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President: Mr. Nasrollah ENTEZAM (Iran).

Tribute to the memory of Dr. Philadelpho de Barros e Azevedo, member of the International Court of Justice

1. The PRESIDENT (*translated from French*): Before we take up the agenda I should like, on behalf of the General Assembly, to pay a tribute to the memory of Dr. Philadelpho de Barros e Azevedo. I ask you to rise and to observe one minute of silence.

The representatives rose and observed one minute's silence.

2. Mr. LACOSTE (France) (*translated from French*): It is with a feeling of deep grief that the countless French friends of Dr. Philadelpho de Barros e Azevedo have learned of the passing of that eminent jurist whose whole life and work were devoted to the most noble, generous and lofty of causes—the defence and practical application of the law of nations, of what the centuries' old French language, which he employed with such consummate skill, still calls the *droit des gens*.

3. For a man to select public international law as his life's work he must combine, with an outstanding intelligence and an analytical mind, a great interest in philosophy, not only the philosophy of history and law, but philosophy in the purest and most absolute sense of the word—the love of wisdom which is, undoubtedly, the most precious gift that a man can receive. To all these qualities, which he possessed in the highest degree, Dr. de Azevedo added yet another, the love of his fellow-man, which to my mind is just as necessary as those I have mentioned and is, moreover, their most practical manifestation. No man can deal constructively with the laws that govern international society unless he is inspired by a great love of nations, or, in other words, a great love of mankind. All those who knew Dr. de Azevedo well, and foremost among them I wish to mention my illustrious fellow-countryman, Professor Jules Basdevant, President of the International Court

of Justice, who was his colleague and life-long friend, recognized his great heart and lofty soul.

4. With his passing, Brazil has suffered a grievous loss. On behalf of my country, I should like to express to the representative of Brazil in this chamber, Mr. Muniz, our profound sympathy for the Brazilian Government and people at this hour. It would be neither unreasonable nor untrue to say that Brazil's grief is also the grief of all Latin America, which has given to the world a magnificent school of jurists; as far as my own country is concerned, Dr. de Azevedo's death is a cruel and keenly felt loss.

5. Mr. ARANGO (Colombia) (*translated from Spanish*): Speaking on behalf of my Government and of the Colombian delegation, I wish to express my deep sorrow at the death of Dr. de Azevedo, an illustrious judge of the International Court of Justice, and to address this expression of grief to the Government and people of his country and to the delegation of Brazil of which Mr. Muniz is the Chairman.

6. It can be said without any exaggeration that, from the day when the University of Rio de Janeiro gave him the degree of Doctor of Law until the hour of his death, the career of Judge de Azevedo was one of the most brilliant in this hemisphere. He was a professor of philosophy and civil law, Dean of the Faculty of Law and Vice-Rector of the University of Brazil, Chairman of his country's Institute of Advocates, a member of various international legal associations, a renowned architect of the civil law of his country—which is one of the highest expressions of that country's culture—the renowned author of many books and monographs and, finally, a judge of the International Court of Justice. In all these manifold activities, we see the enduring signs of his many talents, of his capacity for research and of his creative work for the legal organization of society not only on the national, but also on the international level, vast and complex as it is.

7. But I think it was in his work as a judge of the International Court of Justice that the personality of Dr. Philadelpho de Azevedo reached the greatest eminence. His name, as a judge, transcends the limits of frontiers and his ideas on law are praised by men of many races and tongues, of various political and social systems.

8. I shall not stop to analyse his admirable work because all the representatives here are well acquainted with it. They know the breadth of vision which characterized his theories, the strict logic of his reasoning, the impeccable clarity of his style and, above all, the burning passion for justice which animated all his work and which will give it lasting harmony and consistency. Often, in our debates, many points have been clarified thanks to the ideas of Judge de Azevedo and thanks to his rectitude, his experience and his wisdom in dealing with the difficult and controversial questions submitted to his judgment. His many works will remain valuable sources of teaching and guidance.

9. Judge Philadelpho de Azevedo was distinguished also by a strong sense for contemporary realities, and for that reason he always sought in his doctrines to provide a legal channel for the currents which move modern life.

10. In a world tormented by the growing threat of a gigantic conflict, and at the same time avid for peace and justice, it is our duty to praise men who, like Dr. Philadelpho de Azevedo, dedicated their lives to strengthening and keeping alive the ideals without which man's destiny on this earth would be wretched.

11. The Colombian delegation expresses its admiration and respect for the memory of Dr. de Azevedo; a man of lofty virtue, he was an honour and a glory to his country and to the International Court of Justice.

12. Mahmoud FAWZI Bey (Egypt): In the name of my delegation and my Government, I wish to express to the Brazilian delegation and the Brazilian Government the condolences of Egypt. The loss which the United Nations has sustained by the demise of Dr. de Azevedo is a great loss indeed. It is a great loss in that we have lost both a great man and a pillar of one of the basic ideas and concepts of the United Nations, namely, the rule of law in international relations. I wish, therefore, to associate myself with the eloquent speeches which the previous speakers have made in this regard and to reiterate to the Brazilian delegation and the Brazilian Government our sincere condolence.

13. Mr. MUNIZ (Brazil): On behalf of the Brazilian Government and of the family of the deceased, I wish to express our deep gratitude for the high tribute which the General Assembly has paid to the memory of Dr. de Azevedo and in particular to the moving praise of his work expressed by the representatives of France, Colombia and Egypt. The Brazilian people mourn the loss of one of our greatest jurists who, in a short but significant life, rendered a great service to his country and to the world.

14. As a professor of philosophy and of law, as a lawyer and a member of the highest court of Brazil and the International Court of Justice, Dr. de Azevedo displayed his brilliant qualities of mind and heart at every stage of his professional life. He combined a profound knowledge of the law with a deep concern for the well-being and advancement of mankind. His

judgments, both in the national and international sphere, were characterized by a constant effort to depart from the abstractness of the law in order to take human requirements into consideration. He was always eager to bring about necessary changes for the sake of improving justice and ameliorating the condition of man.

15. The annals of the Supreme Court of Brazil and the International Court of Justice contain concrete evidence of his great learning, of his wisdom and of his constant endeavours on behalf of mankind. His influence will long be felt in the legal institutions of my country and in the jurisprudence of the International Court of Justice.

Aid for the victims of the earthquake in El Salvador

16. Mr. RODRIGUEZ FABREGAT (Uruguay) (*translated from Spanish*): I would like to raise a different question, for the particular consideration of the President, and I want to put it in such a way that it will fall within the rules of procedure which govern our debates. But first I wish to add a few brief words, but words inspired by deep emotion, with regard to the tribute which the Assembly has just paid to the memory of the illustrious Brazilian jurist, Dr. de Azevedo. His death means the loss not only of a great jurist, but also of a great Brazilian and a great friend, a man of remarkable qualities, whom I had the signal honour to know and whose friendship I enjoyed. He was a man who, as I knew, always served the law in the clearest sense in which law is understood in the heart of man.

