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President : Mr. Luis PADILLA NERVO (Mexico).

Adoption of the agenda : report of the General Committee (A/1950)

[Agenda item 7]

PART I

1. 'The PRESIDENT' (*translated from Spanish*) : As I stated yesterday, the Assembly is required at this morning's meeting to adopt the agenda of the sixth session and to allocate the items to the different Committees. In accordance with rule 40 of the rules of procedure, the General Committee examined, at its 75th, 76th and 77th meetings, the provisional agenda, the supplementary list and the requests for the inclusion of additional items.

2. In its report [A/1950] the General Committee has also submitted certain recommendations for the organization of the sixth session, which will be submitted to the Assembly after the approval of the agenda. I would suggest that the most appropriate way of dealing with these matters would be for the Assembly to base its discussions on the General Committee's report and I therefore draw the attention of Members to that document. I propose that the subjects contained in the report should be discussed in the following order : first, I shall request the Assembly to consider the inclusion or exclusion or postponement of individual items and to vote on the adoption of the agenda as a whole ; secondly, I shall place before the Assembly the General Committee's recommendation for the establishment of the *Ad Hoc* Political Committee and of the Joint Second and Third Committee ; thirdly, I shall ask the Assembly to decide on the allocation of items to the Committees ; and, lastly, I shall submit for the Assembly's consideration the General Committee's recommendations on the organization of the sixth session, that is to say, on the times of meetings, the Christmas recess and the closing date of the sixth session.

3. I shall therefore ask the Assembly to consider first the approval of the agenda [A/1950, part I]. The General Committee's recommendations which we will take as a basis for discussion are given in paragraphs 2, 3, 4, 5, 6 and 7. I propose that the Assembly should first consider the General Committee's recommendation for the inclusion in the agenda of the sixty-eight items listed in paragraph 7. Immediately after the decision on these sixty-eight items, I shall request the Assembly to consider the General

Committee's recommendations for the exclusion or postponement of the five items mentioned in paragraphs 2, 3, 4, 5 and 6.

4. The discussion on the inclusion in the agenda of the sixty-eight items listed in paragraph 7 of the report is now open. Before beginning, however, I should like to remind representatives who intend to speak on the inclusion of items that the Assembly is not, at this moment, considering the substance of the items proposed for approval, and I shall therefore ask them to confine their remarks to the concrete question whether any particular item should be included or not and to refrain from discussing in detail the substance of the various items.

5. I should also like to draw the attention of the Assembly to rule 23 of the rules of procedure which reads as follows : " Debate on the inclusion of an item in the agenda, when that item has been recommended for inclusion by the General Committee, shall be limited to three speakers in favour of and three against the inclusion. The President may limit the time to be allowed to speakers under this rule".

6. Since the inclusion of the sixty-eight items listed in paragraph 7 has been recommended by the General Committee, I shall be obliged to apply rule 23 strictly. Accordingly, if there is any discussion on any of the sixty-eight items, I shall allow only three representatives to speak in favour of its inclusion and three against.

7. I propose to ask the Assembly's opinion regarding the first 15 items. If there is no objection to any of the first 15 items, they will be included in the agenda.

Items 1 to 15 inclusive were placed on the agenda without discussion.

8. 'The PRESIDENT' (*translated from Spanish*) : We shall now proceed to items 16 to 22.

Items 16 to 22 inclusive were placed on the agenda without discussion.

9. 'The PRESIDENT' (*translated from Spanish*) : We shall now discuss item 23.

10. Mr. Y. MALIK (Union of Soviet Socialist Republics) (*translated from Russian*) : The USSR delegation has already objected, at the fourth and fifth sessions of the General Assembly, to the inclusion in the General Assembly's agenda of the item now before the present meeting and numbered 23 in document A/1950. No

justification whatsoever exists for that item, which can be described only as a Kuomintang intrigue aimed against the Soviet Union.

11. The title of the item suggests that the political independence and territorial integrity of China are somehow threatened by the Soviet Union. Yet it is well known that no differences of opinion exist between that country and the People's Republic of China on the political independence and territorial integrity of China, nor are there any differences on the maintenance and consolidation of peace in the Far East.

12. The USSR Government is on the friendliest terms with the Government of the People's Republic of China, the only legal government in the country. It should be noted here that in February 1950 the Soviet Union concluded with the Central People's Government of the People's Republic of China the treaty of the great Sino-Soviet alliance of friendship, enacting and reaffirming the most cordial relations between the two Governments. A real threat to the political independence and territorial integrity of China certainly exists; it is manifested in the aggressive actions of the United States of America, which has launched a war against Korea, has committed innumerable acts of aggression against China, and has seized with its armed forces the Chinese island of Taiwan, which forms an inalienable part of China.

13. I shall not touch on the substance of the question, but shall dwell only on its procedural aspect and its history at the two preceding sessions of the General Assembly.

14. The Kuomintang intrigue was included in the agenda of the General Assembly by the agent of the Kuomintang clique, which does not represent China and which has consequently no right whatsoever to raise any question within the organs of the United Nations. The delegation of the USSR has already unmasked the libellous and provocative nature of the Kuomintang agent's fabrications, which are full of spite and hatred towards the Chinese people and its Government. The Assembly has no ground for dealing with that question now that the complete baselessness and the provocative nature of that low intrigue have been revealed at the two preceding sessions.

15. Representatives are well aware that a resolution was adopted at the fourth session of the General Assembly [292 (IV)] referring the Kuomintang intrigue to the so-called Interim Committee with instructions to examine the question further and submit a report to the fifth session. But even that illegal body, specially created to select and devise all manner of trickery, deferred discussion of the question at its meeting of 7 February 1950,¹ since no one present was willing to take part in the discussion. The reason, of course, was not that certain members of the Interim Committee were unwilling to discuss the item, but that even they were convinced that the Kuomintang insinuations were utterly unfounded. Six months passed before the Interim Committee, a few days before the opening of the fifth session of the General Assembly, took up the question of the Kuomintang intrigue for the second time and decided not to discuss it at all.¹ Quite obviously that decision even then proved the complete falsity of the Kuomintang intrigue and the lack of any ground for its discussion even by such an organ as the notorious Interim Committee.

16. It became clear to everyone that, in carrying its intrigue against the Soviet Union and the People's Republic of China

into the United Nations, the sole aim of the utterly defeated Kuomintang clique was to stir up mud in international relations in the hope that it might, politically bankrupt as it was, make some sort of a catch, however small, by fishing in troubled waters. The delegation of the Soviet Union has pointed out at previous sessions of the General Assembly that all the calculations made in that connexion by the Kuomintang bankrupts were vain and all their machinations were inevitably doomed to failure. Experience has fully proved the point.

17. Despite all that, and in defiance of common sense and logic, the Anglo-American bloc voted the notorious Kuomintang intrigue into the agenda of the fifth session of the General Assembly. Actually, however, both the Assembly and its First Committee refused to discuss the question, owing to the absence of any data or factual material. The Kuomintang slanderers and their masters in the aggressive Anglo-American camp, who had tried to force discussion of that far-fetched and provocative question, were placed in a ridiculous and shameful position both in the First Committee and in the General Assembly itself at its fifth session. Here again it turned out that no one was eager to take part in the discussion. It was obvious to all that representatives at the fifth session of the General Assembly considered it unnecessary to waste time in discussing that vain and senseless intrigue.

18. Discussion collapsed once more, despite the efforts of the agents of the Kuomintang clique and their protectors. Most delegations saw perfectly clearly that the Kuomintang intrigue was not only far-fetched and lifeless as a topic but also a crude trick of provocation. In order to withdraw from their shameful situation, the organizers of that slanderous manoeuvre could think of nothing better than to propose that the matter should be referred back to the Interim Committee. Thanks to the votes of the aggressive bloc in the United Nations led by the United States of America, the decision was foisted on the fifth session of the General Assembly to instruct the Interim Committee to continue inquiry on this question in order to obtain more information and facts having a direct bearing upon the case if such findings were obtainable, and to report to the General Assembly at its next, namely sixth, regular session.

19. Thus that lifeless question was sent back to a lifeless organ for further investigation. It is common knowledge that during the past year the notorious Interim Committee, that lifeless institution set up at the time with so much zeal by the United States delegation and its supporters, has never once shown any sign of life. During the whole year not one meeting of that committee has been convened. Of course it could not investigate the question, for there is no question as such to investigate. It is obvious to everyone that the sole purpose of raising the matter was to divert attention from the past and current events in China which are due to the epoch-making victories of the Chinese people in their struggle to throw off the foreign yoke and break down internal reaction.

20. In order to conceal its moral degradation and complete political bankruptcy, the Kuomintang clique invented that odious intrigue and, with the support of the United States delegation, has included it in the agenda of the Assembly without, as I have already said, any right to do so, since it does not represent the Chinese people and its authority does not extend over China. Indeed that very clique has been cast out by the Chinese people in the course of the great historical events in China.

21. Of course the Interim Committee has not been able to obtain any information or any facts on the case, for neither

¹ See *Official Records of the General Assembly Fifth Session, Supplement No. 14*.

the case nor any data upon it exist or could conceivably exist. The Union of Soviet Socialist Republics has not threatened and does not threaten in any way the political independence or territorial integrity of China or the maintenance of peace in the Far East.

22. The firm friendship between the two peoples and their Governments ensures the political independence and integrity of China and provides a basis for peace in the Far East. Naturally enough the Interim Committee has once more failed to submit, nor could it have submitted, to the sixth session of the General Assembly any information or any report on that question, despite the resolution foisted on the preceding session by the Anglo-American bloc instructing that Committee to submit such a report.

23. That is the position with regard to the collapse of the Kuomintang intrigue at the two preceding sessions. The authors of the intrigue have been completely unmasked. None the less, the agents of the Kuomintang clique and their American protectors are now once more trying to breathe life into the corpse and revive their intrigue. Having set in motion the voting machine in the General Committee, they have compelled that Committee to include the Kuomintang intrigue in the Assembly's agenda. They will now try to press a similar decision on the Assembly itself in plenary meeting. Having made themselves ridiculous with that intrigue, they are prepared to make the General Assembly ridiculous too.

24. In the light of the circumstances in which that question first arose, and of the ignominious defeat sustained by the authors of that provocative trick, the General Assembly has no ground whatsoever for examining the question at its sixth session. If the General Assembly values its own prestige and that of the United Nations, of which it is one of the principal organs, it is bound to reject that provocative intrigue with contempt. The duty of the General Assembly is to consider serious international questions designed to consolidate peace and international security, effectively to counter American aggression, and to strengthen friendly relations between nations.

25. In the light of what has been said, the delegation of the Soviet Union cannot agree that the United Nations should continue to deal with this absurd and provocative intrigue, so harmful to the United Nations. The USSR delegation will vote against the inclusion of this low Kuomintang intrigue in the agenda of the sixth session of the General Assembly.

26. Mr. TSIANG (China): This item was referred by the fifth session of the General Assembly to the Interim Committee. My fellow representatives will realize why, during the past year, the Interim Committee has never met. This item is one of the most important items before this Assembly. It is the unfinished business of the Assembly and therefore, both for procedural reasons and because of the importance of the item, it should be discussed and must be discussed.

27. The representative of the USSR has just told us that the political independence of my country is not in question at all. Hitler used to tell the world that the political independence of Norway under Quisling was not in question at all. Hitler would have had the world believe that Norway was perfectly independent under Quisling. The world did not believe in Hitler, and the world was right. Today, knowing what the Red régime in China has done, who can deny that China's independence has been suppressed by the aggression of the USSR? The USSR representative would deny that the territorial integrity of China was in question. Anybody who knows the present status of the

Manchurian provinces, and of Outer and Inner Mongolia, knows that the resources of these regions of China are today being exploited by the Soviet Union for aggression in Europe and in Asia.

28. This item goes to the root of one of the big issues before the world today. Peace in the Far East is threatened because of Soviet violations of treaties and the Charter as far back as 1945 and 1946. If China had maintained political independence and territorial integrity in the mainland, if the USSR had not violated treaties and the Charter, there would be no question of threats to peace in the Far East. We have had the war in Korea. Without Soviet aggression against China, the war in Korea would not have been possible. Today, Indo-China is heavily threatened. Without Soviet aggression of China in the first instance the troubles in Indo-China would not have developed. This is the very root of the problem in the whole of the Far East, and the United Nations could not ignore this problem without repudiating its own *raison d'être*.

