

# GENERAL ASSEMBLY

FOURTEENTH SESSION

Official Records



## 813th PLENARY MEETING

 Tuesday, 29 September 1959,  
at 3 p.m.

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**President:** Mr. Víctor A. BELAUNDE (Peru).

*In the absence of the President, Mr. Wadsworth (United States of America), Vice-President, took the Chair.*

### AGENDA ITEM 18

**Election of a member of the International Court of Justice to fill the vacancy caused by the death of Judge José Gustavo Guerrero**

1. The PRESIDENT: This afternoon, the General Assembly will proceed to the election of a member of the International Court of Justice to fill the vacancy on the Court caused by the death of Judge José Gustavo Guerrero.

2. I should like to point out that, in accordance with General Assembly resolution 264 (III), those States which are parties to the Statute of the International Court of Justice but not Members of the United Nations are entitled to participate in the election in the General Assembly with the same rights as Members of the United Nations. I am happy, therefore, to welcome the representatives of Liechtenstein and Switzerland on this occasion.

3. I should also like to confirm that the Security Council is now proceeding independently of and concurrently with the General Assembly to elect a member of the Court.

4. Document A/4179 and Corr.1 contains a list of the candidates, together with their curricula vitae. The list of candidates also appears in today's Journal. The Assembly also has before it document A/4180, which contains a memorandum by the Secretary-General on the present composition of the Court and on the procedure to be followed in the Assembly and in the Security Council in connexion with the election.

5. In accordance with Article 10, paragraph 1 of the Statute of the Court, the candidate who receives an absolute majority of votes in the Assembly and in the Security Council will be considered elected as a member of the Court. The candidate who obtains 43 or more votes in the Assembly will therefore be considered elected by the Assembly.

6. Ballot papers are now being distributed. Only those candidates whose names appear on the ballot papers are eligible for election at this time. Members are requested to place a cross in the box on the left opposite the name of the candidate for whom they wish to vote. A ballot paper on which more than one name is marked will be considered invalid.

7. We shall now proceed to the vote which, in accordance with rule 94 of the rules of procedure, will be taken by secret ballot.

8. The Members of the Assembly will, of course, recollect that, in addition to the counting of the votes of the Assembly, the Assembly will also be awaiting the action which the Security Council is taking concurrently with our own voting. There will therefore be a certain amount of waiting, perhaps even after the tellers have completed counting the vote cast by the Assembly. We bespeak your patience and your presence in the hall while we are waiting. As soon as word comes from the Security Council and as soon as our own vote has been counted, the result will be announced.

*At the invitation of the President, Mr. Papagos (Greece) and Mr. Herrarte (Guatemala) acted as tellers.*

*A vote was taken by secret ballot.*

<i>Number of ballot papers:</i>	82
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	82
<i>Abstentions:</i>	0
<i>Number of members voting:</i>	82
<i>Required majority:</i>	43

*Number of votes obtained:*

Mr. Ricardo J. Alfaro (Panama) . . . . .	75
Mr. Milan Bartoš (Yugoslavia) . . . . .	2
Mr. Julio López Oliván (Spain) . . . . .	2
Mr. Ahmad Matine-Daftari (Iran) . . . . .	2
Mr. José Luis Bustamante y Rivero (Peru) . . . . .	1

9. The PRESIDENT: The Assembly has given the required majority to Mr. Alfaro.

10. I have received the following letter from the President of the Security Council:

"I have the honour to inform you that at the 849th meeting of the Security Council, held on 29 September 1959 for the purpose of electing a member of the International Court of Justice to fill the vacancy in the Court caused by the death of Judge José Gustavo Guerrero, Mr. Ricardo J. Alfaro has obtained an absolute majority of votes in the Council."

11. Mr. Alfaro is duly elected a member of the International Court of Justice.

12. Mr. MORENO (Panama) (translated from Spanish): As Minister of Foreign Affairs of the Republic of Panama, it is my pleasant duty, on behalf of the

Government and people of Panama, to express our appreciation of the honour which the Assembly a few moments ago conferred upon a citizen of Panama, Mr. Ricardo J. Alfaro, in electing him to be a judge of the International Court of Justice to replace the eminent Salvadorian jurist, José Gustavo Guerrero, who will always be remembered for his work in international law.

13. My delegation appreciates that Mr. Alfaro's election is a recognition of the contribution he has made during the many years he has devoted to the development of international law, as professor, as publicist, diplomat and member of the International Law Commission. The honour conferred upon Mr. Alfaro personally extends to Panama and the whole of Latin America, and my country receives the honour in full awareness of the responsibility it places upon us as members of the international community.