17. And now that I have associated my delegation in the tribute that has just been paid, I should like to refer to another question which I am submitting for the consideration and opinion of the President.

18. An American sister nation, the Republic of El Salvador, has just suffered a severe trial. A dreadful earthquake has devastated some of its provinces, has brought great grief to its people, and has claimed a very large number of unfortunate victims.

19. My delegation, speaking on behalf of the Government of Uruguay, has often maintained that one of the immediate aims of an international organization like this should be precisely to bring a message of solidarity and to give aid to a people and a country which are suffering, especially when, as in the case of El Salvador, the people and the country are an integral part of the United Nations.

20. I should like to make a concrete proposal. It may be that the rules of procedure will not allow a decision to be taken this morning. Nor would I wish a question of this kind, which is so clearly defined in the minds and hearts of all, to take up much time in our proceedings. For that reason I venture to make a definite suggestion: that the President, if he thinks it fitting and in accordance with our rules, should draw the attention of the various organs of the United Nations which are competent in this matter so that they may bring their help and sympathy to the Government and people of the Republic of El Salvador in this hour of grief and crisis.

21. I therefore take the liberty, on behalf of my Government, of making this suggestion for the kind consideration of the President.

22. The PRESIDENT (*translated from French*): We all share the feelings of sympathy expressed by the representative of Uruguay and we convey them to the people of El Salvador.

23. Certain steps have already been taken. The competent organs of the United Nations and the specialized agencies will certainly extend to El Salvador all the assistance required. Much, I understand, has already been done, and if the representative of Uruguay speaks to the Secretary-General after the meeting, he will learn from him what steps have already been taken and what is planned for the future.

24. Mr. RODRIGUEZ FABREGAT (Uruguay) (*translated from Spanish*): I should like to add that I am aware of the action which has been taken by some organs of the United Nations and that my own delegation has sent a telegram to the Executive Director of the United Nations International Children's Emergency Fund offering him its help in any action UNICEF may take for the victims of the earthquake. Furthermore, my Government has taken direct action in this case and at this moment the Uruguayan Parliament is voting aid for the people of El Salvador. But I should like the Assembly itself, through its President, to give every encouragement to any action which may be taken in favour of this Member State of the United Nations which is undergoing such a tragic experience.

Intervention of the Central People's Government of the People's Republic of China in Korea: Report of the First Committee (A/1802)

[Agenda item 76]

25. The PRESIDENT (*translated from French*): Before calling on the Rapporteur to submit his report, I shall ask the Assembly, in accordance with rule 67 of the rules of procedure, whether it wishes to discuss the question.

It was decided not to discuss the report.

Mr. Thors (Iceland), Rapporteur, presented the report of the First Committee and the accompanying draft resolution (A/1802).

26. The PRESIDENT (*translated from French*): I shall now call upon those representatives who wish to explain their votes.

27. Mr. QUEVEDO (Ecuador) (*translated from Spanish*): In conformity with the instructions of my Government I wish to say that the question whether the Assembly is competent to approve recommendations of this kind was discussed at length during the debates which took place in this Assembly on the resolution, "Uniting for peace" [resolution 377 (V)]. I shall therefore now merely state that my delegation considers that this organ of the United Nations is not exceeding its powers in approving the draft resolution before it in the present circumstances, for the reasons which I shall now enumerate.

28. What we are concerned with now is to hasten the end of the fighting in Korea, and the question of Korea has already been discussed in the Security Council. We can therefore conclude that, even if this draft resolution is to be considered as one which comes under the

last part of paragraph 2 of Article 11 of the Charter, the provisions of that article have already been observed.

29. The Chinese intervention and aggression in Korea are only one aspect of the aggression committed by the North Korean Communists against the Republic of Korea. The Security Council dealt with that aggression, and it is because the Council did not succeed in taking the new steps which its position of primary responsibility required, that my Government and five other members of the Council several months ago asked the Assembly to deal with the Chinese intervention in Korea by virtue of its statutory powers.¹ The Security Council's basic resolution on the subject was that of 27 June 1950, which recommended "that the Members of the United Nations furnish such assistance to the Republic of Korea as may be necessary to repel the armed attack and to restore international peace and security in the area".²

30. Inasmuch as a contribution has already been made, in the form of armed assistance, to the defence of the independence of the Republic of Korea and the repulse of the aggression committed against it, I cannot see what assistance could be more effective than an embargo on armaments and strategic materials, to ensure that such materials did not benefit the aggressors. In other words, in view of what has already happened, the draft under consideration is legally valid, even apart from the resolution of 27 June. That resolution, however, reinforces the legality of the draft before us and removes all possible reason for criticizing it.

31. Since, on 27 June, the Security Council adopted a resolution, and since the relevant item was subsequently removed from the Council's agenda,³ the General Assembly, in proceeding to exercise its duties for the maintenance of security and the restoration of peace, was obviously—given the circumstances—taking steps which were strictly within its own competence. It was acting within its powers because, even assuming that the condition stipulated in paragraph 2 of Article 11 of the Charter must be met, the fact is that it has already been met; the item has been withdrawn from the Council's agenda, in accordance with Article 12. Moreover, the draft resolution under discussion is really in some sort an application or a consequence of the resolution of 27 June.

32. In my opinion, the fact that the Charter confers certain powers on the Security Council, and the fact that lack of unanimity among the permanent members may in some cases prevent the Council from exercising those powers, does not mean that the broad powers conferred on the General Assembly under Chapter IV of the Charter are thereby nullified. If that were the case, those powers would be illusory, because the General Assembly would not be able to make any recommendation, either on a particular subject with which the Council was dealing, or on a subject with which the Council had not dealt or was not dealing. It could not have been intended at the San Francisco Conference to give the Assembly powers which it could not use

¹ See *Official Records of the General Assembly, Fifth Session, Annexes*, agenda item 76; *General Committee*, 74th meeting, and *Plenary Meetings*, 319th meeting.

² See *Official Records of the Security Council*, fifth year, No. 16.

³ *Ibid.*, sixth year, 531st meeting.

and which would have to remain a dead letter in the text of the Charter.

33. We therefore maintain that the Security Council declared that there had been aggression against the Republic of Korea and asked the Member States of the United Nations to help to repel that aggression. The Council subsequently removed the question from its agenda. The General Assembly then placed the question on its agenda, being fully competent to do so. Later, on 1 February 1951, the Assembly adopted a resolution [resolution 498 (V)] which it was also competent to do under the Charter. My delegation therefore believes that the present draft resolution is of undoubted legal validity and that the recommendations it makes are of great moral value.

34. Unfortunately, the draft resolution has become necessary again precisely because the authorities of North Korea and Peking have rejected the persistent efforts of the United Nations to bring about a peaceful solution of the conflict in order to ensure peace in that part of the Far East. The draft resolution is intended to secure the unification of Korea and guarantees that country true independence and its people the right freely to choose their political régime.