29. The PRESIDENT (*translated from Spanish*): I shall put to the vote the inclusion of item 23 in the agenda.

Item 23 was placed on the agenda by 30 votes to 8, with 13 abstentions.

30. The PRESIDENT (*translated from Spanish*): I shall put to the vote the inclusion of item 24 in the agenda.

Item 24 was placed on the agenda without discussion.

31. The PRESIDENT (*translated from Spanish*): We have now reached item 25.

32. Mr. JOOSTE (Union of South Africa): This is a matter in which the principles involved should by now be clear to all of us in this Organization. The South African delegation has argued this matter at length in the past, and I think that I need today only deal with the essentials of the case in order to resubmit the matter to the General Assembly.

33. When the inclusion in the agenda of item 25, "Treatment of people of Indian origin in the Union of South Africa", was discussed in the General Committee, the South African delegation protested against its inclusion. We did so on the ground that Article 2, paragraph 7, of the Charter, as the Assembly is aware, precludes the United Nations from intervening in the domestic affairs of a Member State. Despite our arguments the committee recommended again this year, as in previous years, that the item should be placed on the agenda. I am, therefore, asking the Assembly to reject the committee's recommendation and to exclude the item.

34. I do not think that it is necessary for me, as I have indicated in my opening remarks, to repeat from this rostrum our arguments made on previous occasions as to why the matter to which the item refers must be regarded as one falling within the domestic jurisdiction of the Union of South Africa. At the same time, I need not remind the Assembly of the provisions of Article 2, paragraph 7.

35. The treatment by the South African Government of Union citizens of whatever origin is a matter in regard to which the Government of my country cannot share its authority. Allegations concerning the matter cannot be discussed in terms of the explicit provisions of Article 2, paragraph 7, of the Charter of this Organization. As the Assembly is aware, Article 2, paragraph 7, as drafted at San Francisco, has an overriding effect. It was on this basis that the Charter was accepted by many of its signatories. The Charter has never been amended and the original intention inscribed in that Article continues to be operative.

36. It was argued in the General Committee that the item was being brought forward this year in consequence of a resolution [395 (V)] adopted last year by the Assembly, and that its inclusion in the agenda would therefore merely be a logical step. This argument, I submit, is somewhat misleading. It is true, of course, that the resolution in question did require the matter to be raised again this year, but the present Assembly is not bound by that resolution. It is the master of its own agenda and can, if it so decides, refuse to include the item. The mere fact that the inclusion of the matter in the agenda requires the specific approval of the Assembly is surely conclusive proof of this. Nor can it be seriously contended that the General Assembly, once having dealt with the matter, automatically acquires competence with regard thereto. This seems to be a fairly common conception. Many representatives appear to be impressed by the argument that because the United Nations originally decided—wrongly I submit—that it was competent to deal with the question, its competence to do so again cannot now be disputed. The acceptance of this view would, of course, create a completely untenable situation. There is no reason why the Organization, having originally gone beyond its competence, should continue to do so indefinitely, and should continue to ignore and ride rough-shod over the clear and indisputable rights of Member States.

37. It is also suggested that discussion of a matter, whether that matter falls within the domestic jurisdiction of a State or not, does not necessarily constitute intervention. My Government must of necessity challenge this view. The right of discussion can only result from the competence of the Organization to concern itself with a matter which, in our view at all events, is no less than interference and intervention. Proof of this contention is to be found in our actual experience in this Organization. The discussion of matters of whatever nature invariably brings with it criticism, often ill informed, and in many cases condemnation, often unwarranted. Moreover, it brings with it almost without exception the adoption of resolutions. It is the view of my Government that the Assembly can adopt a resolution only in regard to a matter which clearly falls within its jurisdiction. As has been pointed out in the General Assembly, the South African delegation is aware that there is a growing consciousness in the United Nations of the serious implications of the continued discussion of affairs which fall within the domestic jurisdiction of Member States. It is our hope that in the realization of this will come also a decision to put a stop to this unfortunate and dangerous practice.

38. It is in these circumstances that I would ask the Assembly to give the matter its careful consideration and to refuse to place the item on our agenda. If the Assembly includes the item, I should like it to be clearly understood that our support for the agenda as a whole must be regarded as subject to the reservation that we oppose the inclusion of item 25, "The Treatment of people of Indian origin in the Union of South Africa", as well as any other item which we may be called upon to oppose.

39. Sir Benegal RAU (India): The point that has been taken by the representative of the Union of South Africa is not a new one. It has been taken every year during the past four years, and it has been dealt with on its merits and rejected each time it has been raised. I shall, therefore, not deal with it now on its merits because it is really not necessary for me to do so. As has been pointed out already by the representative of South Africa, the item has been included as a logical consequence of the resolution [395 (V)] adopted on 2 December 1950. I should like to recall to you

the exact terms of the resolution to which I have just referred. It reads:

"The General Assembly...

"Having in mind its resolution 103 (I) of 19 November 1946 against racial persecution and discrimination, and its resolution 217 (III) dated 10 December 1948 relating to the Universal Declaration of Human Rights,

"Considering that a policy of 'racial segregation' (Apartheid) is necessarily based on doctrines of racial discrimination,

"1. Recommends that the Governments of India, Pakistan and the Union of South Africa proceed, in accordance with resolution 265 (III), with the holding of a round table conference on the basis of their agreed agenda and bearing in mind the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights;

"2. Recommends that, in the event of failure of the governments concerned to hold a round table conference before 1 April 1951 or to reach agreement in the round table conference within a reasonable time, there shall be established for the purpose of assisting the parties in carrying through appropriate negotiations a Commission of three members, one member to be nominated by the Government of the Union of South Africa, another to be nominated by the Governments of India and Pakistan and the third to be nominated by the other two members or, in default of agreement between these two in a reasonable time, by the Secretary-General".

40. Briefly, therefore, this resolution made two recommendations, the second of which was to be operative in case the first failed. Unfortunately, the first has failed because the Union of South Africa was unable to accept the first recommendation as a basis for any kind of conference. Therefore we must now see what should be done to implement the second recommendation and for this purpose the item has to be put on the agenda.

41. The PRESIDENT (*translated from Spanish*): I shall put to the vote the inclusion of item 25 in the agenda.

Item 25 was placed on the agenda by 40 votes to 1, with 12 abstentions.

42. The PRESIDENT (*translated from Spanish*): We shall now proceed to the question of the inclusion of items 26 to 64.

Items 26 to 64 inclusive were placed on the agenda without discussion.

43. The PRESIDENT (*translated from Spanish*): I call on the representative of the USSR to speak on the inclusion of item 65 in the agenda.

44. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): The General Committee has decided to recommend that the General Assembly should include in the agenda the item on Germany proposed by the delegations of the United Kingdom, the United States of America and France. This item refers to the appointment of an international commission under United Nations supervision to carry out an investigation in West Germany, Berlin and the German Democratic Republic in order to determine whether existing conditions there make it possible to hold genuinely free elections.

45. In the General Committee, the USSR delegation objected to the recommendation for inclusion of that item in the agenda. A perusal of the explanatory note attached to the proposal [A/1938] cannot fail to show its artificiality and uselessness, in spite of all attempts to enhance it with various pious phrases. The reference in the explanatory note

of the three Western Powers to the so-called wish to unite Germany, which the establishment of the proposed international commission to investigate the conditions for all-German elections is alleged to promote, is absolutely unconvincing and unfounded. A number of facts could be adduced to prove that the whole policy of these Powers towards Germany is directed mainly and frankly to increasing the disunity of Germany, a task on which they began some years ago and which they pursue consistently and with perseverance, against the interests of the German people and against the interest of strengthening the peace and security of all nations.

46. As far as recent years are concerned, it is perhaps enough to recall the "Schuman Plan" and "Pleven Plan", which, as everyone well knows, are intended to increase the disunity of Germany and have nothing in common with the task of unifying Germany, especially on a peaceful and democratic basis.

47. I shall refrain from mentioning all these facts, because that would be referring to the substance of the question, and the President has warned us that we should confine ourselves strictly to procedural matters and not touch upon the substance. Nevertheless, I feel obliged to mention these circumstances, because the explanatory note submitted by the three delegations, of the United States of America, the United Kingdom and France, mentions such a high purpose as the unification of Germany as the basis for the establishment of the international commission to investigate the conditions for conducting German elections. My purpose in making this short statement is to prove that these Powers are not guilty of any such intention.

48. Many of those present here will probably recall that this is not the first time we have been confronted with an attempt to draw the United Nations into consideration of the German problem. Such an attempt was made here in Paris in 1948, during the third session of the General Assembly. The United States of America, the United Kingdom and France at that time tried to drag their proposals on the German question through the Security Council, thus by-passing the legal procedure laid down for the consideration of any German problem, under the agreement on Germany reached by the four Powers, the United States, the United Kingdom, France and the USSR, whereby such questions fall exclusively within the competence of the Council of Foreign Ministers. That procedure absolutely excludes the possibility of any organ of the General Assembly or of the United Nations interfering in the consideration of such questions. The attempt was a fiasco, in spite of all efforts to distort the relevant provisions of the Charter to fit the position taken by the United States, the United Kingdom and France, and despite all attempts to misinterpret the absolutely clear meaning of Article 107 of the Charter, which gives a ruling on this matter.

49. I would recall that Article 107 quite clearly lays down the limits of the competence of the United Nations in such matters. It does not allow the Organization to consider any questions which concern action, in relation to any State which during the Second World War was an enemy of any signatory to the Charter, taken or authorized as a result of that war by the Governments having responsibility for such action. Article 107 of the Charter clearly states that nothing in the Charter shall invalidate such action or preclude any action which may be taken, for instance, in connexion with the organization of general elections or the organization of any other measures to strengthen the democratic régime, the struggle against re-militarization, and so forth. Thus, inclusion of the German problem in any form in the agenda

of the General Assembly would be a flagrant violation of Article 107 of the Charter and, hence, of the obligations incurred under that international agreement.

50. The USSR delegation has insisted that international agreements must be respected. Incidentally, reference to this very subject was made yesterday from this tribune by Mr. Eden, who, as I understood him, places respect for international agreements above all other aspects of international affairs. We have spoken of this for a long time, we have insisted on this for a long time, we have demanded this for a long time, we continue to demand it, and now we also hope that the United Kingdom delegation will suit its action to its words. In that event, however, how can the United Kingdom delegation take the attitude it took in the General Committee on the establishment of an international commission of investigation in Germany?

51. This is a direct violation of Article 107 of the Charter, a direct violation of an obligation incurred under that international agreement which is a treaty to which the United Kingdom Government is one of the signatories. How can the United Kingdom delegation support such a proposal, when it is obviously contrary to Article 107, to which I have already referred? How can it fail to take that Article into consideration? How can it violate the obligations which, under that Article, are incumbent upon all those who signed the Charter of the United Nations?

52. Moreover, the United Kingdom delegation's position, like that of the delegations of the United States and France, is also a violation of the obligations which not only the United Kingdom Government, but also the United States and French Governments, incurred under the Potsdam Agreement.

53. I repeat that to appeal for respect for international agreements and hence for respect for the Charter, and at the same time to permit violation of international agreements and hence of the Charter and especially of Article 107, proves that such delegations do not suit their actions to their words. Of course, that invalidates all their statements in praise of respect for international agreements.

54. The Potsdam Agreement laid down a definite procedure for the consideration of all questions relating to Germany. It established a special organ for the consideration of such questions, the Council of Foreign Ministers. Nothing came of the attempt to submit the German question to the Security Council in 1948, and to by-pass the Council of Foreign Ministers in contravention of the Potsdam Agreement. It is well known that after much time had been wasted at several meetings of the Security Council in trying to impose this burden upon it, some months later it still proved necessary to refer the German problem to the only body competent to consider it, the Council of Foreign Ministers, and to convene in May 1949 the session of the Council of Foreign Ministers which proceeded to examine the problem.

55. Procedure again prevents me from dealing with the substance of later events; it suffices to mention that fact in order to show that eventually the same three countries, the United States of America, the United Kingdom and France, at certain moments arrived at a sufficiently intelligent and correct idea of the question, and of the relation of the General Assembly and the United Nations as a whole to what is known as the German problem.

