



CONTENTS

	<i>Page</i>
Announcement by the President	665
Report of the Economic and Social Council (chapters V, VI and VII): report of the Third Committee (A/1689)	666
Freedom of information: reports of the Third Committee (A/1630) and the Fifth Committee (A/1667)	666
Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory: reports of the Third Committee (A/1690) and the Fifth Committee (A/1718)	668
Refugees and stateless persons: reports of the Third Committee (A/1682) and the Fifth Committee (A/1684 and A/1719) and note by the Sec- retary-General (A/1716)	669
Former Italian colonies: election of the United Nations Commissioner in Eritrea: report of the Special Committee (A/1715)	674
Statement by two delegations concerning the voting on agenda item 76.....	675
Recognition by the United Nations of the representation of a Member State: report of the <i>Ad Hoc</i> Political Committee (A/1578 and Add.1).....	675
Palestine: (c) repatriation of Palestine refugees and payment of compensa- tion due to them; implementation of General Assembly resolutions regarding this question; and (d) report of the United Nations Con- ciliation Commission for Palestine: reports of the <i>Ad Hoc</i> Political Committee (A/1646) and the Fifth Committee (A/1678)	677
Report of the Security Council: report of the <i>Ad Hoc</i> Political Committee (A/1679)	680
The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy: report of the <i>Ad Hoc</i> Political Committee (A/1720)	681

President: Mr. Nasrollah ENTEZAM (Iran).

Announcement by the President

1. The PRESIDENT (*translated from French*): Before resuming the consideration of our agenda, I should like to draw attention to the fact that the Assembly this

morning adopted a draft resolution submitted by the First Committee [A/1717] requesting the President "to constitute a group of three persons, including himself, to determine the basis on which a satisfactory cease-fire in Korea can be arranged".

2. I am happy to announce that Sir Benegal Rau and Mr. Pearson have acceded to my request and, together with myself, will constitute this committee.

Report of the Economic and Social Council (chapters V, VI and VII): report of the Third Committee (A/1689)

[Agenda item 12]

3. The PRESIDENT (*translated from French*): I put the draft resolution contained in the report of the Third Committee [A/1689] to the vote.

The draft resolution was adopted by 47 votes to none, with 5 abstentions.

Freedom of information: reports of the Third Committee (A/1630) and the Fifth Committee (A/1667)

[Agenda item 30]

4. The PRESIDENT (*translated from French*): I shall put draft resolutions A, B and C contained in the report of the Third Committee [A/1630] to the vote in turn.

Draft resolution A was adopted by 49 votes to 5.

5. The PRESIDENT (*translated from French*): I call upon the representative of the Soviet Union, who wishes to explain his vote.

6. Mr. SOLDATOV (Union of Soviet Socialist Republics) (*translated from Russian*): The USSR delegation voted against the draft resolution approved by the Third Committee on the question of "interference with radio signals".

7. As was pointed out by the representative of the Soviet Union in the Third Committee,¹ those who submitted that question to the General Assembly did so because they sought to take advantage of the United Nations and its proclaimed principles of freedom of information in order to conduct unlimited "psychological warfare". Such warfare has been undertaken by the ruling circles of the United States and the United Kingdom against the national and democratic movement in Asia and elsewhere and also against a number of States, including the USSR, the peoples' democracies and the Chinese People's Republic.

8. It was only to be expected that the countries against which such "psychological warfare" was conducted should take measures to counteract it in order to paralyse the aggressor, to defend their peoples from the consequences of that type of attack and to nullify and render ineffective a weapon of aggression which was formerly used only in time of war. The States against which "psychological warfare" has been directed have, in fact, taken measures to counteract that type of aggression. There can be no doubt regarding the legality and justice of those counter-measures against aggression by radio.

9. In 1947, the General Assembly adopted a resolution on "Measures to be taken against propaganda and the inciters of a new war" [resolution 110 (II)] and a resolution on "False or distorted reports" [resolution 127 (II)]; its aim was to prevent the enjoyment of

freedom of information at the expense of peace and international security or of the development of co-operation and friendly relations among nations. The first of those resolutions provides that the General Assembly "condemns all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression".

10. The USSR delegation considers that the draft resolution on interference with radio signals, which was approved in the Third Committee and has just been adopted by the General Assembly, and which condemns such interference and invites all Members of the United Nations to refrain from such practices, is contrary to the purposes and principles of the Organization.

11. The task of the United Nations is, of course, to maintain international peace and security, to develop friendly relations among nations and to take the necessary steps to strengthen world peace. But the draft resolution which was submitted to the General Assembly and has now been adopted is not intended to further those aims; it is intended to encourage only the kind of action which belligerents take against each other in war, action which is inadmissible in time of peace and when relations among States are normal.

12. It is clear that the provisions of this resolution are unfavourable to the maintenance of peace; they are in flagrant conflict with the United Nations Charter and with the resolutions adopted by the General Assembly against propaganda and incitement to war, and also against the dissemination of false or distorted reports.

13. In the USSR delegation's view, the resolution on interference with radio signals is an attempt by the ruling circles of the United States, under cover of a distorted and false interpretation of the principle of freedom of information, to justify the conduct of "psychological radio warfare" and also to make it difficult for States which are subjected to such aggression to exercise their right to defend themselves against hostile, lying and slanderous reports.

14. The Soviet Union considers that any State which desires the maintenance and strengthening of international peace and security and the development of international co-operation and friendly relations among peoples, should take all possible measures to encourage the dissemination of correct and objective reports, reports which are not dictated by publishing trusts and syndicates and which are designed to further the maintenance and strengthening of international peace and security. The USSR therefore considers that each State should take measures to ensure that freedom of speech and of the Press is not used for war propaganda, for arousing hostility among nations, for racial discrimination or for the dissemination of slanderous rumours.

15. The resolution which has just been adopted and which denies States the right to interfere with hostile radio propaganda conducted against them as part of a campaign of "psychological warfare", is injurious to the vital interests of peoples and, as I have already pointed out, is in conflict with the purposes and principles of the United Nations. The USSR delegation considers that the adoption of such a resolution is solely in the interests of those who have started and are striving to extend and intensify the cold war and the widespread use of all means of "psychological radio warfare".

¹ For the discussion on this subject in the Third Committee, see *Official Records of the General Assembly, Fifth Session, Third Committee*, 317th to 324th meetings inclusive.

16. The delegation of the Soviet Union considers that States which desire the maintenance and strengthening of peace and the development of friendly relations among nations, should not raise the question of interference with radio signals, which is a reply to hostile propaganda and a means of defence against aggression by radio; the question they should raise is that of the cessation of the "psychological warfare" which is being carried on on a large scale by the Government of the United States, with the support of the United Kingdom and some other countries, and of the dissemination of hostile propaganda directed against certain States, against which Washington and London have been carrying on an extensive campaign of "cold warfare" for the past few years. The essential question to be raised is that of the cessation of propaganda which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression.

17. It is essential that measures should be taken to facilitate and extend the dissemination in all countries of information likely to improve mutual understanding among peoples and to ensure friendly relations among them; it is essential, also, that measures should be taken to combat the dissemination of false or distorted reports, which may impair friendly relations among States.

18. For all these reasons, the USSR delegation voted against the draft resolution on "interference with radio signals".

19. Mr. HAJDU (Czechoslovakia): The Czechoslovak delegation voted against the draft resolution concerning interference with radio signals because we gather that the intention of its sponsors was primarily to divert the attention of the Assembly from an organized campaign of radio propaganda which constitutes a direct threat to peace, is based on misinterpretation, misinformation and distortion of facts, and is beamed daily for ten full hours to my country.

20. The Third Committee took cognizance of facts brought before it by some delegations concerning interference with the internal affairs of States by means of broadcasts from official, semi-official or unofficial radio stations. Such broadcasts not only spread untruth and deliberately seek to harm the economic relations between my country and other countries, but they are made from stations which lend their time and wave-lengths to deserters and traitors to my country and to people who have been condemned or are being sought by the penal courts of the Czechoslovak Republic.

21. The resolution which condemns interference with radio signals does not condemn these very serious infractions of the provisions of the Charter which are committed daily by United States, British and other stations in Europe and western Germany by instigating the citizens of one of the Member States of the United Nations against their legal and freely elected government.

22. This biased attitude had to be repudiated, and the Czechoslovak delegation therefore found it necessary to vote against the draft resolution.

23. The PRESIDENT (*translated from French*): I shall now put draft resolutions B and C of the Third Committee [4/1630] to the vote.