35. My Government believes that the draft resolution in no way infringes the right of any government to decide in good faith to what exports the embargo applies, to take the necessary measures of control within the framework of its responsibilities and its laws, or to attempt to prevent people, so far as it can, from setting aside the failure of control measures taken by other States. My delegation likewise believes that the States whence the exported materials come cannot be held responsible for infractions of the embargo abroad if the country of origin was assured that the export was not to a forbidden destination.

36. My delegation hopes that the Good Offices Committee—which is the expression of our sincere desire for peace—may succeed in putting an end to hostilities and in achieving the pacific aims which the United Nations has set for it, so that the Additional Measures Committee may not be called upon to consider further steps.

37. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): The USSR delegation stated in the First Committee on 17 May that the General Assembly was not competent to discuss the question of an embargo or any other question entailing action of the kind contemplated in Chapter VII of the Charter. Article 11, paragraph 2, of the Charter lays down that such questions fall within the exclusive competence of the Security Council. It was on these grounds that the USSR delegation abstained both from taking part in the discussion of this question in the First Committee and from voting on it.

38. In spite of this flagrant violation of the United Nations Charter and the glaring illegality of any discussion of the question of an embargo, the First Committee, under pressure from the United States and with the support of the aggressor bloc in the United Nations, approved the United States draft resolution [A/1799]. It is significant that not a single member of that bloc, when speaking in favour of the United States draft resolution, even attempted to base his arguments on the

Charter. The supporters of the United States draft resolution all ignored the Charter and refrained from any mention of its fundamental provisions on the maintenance of international peace and security.

39. This forgetfulness on the part of the henchmen of the United States is fully understandable, since the United States draft resolution is incompatible with the United Nations Charter. Not only can it not be justified by the Charter, but it also constitutes a glaring example of a flagrant violation of the Charter, an evident contradiction of the Charter of the United Nations. The adoption of such a decision is such an obvious and glaring violation of the United Nations Charter that, apart from the United States delegation, which submitted this illegal draft resolution, not a single delegation so much as attempted, in the First Committee, to challenge the arguments advanced by the USSR delegation and other delegations which, proceeding from the provisions of the Charter, demonstrated that the First Committee and the General Assembly had no legal right to consider the question of an embargo or to adopt any decision on it.

40. Article 24 of the Charter places on the Security Council the primary responsibility for the maintenance of international peace and security. Paragraph 2 of that Article states that the specific powers granted to the Security Council for the discharge of its duties in the maintenance of peace and security are laid down in Chapters VI, VII, VIII and XII of the Charter. The whole question of an embargo comes under Chapter VII of the Charter. The thirteen Articles of Chapter VII of the Charter mention only the Security Council. The General Assembly is not mentioned once. This is an unchallengeable and fundamental provision of the Charter, and however hard the United States representatives try to get out of the difficulty, they will not succeed in proving that the United States draft resolution is compatible with the Charter for that is impossible to prove.

41. As for the United States representative's attempt to assert that Article 11 of the Charter gives the General Assembly the right to take decisions on such questions as the adoption of economic sanctions, it does not bear scrutiny and is the crudest of falsifications. Paragraph 2 of Article 11 of the Charter actually reads as follows:

"The General Assembly may discuss any questions relating to the maintenance of international peace and security . . . and . . . may make recommendations with regard to any such questions . . . Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion."

42. Such a question is to be referred to the Security Council for action because the General Assembly has no power to take any action whatsoever. The Assembly may make recommendations but is not authorized to take action: action is for the Security Council, and is its prerogative. That is the fundamental provision of the United Nations Charter, and no attempt to controvert it can succeed. That is what is laid down in Article 11 of the Charter. It must be clear to everyone that the application of economic sanctions against any country, or the imposition of an embargo, involves action. In

accordance with the clear and indisputable provisions of paragraph 2 of Article 11 of the Charter, such a question must be referred to the Security Council for its decision. The General Assembly is not entitled to decide on questions of this kind.

43. The conduct of the United States, and that of the aggressor bloc in the United Nations which does its bidding, has made it sufficiently clear that the United States scorns the United Nations Charter and is making a mockery of the fundamental purposes and principles of our Organization. The United States has in fact made the United Nations into an instrument of its aggressive policy.

44. Joseph Stalin, the Head of the USSR Government, recently declared: "The United Nations, which was established as a bulwark of peace, is being transformed into an instrument of war, a means of unleashing a new world war".

45. In order to achieve its aggressive aims, the United States has pushed through the General Assembly and the Security Council a number of illegal and shameful resolutions which are contrary to the Charter. After launching its aggression on 26 June 1950 against the Korean people and China—a fact which has now become officially established as a result of General Marshall's testimony and the interview given by Admiral Martin, Commander of the Seventh Fleet—the United States, on 27 June 1950, forced its illegal resolution on the United Nations *post factum* and is attempting to use it as a screen. The reference which the representative of Ecuador made to that resolution was absurd and unwarranted. The representative of Ecuador was unable to base his argument on the Charter or its provisions; that is why he was obliged to appeal to that illegal resolution.

46. Subsequently the United States pushed through yet another illegal resolution, this time on the General Assembly. That resolution was hypocritically and demagogically entitled by the United States aggressors "Uniting for peace" [*resolution 377 (V)*], but its real title should have been, "Uniting for the benefit of United States aggression", for that was its real purpose. The shameful United States draft resolution which was subsequently adopted, declaring the People's Republic of China the aggressor, and this new United States draft resolution calling for an embargo, fully confirm the fact that such was indeed the purpose and intention of that resolution.

47. The United States representative is now trying to use that resolution as a shield, but however much he twists and turns he will not succeed. In their feverish efforts to find some cloak and justification for their aggression in Korea and against China, the United States aggressors have been compelled not only to violate the Charter themselves, but also to force their "Marshallized" allies to follow suit on every occasion.

48. In the eleven months during which the sanguinary war in Korea has been raging, the infamous "Marshall Plan" has already thrice been used by the United States as a "Marshall whip" to spur the "Marshallized" countries, particularly the United Kingdom and France, to vote in favour of United States resolutions which promote aggression.

49. As recently as 9 April, Sir Gladwyn Jebb, the United Kingdom representative to the United Nations, expressed himself categorically against the United States proposal for an embargo directed against the People's Republic of China; he considered that that would be a dangerous action and a two-edged weapon.

50. On 14 May, however, after the United States Senate had cracked the Marshall whip at the United Kingdom, the same Sir Gladwyn Jebb said that the United Kingdom Government "whole-heartedly" supported this shameful and illegal United States proposal. Truly, not much effort by the United States Senate is needed to win the whole-hearted support of the United Kingdom Labour Government. It would seem, incidentally, that the odour of Iranian oil was also a factor in this decision.