14. The Panamanian people is confident that Mr. Alfaro's presence in the International Court will be a guarantee of international justice.

### AGENDA ITEM 9

#### General debate (continued)

15. Mr. HERRERA BAEZ (Dominican Republic) (translated from Spanish): I should like first to express my personal satisfaction and that of my delegation at the unanimous election of Mr. Belaúnde as President of this session of the General Assembly. His election not only recognizes his personal influence, which has been felt in the United Nations ever since it was founded at San Francisco, but is also well-deserved tribute to his country, which has contributed so greatly to the development of international law and culture in America and as such is a source of profound satisfaction to all the Latin American countries. Our ideals of peace and justice in international relations have found in Mr. Belaúnde, with his brilliant intelligence, his scholarship, backed by solid religious and moral convictions and his moving eloquence, an outstanding champion in each of the phases in the history of our Organization which he so admirably described in his speech of acceptance [795th meeting]. May I add my good wishes for the success of his work in the high office he now occupies.

16. Once again the General Assembly is meeting to review what has been achieved and to initiate new efforts in the cause of peace and collective security, the most serious and urgent problem of our time and the "raison d'être" of the United Nations.

17. In its exposition of the function of the main organs and in guiding principles of the United Nations, the Charter clearly established what might be described as the factors of peace and international security. The pacific settlement of international disputes, the development of respect for the principle of equal rights and self-determination of peoples, the control and ultimate elimination of the armaments race, the solution of problems of an economic, social, cultural or humanitarian character, the promotion of social progress and better standards of life in larger freedom—these are the conditions that must be satisfied if we are to attain the goals to which mankind's hopes for peace and security are directed.

18. In the case of each of these conditions of peace and security, the means to be employed depend on the

goal to be attained. In the case of some of them it is clear that the full exercise of the functions of the United Nations organs is the only appropriate approach. But, although that approach might seem equally applicable to every question covered by the Charter, there are some cases in which it would not attain the desired end. For example, in the case of matters that bear directly on the existence of a State, its political system and its social and economic organization, such efforts would fail and would moreover be contrary to the principle of the Organization embodied in Article 2, paragraph 7, of the Charter.

19. Whatever the importance of the various items handed down to us from previous sessions of the Assembly, including some of the questions most nearly affecting the cause of peace, such as disarmament, the development of nuclear weapons and other weapons of mass destruction, it is evident that the arms race is an effect or a symptom rather than the cause of the tensions in international life today. In the opinion of my delegation and country international tension has its roots in the fear and mistrust implanted in the minds of the free nations of the world by the onslaught of a militant and dogmatic ideology whose real danger lies not in its economic and social methods or its nihilistic attitude to certain spiritual values which we cannot renounce, but in its subversive tendencies, in its revolutionary and uncompromising solutions of political and social problems, in so far as it seeks to impose them on the rest of the world, and in the persistent threat it offers to the independence and sovereignty of States. International communism, by systematically extending its influence in a manner disturbing to the orderly progress of the international community, is the most important factor in the political tensions that divide the world into what have hitherto been two irreconcilable camps. It is this danger, this constant threat of aggression, that has given rise to the arms race, a psychology that makes the positions of the two sides mutually incomprehensible, and the allocation to national defence needs of resources that could be better employed in promoting the great economic, social, cultural and humanitarian aims of the United Nations.

20. The Government of the Dominican Republic believes that it can best contribute to the cause of peace by strengthening its internal and external security, opposing any act of aggression, consolidating its traditional alliances with the great Powers of the free world, and supporting the fundamental aims of the United Nations, which constitute the best guarantee of the peaceful co-existence of all nations.

21. It has been frequently said that peace and international security are not a monopoly or exclusive responsibility of the great Powers. Certainly the smaller nations must not be content with playing the role of a Greek chorus. If international public opinion is a factor of importance in international relations today, it is here in the General Assembly of the United Nations that it is acquiring growing powers of persuasion and greater influence over the destiny of the world.

22. It is in this Assembly, where newly created nations come as sovereign States to solemnize, as it were, their new status, that we should vigorously and clearly proclaim our belief that the sovereignty and independence of States are sacrosanct and that only

through respect for the dignity of these prerogatives can international co-operation and progress towards the ultimate goals of the United Nations be achieved.

23. For all these reasons, the great problem which underlies the various items on our agenda, and which the great Powers in particular will have to consider in exploring the possibilities of agreements to advance the cause of peace, is the creation of a climate of confidence and a real clarification of intentions and objectives, going far beyond the mere dogmatic affirmations of a belief in peace not borne out by the facts. My delegation sincerely hopes that the exchanges of views which have taken place between two great Powers in whose hands the fate of the world largely rests may prove successful and not be as fruitless as the so-called "Geneva spirit" of 1955.