56. I should add that since then, since 1948, new circumstances have arisen. I shall mention only the most recent, namely the appeal addressed by the People's Chamber of

the German Democratic Republic to the Bonn Government on 15 September 1951. In this appeal the People's Chamber proposed that an all-German conference of representatives of West Germany and of the German People's Republic should be convened to discuss two questions: all-German free elections to a National Assembly for the creation of a unified, democratic, peace-loving Germany, and the speedy conclusion of a peace treaty with Germany. The resolution then taken by the People's Chamber stated that the necessary prerequisite for the latter must be round-table negotiations between Germans with a view to reaching agreement between the western and eastern Germans. It also stated that free democratic elections to a German National Assembly would hasten the creation of a united, democratic and peace-loving Germany. The People's Chamber of the German Democratic Republic declared that such elections must take place in the same conditions throughout Germany; that freedom and equality must be guaranteed and secured for all citizens, and equal freedom of action for all democratic parties and organizations; and that democratic parties and organizations must have the right to draw up their own lists of candidates, to make common lists as they thought fit and to form electoral blocs.

57. When the head of the Bonn Government, in his statement on 10 October, two weeks after this appeal by the People's Chamber of the German Democratic Republic, made acceptance of the appeal conditional upon fourteen points, the People's Chamber replied that most of Mr. Adenauer's proposals were acceptable.

58. At an extraordinary meeting of the People's Chamber of the German Democratic Republic only a few days ago, on 2 November, the Prime Minister, Mr. Otto Grotewohl, once again voiced the desire of the Germans of East and West Germany that decisive steps should be taken to put an end to the fatal division of Germany and the re-militarization of West Germany, and to enable the Germans of both East and West to set foot on the road to recovery and a better future and prevent any nation from being threatened again by Germany's aggressive proclivities.

59. The Government of the German Democratic Republic then proposed that a German electoral law should be prepared at the all-German conference, and declared itself ready to submit a draft for the conference to consider.

60. The People's Chamber thereupon empowered its government to set up a commission to draft a law for the holding of free elections to the German National Assembly, a law which might become the basis for the electoral law to be prepared at the all-German conference. It is surely obvious that this decision might mark an important step forward in the unification of Germany, if it were accepted by the Bonn Government and by the three western occupying Powers. It is surely obvious too that the electoral law could solve the problem of electoral conditions and secure really free general elections in Germany, since it would have to be approved by the all-German conference of representatives of East and West Germany.

61. Why, I ask, and any impartial, objective and fair minded person must ask, in that case appoint an international commission to investigate the conditions of elections in Germany, when it is our profound conviction that those elections can, nay must, be very successfully arranged by the Germans of East and West Germany themselves?

62. We are quite unable to understand the grounds for the distrust shown here for the German people, or for the

distrust of the step taken by the German Democratic Republic to bring about all-German elections, the unification of Germany and the speedy conclusion of a peace treaty, the importance of which I think I have no need now to stress.

63. The proposal to appoint some sort of an international commission to investigate Germany can only originate from persons who desire an excuse for delaying the unification of Germany, the first step towards which must be these all-German elections to form an all-German national, or I might say constituent, assembly which would lay down principles and actually bring about the real and genuine unification of Germany based on the love of peace, independence and democracy. The proposal to appoint an international commission to investigate Germany can only originate from persons who fail to understand the simple fact that Germany cannot be regarded as an uncultivated, lawless and backward colony, without political parties or a history of parliamentary elections.

64. It must be remembered that for over a century Germany has lived under a parliamentary régime, with general elections and organized political parties. It would therefore be insulting to the German nation to subject it to demands of the sort usually made of backward countries such as Tunis and Morocco.

65. The USSR Government consequently supports the proposal of the German democratic forces for the unification of Germany through all-German elections to a national assembly with a view to creating a unified, democratic, peace-loving Germany.

66. The USSR Government also supports the proposal for the speedy conclusion of a peace treaty with Germany, with the subsequent withdrawal of all occupation forces from Germany, a question which the representatives of the United States of America, Great Britain and France are anxious to pass over in silence. The only proper way to settle the German question is that proposed by the Government of the German Democratic Republic.

67. Regarding the determination of whether or not the necessary conditions obtain for free elections throughout the whole of Germany, that, as I have already said, can best be effected by the Germans themselves through a commission of representatives of East and West Germany—under the control of the four occupying Powers, if the Germans themselves consider that necessary.

68. In view of the foregoing, the USSR delegation objects to the inclusion in the agenda of the question of the appointment of an international commission to investigate Germany, and calls upon the General Assembly to reject that proposal, submitted by the General Committee, as inconsistent with the Charter of the United Nations.

69. The USSR delegation will vote against the proposal.

70. Sir Gladwyn JEBB (United Kingdom): I shall be very brief, because, unlike my predecessor, I do not propose to enter at any length into the merits of the item before us; rather, I shall confine myself, in accordance with our regulations, to giving some short *prima facie* reasons why this matter should at least be debated.

71. As the Assembly is aware, the inclusion of this item in the agenda for this session has been proposed by the French, the United States and the United Kingdom dele-

gations, at the request of the German Federal Chancellor. The reasons which have led us to propose this are fully set out in the memorandum and the two appendices which accompanied our letter of 5 November to the Secretary-General [A/1938].

72. For its part, His Majesty's Government supports the German Federal Chancellor's view of the importance of this request for a United Nations commission to visit Germany. My Government regards it as a preliminary step which, it is hoped, might lead to the holding of free elections throughout Germany. Obviously, such elections will not be possible unless conditions in the Soviet Zone, in Berlin, and in the German Federal Republic, are such as to permit parties to be formed, individuals to stand for elections without fear of discrimination, or worse, and the population as a whole to express its views freely, secretly and effectively. There may well be doubts in German minds as to whether such conditions may be said to exist in certain parts of Germany. For this reason, we agree with Chancellor Adenauer that some impartial commission of inquiry would be desirable. Clearly, at any rate we think it is clear, the United Nations is the best machine to constitute such an impartial body.

73. This, therefore, seems to us to be an eminently suitable question for the United Nations to deal with and we can only hope that the General Assembly will share our view. So far as we are concerned, we do not believe, as has been claimed by the USSR representative in the General Committee and I think now, that the Assembly is precluded from dealing with this question under Article 107 of the Charter. We dispute that thesis altogether. We suggest that the sole object of that Article, that is Article 107, which, as Members of this Assembly will recall, was framed while hostilities were actually in progress, was to permit action by the Allied Governments in relation to enemy States which might otherwise have been contrary to some clause of the Charter. In other words, it was a purely permissive Article and it was never intended, as Mr. Vyshinsky has been recently arguing, to rule out action by the United Nations concerning such countries altogether, or all consideration by the United Nations of questions affecting them. Of course not. What action by the United Nations is appropriate in any given case is, of course, another matter; but certainly as we see it Article 107 in no way prevents consideration by the Assembly of a proposal, for instance, to send an impartial investigating committee to Germany. It is quite true, of course, that any commission that may be recommended by the Assembly will not be able to function in the Soviet Zone if the USSR Government refuses to allow it to enter that Zone, that is obvious. But we should continue to hope that, perhaps after listening to a debate of a technical nature in the First Committee of this great Assembly, the USSR Government might be induced to change its view regarding the disadvantages, as they appear to think, of Chancellor Adenauer's proposals. We are consequently in favour, at least of a discussion of the subject in the presence of the representative of the Soviet Union.

74. Finally, Mr. Vyshinsky, as you know, has just been spending a great amount of time arguing, as I understood him, that since the three Powers were opposed, as he said, to the unification of Germany, the present proposals must be pernicious. But the three Powers are, of course, not opposed to the unification of Germany; on the contrary, they are in favour of it. But when they put forward a constructive proposal, which on the face of it and in truth really might, if adopted, help to create conditions in which unifi-

cation might become a practical possibility, they are denounced by the representative of the Soviet Union. Therefore, I have no doubt whatever that the General Assembly will not be influenced by the arguments of our USSR colleague, but will at once decide to include this matter in its agenda.

75. Mr. SHARETT (Israel): The delegation of Israel feels impelled by special reasons to intervene briefly in this procedural debate. The central fact of the situation, both in the western and eastern parts of Germany, as we see it, is that the Nazi spirit has risen from the ashes of the Hitler régime and is alive and arrogantly unrepentant. Such democratic elements as may have come to the fore in Germany since the end of the war appear to be powerless to suppress and eradicate that manifestation of the spirit of hatred and revenge. This is a dark and ominous feature of the background of the problem which has been brought before the Assembly.

76. To us in Israel, and to Jews throughout the world, haunted and harrowed as we constantly are by the poignant memory of the millions of our dead, anything tantamount to the readmission of Germany into the family of nations and any acceleration of the process of such readmission cannot in these circumstances but appear as a desecration of the memory of our martyrs, and a triumph of evil.

77. The procedural side of the item before the Assembly is, therefore, to us of particular importance. Coming now to this side of the question, with all due respect to the sponsoring delegations, the proposals which they have formulated appear to us to be *ultra vires*. The sponsors do not indicate under what Article of the Charter would the investigation that is envisaged come within the purview of the United Nations. Their memorandum [A/1938] contains only a vague reference—and here I quote—to the "purposes of the United Nations and the responsibilities of the General Assembly as expressed in the Charter". One is left wondering whether the sponsors had here in mind paragraph 1 of Article 1 of the Charter, which provides for the maintenance of peace and security. The delegation of Israel would indeed regard a reunited and rearmed Germany as a most serious threat to peace and security. But procedurally the bearing of the investigation proposed on this particular problem is by no means clear, and the memorandum itself sheds no light on the connexion.

78. If, however, the sponsors did not intend to connect their proposal in any way with the problems of peace and security, then clearly the competence of the United Nations cannot be invoked either under paragraph 1 or under any other paragraph of Article 1 of the Charter; and the reference to the purposes of the United Nations and the responsibilities of the General Assembly leaves us completely in the air.

79. If we are to follow the distinction made in the memorandum between the United Nations as an Organization and the General Assembly as one of its organs, we shall be driven, in the context of the proposal, to study the provisions of Chapter IV of the Charter dealing with the functions of the General Assembly and, in particular, the provisions of Articles 10 to 14. Such study would only strengthen the conclusion my delegation has reached in regard to the competence of the Organization as a whole in this matter. In fact, nothing in the Charter seems to be open to the interpretation that it is the responsibility of the General Assembly to investigate conditions for free elections in any country, least of all in one which is not a Member State

of the United Nations. Actually, under Article 10, the so-called omnibus Article of the jurisdiction of the General Assembly, this body may make recommendations only to Members of the United Nations. In this case the territories concerned are the Federal Republic of Germany, Eastern Germany, and the City of Berlin, none of them Members of the United Nations.

80. For all these reasons, the delegation of Israel considers the proposal to be morally unacceptable and legally unjustified and will vote against its inclusion in the agenda.

81. Mrs. SEKANINOVA-CAKARTOVA (Czechoslovakia): I should like to state very briefly the view of the Czechoslovak delegation with regard to the recommendation of the General Committee to include in the agenda of the General Assembly an additional item proposed by the three Governments, the Governments of France, the United Kingdom and the United States of America. This proposal, as we already know, is called the "appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin and in the Soviet Zone of Germany, in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas".

82. I think that what the honourable representative from the United Kingdom said here just now only underlines the illegality of the course proposed, and I shall try to prove it very briefly. I think that the fact that this proposal has been put forward at the so-called request of the representative of the so-called Bonn Government is characteristic but not at all surprising. I think it is not necessary to follow the questions concerned with the utmost interest, as my people do, to know that it is more than a mere coincidence. What Sir Gladwyn Jebb said reminded me that the newspapers have also noted it very well. *Le Monde* writes: "The Chancellor has always been opposed to a discussion between Germans..." The *New Statesman and Nation* on 6 October wrote: "That the West German Government and the Western Powers are in fact eager to avoid any such negotiations seems certain".

83. I think the question before us comes in no way under the competence of the General Assembly, and we have here, following more such occurrences during the previous sessions of the General Assembly, another attempt of the said Governments to present United Nations bodies with questions not under their competence, while at the same time they evade negotiations in questions assigned to United Nations organs.