51. United States representatives adduce the illegal decision to which I have referred, a decision which was incompatible with the Charter, as a reason for forcing through new decisions which are in flagrant violation of, and obviously contrary to, the Charter. That is precisely the case also with the United States draft resolution concerning an embargo, which is now before the General Assembly. The United States is urging the General Assembly to commit a flagrant violation of the United Nations Charter, to adopt an illegal and shameful resolution. It is forcing the General Assembly to embark on what is in fact the liquidation of the Security Council as the United Nations organ which, under the Charter, bears the primary responsibility for the maintenance of international peace and security, and which hinders the United States aggressors in the execution of their sanguinary misdeeds.

52. The ruling circles of the United States have adopted a policy which will lead to the collapse of the structure of the United Nations. The responsibility for this incipient disintegration of the United Nations rests primarily on the United States, whose plans for aggression are thwarted by the Organization as it was established at San Francisco, and for which the Charter has become nothing more than a strait-jacket to restrain raving aggressors. But the responsibility for the collapse of the United Nations will also be shared by the members of the aggressor bloc in the United Nations; as allies of the United States in various military and aggressive blocs and alliances, they are daily undermining the foundations of the Organization.

53. The political purposes of the draft resolution concerning an embargo which the United States is endeavouring to push through the General Assembly, in violation of the Charter and without reference to the Security Council, are clear. The purpose of the resolution is not to terminate the war in Korea and arrive at a peaceful settlement of the Korean conflict, but to continue and extend the war. Those are the intentions of the ruling circles of the United States.

54. The fairy tale passed round by the United States representative and his fellow-travellers, that the purpose of this draft resolution is the "peaceful settlement of the dispute", does not hold water and will deceive no one.

55. The USSR delegation draws the attention of the General Assembly to the fact that the question before us is fully and entirely within the competence of the

Security Council. In conformity with Article 11, paragraph 2, of the Charter, the General Assembly has no power to discuss this question, which involves measures that are to be taken under the terms of Chapter VII of the Charter.

56. For the foregoing reasons the delegation of the Soviet Union did not participate in the discussion or the vote on this question in the First Committee, and is not taking part in the present discussion and/or vote. This non-participation will not signify abstention from the vote. It means non-participation in the discussion and voting because of the illegality of the question and because the General Assembly has no power to consider it.

57. Mr. BARRINGTON (Burma): I wish to explain my delegation's abstention in the vote which is about to be taken.

58. At the outset I should like to make it clear that the resolution will have no practical effect so far as my country is concerned. Burma's trade with China is not appreciable and none of the materials listed in the draft resolution enters into such trade as exists.

59. This draft resolution flows directly from resolution 498 (V) of 1 February 1951. My delegation was opposed to that resolution because it believed that a lasting settlement in the Far East could be brought about only by negotiation and because it felt that that resolution would seriously impede the efforts then under way to effect a negotiated settlement. We adhere to this view and are consequently unable to support the present proposal which, in the opinion of my delegation, would serve only to make more difficult a situation which is already extremely difficult.

60. Mr. KHALIDY (Iraq): Yesterday, in the First Committee [443rd meeting], I had occasion to make a formal reservation in connexion with sub-paragraph (d) of paragraph 1 of the present draft resolution. It is my duty to make the same reservation today.

61. Sub-paragraph (d) calls upon States Members to co-operate with other States in carrying out the purposes of this embargo. Owing to the present political position now prevailing in the Middle East, my Government is unable to co-operate with one particular State in that region. Any consultation or co-operation with that State is out of the question for many reasons, but one obvious reason is that no relations whatsoever exist between my Government and that State. We cannot, therefore, be under any obligation, under sub-paragraph (d), to institute any co-operation with that State. It is with this reservation that my delegation will accept sub-paragraph (d) of paragraph 1 of the draft resolution.

62. Mr. LOURIE (Israel): The delegation of Israel had an opportunity at yesterday's meeting of the First Committee to express its view with regard to the draft resolution now before the General Assembly. My delegation will vote in favour of that draft resolution.

63. On behalf of my delegation, I wish formally to place on record an expression of regret at the statement just made by the representative of Iraq, a statement which reflects, as do the current military actions of the Government of Iraq, reported in today's Press, a spirit quite contrary to the ideals and purposes of the United Nations and of the Charter.

64. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) (*translated from Russian*): The draft resolution approved in the First Committee on 17 May, at the behest of the United States, placing an embargo on shipments to the People's Republic of China and the People's Democratic Republic of Korea, and now submitted to the General Assembly for approval, cannot and will not have any legal force and merely marks yet another shameful page in the history of the United Nations. Trampling upon all the principles and provisions of the Charter, the aggressive bloc in the United Nations, led by the United States, is imposing upon the General Assembly yet another illegal resolution, with the object of prolonging the war and extending the scope of United States aggression in the Far East.

65. It is a well-known fact that the imposition of an embargo is one of the actions which, under Chapter VII, and in accordance with Article 11, paragraph 2, of the Charter, lie within the exclusive competence of the Security Council. The General Assembly is not competent, therefore, to adopt decisions on such questions as the imposition of an embargo on shipments to a State. The United States, however, despite these clear and unambiguous provisions of the Charter, and using an obedient voting machine, has decided to push its draft resolution, which is designed to promote aggression, through the General Assembly, thus circumventing the Security Council.

66. There is no doubt that the United States considers it advisable to commit this new and shameful violation of the Charter in order to cloak the fresh acts of aggression it is planning against the Korean and Chinese peoples with the flag of the United Nations.

67. Nevertheless, despite all the efforts of the ruling circles in the United States to cover their plans for aggression with the mantle of the United Nations, the peace-loving peoples of the world know that the United States is wholly responsible for the aggression committed in Korea and against China. Those peoples will do everything within their power to ensure that the United States resolution and the criminal designs of the United States aggressors, which are linked with it, are doomed to utter failure.

68. In conclusion, the delegation of the Ukrainian SSR states that, under the provisions of the United Nations Charter, the General Assembly is not competent to consider the question raised by the United States draft resolution. For this reason the delegation of the Ukrainian SSR will not take part in the voting on this question.

69. Mr. KATZ-SUCHY (Poland): The draft resolution which has been submitted to the General Assembly for adoption envisages sanctions of an economic nature to be directed against the Government of Korea as well as against the Central People's Government of China. Action of such kind is envisaged in Article 41 of the Charter, where it is reserved exclusively to the Security Council. No provision whatsoever under Chapter VII of the Charter makes it possible for any organ other than the Security Council to take any action directed against threats to the peace, breaches of the peace or acts of aggression.

70. Article 41 reserves to the Security Council exclusively the power to deal with such matters; therefore,

if any other organ deals with them, that is contrary to the Charter and such action must be considered illegal. That legal argument has been fully elaborated by all leading commentators on the Charter, as well as in the discussions in the Foreign Relations Committee of the United States Senate during its debate on the Charter, as I stated yesterday in the First Committee. The position was also made quite clear by the former Secretary of State, Edward Stettinius, in his report to the President of the United States on the results of the San Francisco Conference. It is further emphasized by Article 11, paragraph 2, of the Charter, which makes the reservation that any action must be referred to the Security Council either before or after discussion.