24. Some of the speakers who have preceded me at this rostrum have underlined the importance of the observance by all States of the principle of freedom of communication. May I say that my country fully shares that concern. If there is one field in which our interdependence as nations is abundantly clear, it is in the field of communications, which, of course, include maritime as well as aerial, radio and telephone communications.

25. It has been said that any material or intellectual interchange between States and the inhabitants of States presupposes means of communication. The right of communication is therefore from the sociological point of view the sine qua non of international life. Such is the importance of communications in the life of the international community that any measure to restrict or suspend them by the individual and arbitrary decision of a State is an act of such gravity that it might be considered a violation of Article 2, paragraph 4, of the Charter of the United Nations, since such action is an enforcement measure that can only be validly taken by the competent organs of the international community, such as the Security Council of the United Nations under Article 41 of the Charter.

26. The co-operation of the Dominican Republic with the United Nations is expressed in our direct collaboration with the Organization and with those regional and specialized agencies of which we are a member, as well as in our national policy. The policy of the Dominican Republic is based on the conviction that the United Nations constitutes an indispensable instrument in the evolution of international relations towards the establishment of a truly international society. Relations between States in the world today would be inconceivable without a universal organization of the scope of the United Nations. If it did not exist it would have to be created. Its existence at the present time constitutes one of the best guarantees for the rational conduct of international affairs.

27. My Government is deeply interested in all efforts at the international level to ensure the most effective possible implementation of collective security; it has supported the United Nations Emergency Force and has contributed its proportional share towards the maintenance of that Force since 1957. I am happy to state that it will continue this policy and will support at the present session any measure that will ensure the effectiveness of this important instrument for the maintenance of peace and collective security.

28. The Dominican Republic has also made substantial contributions to other United Nations activities directed to urgent humanitarian ends, and has for example contributed a total sum of \$239,325 for the assistance of refugees, through the various agencies concerned, first the Inter-governmental Committee on Refugees, later the International Refugee Organization and more recently the Office of the United Nations High Commissioner for Refugees and the United Nations Relief and Works Agency for Palestine Refugees in the Near East.

29. Our participation in UNICEF dates back to the establishment of that great instrument for humanitarian action, to which we have made contributions totalling \$390,000; and last month we contributed a further \$20,000 for the continued support of its programmes.

30. We have also maintained regular and substantial participation in the technical assistance programme of the United Nations.

31. One of the most striking features of the present century in international relations has been the emergence of new States in the international community and in the United Nations. My Government and country are not indifferent to the movement which in Asia and Africa is initiating a process similar to that which in the nineteenth century culminated in the emergence of the American States as part of the international community. This process is giving effect to one of the highest goals of the United Nations, and my Government, which endeavours to establish friendly relations with countries where this national consciousness is awakening—as was shown by the recent exchange of visits of high officials of the Government of the Dominican Republic and of the Republic of Liberia—views such aspirations with sympathy, while maintaining at all times the balanced and conciliatory stand it has always taken in the discussion of questions concerning the transition from a non-self-government or international trusteeship to statehood and independence.

32. I should like to refer now to another aspect of the Dominican Government's policy of co-operation with the United Nations, that of this policy's repercussions at the national level. The Charter recognizes in Article 1, paragraph 4, that one of the Organization's purposes is to serve as a centre for harmonizing the actions of nations in the attainment of common ends, and it follows that efforts must be made first of all within the nations themselves to attain the principal objectives of the United Nations and particularly those relating to economic, social and cultural development and the protection of human rights and of fundamental freedoms for all without distinction of race, sex, language or religion. This individual role of each State in furthering United Nations purposes is laid down in Article 56, which forms part of one of the most remarkable chapters of the United Nations Charter—Chapter IX, relating to international economic and social co-operation—and which makes clear the obligation of all Member States to take both joint and separate action to achieve the objectives set forth in that Chapter.

33. There exists a line of propaganda, based on deliberate and crass ignorance of present-day conditions in the Dominican Republic, which maliciously represents my country's Government as violating basic constitutional standards with regard to human rights.

According to this same propaganda we ought also to apologize for the length of time the political party which guides the destinies of the Dominican Republic has been in power. The reproach would certainly be justified if it could be shown that the period of nearly three decades in which that party has been in power was a period in which the Dominican nation had made no progress, a period of regression, backwardness and decadence in the life of the Dominican people. We realize that every Government is born with its historical responsibilities and that it is precisely the régime whose actions are inspired by its consciousness of those responsibilities which will endure, for in political affairs no form of government can be maintained in a vacuum or can prosper in negation or if it is incapable of fulfilling its people's desires and demands.