Draft resolution B was adopted by 41 votes to 5, with 2 abstentions.

Draft resolution C was adopted by 44 votes to none, with 12 abstentions.

24. The PRESIDENT (*translated from French*): I call upon the representative of Mexico, who wishes to explain his vote.

25. Mr. NORIEGA (Mexico) (*translated from Spanish*): It is at times of crisis that human beings, peoples and governments are able to demonstrate the full value of the individual virtues or the institutions characteristic of nations. It is at times of crisis that the finest spiritual qualities have an opportunity of conquering fear and showing the strength and sincerity of conviction.

26. The drama of our age has been presented most forcefully from the rostrum of this Assembly and the controversy has been all the more tragic because what is at stake is peace and the lives of millions of human beings.

27. It is essential that international problems should not be examined solely from the point of view of political or economic domination, for in that course would lie the risk of adopting a hostile or indifferent attitude towards all that can be regarded as important to the liberation of the spirit.

28. As though we were living at the beginning of a new mediaeval era, the shadow of negativism is spreading threateningly over us, and freedom is repudiated or despised under the pretext of defending democracy. The most immediate manifestation of this threat is censorship and the denial of academic freedom.

29. The United Nations, whose Assembly has been called the world parliament, cannot be a party to this decline, which would have terrible and immeasurable consequences for our civilization and our culture. Now, more than ever, it is essential that the United Nations should act firmly to protect fundamental human rights and freedoms. The resolutions adopted today concerning freedom of information are a step in that direction.

30. There is no need for me to demonstrate a fact which is common knowledge, namely, that freedom to impart and to receive information and opinions is the basis, the mainspring, of all other rights and freedoms.

31. We should be joining in a shabby farce if, while supporting certain postulates and principles which make it possible for men and women to live under conditions worthy of their personality in our democratic world—and that is the aim of the convention on human rights—we concurred in the destruction or weakening of freedom of speech on the pretext that we feared certain dangers. It would also be unworthy if, on grounds of having to deal with an emergency, or on grounds of so-called higher preoccupations or of duties claimed to be urgent, we were to refuse to afford full protection to freedom of information which, if based on facts, forms the conscience of the world.

32. That is why the Mexican delegation, acting on the instructions of its government, made it clear that it was prepared to study the draft convention on freedom of information at the current session. The agenda of the Third Committee, however, was excessively heavy;

hence a draft resolution was finally approved which provided that a conference of plenipotentiaries should assume responsibility for drafting and approving the convention next year.

33. Yet scarcely twenty-four hours after that draft resolution had been approved in the Third Committee, critical and discouraging voices were already engaged in tarnishing our hopes for the future.

34. Despite this pessimistic note, the Mexican delegation is confident that the fundamental aim of the convention which is to be adopted will be, not to restrict freedom of information but, in the first place, to protect it. Furthermore, the text must not be so ambitious or so complicated as to be as useless as a ship would be if it were too big for the sea.

35. Those who think that the destiny of our peoples will be decided on the field of battle seem to be unaware of the lessons of history. The sword has never been mightier than the pen, and it has never been less strong than when the pen has been firmly wielded in defence of the truth. But even among those who wield the pen there are battles. It is to be hoped—for the good name of our peoples, for the protection of journalists and as a proof of the honourable intentions of our governments—that of all the battles which may be fought in the preparatory committee of the conference, the last will be won by freedom of information. It is also to be hoped that that victory will be secured and safeguarded by an instrument—the first of its kind in international history—which will be operative in all parts of the world as a bulwark for the defence of the other human rights and freedoms which constitute the lifeblood of our peoples and as a shield to serve mankind in its march towards a future free from fear.

Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory: reports of the Third Committee (A/1690) and the Fifth Committee (A/1718)

[Agenda item 67]

36. The PRESIDENT (*translated from French*): I put the draft resolution contained in the report of the Third Committee [A/1690] to the vote.

The draft resolution was adopted by 43 votes to 5, with 6 abstentions.

37. Mr. PODTSEROB (Union of Soviet Socialist Republics) (*translated from Russian*): The delegation of the Soviet Union deems it necessary to explain its vote on the draft resolution submitted by the Third Committee on Japanese and German prisoners of war.

38. The raising of this question in the General Assembly and the adoption of any decisions on it are contrary to the Charter of the United Nations, Article 107 of which precludes the discussion of such questions by organs of the United Nations, as the USSR delegation explained in detail in the Third Committee.

39. At the same time the delegation of the Soviet Union stated that the repatriation of prisoners of war from that country had long been completed, a fact that had been announced in the Press. Thus the question of the repatriation of prisoners of war from the USSR is

completely closed. To raise this question in the General Assembly and to adopt a resolution on it is contrary to the Charter and serves no useful purpose.

40. On the other hand, when the question was discussed in the Third Committee,² the Soviet Union delegation cited well-established facts proving that the Governments of the United States, France, and Australia had failed to carry out their obligations to repatriate German and Japanese prisoners of war, hundreds of thousands of whom had not yet been returned to their homes. Those facts were never refuted during the meetings of the Committee.

41. For these reasons, the USSR delegation voted against the aforementioned draft resolution.

42. Mr. DEVINAT (France) (*translated from French*): The repatriation of prisoners of war, and the solution proposed by the Third Committee which we have just adopted, are not, in our view, political questions. We are thinking exclusively of the anguish of all those wives and mothers, of all those families who, so long after the end of hostilities, are still awaiting news of their missing ones and wondering whether they will ever return.

43. There have been contradictory statements regarding the existence of non-repatriated prisoners in certain territories; those very contradictions help to keep alive the hopes of many families. How can one be absolutely certain that despite investigation no individual cases have been overlooked in some place? That is why the resolution requests all governments to undertake new investigations and that is also why, in an effort to achieve a strictly humanitarian solution acceptable to all, it establishes a completely impartial commission to settle this very poignant problem.

44. France has particular reason to take an interest in this problem owing to the fact that a number of its nationals from Alsace and Lorraine, who were impressed against their will into the service of the former enemy armies, have not yet returned to their homes, nor has it been possible to establish what has happened to them. We have sought to settle this problem, which concerns my own country, by the method of diplomatic negotiations, a method in which we wish to continue to place our fullest trust. The resolution also seeks, by other means, a humanitarian solution. We therefore supported it with our vote.

45. Mr. DROHOJOWSKI (Poland): I should not have explained the vote of my delegation if I had not heard some words which to my delegation seemed not to represent the true spirit of the resolution. I shall not reply, as it is not my right to do so at this time. I just wanted to state the reasons why my delegation voted against the draft resolution.

46. The item was introduced into our agenda as a sort of propaganda weapon against the Soviet Union. It was most certainly not brought forward for humanitarian reasons only. It is clear to everyone who has read the Charter that this matter does not fall within the competence of the United Nations. I should like to read Article 107 of the Charter:

² See *Official Records of the General Assembly, Fifth Session, Third Committee, 338th to 340th and 342nd to 345th meetings inclusive.*

"Nothing in the present Charter shall invalidate or preclude action, in relation to any State which during the Second World War has been an enemy of any signatory to the present Charter, taken or authorized as a result of that war by the governments having responsibility for such action."

47. This question falls within the exclusive competence of the Council of Foreign Ministers, the Allied Control Council and certain other organs, as provided for by the Potsdam agreement.

48. Provocative anti-Soviet accusations were made by certain delegations in connexion with the discussion of this question, but nothing substantial was produced nor was any evidence produced. No good service to peace or to the United Nations will be rendered by using such a resolution for purposes of a purely propagandistic nature. The resolution intends to perpetuate the old problem, contrary to the Charter and to the Potsdam agreement. I wish to state most emphatically that this is not the first time that this Assembly's authority is being used to infringe upon international agreements.

Refugees and stateless persons: reports of the Third Committee (A/1682) and the Fifth Committee (A/1684 and A/1719) and note by the Secretary-General (A/1716)

[Agenda item 32]

49. The PRESIDENT (*translated from French*): We shall now consider the question of refugees and stateless persons. The report of the Third Committee [A/1682] contains four draft resolutions.

50. Mr. KISELEV (Byelorussian Soviet Socialist Republic) (*translated from Russian*): The delegation of the Byelorussian SSR deems it essential to give a brief explanation of its votes on the draft resolutions approved by the majority in the Third Committee.

51. The debate in the Third Committee on the question of refugees and displaced persons³ confirmed our conviction that the Governments of the United States, the United Kingdom and France, as well as the administration of the International Refugee Organization, are directly to blame for the fact that displaced persons are not being repatriated. They are making every effort to keep the refugees and displaced persons in a state of bondage and to place on Member States of the United Nations the burden of expenditure which will be involved in the appointment of a High Commissioner for refugees and the establishment of a High Commissioner's Office for refugees.