71. The majority which is trying to secure the adoption of this draft resolution, and the United States, which is forcing it upon the United Nations, are fully aware that in so doing they are acting contrary to the Charter. It is quite clear from this morning's Press that they are endeavouring to conceal this illegality from public opinion by reporting the action as if it were unopposed and without explaining that certain delegations consider it to be illegal. This is another attempt to deceive public opinion and to bring the aggressive actions of the United States to the world under the flag or mask or cover of the United Nations in the hope of winning some kind of support.

72. My delegation considers that the entire action contemplated under the present draft resolution is illegal and constitutes another link in the series of illegal actions which have been promoted by the United States within the United Nations. All members know the history of these actions. We also know the history of the draft resolution now before the Assembly. We know of the many visits of the United States Ambassadors in London and Paris, of the discussions in Washington and of the pressure and threats which the United States extortioners have used to force certain States to accede to their demands.

73. This draft resolution is the expression of a further violation of the sovereignty of Member States of the United Nations, a violation achieved by the exercise of economic, political and military pressure.

74. This action is illegal, and the argument advanced by some representatives, namely, that it strengthens the legality of previous actions, supports fully the contention that the action is illegal, because an action which is legal does not need to have its legality strengthened. A legal action is legal in itself. What does need strengthening is the illegality which the United States is fully aware it is committing.

75. This draft resolution is illegal, and its purpose is to carry out the intention of the United States to extend the area of the war, to extend its aggression from Korea into China and into the whole continent of Asia as a further step in the preparation of the third world war.

76. This draft resolution is an expression of the desire of the United States to extend the responsibility for the barbarous war crimes, for the criminal bombardment and for the cruelty committed in Korea, by involving other Members of the United Nations as well as the Organization as a whole.

77. This draft resolution is an expression of the fear of the United States Government that a peaceful settle-

ment in Korea could be achieved. Action is therefore proposed which would make such a settlement difficult, if not impossible.

78. This draft resolution is also an expression of the failure of the United States in its attempt to suppress the freedom of the Korean people and to suppress the Chinese People's Republic. The United States is seeking new allies and new methods for a third world war in order to achieve those criminal ends.

79. This draft resolution is an expression of contempt for the United Nations, because the United States Senate, while paying lip service to peaceful purposes at its recent hearings, has made completely clear to everyone the real intentions of the United States. Never in its history has the world witnessed such an orgy of war-mongering, such an orgy of publicizing plans for war, plans for aggression and plans for world domination.

80. This draft resolution also shows a complete contempt for the General Assembly. It confirms the hypocrisy of the United States which, in voting for paragraphs of resolutions which we opposed, spoke of the peaceful settlement of certain problems. The hearings in the United States Senate have made it clear that it was never the intention of the United States to carry out one letter of the resolutions for which it voted.

81. This draft resolution falls within the framework of the illegal and infamous Acheson plan. The aim of this draft resolution is not a peaceful settlement; its aim is the extension of the present conflict and the broadening and the deepening of the danger of war.

82. This resolution cannot lead to anything but the extension of the area of the war, and it will darken the prospect of a peaceful settlement. It can only further the purposes of the aggressive circles in the United States.

83. My delegation considers that the General Assembly is not competent to deal with this question. It considers that the question is entirely within the competence of the Security Council and that, if the United States had had any intention of proceeding with it legally, it would have submitted it to the Security Council. Such contempt for the Security Council—that unimportant organ, as the Secretary of State said at his Press conference on 16 May—is a further violation of the Charter.

84. My delegation considers the entire action illegal, and the draft resolution illegal, and it will not participate in the vote as it did not participate in the debate or in the vote in the First Committee.

85. Mr. NOSEK (Czechoslovakia): Yesterday, during the 443rd meeting of the First Committee, the Czechoslovak delegation stated that it would not take part in the discussion of the draft resolution contained in the report of the Additional Measures Committee [A/1799]. In addition, the Czechoslovak delegation did not participate in the vote on that draft resolution, the authors of which are the ruling circles of the United States.

86. The aim of that draft resolution was the further spreading of aggression by the United States against Korea. The United States, using the United Nations as an instrument of its aggressive plans, is attempting, by means of sanctions, to change its aggression in

Korea into an open aggressive war against the People's Republic of China.

87. It is an undeniable fact that the ruling circles of the United States use the United Nations to conceal their aggressive and imperialistic plans. The United States ruling circles have been persistently trying to use the United Nations to cover up the aggressive intentions of their capitalist monopolies. The illegal resolutions adopted by the Security Council on 25 and 27 June and 7 July 1950,⁴ the illegal General Assembly resolution 377 (V) of 3 November 1950 and the illegal and nefarious General Assembly resolution 498 (V) of 1 February 1951, were all adopted under an unprecedented pressure on the part of the United States and contrary to the Charter of the United Nations, which facts all serve to prove my contention. The United States ruling circles, with their hypocritical and false statements about their willingness to settle the Korean question peacefully, are deliberately trying to deceive world public opinion and to hide from the peace-loving nations and peoples of the world the fact that, step by step, they are carrying their aggression closer and closer to the stage which leads to a war.

88. The draft resolution [A/1802] which has now been submitted by the majority of the First Committee to the General Assembly is another proof of the falsehood and hypocrisy of the United States ruling circles, which are trying today again to use the United Nations as their instrument to enforce sanctions against the People's Republic of China and against the Korean People's Democratic Republic, while the United States aggressors in Korea have already employed bacteriological weapons against the heroic people of Korea.

89. The draft resolution now before the General Assembly is another attempt to violate the Charter of the United Nations. This draft resolution is the most violent and, in its consequences, the most dangerous attack on the jurisdiction of the Security Council, which is clearly defined in the Charter of the United Nations. The draft resolution prepared by the United States and submitted today to the General Assembly by the First Committee is obviously illegal, because what it involves is not the application of the general principles of Article 2, paragraph 5, of the Charter, but the actual imposition of sanctions under Article 41 of the Charter, which states that the authority of the Security Council is beyond dispute. The draft resolution now before the General Assembly is a flagrant violation of Article 11 of the Charter, according to which the General Assembly is not entitled to undertake any concrete action and cannot therefore make any so-called recommendations of this nature and cannot make any specific provisions for their implementation.

90. In the light of the statements which I have made concerning the fact that the General Assembly is not entitled to discuss this draft resolution, the Czechoslovak delegation declares that it will not take part in the illegal consideration in the General Assembly of this draft resolution and will therefore not participate in the vote.

91. Sir Benegal RAU (India): I explained the position of my Government with respect to this draft reso-

lution yesterday in the First Committee. For the purpose of the record I should like to repeat it briefly.