84. The Czechoslovak delegation opposes the inclusion of this item in the agenda because its consideration by the General Assembly would be illegal.

85. The question concerned deals with elections in Germany. The Czechoslovak Government and the whole Czechoslovak people follow with great interest the efforts of the German people; both in the German Democratic Republic and in Western Germany to create a unified, democratic, and peaceful Germany and to secure for Germany peaceful development and independence. We wish that these efforts might be soon crowned with success, because we know that the creation of a unified, democratic and peace-loving Germany is extremely important for lasting peace and security. The German people and its freely elected organs have not only the right to take into their own hands the task of unifying Germany, but they are also

capable of doing so without the necessity of having an international commission or an impartial investigation.

86. There still are in memory various illegal commissions which have been set up by the United Nations Organization on the pressure of the American-British bloc, and which were similar to the one proposed by the three Governments now. The experiences with these commissions, be it the Balkan or the Korean one, are a warning; their activities not only did not contribute to the strengthening of peace, but on the contrary, as we saw in the case of Korea, they directly prepared aggression. The fact that the representative of the United States, Mr. Acheson, in his statement of the 8th of this month to this Assembly [335th meeting], immediately after speaking of Korea, which he defined as a symbol, named Germany as a second example and publicized an impartial international commission for Germany, was to us only a further warning.

87. It is clear that the proposal of the three Governments aims at the appointment of a commission which would be neither impartial or international and which would have nothing in common with genuinely free elections in Germany. The German people do not want and do not need such a commission. The German people are, politically, sufficiently mature to organize their own free elections. What they do need is that the western occupation Powers, who want to present them with an impartial commission, and their German helpers, should stop preventing them from holding free elections and from unifying Germany on a democratic and peaceful basis. The three Governments which submitted the proposal concerned are among the occupation Powers in Germany. Were they really concerned with free elections in Germany, they could facilitate them in their function as occupation Powers.

88. German elections are first of all a matter concerning the German people alone who, we repeat, have the right to take into their own hands the task of unifying Germany. This right of theirs follows from the basic principles of international law expressed also in the Atlantic Charter, from the principles under which every nation has the right to create its own political and economic conditions according to its own free will, as long as the exercise of that right does not run contrary to its international obligations. This right follows also directly from the provisions of the Potsdam Agreement which expressly foresees the establishment of a German Government capable to accept a peace settlement for Germany.

89. The Czechoslovak delegation is convinced that the proposals of the People's Assembly and of the Government of the German Democratic Republic for all-German consultations are a safe basis for the holding of free elections as the first step towards the renewal of German unity on a democratic and peaceful basis. This is proved by the wide response with which these proposals of the People's Assembly and of the Government of the German Democratic Republic have been accepted all over Germany, proposals which reflect so much statesmanship and so much good will in the interest of strengthening of peace, proposals which once again have stressed the willingness to consider jointly all the conditions of elections. The all-German elections are the first step towards the creation of a government of a democratic and peace-loving Germany, which would be capable of accepting a peace settlement for Germany, as foreseen by the Potsdam Agreement. All-German elections are therefore a basic prerequisite for a peace settlement and it is precisely this fact that we must keep in mind when considering the recommendation of the

General Committee for the inclusion of this item, proposed by the three Governments, in the agenda of the General Assembly.

90. To bring this question into the United Nations Organization would constitute the grossest violation of the existing international agreements and of the provisions of the Charter. The peace settlement with Germany belongs among the problems of the liquidation of the consequences of the Second World War. These problems, as is well known, however, have been assigned to special organs which have been established by international agreements. It is generally known that concerning Germany there exists a number of important international agreements which have been concluded between the four occupation Powers: the Soviet Union, the United Kingdom, the United States of America and France. In the Yalta declaration the three Powers acknowledged their complete agreement that, during the occupation, co-ordination of administrations and control would be secured which would be carried out by a central control commission.

91. The Potsdam Agreement set up the Council of Foreign Ministers. The task of the Council of Foreign Ministers has been primarily "The preparation of a peace settlement for Germany to be accepted by the Government of Germany when a government adequate for the purpose is established". In the Potsdam Agreement, therefore, the three Governments which are now trying to bring the German problem into the United Nations organs have undertaken the obligation to prepare, in the Council of Foreign Ministers, a peace settlement for Germany and also to prepare conditions under which this peace settlement would be possible, and these conditions include also the creation of a government of a unified, democratic and peace-loving Germany, for which all-German elections are a prerequisite. Thus, according to special international agreements and arrangements concerning Germany, the questions and their solution come under the jurisdiction of the governments responsible for the occupation of Germany, and to no other organs.

92. The United States of America, the United Kingdom and France, from the very outset, have failed to fulfil the obligations they have undertaken, and systematically have violated international agreements, created a tripartite administration of the Western Zones of Occupation, and crowned their work by setting up the so-called Federal Republic. They divided Germany, they have delayed the conclusion of a peace treaty, they have misused their position as occupation powers for the purpose of transforming Germany into a basis for their aggressive aims by re-militarizing it, by the formation of a German army, and by supporting war criminals and other nazi elements, and at the present time they openly prepare for the inclusion of Western Germany into the aggressive North Atlantic bloc. All this is in sharp contradiction to the fundamental aims of the occupation of Germany, as stated in the Potsdam declaration and in other agreements, as well as to the natural interest and will of the German people. The termination of the division of Germany and the establishment of German unity can be achieved precisely by the all-German discussions on the basis of the proposals of the People's Assembly and of the Government of the German Democratic Republic.

93. A discussion of the German problem in any other form than by the German people themselves or by the four occupation Powers is a gross violation of the existing international agreements and arrangements. To prepare

conditions for a peace settlement is the duty of the Council of Foreign Ministers. The consideration of the German problem here is, moreover, a violation of the principles and provisions of the Charter. The competence of the Council of Foreign Ministers to consider the German problem and to reach decisions upon it has never been questioned, as proven by the 1947 session of the Council in Moscow and by its 1949 session in Paris. The Governments of the United States of America, the United Kingdom and France acknowledged the competence of the Council of Foreign Ministers also in their notes of 23 January, 1951, to the Government of the Soviet Union exchanged before the planned, but, by the Western Powers frustrated, session of the Council.

94. Now the Governments of the United States of America, the United Kingdom and France, by proposing to include the German problem in the agenda of the General Assembly, want to force a violation of international treaties, as well as of the Charter. Such violation they themselves, without any hesitation and systematically, commit against the principles of our Organization which, in the preamble of its Charter, solemnly declares: "We the peoples of the United Nations determined... to establish conditions under which international law can be maintained... have resolved to combine our efforts to accomplish these aims". The Charter moreover contains also an express and special provision, *lex specialis*, concerning questions related to the liquidation of the consequences of the Second World War, and thus also concerning the problems of Germany. According to Article 107 of the Charter, the settlement of the German problems belongs to the Governments responsible for the occupation of Germany and does not fall under the competence of the United Nations. The clear intention of the provisions of Article 107 is to determine that the responsibility for the situation existing on the territory of the former enemy State rests with the States which are in control there. In other words, all the questions relating to the peace settlement with Germany must be solved by the four occupation Powers.

95. Neither during the drafting of the Charter at the San Francisco Conference in 1945, nor later, has there existed any doubt concerning the interpretation of Article 107 in the sense that its basic intention has been to exclude from the sphere of activities of the United Nations Organization all questions concerning a peace settlement with the former enemy States. For instance, let me quote the United States representative who, speaking at the San Francisco Conference in Committee III/3, declared that "in respect to paragraph 2 of Chapter XII [of the Dumbarton Oaks proposals]"—this corresponds to Article 107 of the Charter—"he felt that the Organization had no responsibility in respect to surrender terms or peace settlements". This is UNCIO document 704, III/3/36, page 4. Another and last example is to be found in the records of the 112th meeting of the General Assembly. The Norwegian representative, Mr. Lange, who I think is among us here, declared that "the problem of the peace settlement with the ex-enemy States... does not belong to the matters to be dealt with by this Organization"^a.

96. To conclude, the Governments of the United States, the United Kingdom and France must be perfectly well aware that their proposal for the inclusion of the German problem in the agenda of the General Assembly is illegal and contrary to the obligation they have undertaken in

^a See *Official Records of the General Assembly, Second Session, Plenary Meetings, Vol. II.*

international agreements on Germany, that it represents a misuse of their position as occupation Powers, and that it violates the spirit and letter of the Charter. This proposal follows other proposals of the British-American aggressive bloc which are aimed at transforming the Organization, founded as a bulwark of peace, into an instrument of aggressive policies. The sponsors are not concerned with securing free elections in Germany, neither are they concerned with the restoration of the broken unity of Germany which they themselves had caused. To the contrary, they are concerned with preventing free German elections, with stifling the voice of the German people, with extending the division of Germany, with prolonging the occupation and with transforming Germany into a base for their aggressive plans.

97. For these reasons the Czechoslovak delegation strongly opposes the inclusion of the three Powers' proposal on the agenda of our meeting here and calls upon the General Assembly to reject it as well.

98. Mr. AUSTIN (United States of America) : I will be brief but I find it is necessary to refer to some of the objections to the acceptance of the recommendation of the General Committee that are based on purely procedural grounds. I refer to what was said by the representative of Israel, for example, who employed an argument relating to Article 1 of the Charter, apparently for the purpose of answering the reason employed in the General Committee, based on Article 14. That seems to us a strange type of logic. Article 14 is one of those additional grants of extraordinarily great powers which was given in the Charter to the General Assembly in addition to the specific powers which are contained in other Articles of the Charter. Article 14 covers the whole waterfront, and I would like to read this Article :

"Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations".

99. Let us see what other Articles, including Article 1, of the Charter justify the approval by this General Assembly of the recommendations of the Committee. Article 10 says :

"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 recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters".

100. Let us see just one part of the scope of the authority granted there. That is a special authority, and it is covered in that denounced Article, Article 1, paragraph 2 of which applies, I think, precisely to the situation referred to in this item. Paragraph 2 of Article 1, which expressly defines the purposes of the United Nations, provides that :

"The purposes of the United Nations are... to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

101. Pretty broad, is it not ? Pretty specific, is it not, when applied to this item which relates to the self-determination of the German peoples ?

102. Just a word relating to the claim that Article 107 is a barrier to the acceptance of this item on the agenda. The proposed item has been submitted by three countries, France, the United Kingdom and the United States. They have brought this matter to the United Nations because of a failure to carry out the precise reservations maintained in Article 107 of the Charter. You know that that Article of the Charter is not a grant of power to anybody ; it is a mere limitation in the application and scope of the Charter, and it says that nothing herein shall preclude or interfere with—I am not undertaking to quote it, I am giving my interpretation of it—the arrangements that might be made by those Powers that were responsible for the victory in the war.

103. The interesting and important fact of history, which surrounds that Article 107 and which it is necessary to take into account in considering whether it applies when it is brought up as a barrier to action by the General Assembly, is that Article 107 was considered during and before the end of the Second World War. There was nothing in it that was intended to take away from the other powers the general and specific powers which were designed to be exercised by the United Nations for the purpose of peace and security in the world, save only that there should be no interference by the United Nations with those who were responsible for the victory in that war, and responsible for the determination of the terms of peace.

104. This is not a prohibition against carrying out the great functions of the United Nations which may become necessary in such a spot as Germany for the purpose of enhancing the peace, and of advancing, promoting and uniting the German people according to their own ideas, according to their own choice and by an election which covers the whole area. That is the point. It sounds a little bit spurious, so it seems to me, to charge that the grounds for bringing forward this item are artificial. There was something very thin and lacking in that charge as a charge to impede and hinder the consideration of an item that would enable the United Nations to assist the German people themselves.

105. Who knows best whether the German people want an impartial commission to study the situation and to make a report on that situation ? Who knows best, the representatives of the Soviet Union and Czechoslovakia or the German Federal Republic ? If what the representative of Israel has said regarding the character of the German Federal Republic is correct, certainly the United Nations wants to know about it, and what greater reason for applying this recommendation of the General Committee and accepting this item on our agenda could there be than that issue raised here ? If we had an impartial and neutral commission examine the facts and report on them, can we not rely upon those facts more safely than we can upon an individual or another country ?