52. That is why the General Assembly, instead of being called upon to consider the question of returning refugees and stateless persons to their countries of origin as rapidly as possible, has had thrust upon it the task of formulating provisions for the functioning of the High Commissioner's Office for refugees and preparing a convention relating to the status of refugees. That is also why it has been sought to evolve a definition of the term "refugee" which may be used to prevent displaced persons from returning to their countries.

53. Is there any need, however, to set up a High Commissioner's Office within the framework of the

United Nations? The delegation of the Byelorussian SSR considers that there is no such need nor can there be such need. All that is required is that the Governments of the United States, the United Kingdom and France should implement the resolutions on the question of refugees and displaced persons adopted by the General Assembly at its first and second sessions [*resolutions 8 (I), 62 (I) and 136 (II)*]; the problem will then cease to exist.

54. In view of these facts, the delegation of the Byelorussian SSR is opposed to, and will vote against, the draft resolutions on refugees and stateless persons approved by the Third Committee.

55. The policy of the United States, the United Kingdom and France is unjustifiable and has rightly been condemned. That policy, which is deliberately to refrain from implementing United Nations resolutions and thereby to undermine the very foundations of this Organization, constrains us to hold the view that the resolution should clearly state that the General Assembly notes the failure of the Governments of the United States, the United Kingdom, France and other countries to implement its resolution 8 (I) of 12 February 1946, in which the Assembly recommended that displaced persons should be encouraged and assisted to return to their countries of origin as soon as possible.

56. The General Assembly should further recommend to the governments of the afore-mentioned countries, and to the governments of other countries in whose territories there are still refugees and displaced persons, that they should take the necessary steps to complete the repatriation of those displaced persons and refugees during 1951. We feel that the time limit of one year is more than adequate to complete repatriation and to close the problem once and for all.

57. It is essential, in order to ensure repatriation, to include in the resolution a paragraph proposing to the governments of Member States of the United Nations in whose territories there are refugees and displaced persons that they should submit to the United Nations Secretariat full information regarding the refugees in their territories.

58. All these provisions are to be found in the draft resolution submitted by the delegation of the Byelorussian SSR [A/1683]. The delegation of the Byelorussian SSR considers that steps must be taken to repatriate all displaced persons during 1951.

59. The PRESIDENT (*translated from French*): I shall now put draft resolution A of the Third Committee to the vote. Before doing so, however, I would ask the Assembly to note the fact that the Australian delegation requests a separate vote, by division, on sub-paragraph (iv) of paragraph 7 of chapter II of the annex to the draft resolution.

60. I put the first part of sub-paragraph (iv) to the vote, as far as the words "treaties of extradition".

A vote was taken by show of hands.

61. The PRESIDENT (*translated from French*): I do not think the Assembly has understood me correctly. It seems amazing that a draft resolution which was approved by so large a majority in the Committee should receive only two votes here. I repeat that I am first going to put the first part of the sub-paragraph to the vote.

³ *Ibid.*, 324th to 338th, 341st and 344th meetings.

A vote in favour of the first part does not mean a vote in favour of the second part; if a delegation wishes to vote in favour of the sub-paragraph as a whole, it must vote for each part.

62. I put the first part of sub-paragraph (iv) to the vote. It reads as follows: "In respect of whom there are serious reasons for considering that he has committed a crime covered by the provisions of treaties of extradition".

The first part of sub-paragraph (iv) was adopted by 37 votes to 6, with 9 abstentions.

63. The PRESIDENT (*translated from French*): I now put the remainder of sub-paragraph (iv) to the vote.

The remainder of sub-paragraph (iv) was adopted by 24 votes to 8, with 14 abstentions.

64. The PRESIDENT (*translated from French*): I now put draft resolution A, together with its annex, to the vote.

Draft resolution A was adopted by 36 votes to 5, with 11 abstentions.

65. The PRESIDENT (*translated from French*): Some delegations wish to explain their votes.

66. Lord MACDONALD (United Kingdom): My intervention will be very brief. We as a delegation feel that we ought to explain very shortly why the United Kingdom abstained on the resolution establishing the statute of the United Nations High Commissioner's Office for refugees. We consider that the definition of the term "refugee" in the statute is unsatisfactory. We consider it unsatisfactory for two reasons.

67. In the first place, the paragraph excluding from the competence of the High Commissioner persons who are guilty of war crimes or of acts contrary to the purposes and principles of the United Nations gives to the executive organs of governments a power to take what are essentially judicial decisions. We consider that it is dangerous to entrust such a power to the executive organ of a government. Secondly, we consider that the present drafting of paragraphs 6, 7 and 8 of the statute of the High Commissioner's Office is unsatisfactory.

68. Having stated those two reasons very briefly, let me make it perfectly plain that, despite our abstention, the United Kingdom Government will give wholehearted support to the High Commissioner in his important task. We are convinced that the appointment of a United Nations High Commissioner is a practical and useful step, although we do fear that he may have difficulty in practice in determining the persons whom he is competent to protect. Whoever the Commissioner may be, however, he may rest assured that the United Kingdom Government will give him its full support.

69. Mr. SOLDATOV (Union of Soviet Socialist Republics) (*translated from Russian*): I should like briefly to explain the reasons for the USSR delegation's vote on the Third Committee's draft resolutions concerning the statute of the High Commissioner's Office for refugees and the definition of the term "refugee".

70. It is well known that there are a number of international agreements, and a special resolution of the General Assembly [*resolution 8 (I)*], on the question of

the return of displaced persons to their countries of origin.

71. As early as 1945, the Government of the USSR concluded agreements with the Governments of the United States, the United Kingdom and France, providing for the immediate repatriation of all Soviet citizens and the prohibition of the dissemination of anti-Soviet propaganda among such persons, and laying down the conditions for their accommodation in camps until such time as they were handed over to the appropriate Soviet authorities. Later, on 12 February 1946, the General Assembly adopted a resolution in which it was also pointed out that "the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin".

72. The USSR Government has carried out its obligations under these agreements and under the General Assembly resolution in full, and has long since completed the repatriation of nationals of the United Kingdom, the United States, and France and other countries who were liberated by Soviet forces during the Second World War. The same cannot be said of the Governments of the United States, the United Kingdom and France. Despite the General Assembly decision that displaced persons should be encouraged and assisted to return to their countries of origin, the United States, British and French authorities are preventing their repatriation in every possible way and are illegally and forcibly detaining tens of thousands of displaced persons—nationals of the USSR, Poland, Czechoslovakia and other countries—in the western zones of Germany and Austria and elsewhere.

73. The International Refugee Organization also systematically violated General Assembly resolution 8 (I) on the repatriation of displaced persons; it hampered repatriation in every possible way, becoming, in effect, an office for the recruitment of refugees and displaced persons whom it settled under duress in various countries as a labour force to perform onerous tasks under conditions of slavery.

74. It is clear from the foregoing that the Governments of the United States, the United Kingdom and France, as well as the International Refugee Organization, are responsible for the failure to carry out various decisions and agreements adopted with regard to displaced persons.

75. It is now proposed that we should establish a so-called High Commissioner's Office for refugees. This measure is intended to prevent the repatriation of refugees and to keep them in the countries to which they were forcibly sent. It is intended to perpetuate the bondage of refugees and displaced persons and to doom them to hunger and the privation of rights.

76. In that connexion, something should be said about the definition of the term "refugee" approved by the Third Committee in considering the statute of the High Commissioner's Office for refugees. According to this definition, a refugee is to be any person who, as a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality or political opinion, is outside the country of his nationality and is unable to avail himself of the protection of the government of that country. Thus the General Assembly is now invited to

regard as refugees all persons who are outside their own countries as a result of events occurring before 1 January 1951. It is quite obvious that this refers to such events as the liquidation of fascist and anti-democratic régimes in a number of European countries. There are persons now outside their own countries who opposed the liquidation of such régimes and are hostile to the democratic governments of these countries.

77. It is impossible to agree that persons unwilling to avail themselves of the protection of the country of their nationality should be regarded as "refugees". The United Nations should not concern itself with these people since they refuse to accept assistance from the government of the country of which they are nationals and refuse to co-operate with their own people in the reconstruction of their country on new and democratic foundations.

78. It must be recognized that under this draft resolution even traitors and war criminals will fall into the category of refugees and be accorded the aid and protection of the United Nations.