92. The draft resolution before us is based upon the resolution adopted by the General Assembly on 1 February. My delegation opposed that resolution, and we cannot therefore be a party to the present one or to any similar recommendation flowing from that resolution.

93. From the speeches made in the course of the discussion of this draft resolution, it appears that the embargoes which are now recommended are already in operation by the States principally concerned. Consequently, the adoption of the draft resolution will not mean any material cutting off of supplies and cannot be expected to hasten the end of the fighting. We feel, on the other hand, that it may add to the difficulties of an honourable settlement by creating another psychological hurdle. We cannot, therefore, possibly be a party to the draft resolution.

94. The embargoes proposed do not, however, concern India, for there is no question of our sending war materials to any foreign country and my Government is not going to do so. Our present trade with China is limited to certain barter arrangements for rice or other food grains. These do not involve any war materials and are unaffected by the recommendations contained in the draft resolution. My delegation will therefore abstain from voting.

95. I should like to add one final word. Within the last fortnight we have been reminded by high military authority that in modern war, because of its immense destructiveness, there can be no such thing as victory for any side; both sides lose; it is suicide for both. We have also been told by the same high authority that it is defeatism to think that war is inevitable. What it comes to, then, is that even at this stage war can be avoided—I am speaking of global war—and it must be avoided if we are not to permit race suicide.

96. An awful responsibility, therefore, rests upon all of us here to do all we can to see that the Korean conflict does not spread and is brought to an end at the earliest possible moment.

97. Some time ago there appeared a report in the Press that our Unified Command would regard it as a tremendous victory for the United Nations if the United Nations forces succeeded in keeping South Korea clear of the invader—or words to that effect. Would it not be possible for the United Nations to consider this subject and make an early pronouncement upon it in appropriate terms? Such a pronouncement might serve to dispel any unwarranted doubts or misunderstandings about the military objectives of the United Nations, and might thus be a useful step.

98. Faris EL-KHOURI Bey (Syria): I desire to explain the vote which I shall cast on the draft resolution now before the General Assembly. I wish to recall the attitude of my Government with regard to the resolution of 1 February 1951, branding the Central People's Government of the People's Republic of China as an aggressor, and the explanation which I then gave of Syria's vote [327th meeting]. In pursuance of that attitude, my delegation will abstain from voting on the provisions for an embargo which are embodied in the draft resolution before us.

⁴ See *Official Records of the Security Council*, fifth year, Nos. 15, 16 and 18.

99. At the same time, Syria considers that the adoption of the draft resolution by the majority of the members of the General Assembly would make it the duty of the Member States to abide by the recommendation issued by the General Assembly. Consequently my country, which has not recognized the Central People's Government of the People's Republic of China, will respect this principle in fulfilling its duties as a Member of the United Nations, and will continue strictly to refrain from sending to the said Republic, and to North Korea, any of the articles referred to in the draft resolution.

100. Mr. AZKOUL (Lebanon) (*translated from French*): I wish to make the same reservation as was made by the representative of Iraq with regard to sub-paragraph (d) of paragraph 1 of the operative part of the draft resolution. I made the same reservation yesterday in the First Committee [444th meeting]. I do so because that sub-paragraph, which mentions the duty of every Member State to co-operate with other States in carrying out the purposes of the embargo, cannot be construed as seeking to modify the *status quo* as regards the fundamental relations which, for reasons alien to the objectives of the present draft resolution, may or may not exist between various States.

101. Mr. SHVETSOV (Byelorussian Soviet Socialist Republic) (*translated from Russian*): The delegation of the Byelorussian SSR has already stated its views on the United States draft resolution providing for the imposition of an embargo on the shipment of goods to the Chinese People's Republic and the People's Democratic Republic of Korea; it stated those views at yesterday's meeting of the First Committee. My delegation took no part in the discussion of this new and shameful draft resolution because, quite apart from the fact that it is designed to promote aggression, its very consideration by the General Assembly constitutes a gross violation of the United Nations Charter.

102. The measures proposed in the United States draft resolution come under the action provided for in Chapter VII of the Charter. But under Article 11, paragraph 2, of the Charter, action of this kind lies within the exclusive competence of the Security Council. The General Assembly is therefore not competent to pass on such questions as the imposition of an embargo on shipments to any State.

103. The discussion of this draft resolution—if what took place yesterday in the First Committee can be called a discussion—showed how far the United States and the aggressive bloc in the United Nations have gone in flouting the Charter and the basic principles of the United Nations, how far they have gone in their endeavours to convert the Organization into the instrument of their aggressive policy.

104. It is significant that although the Soviet Union representative and the representatives of several other countries drew the First Committee's attention to the fact that the question of imposing an embargo was a matter with which the Security Council alone was competent to deal, and although they demonstrated the utter illegality of any discussion of that draft resolution by the General Assembly, since any such discussion would constitute a gross violation of the Charter, not one of the members of the aggressive bloc ventured to

quote the Charter in justification of his attitude towards this shameful text. It was only after the draft resolution had been voted upon that the United States representative made an unsuccessful attempt to base his argument on the Charter; he endeavoured to justify this new illegal act, this fresh violation of the Charter, by adducing an equally illegal resolution of the General Assembly—in other words, by referring to a previous violation of the Charter.

105. The United States draft resolution is not only illegal but also, in view of its content, shameful and criminal. It is illegal because it was imposed upon the Committee in violation of the Charter; it is shameful because it is directed against peace-loving States which are fighting for their freedom against aggression, and is designed to further the interests of the aggressors; it is criminal because its object is to extend the war in the Far East, to prevent any peaceful settlement of Far Eastern problems and to increase the general international tension for the purpose of preparing a new war.

106. By adopting a draft resolution of this kind, the General Assembly will be taking yet another step in the direction in which it is being pushed so assiduously by the United States, which is seeking to transform this Organization from an instrument of peace and security into one of war and anarchy.

107. The delegation of the Byelorussian SSR deems it essential to point out once again that, under Article 11, paragraph 2, of the Charter, the General Assembly is not competent to consider the question of an embargo or any other question entailing action under Chapter VII of the Charter.

108. For these reasons the delegation of the Byelorussian SSR will not take part in the voting on the draft resolution submitted to the Assembly.

109. Mr. GROSS (United States of America): I wish to deal with the Soviet Union argument and the argument advanced by the associates of the Soviet Union representative that this draft resolution is beyond the competence of the General Assembly. They say that recommendations of the sort contained in the draft resolution may be made by the Security Council, and only by the Security Council, under Chapter VII of the Charter, in particular, under Article 41. It seems to me to be very late for my USSR colleague to question whether Article 10 of the Charter means what it says. I shall read Article 10:

"The General Assembly may discuss any questions or any matters within the scope of the present Charter or relating to the powers and functions of any organs provided for in the present Charter, and, except as provided in Article 12, may make recommendation to the Members of the United Nations or to the Security Council or to both on any such questions or matters."