106. That, in a nutshell, is all I wish to say with regard to the objections that have been made against the admission of the item to the agenda. We stated our reasons more fully in the General Committee why the item, in the original instance, should be recommended to the General Assembly. Without repeating them, we adhere firmly to those reasons and we support the recommendation of the General Committee.

107. Mrs. COELHO LISBOA DE LARRAGOTI (Brazil) (*translated from French*) : Brazil considers that the discussion of this matter should be accepted because under Article 2, already mentioned by Mr. Warren Austin, the

United Nations has opened the doors of this Assembly to all matters concerning world peace.

108. Article 10 of the Charter reads as follows: (*the speaker continued in English*):

"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 recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters".

109. We recognize, of course, that one of the simplest forms of election is that which Russia recommends—no elections at all; but we think that all free people should have an opportunity to come before this great Assembly, which is a concentration of the national consciences of the world

in a free forum, to defend their rights and be judged. An apparent majority does not always represent a nation. A minority, when the majority is enslaved, represents in reality the majority, because history shows that there is always a point in human affairs when the minority and majority join together to defend their moral principles.

110. (*Translated from French*): What we should like to give the peoples of the world is the opportunity to state their case here and to tell us where the majority in each country is to be found. Secret elections would be very interesting, but the Soviet Union does not like them either.

111. The PRESIDENT (*translated from Spanish*): I shall put to the vote the inclusion of item 65 in the agenda.

Item 65 was placed on the agenda by 47 votes to 6, with 2 abstentions.

The meeting rose at 1 p.m.

justification whatsoever exists for that item, which can be described only as a Kuomintang intrigue aimed against the Soviet Union.

11. The title of the item suggests that the political independence and territorial integrity of China are somehow threatened by the Soviet Union. Yet it is well known that no differences of opinion exist between that country and the People's Republic of China on the political independence and territorial integrity of China, nor are there any differences on the maintenance and consolidation of peace in the Far East.

12. The USSR Government is on the friendliest terms with the Government of the People's Republic of China, the only legal government in the country. It should be noted here that in February 1950 the Soviet Union concluded with the Central People's Government of the People's Republic of China the treaty of the great Sino-Soviet alliance of friendship, enacting and reaffirming the most cordial relations between the two Governments. A real threat to the political independence and territorial integrity of China certainly exists; it is manifested in the aggressive actions of the United States of America, which has launched a war against Korea, has committed innumerable acts of aggression against China, and has seized with its armed forces the Chinese island of Taiwan, which forms an inalienable part of China.

13. I shall not touch on the substance of the question, but shall dwell only on its procedural aspect and its history at the two preceding sessions of the General Assembly.

14. The Kuomintang intrigue was included in the agenda of the General Assembly by the agent of the Kuomintang clique, which does not represent China and which has consequently no right whatsoever to raise any question within the organs of the United Nations. The delegation of the USSR has already unmasked the libellous and provocative nature of the Kuomintang agent's fabrications, which are full of spite and hatred towards the Chinese people and its Government. The Assembly has no ground for dealing with that question now that the complete baselessness and the provocative nature of that low intrigue have been revealed at the two preceding sessions.

15. Representatives are well aware that a resolution was adopted at the fourth session of the General Assembly [292 (IV)] referring the Kuomintang intrigue to the so-called Interim Committee with instructions to examine the question further and submit a report to the fifth session. But even that illegal body, specially created to select and devise all manner of trickery, deferred discussion of the question at its meeting of 7 February 1950,¹ since no one present was willing to take part in the discussion. The reason, of course, was not that certain members of the Interim Committee were unwilling to discuss the item, but that even they were convinced that the Kuomintang insinuations were utterly unfounded. Six months passed before the Interim Committee, a few days before the opening of the fifth session of the General Assembly, took up the question of the Kuomintang intrigue for the second time and decided not to discuss it at all.¹ Quite obviously that decision even then proved the complete falsity of the Kuomintang intrigue and the lack of any ground for its discussion even by such an organ as the notorious Interim Committee.

16. It became clear to everyone that, in carrying its intrigue against the Soviet Union and the People's Republic of China

into the United Nations, the sole aim of the utterly defeated Kuomintang clique was to stir up mud in international relations in the hope that it might, politically bankrupt as it was, make some sort of a catch, however small, by fishing in troubled waters. The delegation of the Soviet Union has pointed out at previous sessions of the General Assembly that all the calculations made in that connexion by the Kuomintang bankrupts were vain and all their machinations were inevitably doomed to failure. Experience has fully proved the point.

17. Despite all that, and in defiance of common sense and logic, the Anglo-American bloc voted the notorious Kuomintang intrigue into the agenda of the fifth session of the General Assembly. Actually, however, both the Assembly and its First Committee refused to discuss the question, owing to the absence of any data or factual material. The Kuomintang slanderers and their masters in the aggressive Anglo-American camp, who had tried to force discussion of that far-fetched and provocative question, were placed in a ridiculous and shameful position both in the First Committee and in the General Assembly itself at its fifth session. Here again it turned out that no one was eager to take part in the discussion. It was obvious to all that representatives at the fifth session of the General Assembly considered it unnecessary to waste time in discussing that vain and senseless intrigue.

18. Discussion collapsed once more, despite the efforts of the agents of the Kuomintang clique and their protectors. Most delegations saw perfectly clearly that the Kuomintang intrigue was not only far-fetched and lifeless as a topic but also a crude trick of provocation. In order to withdraw from their shameful situation, the organizers of that slanderous manoeuvre could think of nothing better than to propose that the matter should be referred back to the Interim Committee. Thanks to the votes of the aggressive bloc in the United Nations led by the United States of America, the decision was foisted on the fifth session of the General Assembly to instruct the Interim Committee to continue inquiry on this question in order to obtain more information and facts having a direct bearing upon the case if such findings were obtainable, and to report to the General Assembly at its next, namely sixth, regular session.

19. Thus that lifeless question was sent back to a lifeless organ for further investigation. It is common knowledge that during the past year the notorious Interim Committee, that lifeless institution set up at the time with so much zeal by the United States delegation and its supporters, has never once shown any sign of life. During the whole year not one meeting of that committee has been convened. Of course it could not investigate the question, for there is no question as such to investigate. It is obvious to everyone that the sole purpose of raising the matter was to divert attention from the past and current events in China which are due to the epoch-making victories of the Chinese people in their struggle to throw off the foreign yoke and break down internal reaction.

20. In order to conceal its moral degradation and complete political bankruptcy, the Kuomintang clique invented that odious intrigue and, with the support of the United States delegation, has included it in the agenda of the Assembly without, as I have already said, any right to do so, since it does not represent the Chinese people and its authority does not extend over China. Indeed that very clique has been cast out by the Chinese people in the course of the great historical events in China.

21. Of course the Interim Committee has not been able to obtain any information or any facts on the case, for neither

¹ See *Official Records of the General Assembly Fifth Session, Supplement No. 14*.

the case nor any data upon it exist or could conceivably exist. The Union of Soviet Socialist Republics has not threatened and does not threaten in any way the political independence or territorial integrity of China or the maintenance of peace in the Far East.

22. The firm friendship between the two peoples and their Governments ensures the political independence and integrity of China and provides a basis for peace in the Far East. Naturally enough the Interim Committee has once more failed to submit, nor could it have submitted, to the sixth session of the General Assembly any information or any report on that question, despite the resolution foisted on the preceding session by the Anglo-American bloc instructing that Committee to submit such a report.

23. That is the position with regard to the collapse of the Kuomintang intrigue at the two preceding sessions. The authors of the intrigue have been completely unmasked. None the less, the agents of the Kuomintang clique and their American protectors are now once more trying to breathe life into the corpse and revive their intrigue. Having set in motion the voting machine in the General Committee, they have compelled that Committee to include the Kuomintang intrigue in the Assembly's agenda. They will now try to press a similar decision on the Assembly itself in plenary meeting. Having made themselves ridiculous with that intrigue, they are prepared to make the General Assembly ridiculous too.

24. In the light of the circumstances in which that question first arose, and of the ignominious defeat sustained by the authors of that provocative trick, the General Assembly has no ground whatsoever for examining the question at its sixth session. If the General Assembly values its own prestige and that of the United Nations, of which it is one of the principal organs, it is bound to reject that provocative intrigue with contempt. The duty of the General Assembly is to consider serious international questions designed to consolidate peace and international security, effectively to counter American aggression, and to strengthen friendly relations between nations.

25. In the light of what has been said, the delegation of the Soviet Union cannot agree that the United Nations should continue to deal with this absurd and provocative intrigue, so harmful to the United Nations. The USSR delegation will vote against the inclusion of this low Kuomintang intrigue in the agenda of the sixth session of the General Assembly.

26. Mr. TSIANG (China): This item was referred by the fifth session of the General Assembly to the Interim Committee. My fellow representatives will realize why, during the past year, the Interim Committee has never met. This item is one of the most important items before this Assembly. It is the unfinished business of the Assembly and therefore, both for procedural reasons and because of the importance of the item, it should be discussed and must be discussed.

27. The representative of the USSR has just told us that the political independence of my country is not in question at all. Hitler used to tell the world that the political independence of Norway under Quisling was not in question at all. Hitler would have had the world believe that Norway was perfectly independent under Quisling. The world did not believe in Hitler, and the world was right. Today, knowing what the Red régime in China has done, who can deny that China's independence has been suppressed by the aggression of the USSR? The USSR representative would deny that the territorial integrity of China was in question. Anybody who knows the present status of the

Manchurian provinces, and of Outer and Inner Mongolia, knows that the resources of these regions of China are today being exploited by the Soviet Union for aggression in Europe and in Asia.

28. This item goes to the root of one of the big issues before the world today. Peace in the Far East is threatened because of Soviet violations of treaties and the Charter as far back as 1945 and 1946. If China had maintained political independence and territorial integrity in the mainland, if the USSR had not violated treaties and the Charter, there would be no question of threats to peace in the Far East. We have had the war in Korea. Without Soviet aggression against China, the war in Korea would not have been possible. Today, Indo-China is heavily threatened. Without Soviet aggression of China in the first instance the troubles in Indo-China would not have developed. This is the very root of the problem in the whole of the Far East, and the United Nations could not ignore this problem without repudiating its own *raison d'être*.

29. The PRESIDENT (*translated from Spanish*): I shall put to the vote the inclusion of item 23 in the agenda.

Item 23 was placed on the agenda by 30 votes to 8, with 13 abstentions.

30. The PRESIDENT (*translated from Spanish*): I shall put to the vote the inclusion of item 24 in the agenda.

Item 24 was placed on the agenda without discussion.

31. The PRESIDENT (*translated from Spanish*): We have now reached item 25.

32. Mr. JOOSTE (Union of South Africa): This is a matter in which the principles involved should by now be clear to all of us in this Organization. The South African delegation has argued this matter at length in the past, and I think that I need today only deal with the essentials of the case in order to resubmit the matter to the General Assembly.

33. When the inclusion in the agenda of item 25, "Treatment of people of Indian origin in the Union of South Africa", was discussed in the General Committee, the South African delegation protested against its inclusion. We did so on the ground that Article 2, paragraph 7, of the Charter, as the Assembly is aware, precludes the United Nations from intervening in the domestic affairs of a Member State. Despite our arguments the committee recommended again this year, as in previous years, that the item should be placed on the agenda. I am, therefore, asking the Assembly to reject the committee's recommendation and to exclude the item.

34. I do not think that it is necessary for me, as I have indicated in my opening remarks, to repeat from this rostrum our arguments made on previous occasions as to why the matter to which the item refers must be regarded as one falling within the domestic jurisdiction of the Union of South Africa. At the same time, I need not remind the Assembly of the provisions of Article 2, paragraph 7.

35. The treatment by the South African Government of Union citizens of whatever origin is a matter in regard to which the Government of my country cannot share its authority. Allegations concerning the matter cannot be discussed in terms of the explicit provisions of Article 2, paragraph 7, of the Charter of this Organization. As the Assembly is aware, Article 2, paragraph 7, as drafted at San Francisco, has an overriding effect. It was on this basis that the Charter was accepted by many of its signatories. The Charter has never been amended and the original intention inscribed in that Article continues to be operative.