79. The PRESIDENT (*translated from French*): You have been speaking for ten minutes now.

80. Mr. SOLDATOV (Union of Soviet Socialist Republics) (*translated from Russian*): I am about to finish, Mr. President.

81. The USSR delegation considers that persons who collaborated in any way with the enemies of the democratic countries should not be regarded as refugees or enjoy the protection of the United Nations. It considers it essential to exclude from the category of persons who receive United Nations assistance not only those who, during the war, fought actively on the side of the enemy against the people and government of their country, but all those other traitors who are refusing to return home to serve their country together with their fellow citizens.

82. The delegation of the Soviet Union therefore voted against the draft statute of the High Commissioner's Office for refugees and the definition of the term "refugee" it contains.

83. The USSR delegation considers that the only correct solution to the question of refugees and displaced persons is the unconditional fulfilment by the Members of the United Nations—and first and foremost by the Governments of the United States, the United Kingdom and France—of the terms of the General Assembly resolution concerning the early return of displaced persons to their countries of origin, as well as the fulfilment by those governments of the agreements existing on this matter.

84. The delegation of the Soviet Union will therefore vote in favour of the draft resolution submitted by the delegation of the Byelorussian SSR [A/1683]; under that resolution, the General Assembly would note the failure of the Governments of the United States, the United Kingdom, France and other countries to implement its resolution on encouraging and assisting the early return of displaced persons to their countries of origin; would recommend to the governments of the aforementioned countries that they should take steps to implement the above-mentioned resolution so as to complete the repatriation of the displaced persons and refugees during 1951, and would propose to the govern-

ments of the States Members of the United Nations that they should submit to the Secretariat of the United Nations information regarding the refugees and displaced persons in their territories.

85. The delegation of the Soviet Union considers that the adoption of this draft resolution and the implementation of its provisions would ensure an equitable solution of the question of refugees and displaced persons.

86. Mr. ROCHEFORT (France) (*translated from French*): During the debate in the Committee, serious charges were brought against our country by the Soviet delegations. My delegation reserved the right to reply to them in plenary meeting; it was prepared to reply and it regrets that it does not have time to do so. Its reply will therefore be brief.

87. The initiative taken by the French delegation in 1949⁴ to establish a High Commissioner's Office for refugees is adequate proof of its good faith. It hoped that a High Commissioner for refugees elected not by eighteen governments but by sixty nations would be, as it were, the eyes and the unbiased conscience of the world, protecting refugees on behalf of their countries of origin as well as of the countries which received them. The fact that some delegations voted against a Yugoslav amendment which recognized the purely social and humanitarian nature of the functions of the High Commissioner does not alter the fact that those functions are primarily humanitarian and social in character and that politics does not enter into them at all. It was in order to ensure that the High Commissioner would be an impartial arbiter that the Third Committee decided to deal with the refugee problem exhaustively, in a comprehensive and conciliatory spirit.

88. Confronted with two contradictory conceptions of the High Commissioner's Office, one primarily political, the other primarily social, the Committee did not feel that the settlement of this matter, which is understandably of grave concern to countries which, like ours, have to cope with serious refugee problems, should be allowed to depend on a chance vote or two in favour of one or other of the two conceptions. The Committee sought to deal with the problem exhaustively, in an effort to reconcile differences; its aim was to withdraw the question completely from the sphere of political controversy and to view it solely in a social and humanitarian context. It felt that the statute of the High Commissioner's Office should be accepted not by the largest number but by a very large number, so as to ensure that the Commissioner enjoyed all the authority he needed for successful co-operation with governments.

89. It is our fervent hope that the understanding and sense of responsibility displayed in the Committee will be kept alive, so that, under skilful and firm guidance, this new ark, which bears the hopes of so many refugees throughout the world, may weather wind and storm and flood—should they occur—and sail through to better times—should they return. Whether we call this ark the International Refugee Organization, the United Nations Relief and Works Agency for Palestine refugees, or the High Commissioner's Office for refugees, it is still only the instrument of that interna-

⁴ See *Official Records of the General Assembly, Fourth Session, Third Committee, Annex*, documents A/C.3/529 and A/C.3/L.26.

tional solidarity without which the best solutions are vain and man is powerless.

90. Mr. DEMCHENKO (Ukrainian Soviet Socialist Republic) (*translated from Russian*): The delegation of the Ukrainian SSR wishes to make its position clear on the vote it cast on the draft resolution submitted to the General Assembly concerning refugees and stateless persons.

91. When this question was being considered in the Third Committee, the delegation of the Ukrainian SSR pointed out that the real reason for the establishment of a so-called United Nations High Commissioner's Office for refugees was to prevent the repatriation of refugees and displaced persons and to compel them to remain in the countries to which they had been forcibly removed. The establishment of the High Commissioner's Office for refugees is therefore a violation of the General Assembly resolution of 12 February 1946, which expressly states that the main task concerning displaced persons is to encourage and assist in every way possible their early return to their countries of origin. Moreover, by the establishment of the High Commissioner's Office for refugees, the Governments of the United States, the United Kingdom and France are seeking to place upon the United Nations the responsibility for their own failure to repatriate refugees and displaced persons.

92. The definition given to the term "refugee" in the draft resolution submitted by the Third Committee is so arbitrary that traitors and war criminals are included in this category, so that such persons must also be given protection and assistance by the United Nations.

93. The delegation of the Ukrainian SSR therefore voted against the draft resolution providing for the establishment of a High Commissioner's Office for refugees; it will also vote against the draft resolutions on a draft convention relating to the status of refugees and on problems of assistance to refugees.

94. The delegation of the Ukrainian SSR considers that the draft resolution submitted by the delegation of the Byelorussian SSR provides the only satisfactory solution to the problem of refugees and displaced persons. For if this problem is to be settled, all the Members of the United Nations, particularly the Governments of the United States, the United Kingdom and France, must scrupulously and honestly carry out the provisions of the resolution adopted by the General Assembly, which recommends that refugees and displaced persons should be encouraged and assisted to return to their countries of origin as soon as possible. The delegation of the Ukrainian SSR will therefore vote in favour of that draft resolution.

95. The PRESIDENT (*translated from French*): Two amendments have been submitted to draft resolution B. One of them [A/1685] has been submitted by the delegations of France, the United Kingdom and the United States. I put it to the vote.

The amendment was adopted by 38 votes to 6, with 10 abstentions.

96. The PRESIDENT (*translated from French*): The other amendment to draft resolution B has been submitted by the Venezuelan delegation [A/1725]. It calls for the insertion of the words "in Geneva" after the

words "Decides to convene..." in paragraph 1 of the operative part of the draft resolution. I put it to the vote.

The amendment was adopted by 29 votes to 7, with 14 abstentions.

97. The PRESIDENT (*translated from French*): I now put draft resolution B, as amended, to the vote.

Draft resolution B, as amended, was adopted by 41 votes to 5, with 10 abstentions.

98. The PRESIDENT (*translated from French*): An amendment to draft resolution C has been submitted by the Venezuelan delegation [A/1725]. In my opinion, however, that amendment is not in order. It calls for the deletion of the draft resolution. Those who were in favour of that amendment would vote against the draft. A proposal for deletion does not constitute an amendment.

99. The representative of Venezuela asks for an opportunity to explain why he believes that draft resolution C has become useless and should be deleted. For two reasons, however, I am unfortunately unable to give him the floor for such an explanation, although it may be simple and desirable. In the first place, a proposal for the deletion of a draft resolution is not an amendment. In the second place, according to the rules of procedure the proposer of an amendment or a proposal is not entitled to explain his vote.

100. The representative of Venezuela feels that, in view of the fact that his amendment to resolution B has been adopted and that the words "in Geneva" have been included in the first paragraph of the operative part of that resolution, draft resolution C has become meaningless. The Assembly will take that observation into account when it votes.

101. I put draft resolution C to the vote.

Draft resolution C was not adopted, having obtained only 2 votes.

102. The PRESIDENT (*translated from French*): I put to the vote draft resolution D. No amendment has been submitted.

Draft resolution D was adopted by 40 votes to 5, with 7 abstentions.

103. The PRESIDENT (*translated from French*): Since draft resolution C has been deleted, resolution D, which the Assembly has just adopted, will become resolution C.

104. A draft resolution has been submitted by the delegation of the Byelorussian SSR [A/1683]. The delegation of Pakistan has requested that it should be voted upon in parts. Accordingly, if there is no objection, I shall put the draft resolution to the vote paragraph by paragraph.