110. The sole exception in Article 10 to the competence of the General Assembly, therefore, is contained in Article 12. Article 12 is not involved in this situation, and it has not been referred to in this regard by the representative of the Soviet Union or by his associates. Of course, the Security Council is not dealing with this question at the present time. It is not doing so because the matter has been removed from the agenda of the

Security Council. The representative of the USSR voted for the removal of the matter from the agenda of the Security Council; I should like to point out in passing that he made the following statement—I quote from the record of the Security Council meeting of 31 January 1951:⁵

“Moreover, the delegation of the Soviet Union considers it necessary to affirm the illegality of all decisions adopted on this matter by the Security Council under pressure by the United States.”

111. The USSR representative now wishes this matter to be referred to the Security Council, where he has taken a position that the Security Council may not validly deal with the subject. It is part of the history of the Charter that the Soviet Union sought at San Francisco to limit Article 10, which I have just quoted, so that a veto in the Security Council could bring the United Nations to the end of the road in a particular case, but the Soviet Union effort failed. In the case of Korea, the Security Council was prevented by the USSR veto from making an order under Article 41 of the Charter and from taking any action, as that term is used in the Charter, under Article 11. But although the Soviet Union, by abusing the veto, may frustrate the Security Council, it cannot paralyse the United Nations. On the contrary, the responsibility of the General Assembly becomes all the greater in the essential peace-making functions of the United Nations.

112. The argument of the Soviet group lacks consistency as well as logic. Today, we heard the representative of Poland—I think I quote his words accurately—say that sanctions of an economic nature, as he described the matter, are reserved entirely to the Security Council. He went on to say that no provisions in the Charter permit any action with respect to breaches of the peace or threats to the peace and that such matters can be dealt with only by the Security Council, not by any other organ. That is what the representative of Poland said today. On 1 November 1946, the Polish delegation put before the General Assembly a draft resolution which, among other things, recommended that each Member of the United Nations should “terminate, forthwith, diplomatic relations with the Franco régime”.⁶ If this is not a measure of the sort described by the representative of Poland, I am at a loss to know to what measures or actions he referred.

113. The representative of the Byelorussian SSR who, as I heard his words, said that the General Assembly was not empowered to take any action such as the imposition of an economic embargo, took the following action on 4 November 1946. The delegation of the Byelorussian SSR at that time submitted an amendment to the Polish draft resolution, to which I have just referred, recommending that each Member of the United Nations should “terminate diplomatic and economic relations with Franco Spain, such action to include the suspension of communications by rail, sea, air, post and telegraph”.⁷

114. Did the representative of the Soviet Union at that time question the competence of the General

Assembly to consider this draft resolution and the amendment of the Byelorussian SSR to which I have referred? No. I should like to quote from the *Official Records of the General Assembly, second part of the first session, First Committee*, page 267. Mr. Gromyko said that:

“It had been claimed in the Security Council that the General Assembly should take action, but now it was being stated in the General Assembly that the matter was within the competence of the Security Council. The General Assembly had the power and right to consider and take a decision on this problem, and a policy of inaction would have grave consequences.”

Those were the views of Mr. Gromyko, the representative of the USSR, in regard to this demand for economic sanctions against Spain.

115. It is not without significance that the delegation of the Soviet Union and its associates have refrained from raising at this meeting, as they did yesterday in the First Committee, a formal point on this matter so that a vote might be taken upon it and the General Assembly might formally express itself on the question. They obviously knew what the sense of the General Assembly would be; they knew that there would be unanimity except for their own votes. Perhaps they would have refrained from participating in that vote as well.

116. It is possible that there may be genuine differences of opinion from time to time among the Members of the United Nations as to what is within the competence of the General Assembly. Here again, how has the USSR delegation itself suggested that such a question should be determined when it is raised? Let me recall what Mr. Vyshinsky said in the General Assembly on 14 November 1947. Again, I shall read from the *Official Records of the General Assembly, second session, Plenary Meetings, volume II*, page 882. Mr. Vyshinsky said:

“I would remind you of the opinion expressed by the experts of the Preparatory Commission at San Francisco, to the effect that when an organ has to apply the Charter, it must also interpret it. In this connexion it is easy to understand why the Charter does not say that the International Court of Justice may interpret the Charter”.

117. Has the delegation of the Soviet Union proposed that this General Assembly should determine its powers under the Charter in this regard? It has not. It has rested on rhetoric, on appeals to fears, to division, to disunity. It has used blackmail, it has used frustration. It has not used logic; it lacks logic.

118. In summary, the entire argument on the competence of the General Assembly is old ground being ploughed again. Each organ of the United Nations can be the judge, in the first instance, of its own competence, and I believe the principle is inherent in the Charter that when a majority of the members of that organ vote in favour of a resolution, that vote can be considered as a determination by that body of the competence of the organ concerned in accordance with the principles of the Charter.

⁵ *Ibid.*, sixth year, 531st meeting.

⁶ See *Official Records of the General Assembly, second part of the first session, First Committee*, annex 11a.

⁷ *Ibid.*, annex 11c.

119. In closing, I should like to refer to the moving and eloquent words spoken sincerely, as he always speaks, by the representative of India. It is certainly true, as he says, that, modern war being what it is, there is no victory. For precisely the same reasons there is no standing aside. I should like to read the conclusion of a statement on the Korean question made by Mr. Austin in the First Committee on 24 January 1951:

"I ask my colleagues to give some thought to the issue of collective security. Collective security is not merely a phrase. The views of the people of the United States on this matter were developed through a generation of vigorous debate and are linked with the sacrifices of the peoples of the world during the Second World War, which had to be made because the world had not been able to establish a system of collective security to meet nazi aggression.

"We do recognize that there are honest differences on the question before us, in the points of view of the governments represented round this table. Some are remote from the scene of conflict and hope somehow to avoid involvement. Some are concerned lest the strength of the United Nations should be so committed in Korea as not to be available for their own defence. Others take differing views about the nature of developments in the Far East and what these mean to the rest of the world. But on one point we are all agreed: if any one of us were attacked, each of us would in that situation desperately ask the United Nations to provide the unified support of every other government in the world to meet the attack. How can we bring that about for our own country? Only by a determination to take united action to support each other faithfully and vigorously when an act of aggression occurs."⁸

120. The PRESIDENT (*translated from French*): The representatives of the Soviet Union and Poland have asked to speak. I hope that they will be brief. If they are not, it will amount to reversing the Assembly's decision not to discuss this question.

121. Mr. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*): I shall try to be brief. I wish to make only a couple of remarks.

122. I ask the United States representative to take the trouble to read the last sentence of Article 11, paragraph 2, of the Charter. In the light of that sentence, all his arguments and references to Article 10 collapse like a house of cards.