34. What is certain is that during the first decades of this century it became obvious that we in the Dominican Republic had to overcome the economic, social and cultural prostration caused by our troubled history and that a programme of national recuperation must be heroically undertaken and implemented. Until 1930, our history was shaped by the incongruity between the principles set forth in our Constitutional Charter and the reality of underlying economic and social conditions. With the extent of our national territory undetermined because of century-long failure to solve the boundary problem, with the collapse of our financial structure and the ensuing bankruptcy and compromising of our national sovereignty, with our population decimated by endemic diseases which undermined its productive capacity, sunk in the depths of ignorance and existing precariously in a primitive economy, the Dominican nation had to face a battle with lost time which required an intense effort of political unity in order to ensure the fullest participation of all Dominicans in the fight for riches, well-being and progress.

35. It is obvious that under those conditions we could hardly be a factor of international co-operation. In 1936, our territorial boundaries were fixed by the Additional Boundary Protocol, supplemented by our policy of "Dominicanization" of the frontier; and in 1947, at a time when we were compelled to incur considerable expenditures for defence in order to confront a subversive coalition, we completely redeemed the Dominican international debt with the payment of \$9,401,855. Economic, social and cultural indexes register the progressive development achieved by successive administrations under the same unified political direction—and the following positive results have been achieved.

36. As economic matters have acquired greater importance in the deliberations of the major inter-American conferences, one of the problems which has rightly been considered as fundamental in any scientific economic planning is the problem of land tenure. In more than one Latin American country, agrarian reform is one of the highest aspirations of social progress. If the Dominican Republic has today succeeded in multiplying the 1935 national budget of about \$9 million by fifteen and the indexes of Dominican per caput income by a similar amount, it may be affirmed that this state of affairs is the result of vast agrarian reforms achieved in our country by means of a series of measures beginning with the parcelling of the land, the distribution of seeds and farm equipment, vocational schools, rural medical care, construction of irrigation canals representing an invest-

ment of more than \$27 million and 2,500 kilometres long with an irrigable capacity of more than 2,500,000 "tareas", that is, about 154,000 hectares, experimental farming stations, the construction of communications, and, lastly, the establishment of banking institutions specialized in financing agricultural and industrial undertakings. Land distribution statistics show that between 1935, when the Dominican agrarian reform programme was begun, and 1958, more than 4 million "tareas" were distributed among 115,827 farmers. The results of this agrarian reform can be better appreciated when it is considered that the annual production of the agricultural groups which before 1930 was only worth \$75,000, in the last seven-year period reached \$51 million, to the exclusive benefit of the farmers, who in 1953 obtained exclusive ownership of their lands in accordance with Act No. 3589, dated 27 June of that year.

37. In order to give a rough idea of the stage reached by Dominican education in recent times, it is sufficient to point out that, while our population has doubled in the last twenty-two years, primary school facilities during the same period have been increased elevenfold. There are 491,000 pupils registered in country and city schools, 10,080 teen-agers attending secondary schools and 21,000 being trained in vocational schools. The University of Santo Domingo, whose glorious tradition dates back to 1538, the year of its foundation, and which played so outstanding a role during the American colonial era, has today a registration of more than 4,000 pupils and has seven faculties and five specialized institutes or schools. The culmination of this effort is the Trujillo Campaign for Total Literacy, the effectiveness of which is demonstrated by the fact that, although the illiteracy index in 1950 was 56.80 per cent, it has today been reduced to 33.9 per cent. That is why Mr. R. Barón Castro at the Third Ibero-American Congress on Education, held at Ciudad Trujillo in October and November 1957, stated on behalf of the Executive Board of UNESCO that illiteracy in the Dominican Republic had decreased sharply.

38. As regards health and social security, there are over 134 hospitals, maternity homes, sanatoria, and private clinics in all parts of the Republic. There are thirty-two dietetic and child nutrition establishments, and savings institutions and educational co-operatives have been organized in eighty establishments.

39. The Dominican policy as regards human rights has been implemented through a body of laws and institutions which achieved their highest expression in the Dominican constitutional reform of 1955, whereby the State's principal aim was recognized as being the effective protection of human rights and the establishment and maintenance of means which would enable human beings to make steady progress within a framework of freedom and social justice compatible with public order, the general welfare and universal rights. This fundamental principle has been supplemented by the new concept of a modern constitutional system represented by the provisions on economic and social rights which are contained in one of the Covenants on Human Rights being prepared by the Commission on Human Rights and which have been embodied in the present Dominican Constitution.