105. I put the first paragraph to the vote.

The first paragraph was rejected by 37 votes to 5, with 10 abstentions.

106. The PRESIDENT (*translated from French*): I shall now put the second paragraph to the vote. If I understood the representative of Pakistan rightly, he asked for a separate vote on this paragraph because he wished to propose the deletion of the words "of the

above-mentioned countries". I intended to proceed in that manner, but since the first paragraph has been rejected, that becomes impossible. Therefore, if there is no objection, I shall put the second paragraph to the vote.

The second paragraph was rejected by 38 votes to 5, with 10 abstentions.

The third paragraph was rejected by 32 votes to 7, with 11 abstentions.

107. The PRESIDENT (*translated from French*): Since the three paragraphs of the draft resolution have been rejected, there is no need to take a vote on the draft resolution as a whole.

108. I call upon the Polish representative, who wishes to explain his vote.

109. Mr. DROHOJOWSKI (Poland): The delegation of Poland voted against the draft resolutions contained in the report of the Third Committee, and voted for the draft resolution submitted by the delegation of the Byelorussian SSR.

110. The position of my delegation on this subject is very clear; it has not changed since the problem arose at the end of the war. To put it very briefly we have always advocated the repatriation of refugees to their homes. This position, which is a matter of principle, was adopted by the General Assembly at its first session, and reaffirmed at its second session.

111. Four years have elapsed since then—ample time to complete the task of repatriating all the refugees, or at least the overwhelming majority of them. However, the decisions of the Assembly have never been implemented. Certain governments, and particularly those of the United States and the United Kingdom, with specific political and economic interests of their own in view, have made continuous attempts to block the way for the repatriation of hundreds of thousands of victims of the war. The acquisition of cheap labour has obviously been the principal aim of those policies, which prevent a proper and speedy solution of the problem.

112. This is no contribution to peace. On the contrary, it has become a source of continuous friction. What is more, it is intended that many of the victims of Hitler's slave labour camps should form mercenary armies at the service of the western Powers.

113. In the course of debates in the Third Committee, we stressed how unscrupulously the interests of the refugees themselves have been disregarded, and how thousands of them are being lured or virtually forced to settle in far-away countries under conditions only too often below the dignity of a human being.

114. Although the principal purpose of the International Refugee Organization was to encourage and assist the return of displaced persons to their homelands, the figures of those repatriated and, in fact, the whole record of its activity are a clear proof of the organization's failure in the fulfilment of its basic tasks. Instead, by carrying out the so-called resettlement programmes, the International Refugee Organization has become a tool of the Powers interested in transforming it into a political instrument and a sort of labour exchange. Thus the organization carries, in our opinion, a major share of responsibility for what has been done in this field, and above all for what has not been done.

115. The Polish delegation opposed the adoption of resolution 319 (IV) at the last session, and it opposes the proposals submitted at this session which go further in the same direction. We oppose the creation of the High Commissioner's Office, and we reject the definition of refugees submitted to the Assembly for its approval. We oppose and reject them for the simple reason that instead of accelerating repatriation, they tend to perpetuate the existing situation. We particularly oppose the new definition of a refugee which introduces dangerous and entirely unacceptable criteria, and offers international protection and assistance to all sorts of deserters, criminals, traitors and enemies of their own countries.

116. We attach the greatest importance to the solution of the tragic problem now before us, and we sincerely desire to give real help to thousands of human beings in their plight. Although time has been badly wasted and a great deal of harm has been done, it is still not too late. The proposals submitted by the delegation of the Byelorussian SSR offered the right way and the only way for positive, constructive action in the spirit of the decisions of the United Nations. It also pointed out the real causes of the present deplorable situation.

117. The PRESIDENT (*translated from French*): I call upon the representative of El Salvador who wishes to speak on a point of order concerning the three resolutions which we have just adopted.

118. Mr. CASTRO (El Salvador) (*translated from Spanish*): The point which I am going to raise concerns, in particular, resolution B, which has just been adopted and which provides for the convening of a conference of plenipotentiaries to complete the drafting of the convention relating to the status of refugees and the protocol relating to the status of stateless persons, and to sign these instruments.

119. When the matter was being discussed in the Third Committee, and when the Committee was examining the draft resolution whereby the Secretary-General was to invite the governments of all interested States, whether Members or non-members of the United Nations, to attend a conference of plenipotentiaries to complete the drafting of the convention relating to the status of refugees, the Chairman of the Committee suggested that the word "interested" should be deleted. The United Kingdom representative accepted that suggestion, with the result that it was decided to extend the invitation to all States, whether Members or non-members of the United Nations.

120. The representative of Mexico, Mr. Noriega, then asked whether the deletion of the word "interested" would mean that the Government of Franco Spain would be able to attend the proposed conference. The reply of the Secretariat was as follows:⁵

"At the request of the Chairman, Mr. Schachter (Secretariat) explained that the resolution on relations of Members of the United Nations with Spain (A/1487) recently adopted by the General Assembly did not affect the relevant recommendation in the earlier resolution 39 (I), under which the Franco Government of Spain was debarred from participating in conferences or other activities which might be arranged by the United Nations.

⁵ See *Official Records of the General Assembly, Fifth Session, Third Committee, 330th meeting, paragraphs 54 and 55.*

"That interpretation was in accord with statements made by certain sponsors of the resolution in the *Ad Hoc Political Committee*."

121. I should like to refer particularly to the last part of Mr. Schachter's statement. I should like to place it on record that the eight delegations which sponsored the draft resolution on Spain had never intended that Spain should be prevented from participating in those conferences which came within the purview of the specialized agencies. The resolution, which the General Assembly adopted by 38 votes [304th meeting], makes it possible for Spain to be accepted as a member of the specialized agencies. It is therefore natural that if a conference is convened and concerns the particular field of a specialized agency, Spain should be able to participate, if it has been accepted as a member by that particular specialized agency.

122. For example, let us suppose that the Universal Postal Union convenes a technical conference and that Spain has been admitted as a member of the Union, or that the United Nations convenes a technical conference which is of special interest to the Universal Postal Union, to which Spain has been admitted; it is obvious that if Spain has been accepted as a member by that specialized agency, the conference will in fact be an activity of the agency and Spain will be able to take part in it.

123. Of course, I should like to say that with reference to this question of refugees, it was never thought at any time that Spain should be invited to participate in the discussion of a matter which is of a political nature and comes under the Economic and Social Council, the organ of the United Nations which is in fact proposing that the conference should be held.

124. However, what I should like to place on record particularly, and I do so on behalf of the eight delegations which proposed the draft resolution on Spain, is that Spain may participate in conferences convened by the specialized agencies, or by the United Nations, which fall within the particular field of those specialized agencies subject, of course, to the condition that Spain has been admitted as a member by the specialized agency concerned.

125. That is the statement I wished to make and which I was obliged to make in reply to the general statement of Mr. Schachter, to the effect that Spain would not be able to participate in any conference convened by the United Nations. If Spain is admitted as a member of a specialized agency, it can take part in those activities of the specialized agencies which fall within the field of action of that particular agency.

126. I believe that the other delegations which sponsored the draft resolution will be in full agreement with me in my interpretation of this point. If any of them do not accept this interpretation, I hope they will say so. I have consulted the eight sponsoring delegations—with the exception of the Philippine delegation, which I was unable to reach—and all are in complete agreement with my interpretation. I am sure it will prove acceptable to the Philippine delegation as well.

127. The PRESIDENT (*translated from French*): The statement just made by the representative of El Salvador will appear in the verbatim record like any other statement made before the Assembly. But I do

not quite understand the relationship between this interpretation and the subject which we have just discussed. I believe that our colleague was referring to discussions which took place in the Third Committee and not in the Assembly.

128. We come now to the election of the High Commissioner for refugees. The names of two candidates for the office of High Commissioner for refugees have been submitted by the Secretary-General.

129. We shall vote by secret ballot. I call your attention to the fact that each ballot paper may contain only one name; those containing more than one will be considered invalid.

A vote was taken by secret ballot.

At the invitation of the President, Mr. Zeineddine (Syria) and Mr. Jordaan (Union of South Africa), acted as tellers.

Number of ballot papers:	60
Invalid ballots :	0
Number of valid ballots:	60
Abstentions:	5
Number of valid votes cast:	55
Required majority:	28

Number of votes obtained:

Mr. G. J. van Heuven Goedhart (Netherlands)	30
Mr. Donald Kingsley (United States of America)	24

Mr. van Heuven Goedhart (Netherlands), having obtained the required majority of the Members present and voting, was elected High Commissioner for Refugees.