36. It was argued in the General Committee that the item was being brought forward this year in consequence of a resolution [395 (V)] adopted last year by the Assembly, and that its inclusion in the agenda would therefore merely be a logical step. This argument, I submit, is somewhat misleading. It is true, of course, that the resolution in question did require the matter to be raised again this year, but the present Assembly is not bound by that resolution. It is the master of its own agenda and can, if it so decides, refuse to include the item. The mere fact that the inclusion of the matter in the agenda requires the specific approval of the Assembly is surely conclusive proof of this. Nor can it be seriously contended that the General Assembly, once having dealt with the matter, automatically acquires competence with regard thereto. This seems to be a fairly common conception. Many representatives appear to be impressed by the argument that because the United Nations originally decided—wrongly I submit—that it was competent to deal with the question, its competence to do so again cannot now be disputed. The acceptance of this view would, of course, create a completely untenable situation. There is no reason why the Organization, having originally gone beyond its competence, should continue to do so indefinitely, and should continue to ignore and ride rough-shod over the clear and indisputable rights of Member States.

37. It is also suggested that discussion of a matter, whether that matter falls within the domestic jurisdiction of a State or not, does not necessarily constitute intervention. My Government must of necessity challenge this view. The right of discussion can only result from the competence of the Organization to concern itself with a matter which, in our view at all events, is no less than interference and intervention. Proof of this contention is to be found in our actual experience in this Organization. The discussion of matters of whatever nature invariably brings with it criticism, often ill informed, and in many cases condemnation, often unwarranted. Moreover, it brings with it almost without exception the adoption of resolutions. It is the view of my Government that the Assembly can adopt a resolution only in regard to a matter which clearly falls within its jurisdiction. As has been pointed out in the General Assembly, the South African delegation is aware that there is a growing consciousness in the United Nations of the serious implications of the continued discussion of affairs which fall within the domestic jurisdiction of Member States. It is our hope that in the realization of this will come also a decision to put a stop to this unfortunate and dangerous practice.

38. It is in these circumstances that I would ask the Assembly to give the matter its careful consideration and to refuse to place the item on our agenda. If the Assembly includes the item, I should like it to be clearly understood that our support for the agenda as a whole must be regarded as subject to the reservation that we oppose the inclusion of item 25, "The Treatment of people of Indian origin in the Union of South Africa", as well as any other item which we may be called upon to oppose.

39. Sir Benegal RAU (India): The point that has been taken by the representative of the Union of South Africa is not a new one. It has been taken every year during the past four years, and it has been dealt with on its merits and rejected each time it has been raised. I shall, therefore, not deal with it now on its merits because it is really not necessary for me to do so. As has been pointed out already by the representative of South Africa, the item has been included as a logical consequence of the resolution [395 (V)] adopted on 2 December 1950. I should like to recall to you

the exact terms of the resolution to which I have just referred. It reads:

"The General Assembly...

"Having in mind its resolution 103 (I) of 19 November 1946 against racial persecution and discrimination, and its resolution 217 (III) dated 10 December 1948 relating to the Universal Declaration of Human Rights,

"Considering that a policy of 'racial segregation' (Apartheid) is necessarily based on doctrines of racial discrimination,

"1. Recommends that the Governments of India, Pakistan and the Union of South Africa proceed, in accordance with resolution 265 (III), with the holding of a round table conference on the basis of their agreed agenda and bearing in mind the provisions of the Charter of the United Nations and of the Universal Declaration of Human Rights;

"2. Recommends that, in the event of failure of the governments concerned to hold a round table conference before 1 April 1951 or to reach agreement in the round table conference within a reasonable time, there shall be established for the purpose of assisting the parties in carrying through appropriate negotiations a Commission of three members, one member to be nominated by the Government of the Union of South Africa, another to be nominated by the Governments of India and Pakistan and the third to be nominated by the other two members or, in default of agreement between these two in a reasonable time, by the Secretary-General".

40. Briefly, therefore, this resolution made two recommendations, the second of which was to be operative in case the first failed. Unfortunately, the first has failed because the Union of South Africa was unable to accept the first recommendation as a basis for any kind of conference. Therefore we must now see what should be done to implement the second recommendation and for this purpose the item has to be put on the agenda.

41. The PRESIDENT (*translated from Spanish*): I shall put to the vote the inclusion of item 25 in the agenda.

Item 25 was placed on the agenda by 40 votes to 1, with 12 abstentions.

42. The PRESIDENT (*translated from Spanish*): We shall now proceed to the question of the inclusion of items 26 to 64.

Items 26 to 64 inclusive were placed on the agenda without discussion.

43. The PRESIDENT (*translated from Spanish*): I call on the representative of the USSR to speak on the inclusion of item 65 in the agenda.

44. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): The General Committee has decided to recommend that the General Assembly should include in the agenda the item on Germany proposed by the delegations of the United Kingdom, the United States of America and France. This item refers to the appointment of an international commission under United Nations supervision to carry out an investigation in West Germany, Berlin and the German Democratic Republic in order to determine whether existing conditions there make it possible to hold genuinely free elections.

45. In the General Committee, the USSR delegation objected to the recommendation for inclusion of that item in the agenda. A perusal of the explanatory note attached to the proposal [A/1938] cannot fail to show its artificiality and uselessness, in spite of all attempts to enhance it with various pious phrases. The reference in the explanatory note

of the three Western Powers to the so-called wish to unite Germany, which the establishment of the proposed international commission to investigate the conditions for all-German elections is alleged to promote, is absolutely unconvincing and unfounded. A number of facts could be adduced to prove that the whole policy of these Powers towards Germany is directed mainly and frankly to increasing the disunity of Germany, a task on which they began some years ago and which they pursue consistently and with perseverance, against the interests of the German people and against the interest of strengthening the peace and security of all nations.

46. As far as recent years are concerned, it is perhaps enough to recall the "Schuman Plan" and "Pleven Plan", which, as everyone well knows, are intended to increase the disunity of Germany and have nothing in common with the task of unifying Germany, especially on a peaceful and democratic basis.

47. I shall refrain from mentioning all these facts, because that would be referring to the substance of the question, and the President has warned us that we should confine ourselves strictly to procedural matters and not touch upon the substance. Nevertheless, I feel obliged to mention these circumstances, because the explanatory note submitted by the three delegations, of the United States of America, the United Kingdom and France, mentions such a high purpose as the unification of Germany as the basis for the establishment of the international commission to investigate the conditions for conducting German elections. My purpose in making this short statement is to prove that these Powers are not guilty of any such intention.

48. Many of those present here will probably recall that this is not the first time we have been confronted with an attempt to draw the United Nations into consideration of the German problem. Such an attempt was made here in Paris in 1948, during the third session of the General Assembly. The United States of America, the United Kingdom and France at that time tried to drag their proposals on the German question through the Security Council, thus by-passing the legal procedure laid down for the consideration of any German problem, under the agreement on Germany reached by the four Powers, the United States, the United Kingdom, France and the USSR, whereby such questions fall exclusively within the competence of the Council of Foreign Ministers. That procedure absolutely excludes the possibility of any organ of the General Assembly or of the United Nations interfering in the consideration of such questions. The attempt was a fiasco, in spite of all efforts to distort the relevant provisions of the Charter to fit the position taken by the United States, the United Kingdom and France, and despite all attempts to misinterpret the absolutely clear meaning of Article 107 of the Charter, which gives a ruling on this matter.

49. I would recall that Article 107 quite clearly lays down the limits of the competence of the United Nations in such matters. It does not allow the Organization to consider any questions which concern action, in relation to any State which during the Second World War was an enemy of any signatory to the Charter, taken or authorized as a result of that war by the Governments having responsibility for such action. Article 107 of the Charter clearly states that nothing in the Charter shall invalidate such action or preclude any action which may be taken, for instance, in connexion with the organization of general elections or the organization of any other measures to strengthen the democratic régime, the struggle against re-militarization, and so forth. Thus, inclusion of the German problem in any form in the agenda

of the General Assembly would be a flagrant violation of Article 107 of the Charter and, hence, of the obligations incurred under that international agreement.

50. The USSR delegation has insisted that international agreements must be respected. Incidentally, reference to this very subject was made yesterday from this tribune by Mr. Eden, who, as I understood him, places respect for international agreements above all other aspects of international affairs. We have spoken of this for a long time, we have insisted on this for a long time, we have demanded this for a long time, we continue to demand it, and now we also hope that the United Kingdom delegation will suit its action to its words. In that event, however, how can the United Kingdom delegation take the attitude it took in the General Committee on the establishment of an international commission of investigation in Germany?

51. This is a direct violation of Article 107 of the Charter, a direct violation of an obligation incurred under that international agreement which is a treaty to which the United Kingdom Government is one of the signatories. How can the United Kingdom delegation support such a proposal, when it is obviously contrary to Article 107, to which I have already referred? How can it fail to take that Article into consideration? How can it violate the obligations which, under that Article, are incumbent upon all those who signed the Charter of the United Nations?

52. Moreover, the United Kingdom delegation's position, like that of the delegations of the United States and France, is also a violation of the obligations which not only the United Kingdom Government, but also the United States and French Governments, incurred under the Potsdam Agreement.

53. I repeat that to appeal for respect for international agreements and hence for respect for the Charter, and at the same time to permit violation of international agreements and hence of the Charter and especially of Article 107, proves that such delegations do not suit their actions to their words. Of course, that invalidates all their statements in praise of respect for international agreements.

54. The Potsdam Agreement laid down a definite procedure for the consideration of all questions relating to Germany. It established a special organ for the consideration of such questions, the Council of Foreign Ministers. Nothing came of the attempt to submit the German question to the Security Council in 1948, and to by-pass the Council of Foreign Ministers in contravention of the Potsdam Agreement. It is well known that after much time had been wasted at several meetings of the Security Council in trying to impose this burden upon it, some months later it still proved necessary to refer the German problem to the only body competent to consider it, the Council of Foreign Ministers, and to convene in May 1949 the session of the Council of Foreign Ministers which proceeded to examine the problem.

55. Procedure again prevents me from dealing with the substance of later events; it suffices to mention that fact in order to show that eventually the same three countries, the United States of America, the United Kingdom and France, at certain moments arrived at a sufficiently intelligent and correct idea of the question, and of the relation of the General Assembly and the United Nations as a whole to what is known as the German problem.

56. I should add that since then, since 1948, new circumstances have arisen. I shall mention only the most recent, namely the appeal addressed by the People's Chamber of

the German Democratic Republic to the Bonn Government on 15 September 1951. In this appeal the People's Chamber proposed that an all-German conference of representatives of West Germany and of the German People's Republic should be convened to discuss two questions: all-German free elections to a National Assembly for the creation of a unified, democratic, peace-loving Germany, and the speedy conclusion of a peace treaty with Germany. The resolution then taken by the People's Chamber stated that the necessary prerequisite for the latter must be round-table negotiations between Germans with a view to reaching agreement between the western and eastern Germans. It also stated that free democratic elections to a German National Assembly would hasten the creation of a united, democratic and peace-loving Germany. The People's Chamber of the German Democratic Republic declared that such elections must take place in the same conditions throughout Germany; that freedom and equality must be guaranteed and secured for all citizens, and equal freedom of action for all democratic parties and organizations; and that democratic parties and organizations must have the right to draw up their own lists of candidates, to make common lists as they thought fit and to form electoral blocs.

57. When the head of the Bonn Government, in his statement on 10 October, two weeks after this appeal by the People's Chamber of the German Democratic Republic, made acceptance of the appeal conditional upon fourteen points, the People's Chamber replied that most of Mr. Adenauer's proposals were acceptable.

58. At an extraordinary meeting of the People's Chamber of the German Democratic Republic only a few days ago, on 2 November, the Prime Minister, Mr. Otto Grotewohl, once again voiced the desire of the Germans of East and West Germany that decisive steps should be taken to put an end to the fatal division of Germany and the re-militarization of West Germany, and to enable the Germans of both East and West to set foot on the road to recovery and a better future and prevent any nation from being threatened again by Germany's aggressive proclivities.

59. The Government of the German Democratic Republic then proposed that a German electoral law should be prepared at the all-German conference, and declared itself ready to submit a draft for the conference to consider.