123. The reference to Franco Spain was characteristic of the methods of United States diplomacy; it was an attempt to distort history in order thereby to cloak the aggression committed by the United States, to cloak its plans for and intentions of aggression. The General Assembly and all the Members of the United Nations made it absolutely clear, at San Francisco and in London, at the first session of the General Assembly, that they regarded Spain as a member of the fascist bloc and as a State which had assisted Hitler's sanguinary fascism in its struggle against the allied and united Powers. This explains the attitude of the whole world—

of all the peoples who fought against the fascist plague—towards Franco Spain. This also explains the attitude of the United Nations towards Franco Spain. Hence the attempt which is now being made to use the attitude of the United Nations towards Franco Spain as an argument to justify the efforts of the United States aggressors to disguise their aggression in Korea, their aggression against China and their plans for extending their aggression in the Far East and dragging the world into another war, involves the grossest distortion of history and is a shameful development which cannot be countenanced in the United Nations.

124. The references made by the United States representative to Franco Spain—that member of the fascist bloc which the United States is now seeking to include in its aggressive bloc in order to use it against the peace-loving peoples—merely show, therefore, that the United States is at a loss for other arguments, because neither the Charter, nor the past activities of the United Nations, nor the General Assembly, nor the Security Council provide the United States with any justification whatsoever for forcing this shameful resolution on the United Nations.

125. Mr. KATZ-SUCHY (Poland): Having accepted the decision that there should be no debate on the matter in the General Assembly, I do not intend to enter into any debate. However, the representative of the United States, in explaining the vote of his delegation, touched upon certain points and even tried to explain my vote or my non-participation. I therefore feel obliged to offer an additional explanation and I am grateful to the President for allowing me to speak.

126. The United States representative gave an example, at yesterday's meeting of the First Committee, of his curious habit of choosing a time to speak when—he hopes—no reply can be made. This is a well-known habit of the representative of the United States and resembles the tactics of the young man on trial on a charge of falsifying signatures on checks, who feverishly explains to the judge that he has never raped a minor.

127. The representative of the United States could have found many other Articles in the Charter in which no limitation of the powers of the General Assembly is given. Why did he refer to Article 10? He could have referred to Article 26, Article 89, or Article 90. There is nothing said in those Articles concerning the limitation of the powers of the General Assembly. Why did he not refer to Article 11, which is the Article relevant in this case and which should be interpreted in the light of Chapter VII of the Charter? He referred to Article 10 because it suited his convenience. With regard to the functions and powers of the General Assembly, the San Francisco Conference found it necessary to establish Articles 10 and 11. Article 11 refers in particular to questions relating to the maintenance of international peace and security, including the principles governing disarmament. This is the Article which is relevant in this case, and no other.

128. As I said, I can find several other Articles in which no reference is made to a limitation of the powers of the General Assembly with regard to action concerning breaches of the peace and acts of aggression. The relevant Article in this situation is Article 11, para-

⁸ The summary of this statement appears in the *Official Records of the General Assembly, Fifth Session, First Committee*, 430th meeting.

graph 2, the last sentence of which the representative of the United States prefers to overlook. The last sentence of that paragraph reads as follows: "Any such question on which action is necessary shall be referred to the Security Council by the General Assembly either before or after discussion." That provision is binding on the General Assembly and makes it clear that the action of the United States is illegal, and I am quite sure that the representative of the United States is well aware of the illegality of this action.

129. My delegation did not press for a vote concerning competence because it believes that this is a matter which cannot be decided by a vote. We cannot decide by means of a vote to suspend Article 11 or to suspend Chapter VII. The representative of the United States would like to create certain precedents. On the next occasion he might put forward a proposal that the Chapter should be replaced by certain rules of procedure of the Committee on Un-American Activities. The representative of the United States knows that he has nothing to be proud of in the fact that, if the question of competence were submitted, the required majority would be found to support his view. This is something which gives no cause for pride. Many who would vote with him would blush as they did so. It shows only the immoral methods of United States foreign policy—the constant violation of the national sovereignty of many Member States and the illegal methods of pressure which are being used.

130. Also in an attempt to divert attention from, and to distort, the present situation, reference has been made to the action contemplated in the draft resolution concerning relations with Franco Spain which Poland submitted in 1946. This, again, is an attempt to distort the picture and to divert the attention of the General Assembly and of public opinion from relevant to irrelevant facts. In the first place, the action against Franco Spain was taken under special conditions which existed and on the basis of binding international agreements. It was taken on the basis of the Yalta, Potsdam and Moscow agreements which existed and which were binding, since we all adhered to the principle *pacta sunt servanda*, even if the United States found it wise and necessary for its aggressive policy to violate each and every provision of those international agreements with regard to relations between the United Nations and Franco Spain.

131. But the action against Franco Spain was not being taken under Chapter VII of the Charter. It was not an action with respect to a breach of peace or an act of aggression, and it was not an action envisaged under Article 41. It was an action which could be considered as falling under the provisions for a peaceful adjustment of a situation, and one which could be considered to come within the competence of the General Assembly. I still maintain, therefore, that the whole argument with regard to Franco Spain was invalid, and I am quite sure that it will not deceive anyone as to the fact that the United States is attempting to cover up its aggression in the Far East by phrases representing that aggression as a United Nations action. That argument has failed to deceive the peace-loving nations, and the latest argument of the United States representative will

likewise fail to deceive anyone inside or outside this General Assembly.

132. The PRESIDENT (*translated from French*): The discussion is closed and we shall now proceed to vote on the draft resolution submitted by the First Committee [A/1802]. A roll-call vote has been requested.

133. Mr. BEBLER (Yugoslavia): I request separate votes on the preamble and the operative part of the draft resolution.

134. The PRESIDENT (*translated from French*): I shall therefore put the preamble to the vote first; I am sure the representative of Yugoslavia was not asking for a roll-call vote on the preamble.

The preamble was adopted by 44 votes to none, with 10 abstentions.

135. The PRESIDENT (*translated from French*): I shall now put the operative part of the draft resolution to the vote.

The operative part was adopted by 46 votes to none, with 8 abstentions.

136. The PRESIDENT (*translated from French*): I shall now put the draft resolution to the vote as a whole, by roll-call.

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: United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Argentina, Australia, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Israel, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland.

Against: None.

Abstaining: Afghanistan, Burma, Egypt, India, Indonesia, Pakistan, Sweden, Syria.

The Byelorussian Soviet Socialist Republic, Czechoslovakia, Poland, the Ukrainian Soviet Socialist Republic and the Union of Soviet Socialist Republics did not participate in the voting.

137. The PRESIDENT (*translated from French*): Before announcing the results of the voting, I wish to give an explanation. My ruling generally is to count those delegations which do not participate in the vote as abstaining. In this special case, however, in view of the importance of this resolution and in view of the fact that the First Committee followed a different procedure, I shall allow an exception and I shall mention separately those which abstained and those which declared that they did not wish to participate in the vote.

138. The result of the voting is as follows: 47 delegations voted in favour, none against, 8 abstained and 5 delegations declared that they did not wish to participate in the vote. Consequently the draft resolution is adopted.

The meeting rose at 12.55 p.m.