Former Italian colonies: election of the United Nations Commissioner in Eritrea: report of the Special Committee (A/1715)

[Agenda item 21 (d) and (e)]

130. The PRESIDENT (*translated from French*): It will be recalled that the General Assembly instructed [316th meeting] a committee composed of five persons to propose candidates for the post of United Nations Commissioner in Eritrea. The committee has nominated three candidates and has asked me to inform the General Assembly that each of the three is eminently qualified for the post.

131. We shall take a vote by secret ballot. I call your attention to the fact that each ballot paper may contain only one name; those containing more than one will be considered invalid.

A vote was taken by secret ballot.

At the invitation of the President, Mr. Zeineddine (Syria) and Mr. Jordaan (Union of South Africa), acted as tellers.

Number of ballot papers:	60
Invalid ballots:	0
Number of valid ballots:	60
Abstentions:	7
Number of valid votes cast:	53
Required majority:	27

Number of votes obtained:

Mr. Anze Matienzo (Bolivia)	28
Justice Aung Khine (Burma)	18
Mr. Victor Hoo (China)	7

Mr. Eduardo Anze Matienzo (Bolivia), having obtained the required majority of the Members present and voting, was elected United Nations Commissioner in Eritrea.

Statements by two delegations concerning the voting on agenda item 76

132. Mr. BELAUNDE (Peru) (*translated from Spanish*): This morning the General Assembly voted on the draft resolution concerning a cease-fire in Korea. My delegation was absent at the time, as is stated in the record.

133. I wish to state that when the text of that resolution was put to the vote in the First Committee, the Peruvian delegation supported it. It supported it as enthusiastically as it will support any other resolutions aimed at establishing peace.

134. I should like it to be recorded that the Peruvian delegation joins with the fifty-two nations which voted in favour of the resolution calling for a cease-fire in Korea.

135. I want to tell the Assembly why my delegation was unable to be present. As the President of the General Assembly knows, I was obliged to preside over an emergency meeting of the *Ad Hoc* Political Committee which was to enable us to conclude our work, and the remaining members of the Peruvian delegation had a previous engagement.

136. I wish to take this opportunity of making known the enthusiastic and determined support of Peru for the policy which is reflected in United Nations action in Korea and for any activity on behalf of peace, which is the primary purpose of this family of nations.

137. Mr. SEVILLA SACASA (Nicaragua) (*translated from Spanish*): I take the floor simply to place it on record that the Nicaraguan delegation is completely and unreservedly in favour of the resolution submitted to us by the First Committee concerning the cease-fire in Korea.

138. Owing to an unavoidable delay, my delegation was unable to be present this morning to give its public support to the resolution, as it did yesterday in the First Committee.

139. This is all that I have to say, and I would respectfully request the President to see that it is duly indicated in the record of the meeting that the delegation of Nicaragua fully supported and cast its vote in favour of the afore-mentioned resolution.

140. The PRESIDENT (*translated from French*): These two statements will appear in the record. It is not within my power to change a vote which has been cast, but the statements will be recorded; they will be proof of the wishes of the delegations of Peru and Nicaragua.

Recognition by the United Nations of the representation of a Member State: report of the *Ad Hoc* Political Committee (A/1578 and Add.1)

[Agenda item 61]

141. The PRESIDENT (*translated from French*): Regarding the question of the recognition by the United Nations of the representation of a Member State, we have a report from the *Ad Hoc* Political Committee [A/1578 and Add.1]. Furthermore, the delegation of Egypt has submitted an amendment [A/1582] to the draft resolution of the *Ad Hoc* Political Committee; the amendment calls for the insertion of the following text between paragraphs 1 and 2 of the operative part of the draft resolution:

"2. Recommends that when any such question arises, it should be considered by the General Assembly, or by the Interim Committee if the General Assembly is not in session".

142. I put the amendment to the vote.

The amendment was adopted by 25 votes to 10, with 10 abstentions.

143. The PRESIDENT (*translated from French*): I put to the vote the amended draft resolution, the operative part of which now consists of five paragraphs.

The draft resolution, as amended, was adopted by 36 votes to 6, with 9 abstentions.

144. The PRESIDENT (*translated from French*): I call upon the representative of the Soviet Union, who wishes to explain his vote.

145. Mr. TSARAPKIN (Union of Soviet Socialist Republics) (*translated from Russian*): The so-called question of the recognition by the United Nations of the representation of a Member State was included in the agenda of the General Assembly as a result of manoeuvres by the delegations which oppose the restoration to the People's Republic of China of its legal right, as a Member of the Organization, to take its legitimate place in United Nations organs, and which thus prevent the legal representatives of China from taking part in the work of the Organization.

146. Everyone knows that the United States is trying to prevent the admission of the representatives of China to the United Nations, and that to achieve its ends it is exerting every kind of pressure and making use of the governments of other Member States of the United Nations which are subservient to its wishes.

147. It was for that selfsame reason that the delegation of Cuba submitted to the *Ad Hoc* Political Committee a draft resolution entitled "Recognition by the United Nations of the representation of a Member State".

148. It is no secret that the establishment of criteria to guide the United Nations in deciding questions concerning the recognition of the representation of Member States, criteria which it is desired to foist on the United Nations, is only a pretext; in fact it is a deliberate attempt to complicate and confuse the issue so as to make it possible, when the question of the recognition of the representation of a given Member State of the United Nations arises, to make particular demands upon that State.

149. When the draft resolutions submitted by Cuba and by Sub-Committee 2 were discussed in the *Ad Hoc* Political Committee, many delegations pointed out that the establishment of any criteria whatsoever would open the way to abuses; for were the question to be discussed on the basis of such criteria, there would be no protection against abuses or against the interpretation of such criteria in a manner prejudicial to the Member State of the Organization to which they were being applied.

150. It was also pointed out, most cogently, that the use of such criteria would inevitably lead to arbitrary and discriminatory measures in respect of certain Member States. The establishment and application of such criteria are obviously intended to deprive a Member State of the legitimate rights that it enjoys under the Charter, to prevent it from carrying out the obligations incumbent upon it under the Charter and to deprive it of an opportunity of taking an active part in the life and activities of the United Nations. This would amount to the illegal expulsion of the Member State concerned from the Organization or, at best, would entail a temporary loss of its rights as a Member of the Organization.

151. It is obvious to everyone that the clamour concerning the question of the recognition of the representation of a Member State of the Organization has not arisen spontaneously. It is quite plain that this manoeuvre is mainly directed against the People's Republic of China and is designed to prevent China from taking part in the activities of the United Nations.

152. The discussion of this question in the *Ad Hoc* Political Committee⁶ showed that many delegations realized that the establishment of any criteria whatsoever would lead to arbitrary dealings in the United Nations and would open the way to interference in the internal affairs of Member States of the Organization, in violation of one of the fundamental principles of the Charter. That consideration caused most delegations to act carefully in the matter, with the result that the criteria included by the Sub-Committee in its draft resolution at the insistence of the United States, were severely criticized and most of them were deleted.

153. The draft resolution of the *Ad Hoc* Political Committee, which has just been adopted, still includes a number of provisions which are unacceptable to the USSR delegation. The purpose of the preamble of the resolution is to prove that it is essential to establish a certain uniformity of procedure in the recognition of the representation of a Member State of the Organization and that this procedure should be established by the General Assembly alone.

154. The delegation of the Soviet Union considers that there is no need for the establishment of any criteria whatsoever or for any uniformity in procedure. In fact, the question of the recognition of the representation of a Member State arises very seldom in the history of the Organization. This is the first time, in the five years of its existence, that the United Nations is faced with such a problem, and the fact that the problem has arisen is due entirely to the United States, which is illegally obstructing the admission of the representative of China to the United Nations. Thus it is unnecessary to estab-

lish criteria or any special procedure. If such a case were to arise in the future, each organ of the United Nations should apply its own rules of procedure and should recognize the credentials only of those representatives of Member States of the United Nations who are appointed by the governments which hold *de facto* power in those States.

155. The real problem, and not the artificial and imaginary problem, with which the United Nations is confronted, is not to settle an abstract question such as that of the recognition of the representation of Member States of the United Nations in general, but the concrete question of recognizing the representation of the People's Republic of China. That is the duty incumbent on the United Nations.

156. The USSR delegation considers that the resolution which has just been adopted by the General Assembly is unacceptable. It also considers that such problems should be decided by each organ of the United Nations independently, in accordance with its own rules of procedure, and that only those credentials which have been issued to representatives by the government which exercises effective power in a given State should be recognized.