60. The People's Chamber thereupon empowered its government to set up a commission to draft a law for the holding of free elections to the German National Assembly, a law which might become the basis for the electoral law to be prepared at the all-German conference. It is surely obvious that this decision might mark an important step forward in the unification of Germany, if it were accepted by the Bonn Government and by the three western occupying Powers. It is surely obvious too that the electoral law could solve the problem of electoral conditions and secure really free general elections in Germany, since it would have to be approved by the all-German conference of representatives of East and West Germany.

61. Why, I ask, and any impartial, objective and fair minded person must ask, in that case appoint an international commission to investigate the conditions of elections in Germany, when it is our profound conviction that those elections can, nay must, be very successfully arranged by the Germans of East and West Germany themselves?

62. We are quite unable to understand the grounds for the distrust shown here for the German people, or for the

distrust of the step taken by the German Democratic Republic to bring about all-German elections, the unification of Germany and the speedy conclusion of a peace treaty, the importance of which I think I have no need now to stress.

63. The proposal to appoint some sort of an international commission to investigate Germany can only originate from persons who desire an excuse for delaying the unification of Germany, the first step towards which must be these all-German elections to form an all-German national, or I might say constituent, assembly which would lay down principles and actually bring about the real and genuine unification of Germany based on the love of peace, independence and democracy. The proposal to appoint an international commission to investigate Germany can only originate from persons who fail to understand the simple fact that Germany cannot be regarded as an uncultivated, lawless and backward colony, without political parties or a history of parliamentary elections.

64. It must be remembered that for over a century Germany has lived under a parliamentary régime, with general elections and organized political parties. It would therefore be insulting to the German nation to subject it to demands of the sort usually made of backward countries such as Tunis and Morocco.

65. The USSR Government consequently supports the proposal of the German democratic forces for the unification of Germany through all-German elections to a national assembly with a view to creating a unified, democratic, peace-loving Germany.

66. The USSR Government also supports the proposal for the speedy conclusion of a peace treaty with Germany, with the subsequent withdrawal of all occupation forces from Germany, a question which the representatives of the United States of America, Great Britain and France are anxious to pass over in silence. The only proper way to settle the German question is that proposed by the Government of the German Democratic Republic.

67. Regarding the determination of whether or not the necessary conditions obtain for free elections throughout the whole of Germany, that, as I have already said, can best be effected by the Germans themselves through a commission of representatives of East and West Germany—under the control of the four occupying Powers, if the Germans themselves consider that necessary.

68. In view of the foregoing, the USSR delegation objects to the inclusion in the agenda of the question of the appointment of an international commission to investigate Germany, and calls upon the General Assembly to reject that proposal, submitted by the General Committee, as inconsistent with the Charter of the United Nations.

69. The USSR delegation will vote against the proposal.

70. Sir Gladwyn JEBB (United Kingdom): I shall be very brief, because, unlike my predecessor, I do not propose to enter at any length into the merits of the item before us; rather, I shall confine myself, in accordance with our regulations, to giving some short *prima facie* reasons why this matter should at least be debated.

71. As the Assembly is aware, the inclusion of this item in the agenda for this session has been proposed by the French, the United States and the United Kingdom dele-

gations, at the request of the German Federal Chancellor. The reasons which have led us to propose this are fully set out in the memorandum and the two appendices which accompanied our letter of 5 November to the Secretary-General [4/1938].

72. For its part, His Majesty's Government supports the German Federal Chancellor's view of the importance of this request for a United Nations commission to visit Germany. My Government regards it as a preliminary step which, it is hoped, might lead to the holding of free elections throughout Germany. Obviously, such elections will not be possible unless conditions in the Soviet Zone, in Berlin, and in the German Federal Republic, are such as to permit parties to be formed, individuals to stand for elections without fear of discrimination, or worse, and the population as a whole to express its views freely, secretly and effectively. There may well be doubts in German minds as to whether such conditions may be said to exist in certain parts of Germany. For this reason, we agree with Chancellor Adenauer that some impartial commission of inquiry would be desirable. Clearly, at any rate we think it is clear, the United Nations is the best machine to constitute such an impartial body.

73. This, therefore, seems to us to be an eminently suitable question for the United Nations to deal with and we can only hope that the General Assembly will share our view. So far as we are concerned, we do not believe, as has been claimed by the USSR representative in the General Committee and I think now, that the Assembly is precluded from dealing with this question under Article 107 of the Charter. We dispute that thesis altogether. We suggest that the sole object of that Article, that is Article 107, which, as Members of this Assembly will recall, was framed while hostilities were actually in progress, was to permit action by the Allied Governments in relation to enemy States which might otherwise have been contrary to some clause of the Charter. In other words, it was a purely permissive Article and it was never intended, as Mr. Vyshinsky has been recently arguing, to rule out action by the United Nations concerning such countries altogether, or all consideration by the United Nations of questions affecting them. Of course not. What action by the United Nations is appropriate in any given case is, of course, another matter; but certainly as we see it Article 107 in no way prevents consideration by the Assembly of a proposal, for instance, to send an impartial investigating committee to Germany. It is quite true, of course, that any commission that may be recommended by the Assembly will not be able to function in the Soviet Zone if the USSR Government refuses to allow it to enter that Zone, that is obvious. But we should continue to hope that, perhaps after listening to a debate of a technical nature in the First Committee of this great Assembly, the USSR Government might be induced to change its view regarding the disadvantages, as they appear to think, of Chancellor Adenauer's proposals. We are consequently in favour, at least of a discussion of the subject in the presence of the representative of the Soviet Union.

74. Finally, Mr. Vyshinsky, as you know, has just been spending a great amount of time arguing, as I understood him, that since the three Powers were opposed, as he said, to the unification of Germany, the present proposals must be pernicious. But the three Powers are, of course, not opposed to the unification of Germany; on the contrary, they are in favour of it. But when they put forward a constructive proposal, which on the face of it and in truth really might, if adopted, help to create conditions in which unifi-

cation might become a practical possibility, they are denounced by the representative of the Soviet Union. Therefore, I have no doubt whatever that the General Assembly will not be influenced by the arguments of our USSR colleague, but will at once decide to include this matter in its agenda.

75. Mr. SHARETT (Israel): The delegation of Israel feels impelled by special reasons to intervene briefly in this procedural debate. The central fact of the situation, both in the western and eastern parts of Germany, as we see it, is that the Nazi spirit has risen from the ashes of the Hitler régime and is alive and arrogantly unrepentant. Such democratic elements as may have come to the fore in Germany since the end of the war appear to be powerless to suppress and eradicate that manifestation of the spirit of hatred and revenge. This is a dark and ominous feature of the background of the problem which has been brought before the Assembly.

76. To us in Israel, and to Jews throughout the world, haunted and harrowed as we constantly are by the poignant memory of the millions of our dead, anything tantamount to the readmission of Germany into the family of nations and any acceleration of the process of such readmission cannot in these circumstances but appear as a desecration of the memory of our martyrs, and a triumph of evil.

77. The procedural side of the item before the Assembly is, therefore, to us of particular importance. Coming now to this side of the question, with all due respect to the sponsoring delegations, the proposals which they have formulated appear to us to be *ultra vires*. The sponsors do not indicate under what Article of the Charter would the investigation that is envisaged come within the purview of the United Nations. Their memorandum [4/1938] contains only a vague reference—and here I quote—to the “purposes of the United Nations and the responsibilities of the General Assembly as expressed in the Charter”. One is left wondering whether the sponsors had here in mind paragraph 1 of Article 1 of the Charter, which provides for the maintenance of peace and security. The delegation of Israel would indeed regard a reunited and rearmed Germany as a most serious threat to peace and security. But procedurally the bearing of the investigation proposed on this particular problem is by no means clear, and the memorandum itself sheds no light on the connexion.

78. If, however, the sponsors did not intend to connect their proposal in any way with the problems of peace and security, then clearly the competence of the United Nations cannot be invoked either under paragraph 1 or under any other paragraph of Article 1 of the Charter; and the reference to the purposes of the United Nations and the responsibilities of the General Assembly leaves us completely in the air.

79. If we are to follow the distinction made in the memorandum between the United Nations as an Organization and the General Assembly as one of its organs, we shall be driven, in the context of the proposal, to study the provisions of Chapter IV of the Charter dealing with the functions of the General Assembly and, in particular, the provisions of Articles 10 to 14. Such study would only strengthen the conclusion my delegation has reached in regard to the competence of the Organization as a whole in this matter. In fact, nothing in the Charter seems to be open to the interpretation that it is the responsibility of the General Assembly to investigate conditions for free elections in any country, least of all in one which is not a Member State

of the United Nations. Actually, under Article 10, the so-called omnibus Article of the jurisdiction of the General Assembly, this body may make recommendations only to Members of the United Nations. In this case the territories concerned are the Federal Republic of Germany, Eastern Germany, and the City of Berlin, none of them Members of the United Nations.

80. For all these reasons, the delegation of Israel considers the proposal to be morally unacceptable and legally unjustified and will vote against its inclusion in the agenda.

81. Mrs. SEKANINOVA-CAKRTOVA (Czechoslovakia): I should like to state very briefly the view of the Czechoslovak delegation with regard to the recommendation of the General Committee to include in the agenda of the General Assembly an additional item proposed by the three Governments, the Governments of France, the United Kingdom and the United States of America. This proposal, as we already know, is called the "appointment of an impartial international commission under United Nations supervision to carry out a simultaneous investigation in the Federal Republic of Germany, in Berlin and in the Soviet Zone of Germany, in order to determine whether existing conditions there make it possible to hold genuinely free elections throughout these areas".

82. I think that what the honourable representative from the United Kingdom said here just now only underlines the illegality of the course proposed, and I shall try to prove it very briefly. I think that the fact that this proposal has been put forward at the so-called request of the representative of the so-called Bonn Government is characteristic but not at all surprising. I think it is not necessary to follow the questions concerned with the utmost interest, as my people do, to know that it is more than a mere coincidence. What Sir Gladwyn Jebb said reminded me that the newspapers have also noted it very well. *Le Monde* writes: "The Chancellor has always been opposed to a discussion between Germans. . . ." *The New Statesman and Nation* on 6 October wrote: "That the West German Government and the Western Powers are in fact eager to avoid any such negotiations seems certain".

83. I think the question before us comes in no way under the competence of the General Assembly, and we have here, following more such occurrences during the previous sessions of the General Assembly, another attempt of the said Governments to present United Nations bodies with questions not under their competence, while at the same time they evade negotiations in questions assigned to United Nations organs.

84. The Czechoslovak delegation opposes the inclusion of this item in the agenda because its consideration by the General Assembly would be illegal.

85. The question concerned deals with elections in Germany. The Czechoslovak Government and the whole Czechoslovak people follow with great interest the efforts of the German people; both in the German Democratic Republic and in Western Germany to create a unified, democratic, and peaceful Germany and to secure for Germany peaceful development and independence. We wish that these efforts might be soon crowned with success, because we know that the creation of a unified, democratic and peace-loving Germany is extremely important for lasting peace and security. The German people and its freely elected organs have not only the right to take into their own hands the task of unifying Germany, but they are also

capable of doing so without the necessity of having an international commission or an impartial investigation.

86. There still are in memory various illegal commissions which have been set up by the United Nations Organization on the pressure of the American-British bloc, and which were similar to the one proposed by the three Governments now. The experiences with these commissions, be it the Balkan or the Korean one, are a warning; their activities not only did not contribute to the strengthening of peace, but on the contrary, as we saw in the case of Korea, they directly prepared aggression. The fact that the representative of the United States, Mr. Acheson, in his statement of the 8th of this month to this Assembly [335th meeting], immediately after speaking of Korea, which he defined as a symbol, named Germany as a second example and publicized an impartial international commission for Germany, was to us only a further warning.

87. It is clear that the proposal of the three Governments aims at the appointment of a commission which would be neither impartial or international and which would have nothing in common with genuinely free elections in Germany. The German people do not want and do not need such a commission. The German people are, politically, sufficiently mature to organize their own free elections. What they do need is that the western occupation Powers, who want to present them with an impartial commission, and their German helpers, should stop preventing them from holding free elections and from unifying Germany on a democratic and peaceful basis. The three Governments which submitted the proposal concerned are among the occupation Powers in Germany. Were they really concerned with free elections in Germany, they could facilitate them in their function as occupation Powers.

