are not to take the right interest in matters of this nature, things may get out of hand some day. We are not waiting for that day; therefore, it is right that we should take that action here and now.

154. The Netherlands representative's contention is that it is not in the interest of international peace that we should discuss the subject under dispute. That is an argument that can be adduced against every conceivable subject. There are bound to be in all cases one argument for and one against, and there is bound to be a certain amount of feeling engendered. But if

for that reason the matter is not discussed and it is said that everything is all right, then the position is only made worse. If the question is one that does and can affect international peace, then it must rightly be discussed here.

155. It has also been stated that the Eastern countries which believe in the principle of self-determination are not prepared to concede it in this case. I think that is a very fallacious argument. The Netherlands Government granted the right of self-determination to the whole of Indonesia. Indonesia consists of many thousands of islands and many tribes and peoples, and once the right of self-determination has been exercised, it cannot reasonably be said that that right is exercised only in respect of one part of the Indonesian archipelago. That right applies to the whole of the Indonesian archipelago, and what the Netherlands Government purported to convey was that what was formerly Dutch Indonesia should be given over to the present Indonesian Government.

156. As I have said, I do not want to go into legal and political issues at this stage. A case is definitely before us for discussion, and I think that this item should rightly be included on the agenda.

157. Mr. QUIROGA GALDO (Bolivia) (translated from Spanish): The Bolivian delegation firmly supports the General Committee's decision to recommend the inclusion of the question of West Irian in the agenda of the twelfth session.

158. This important matter, which is a cause of constant anxiety to the peoples of South East Asia and to the United Nations as a whole, has been taken up at previous sessions of the General Assembly. Unfortunately, the Netherlands Government has not yet acceded to the general wish that the Netherlands should resume diplomatic negotiations with the Republic of Indonesia with a view to determining the political future of West Irian.

159. The Bolivian delegation is convinced that a fresh discussion of this problem will undoubtedly yield positive results, which will give full satisfaction to the claims of the Indonesian State and to the oft-expressed desire of the inhabitants of West Irian for reintegration in the homeland.

160. The PRESIDENT: There are no further speakers on my list, and the General Assembly will now proceed to vote on the inclusion of item 62. A roll-call vote has been requested.

A vote was taken by roll call.

The United States of America, having been drawn by lot by the President, was called upon to vote first.

In favour: Uruguay, Yemen, Yugoslavia, Afghanistan, Albania, Bolivia, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Ceylon, Colombia, Costa Rica, Cuba, Czechoslovakia, Ecuador, Egypt, El Salvador, Ethiopia, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Ireland, Japan, Lebanon, Libya, Mexico, Morocco, Nepal, Pakistan, Panama, Peru, Philippines, Poland, Romania, Saudi Arabia, Sudan, Syria, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Australia, Belgium, Chile, Denmark, Dominican Republic, Finland, France, Honduras, Ice-

land, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Portugal, Spain, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: United States of America, Venezuela, Argentina, Austria, Canada, China, Laos, Liberia, Federation of Malaya, Paraguay, Turkey.

Item 62 was placed on the agenda by 49 votes to 21, with 11 abstentions.

161. The PRESIDENT: I should like to make one further suggestion to the General Assembly at this point, a suggestion which I think would be helpful in expediting some of the work of the Main Committees. The General Assembly has now decided to place sixty-two items on the agenda. I am sure that everyone will agree that it is in the interests of the General Assembly that the Committees, especially the technical committees, should begin their work as soon as possible. I propose that the Assembly take up at this time - it will not take very long - the question of allocating the items already included in the agenda so that the Committees concerned may meet as soon as possible to arrange their schedules.

162. Section II of the report [A/3670] contains the Committee's recommendations concerning the allocation of agenda items. If there are no objections, I shall take it that the Assembly approves the recommendations.

It was so decided.

163. The PRESIDENT: Section III of the General Committee's report deals with the organization of the session. I believe that the Assembly might well decide at this very time on the two recommendations contained therein.

164. If there are no comments on the arrangements contained in paragraph 15 of the report, relating to the schedule of meetings, I take it that the Assembly approves the recommendations.

It was so decided.

165. The PRESIDENT: The General Committee has recommended that the Assembly approve the date 14 December of this year as the closing date of the twelfth session. So far as I can see, this recommendation is reasonable in the present circumstances, and if there is no objection, I take it that the Assembly approves the recommendation.

It was so decided.

166. The PRESIDENT: I recognize the representative of Greece on a point of order.

167. Mr. AVEROFF-TOSSIZZA (Greece) (translated from French): After the very brief debate on the inclusion of the Cyprus question, I asked for the floor on a point of order. The President replied: "There is no point of order". It is my painful duty to say to the President that it is not his function to decide that there is no point of order. The rules of procedure do not give him that right. On the contrary, the rules give representatives the right to raise any point of order, and it is for the President to rule on that point of order. If the ruling is challenged, the final decision rests with the Assembly. But the President did not know what point of order I was going to raise, and before knowing it, stated that it did not exist.

168. Any point of order may be raised here. Even the manner in which our President conducts the debate may be a point of order. Consequently, in all logic, and according to the most elementary logic and to rule 73 of the rules of procedure, which is very clear, it is not for the President to decide whether or not there is a point of order. If the President were to arrogate to himself the right to say whether or not there is a point of order, a very dangerous precedent would be set in this Assembly. I believe this is the first time the words: "There is no point of order" have been spoken here. In this way, I repeat, a precedent very dangerous for free discussion in this world Assembly would be created.

169. If the President has the right to say: "There is no point of order" when a point of order is raised, I prefer that we, the representatives, should say that a particular question of procedure in the rules cannot be discussed. It would be more elegant and less dangerous. My very distinguished colleague from India was afraid that he, too, would be rebuffed and said that, not being Minister of Foreign Affairs, he was too small a man to withstand such treatment. We are all aware, here and elsewhere, that the representative of India is a world figure and has never been daunted by whatever reception was in store for him. Moreover, if it were a question of personal stature, I should consider myself as too small a man to raise such a question. But what we are concerned with here is not a question of personal stature. What is involved is our rights, as derived from the rules of procedure. From the point of view of these rights and of our dig-

nity, we are all equal, regardless of the differences between us in material power.

170. I wanted to raise this question to put matters in their proper perspective, that is, to emphasize our right to free discussion. I do not intend to pursue the question further, all the more as I pledge not only to the Assembly but to its President all the respect due to them. I spoke in the spirit which has always guided me in the United Nations General Assembly, with all the respect I owe it and its Members and in an effort to facilitate its work and freedom of discussion.

171. The PRESIDENT: The representative of Greece will always find me the careful custodian of the rules of procedure of this Assembly. The rule with which we were dealing is a rule which says that there are three speakers on either side, and the representative of Greece had spoken. It was perfectly clear to me that it was agreed that the item should be included in the agenda. It was agreed by the countries concerned; it was agreed by the representative of Greece himself. I was utterly unable to see how a point of order could be raised. And I am satisfied indeed that no point of order has been raised.

172. I want to assure the Assembly that every Member here will have the right to raise a point of order where a point of order can be raised. I can assure them of that fact. But if - I say this with great respect, and I have the greatest respect for the representative of Greece, as who here has not? - raising a point of order is merely a device for making a further speech, then I think that is wrong.

The meeting rose at 5.45 p.m.