40. In the introduction to his annual report on the work of the Organization, the Secretary-General refers to the activities envisaged by the United Nations



Charter which, although not carried out directly by United Nations organs, are nevertheless linked by the Charter to the tasks of our Organization. With reference to the recommendations made in Article 36, regarding the Security Council, that the Council should take into account any procedure which the parties may have adopted in order to settle a dispute, he expresses the opinion that "this rule has been understood to have reference especially to efforts on a regional basis or through regional organizations like the Organization of American States" [A/4132/Add.1, p. 1].

41. The Dominican delegation considers that the regional organizations, far from detracting from the importance and predominance of the United Nations in the sphere of international relations, are in a position to carry out a complementary mission of the greatest importance since, with the continual advent of new sovereign and independent entities in international life, new regional communities of States are being formed and the world Organization's volume of work is increasing.

42. The Government of the Dominican Republic has always pursued a policy of peace in its international relations, particularly with those countries with which it is geographically and historically linked. A striking demonstration of that policy was the solution of the century-long boundary dispute with its neighbour, the Republic of Haiti, by the signature of the Additional Boundary Protocol of 1936. The Dominican Republic's peaceful disposition is also evidenced by its ratification of all the legal instruments on the maintenance of peace in America, among them the most perfect of all, the American Treaty on Pacific Settlements, signed at Bogotá in 1948 which makes the fullest provision for the settlement of international disputes by legal procedures.

43. The Dominican Government has always been very respectful of whatever measures for the peaceful settlement of international disputes have been proposed to it. Although a zealous defender of the sovereignty for which it has had to fight so hard, it is also respectful of the sovereignty of others. Hence we must place on record our categorical rejection of the allegations made in a statement by the Minister of Foreign Affairs of the Republic of Cuba that the Dominican Republic is a centre of revolutionary operations against the Cuban régime. The events responsible for the international tensions in the Caribbean are too recent for anyone to try to startle this plenary meeting with accusations which only rebound against their authors. It was, in fact, from Cuban territory that the aggressive expedition which arrived in the Dominican Republic on 14 and 20 June 1959 set out with the purpose of unleashing a civil war, but they were completely annihilated by the Dominican armed forces with the effective co-operation of the rural population—an unequivocal demonstration of the essential popularity of Dominican political institutions.

44. After this involuntary digression, I should like to refer to an event destined to exercise a major influence on the development of inter-American relations. Operation Pan-America, justly praised by those representatives of American nations who have spoken before me, is in the tradition of Americanism with which Brazilian diplomacy is identified. Although it expresses the interests and aspirations of the Latin American half of the American partnership, the reception given by the United States Government to the initiative of the President of Brazil, Mr. Kubitschek, is also worthy of high praise. I had occasion to emphasize the importance of this initiative in the Assembly at its thirteenth session [751st meeting], on the eve of the informal meeting of Foreign Ministers at Washington, at which a new inter-American economic policy was devised. The most practical achievement of which has been the setting up of the Inter-American Development Bank for the purpose of stimulating economic development in Latin America. The significance of Operation Pan-America is that continental solidarity is one and indivisible like its destiny. It means, in accordance with the guiding principle of the diplomacy which gave it birth, that American relations must be adjusted in action and spirit to form a perfect unity conceived on the basis of mutual respect among all the States of the American community. It means that any idea of antagonistic blocs or of exclusive groups is contrary to the best interests of a united America. It implies lastly that, without economic and social solidarity, American solidarity would break down in an atmosphere of disagreement and discouragement likely to stimulate those influences which seek to draw the American economy into the orbit of a policy based on the principles of dialectical materialism and class struggle transferred into the field of international relations. The dire consequences of such an orientation are easily foreseeable. Because we share the conviction of those who believe that the historical community of America has a wealth of spiritual and material resources to develop, in the spirit of our traditions, which are based on Western Christian thought, the most outstanding example of regional international co-operation in the spirit of Chapter IX of the Charter, the Dominican delegation would like to congratulate the Government of Brazil on its magnificent contribution to the cause of American unity.

45. The Dominican delegation hopes most sincerely that this session of the Assembly, continuing in the significant tradition of previous sessions—so well embodied in our President, Mr. Belaúnde—will prove worthy of the hopes of mankind and of the noble leadership which he has demonstrated in the United Nations, so that the fourteenth session of the Assembly will go down in history as the harbinger of peace and conciliation.

The meeting rose at 4.25 p.m.