88. German elections are first of all a matter concerning the German people alone who, we repeat, have the right to take into their own hands the task of unifying Germany. This right of theirs follows from the basic principles of international law expressed also in the Atlantic Charter, from the principles under which every nation has the right to create its own political and economic conditions according to its own free will, as long as the exercise of that right does not run contrary to its international obligations. This right follows also directly from the provisions of the Potsdam Agreement which expressly foresees the establishment of a German Government capable to accept a peace settlement for Germany.

89. The Czechoslovak delegation is convinced that the proposals of the People's Assembly and of the Government of the German Democratic Republic for all-German consultations are a safe basis for the holding of free elections as the first step towards the renewal of German unity on a democratic and peaceful basis. This is proved by the wide response with which these proposals of the People's Assembly and of the Government of the German Democratic Republic have been accepted all over Germany, proposals which reflect so much statesmanship and so much good will in the interest of strengthening of peace, proposals which once again have stressed the willingness to consider jointly all the conditions of elections. The all-German elections are the first step towards the creation of a government of a democratic and peace-loving Germany, which would be capable of accepting a peace settlement for Germany, as foreseen by the Potsdam Agreement. All-German elections are therefore a basic prerequisite for a peace settlement and it is precisely this fact that we must keep in mind when considering the recommendation of the

General Committee for the inclusion of this item, proposed by the three Governments, in the agenda of the General Assembly.

90. To bring this question into the United Nations Organization would constitute the grossest violation of the existing international agreements and of the provisions of the Charter. The peace settlement with Germany belongs among the problems of the liquidation of the consequences of the Second World War. These problems, as is well known, however, have been assigned to special organs which have been established by international agreements. It is generally known that concerning Germany there exists a number of important international agreements which have been concluded between the four occupation Powers: the Soviet Union, the United Kingdom, the United States of America and France. In the Yalta declaration the three Powers acknowledged their complete agreement that, during the occupation, co-ordination of administrations and control would be secured which would be carried out by a central control commission.

91. The Potsdam Agreement set up the Council of Foreign Ministers. The task of the Council of Foreign Ministers has been primarily "The preparation of a peace settlement for Germany to be accepted by the Government of Germany when a government adequate for the purpose is established". In the Potsdam Agreement, therefore, the three Governments which are now trying to bring the German problem into the United Nations organs have undertaken the obligation to prepare, in the Council of Foreign Ministers, a peace settlement for Germany and also to prepare conditions under which this peace settlement would be possible, and these conditions include also the creation of a government of a unified, democratic and peace-loving Germany, for which all-German elections are a prerequisite. Thus, according to special international agreements and arrangements concerning Germany, the questions and their solution come under the jurisdiction of the governments responsible for the occupation of Germany, and to no other organs.

92. The United States of America, the United Kingdom and France, from the very outset, have failed to fulfil the obligations they have undertaken, and systematically have violated international agreements, created a tripartite administration of the Western Zones of Occupation, and crowned their work by setting up the so-called Federal Republic. They divided Germany, they have delayed the conclusion of a peace treaty, they have misused their position as occupation powers for the purpose of transforming Germany into a basis for their aggressive aims by re-militarizing it, by the formation of a German army, and by supporting war criminals and other nazi elements, and at the present time they openly prepare for the inclusion of Western Germany into the aggressive North Atlantic bloc. All this is in sharp contradiction to the fundamental aims of the occupation of Germany, as stated in the Potsdam declaration and in other agreements, as well as to the natural interest and will of the German people. The termination of the division of Germany and the establishment of German unity can be achieved precisely by the all-German discussions on the basis of the proposals of the People's Assembly and of the Government of the German Democratic Republic.

93. A discussion of the German problem in any other form than by the German people themselves or by the four occupation Powers is a gross violation of the existing international agreements and arrangements. To prepare

conditions for a peace settlement is the duty of the Council of Foreign Ministers. The consideration of the German problem here is, moreover, a violation of the principles and provisions of the Charter. The competence of the Council of Foreign Ministers to consider the German problem and to reach decisions upon it has never been questioned, as proven by the 1947 session of the Council in Moscow and by its 1949 session in Paris. The Governments of the United States of America, the United Kingdom and France acknowledged the competence of the Council of Foreign Ministers also in their notes of 23 January, 1951, to the Government of the Soviet Union exchanged before the planned, but, by the Western Powers frustrated, session of the Council.

94. Now the Governments of the United States of America, the United Kingdom and France, by proposing to include the German problem in the agenda of the General Assembly, want to force a violation of international treaties, as well as of the Charter. Such violation they themselves, without any hesitation and systematically, commit against the principles of our Organization which, in the preamble of its Charter, solemnly declares: "We the peoples of the United Nations determined... to establish conditions under which international law can be maintained... have resolved to combine our efforts to accomplish these aims". The Charter moreover contains also an express and special provision, *lex specialis*, concerning questions related to the liquidation of the consequences of the Second World War, and thus also concerning the problems of Germany. According to Article 107 of the Charter, the settlement of the German problems belongs to the Governments responsible for the occupation of Germany and does not fall under the competence of the United Nations. The clear intention of the provisions of Article 107 is to determine that the responsibility for the situation existing on the territory of the former enemy State rests with the States which are in control there. In other words, all the questions relating to the peace settlement with Germany must be solved by the four occupation Powers.

95. Neither during the drafting of the Charter at the San Francisco Conference in 1945, nor later, has there existed any doubt concerning the interpretation of Article 107 in the sense that its basic intention has been to exclude from the sphere of activities of the United Nations Organization all questions concerning a peace settlement with the former enemy States. For instance, let me quote the United States representative who, speaking at the San Francisco Conference in Committee III/3, declared that "in respect to paragraph 2 of Chapter XII [of the Dumbarton Oaks proposals]"—this corresponds to Article 107 of the Charter—"he felt that the Organization had no responsibility in respect to surrender terms or peace settlements". This is UNCIO document 704, III/3/36, page 4. Another and last example is to be found in the records of the 112th meeting of the General Assembly. The Norwegian representative, Mr. Lange, who I think is among us here, declared that "the problem of the peace settlement with the ex-enemy States... does not belong to the matters to be dealt with by this Organization"¹.

96. To conclude, the Governments of the United States, the United Kingdom and France must be perfectly well aware that their proposal for the inclusion of the German problem in the agenda of the General Assembly is illegal and contrary to the obligation they have undertaken in

¹ See *Official Records of the General Assembly, Second Session, Plenary Meetings, Vol. II.*

international agreements on Germany, that it represents a misuse of their position as occupation Powers, and that it violates the spirit and letter of the Charter. This proposal follows other proposals of the British-American aggressive bloc which are aimed at transforming the Organization, founded as a bulwark of peace, into an instrument of aggressive policies. The sponsors are not concerned with securing free elections in Germany, neither are they concerned with the restoration of the broken unity of Germany which they themselves had caused. To the contrary, they are concerned with preventing free German elections, with stifling the voice of the German people, with extending the division of Germany, with prolonging the occupation and with transforming Germany into a base for their aggressive plans.

97. For these reasons the Czechoslovak delegation strongly opposes the inclusion of the three Powers' proposal on the agenda of our meeting here and calls upon the General Assembly to reject it as well.

98. Mr. AUSTIN (United States of America): I will be brief but I find it is necessary to refer to some of the objections to the acceptance of the recommendation of the General Committee that are based on purely procedural grounds. I refer to what was said by the representative of Israel, for example, who employed an argument relating to Article 1 of the Charter, apparently for the purpose of answering the reason employed in the General Committee, based on Article 14. That seems to us a strange type of logic. Article 14 is one of those additional grants of extraordinarily great powers which was given in the Charter to the General Assembly in addition to the specific powers which are contained in other Articles of the Charter. Article 14 covers the whole waterfront, and I would like to read this Article:

"Subject to the provisions of Article 12, the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations, including situations resulting from a violation of the provisions of the present Charter setting forth the Purposes and Principles of the United Nations".

99. Let us see what other Articles, including Article 1, of the Charter justify the approval by this General Assembly of the recommendations of the Committee. Article 10 says:

"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 recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters".

100. Let us see just one part of the scope of the authority granted there. That is a special authority, and it is covered in that denounced Article, Article 1, paragraph 2 of which applies, I think, precisely to the situation referred to in this item. Paragraph 2 of Article 1, which expressly defines the purposes of the United Nations, provides that:

"The purposes of the United Nations are... to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace".

101. Pretty broad, is it not? Pretty specific, is it not, when applied to this item which relates to the self-determination of the German peoples?

102. Just a word relating to the claim that Article 107 is a barrier to the acceptance of this item on the agenda. The proposed item has been submitted by three countries, France, the United Kingdom and the United States. They have brought this matter to the United Nations because of a failure to carry out the precise reservations maintained in Article 107 of the Charter. You know that that Article of the Charter is not a grant of power to anybody; it is a mere limitation in the application and scope of the Charter, and it says that nothing herein shall preclude or interfere with—I am not undertaking to quote it, I am giving my interpretation of it—the arrangements that might be made by those Powers that were responsible for the victory in the war.

103. The interesting and important fact of history, which surrounds that Article 107 and which it is necessary to take into account in considering whether it applies when it is brought up as a barrier to action by the General Assembly, is that Article 107 was considered during and before the end of the Second World War. There was nothing in it that was intended to take away from the other powers the general and specific powers which were designed to be exercised by the United Nations for the purpose of peace and security in the world, save only that there should be no interference by the United Nations with those who were responsible for the victory in that war, and responsible for the determination of the terms of peace.

104. This is not a prohibition against carrying out the great functions of the United Nations which may become necessary in such a spot as Germany for the purpose of enhancing the peace, and of advancing, promoting and uniting the German people according to their own ideas, according to their own choice and by an election which covers the whole area. That is the point. It sounds a little bit spurious, so it seems to me, to charge that the grounds for bringing forward this item are artificial. There was something very thin and lacking in that charge as a charge to impede and hinder the consideration of an item that would enable the United Nations to assist the German people themselves.

105. Who knows best whether the German people want an impartial commission to study the situation and to make a report on that situation? Who knows best, the representatives of the Soviet Union and Czechoslovakia or the German Federal Republic? If what the representative of Israel has said regarding the character of the German Federal Republic is correct, certainly the United Nations wants to know about it, and what greater reason for applying this recommendation of the General Committee and accepting this item on our agenda could there be than that issue raised here? If we had an impartial and neutral commission examine the facts and report on them, can we not rely upon those facts more safely than we can upon an individual or another country?

106. That, in a nutshell, is all I wish to say with regard to the objections that have been made against the admission of the item to the agenda. We stated our reasons more fully in the General Committee why the item, in the original instance, should be recommended to the General Assembly. Without repeating them, we adhere firmly to those reasons and we support the recommendation of the General Committee.

107. Mrs. COELHO LISBOA DE LARRAGOITI (Brazil) (*translated from French*): Brazil considers that the discussion of this matter should be accepted because under Article 2, already mentioned by Mr. Warren Austin, the

United Nations has opened the doors of this Assembly to all matters concerning world peace.

108. Article 10 of the Charter reads as follows: (*the speaker continued in English*):

"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 recommendations to the Members of the United Nations or to the Security Council or to both on any such questions or matters".

109. We recognize, of course, that one of the simplest forms of election is that which Russia recommends—no elections at all; but we think that all free people should have an opportunity to come before this great Assembly, which is a concentration of the national consciences of the world

in a free forum, to defend their rights and be judged. An apparent majority does not always represent a nation. A minority, when the majority is enslaved, represents in reality the majority, because history shows that there is always a point in human affairs when the minority and majority join together to defend their moral principles.

110. (*Translated from French*): What we should like to give the peoples of the world is the opportunity to state their case here and to tell us where the majority in each country is to be found. Secret elections would be very interesting, but the Soviet Union does not like them either.

111. The PRESIDENT (*translated from Spanish*): I shall put to the vote the inclusion of item 65 in the agenda.

Item 65 was placed on the agenda by 47 votes to 6, with 2 abstentions.

The meeting rose at 1 p.m.