157. It was for these reasons that the delegation of the Soviet Union voted against the draft resolution submitted by the *Ad Hoc* Political Committee.

158. Mr. HOFFMEISTER (Czechoslovakia): I wish to make a short statement in order to explain the point of view of the Czechoslovak delegation with regard to the resolution which has just been adopted.

159. The resolution provides that the General Assembly should make recommendations with respect to a certain kind of procedure in deciding on a certain kind of question. To whom are these recommendations to be made? To the United Nations. That means, in the first place, to the General Assembly itself. What sort of recommendations has the General Assembly to make to itself under this resolution? It is to recommend that the question before the United Nations should be considered in the light of the purposes and principles of the Charter. Here I draw your attention to the interesting fact that the words "purposes and principles" are written with initial capital letters. Unless this is some sort of Masonic symbolic orthography which gives to the words a different and even contrary meaning, it would be normally explained as an expression of an extraordinary respect on the part of the authors of the text for the purposes and principles of the Charter. Imagine the General Assembly requesting itself to respect the purposes and principles of the Charter and recommending to other organs of the United Nations that they take into account its decisions! It savours somewhat of the ridiculous.

160. At its inception, the text was much more robust, and the early amendments to it gave rise to much greater expectations. As everybody here knows, the original purpose of the text was to procure at least some semblance of a legal basis for the United States-inspired and United States-enforced policy of the majority in this Organization towards the People's Republic of China, a policy which has denied and still denies that great nation—one of the founders of the Organization and a permanent member of the Security Council—

⁶ See *Official Records of the General Assembly, Fifth Session, Ad Hoc Political Committee, 18th to 24th and 57th to 60th meetings inclusive.*

its rightful place among the Members of the United Nations.

161. But to give such a policy a semblance of legality was, of course, utterly impossible. Members of the United Nations are realizing more and more that this policy is as unjustifiable legally as it is unsound and nefarious politically. The original draft resolution was amended by the deletion of various paragraphs. Nevertheless, some of the original poison has been left in the hidden sting of the resolution. The General Assembly is to take into consideration various political questions, and also to take its decision in the light of "the circumstances of each case".

162. Why is such a ridiculously obvious recommendation to be made to the General Assembly? To put it in plain English, the word "circumstances" merely refers to the good pleasure of the United States Government. If you make this substitution, the whole resolution immediately becomes perfectly clear. It means that the representative of a State is to be recognized as such by the United Nations if it is agreeable to the Government of the United States. This was the original meaning of the proposal. If the resolution as it has been adopted here does not say that in so many words, it is because the first draft proved to be unacceptable even to the synchronized majority in the Committee. The Czechoslovak delegation was against the final text of the draft resolution as it was approved in the Committee and that is why it voted against the draft in the Assembly.

163. Mr. DROHOJOWSKI (Poland): The Polish delegation voted against the draft resolution for reasons of principle.

164. The whole discussion in the Committee showed that the item had been put on the agenda for the obvious purpose of creating artificial barriers to the admission of the delegation of the People's Republic of China in our midst. It was claimed that the problem should be considered in the abstract. But it was clear throughout the debates that China was the real issue.

165. We held that no resolution was necessary, that the Charter contained ample provisions indicating how matters like these were to be solved. If there is a government in power, if it controls the bulk of the territory of a State, it has the indisputable right to represent the State it controls. No additional criteria are required or called for—neither those borrowed from Article 4 of the Charter, nor those practised in cases of recognition. The whole affair is a thinly veiled manoeuvre to hide the policy of the United States, which seeks to maintain the fictitious representation of the Kuomintang and to prevent the only spokesmen of the Chinese people from sitting here.

166. The events in Korea and elsewhere have shown clearly how nonsensical it is to bar the representatives of a nation of nearly 500 million people from giving its views and counsel here. My delegation insists that no juridical subterfuges can possibly alter the situation. The clear duty which has faced the Assembly from the very beginning is to admit the representatives of the Central People's Government of China to the United Nations as the representatives of China. The majority in the Assembly has refused to draw the necessary conclusions from the unalterable historical facts. It has tried to evade the issue. We wish to be no party to this.

167. The case of China called for a solution which was clear. In the future, all similar problems should also be solved in that manner. This resolution is not only unnecessary, but it is harmful and damaging, as events have proved, and that is why we opposed it.

168. Mr. LIU CHIEH (China): The Chinese delegation feels that the resolution just adopted falls somewhat short of the original draft resolution submitted by Cuba in the *Ad Hoc* Political Committee and also of the draft submitted by Sub-Committee 2. Nevertheless, we find that the resolution gives primary importance to the principles and purposes of the Charter as guiding considerations in the determination of the question of representation. We find that the criteria or factors which were spelled out in the drafts of the Cuban delegation and of the Sub-Committee are, by analogy and implication, included in the provisions of the Charter. Indeed, it was argued in Committee that it was difficult to draw up an exhaustive list of criteria to fit all cases, and that in any case the most important factors, such as the suppression of aggression, were already implied in the Charter itself.

169. The omission of specific criteria from the resolution has, in my understanding of the views of the various representatives in the Committee, in no way impaired the cogency and relevancy of those principles which found expression in the original drafts. The resolution has at least established an appropriate machinery for the determination of such questions. For these reasons the Chinese delegation was able to vote in favour of the resolution.

Palestine: (c) repatriation of Palestine refugees and payment of compensation due to them; implementation of General Assembly resolutions regarding this question; and (d) report of the United Nations Conciliation Commission for Palestine: reports of the *Ad Hoc* Political Committee (A/1646) and the Fifth Committee (A/1678)

[Agenda item 20]

170. The PRESIDENT (*translated from French*): The Assembly has two draft resolutions before it, one submitted by the *Ad Hoc* Political Committee [A/1646] and the other by the Soviet Union [A/1659].

171. Mr. TSARAPKIN (Union of Soviet Socialist Republics) (*translated from Russian*): The delegation of the Soviet Union requests that the draft resolution which it has submitted should be put to the vote first.

172. The PRESIDENT (*translated from French*): Usually I put to the vote first the draft resolution submitted by the Committee and then any other draft resolutions. On this occasion, however, in view of the nature of the Soviet Union draft resolution, which calls for the termination of the Conciliation Commission, I think that that draft should be put to the vote before that of the Committee. If there are no objections, we shall follow that procedure. I ask the Assembly to vote first on the USSR draft resolution [A/1659], which reads as follows:

"The General Assembly,

"Considering that, as experience has shown, the United Nations Conciliation Commission for Pales-

tine has failed to carry out its task of settling disputes between the parties in Palestine,

“Resolves to terminate the United Nations Conciliation Commission for Palestine.”

The draft resolution was rejected by 48 votes to 5, with 1 abstention.

173. The PRESIDENT (*translated from French*): We now come to the draft resolution submitted by the *Ad Hoc* Political Committee [A/1646].

174. The Soviet Union delegation proposes two amendments [A/1680], the first of which calls for the substitution, in paragraph 1 of the operative part, of the words “by direct negotiations” for the words “by negotiations conducted either with the Conciliation Commission or directly”.

175. I put this amendment to the vote.

The amendment was rejected by 46 votes to 6, with 2 abstentions.

176. The PRESIDENT (*translated from French*): The second USSR amendment being for the deletion of paragraph 2, I suggest that I should put to the vote first the beginning of the draft resolution submitted by the *Ad Hoc* Political Committee, to the end of the first paragraph of the operative part. I shall then put paragraph 2 to the vote.

The first part of the draft resolution was adopted by 48 votes to 5, with 3 abstentions.

Paragraph 2 was adopted by 48 votes to none, with 5 abstentions.

177. The PRESIDENT (*translated from French*): I now put the draft resolution to the vote as a whole.

The draft resolution was adopted by 48 votes to 5, with 4 abstentions.

178. Mr. TSARAPKIN (Union of Soviet Socialist Republics): The President did not put the second Soviet Union amendment to the vote.

179. The PRESIDENT: The USSR amendment called for the deletion of paragraph 2. I therefore put paragraph 2 to the vote separately, which comes to the same thing.

180. Mr. SHARETT (Israel): The views of the delegation of Israel on the draft resolution were exhaustively stated in the *Ad Hoc* Political Committee.⁷

181. The Government of Israel has consistently declared its readiness to enter into direct negotiations with its neighbours for the peaceful settlement of all outstanding questions. It is the firm conviction of my government that peace can be attained only by direct negotiations, with or without international assistance. This elementary procedure of direct negotiations has been emphatically rejected by the Arab governments concerned. We, for our part, have found it impossible to conceive that a government which refuses to talk to its neighbour, even to sit with him at one table, should be in a mood to reach a peace settlement with him. Needless to say, the mere adoption of a procedure of direct negotiations does not, in itself, guarantee success.

⁷ For the discussion on this subject in the *Ad Hoc* Political Committee, see *Official Records of the General Assembly, Fifth Session, Ad Hoc Political Committee, 31st to 36th and 61st to 72nd meetings inclusive.*

Negotiations may prove futile; yet the absence of negotiations, nay, the expressed refusal to negotiate, certainly predetermines failure.

182. The method of indirect negotiations or of mere conciliation has been tried out without success for the past two years. The Conciliation Commission itself came to the conclusion that the continuation of this method would be of no avail. In its supplementary report to the General Assembly [A/1637/Add.1], the Conciliation Commission recommended the placing of an obligation upon both parties to enter into direct discussions, either under the Commission's auspices or independently, with a view to the settlement of all questions outstanding between them. Had that recommendation of the Conciliation Commission been put to the vote here, we should have been happy to vote for it.

183. To our regret, however, a formulation was adopted by the majority in the *Ad Hoc* Political Committee which has set direct negotiations as only one of the possible alternative methods of reaching peace, leaving it open to the parties to seek settlement by negotiating, according to the wording of the resolution just adopted, with the Conciliation Commission—as if the conflict were between each of the parties and the Conciliation Commission—and not between the parties themselves. Such ambiguity, in my submission, invites deadlock. Each party can choose the method it likes better and claim to be acting in accordance with the resolution of the General Assembly.

184. In these circumstances, the delegation of Israel could not possibly accept responsibility for the resolution, and it therefore abstained from the vote.

185. At the same time, my delegation voted for the Soviet Union amendment which proposed the rewording of a paragraph in such a way that the Assembly would urge the parties to enter into direct negotiations.

186. I should like to take this opportunity of reiterating the continued readiness of my government to enter into direct negotiations with each of the States with which we have armistice agreements, either independently—and we prefer the negotiations to be conducted independently—or, if agreeable, in the presence, with the assistance and under the auspices of the Conciliation Commission.

187. Mr. AL-JAMALI (Iraq): My delegation abstained from voting on the draft resolution, and the reason for our abstention is quite simple.

188. My delegation believes that the Arabs' rights to their own homes and possessions in Palestine and their right to return to those homes are not disputable and must be considered as inviolable. This right is a natural right, it is a human right and it is a sacred right. This right cannot be tied to any condition or to any political or other considerations. It is one of the most elementary rights which every individual in every country must enjoy.

189. This resolution complicates matters. It makes that right go side by side with political negotiations for peace. Political negotiations for peace are very good, provided you know that human rights are going to be respected when you negotiate. But when the Jewish people take the homes of the Arabs in Palestine, leaving them homeless, and then do not recognize the rights of the Arabs to their own homes, no one can have any

basis for discussions for peace. The Arab people certainly would like to have peace—but a peace based on justice and on human rights. We cannot listen to arguments that peace is desired while rights are neglected and obliterated.

190. Once the rights of the Arabs are recognized and the right to ownership of property is granted, once their rights to their homes are recognized, then there will be a chance for peace and a chance for direct negotiations. But unless this is granted, no one can honourably and sincerely enter into any direct negotiations. There is no use having any negotiations which are not based on the full recognition of the rights of the Arabs to Palestine and to their own homes therein.

191. Attempts were made to enter into negotiations on the basis of United Nations decisions. United Nations decisions with regard to Palestine, although unfavourable to the Arab cause, still were accepted by the Arabs as a basis for negotiations. A protocol was signed by both parties in Lausanne on 12 May 1949⁸ to the effect that negotiations should proceed on the basis of the resolutions of the General Assembly. But the other party immediately repudiated that basis and wanted to start direct discussion on the basis of its own desires and ambitions, and not on the basis of United Nations resolutions. This cannot lead to direct negotiations, and this should in no way whittle away the rights of the refugees to go back to their own homes in Palestine.

192. That is why my delegation could not support this resolution and regretfully had to abstain.

193. Mr. TSARAPKIN (Union of Soviet Socialist Republics) (*translated from Russian*): In the resolution that has just been adopted by the General Assembly, the Conciliation Commission for Palestine is given a leading part in settling all outstanding issues in Palestine.

194. It is clear that the time has at last come to settle the problems of Palestine, the number of which, unfortunately, has not decreased, but continues to increase. In the opinion of the USSR delegation, however, the methods which the resolution provides for settling those problems cannot lead to a settlement of outstanding issues in Palestine which would be in the interests of the peoples who inhabit that country. The doubts of the Soviet Union delegation on this score are particularly warranted since the resolution entrusts the solution of the whole problem to the Conciliation Commission for Palestine.

195. As we know, that Commission has been unable to fulfil the task of conciliating the parties which was entrusted to it. Indeed, its activities have even resulted in a noticeable aggravation of the relations between the parties concerned in the Palestine dispute. The Commission was supposed to assist the parties to reach a final settlement on outstanding issues, but it has shown more interest in collecting various kinds of information on economic and other matters in the countries of the Middle and Near East. In this connexion, I should mention the establishment by the Conciliation Commission of an economic survey mission, although the Commission had no authority from the United Nations to

send missions of investigation to other States. The fact that the chairman of that mission was appointed by the United States Government, and not by the United Nations, shows all too clearly in whose interests the mission was established.

196. The Commission adopted working methods which indicated that in reality it was not a body which sought to bring about conciliation, but a body which endeavoured to dictate conditions to the parties concerned while reserving to itself all right of final decision. The Commission has not been guided in its activities by the wishes of the parties which it was called upon to assist in their direct negotiations, but by quite different considerations. That is no way to conciliate two parties, rather is it a method of imposing arbitrary solutions on them. It was in that spirit that the Commission attempted to make the parties concur in the establishment of joint committees, presided over by a representative of the Commission, to discuss outstanding issues. As it states in chapter IV of its report [*A/1367 and Corr.1*], the Commission has not concerned itself with conciliating the parties, but has in fact opposed them. It has not promoted direct negotiations between the parties, but has concentrated in its own hands the settlement of the whole problem of Palestine and, as we all know, achieved nothing.

197. Both the general progress report and the supplementary report of the Commission are full of admissions of its failures. Its new proposal concerning procedure was rejected by the parties, and its proposal for the establishment of so-called joint committees was also considered unacceptable. Moreover, the Commission was unable to settle the problem of the Palestine refugees. Thus, thanks to the activities of the Commission, not only has no progress been made in achieving a peaceful settlement of the Palestine question, but that question has been further complicated by the creation of new problems. The number of controversial issues in Palestine has not decreased but, on the contrary, has increased.

198. The Palestine question has again appeared on the agenda of the Security Council,⁹ which has recently had to consider a series of complaints from Egypt, Transjordan and Israel.

199. Thus the Commission has failed to settle any of the questions it had to deal with; it admits this itself in its reports, both in the general report and in the supplementary report. It must be recognized that the Commission has failed to fulfil the tasks entrusted to it.

200. In these circumstances, the USSR delegation submitted to the General Assembly a draft resolution [*A/1659*] calling for the abolition of the United Nations Conciliation Commission for Palestine; unfortunately, the General Assembly rejected that draft.

201. The delegation of the Soviet Union considers that to call upon the United Nations Conciliation Commission for Palestine once again to undertake the task of reconciling the parties concerned and settling all outstanding issues between those parties, is not the way to ensure progress as regards this question or, indeed, to break the present deadlock.

⁸ See *Official Records of the General Assembly, Fourth Session, Ad Hoc Political Committee, Annex, Vol. II, page 9.*

⁹ See *Official Records of the Security Council, Fifth Year, No. 53.*

202. Those are the reasons why the USSR delegation voted against the draft resolution submitted by the *Ad Hoc* Political Committee.

203. Mr. ZEINEDDINE (Syria): The amendment submitted by the delegation of the Soviet Union was not devoid of justification.

204. In the view of the Syrian delegation, the record of the Conciliation Commission is not one of achievement. The Commission was instructed to carry out the duty of facilitating the repatriation of the Palestine refugees and the payment of compensation to those who preferred not to return; the Commission was entrusted with that duty.

205. But the Commission was not able to repatriate many refugees. In fact, the number was exceedingly limited—less than one thousand. The number of refugees who had to leave their homes during the period of operation of the Commission was about ten times as great as the number of those who were repatriated.

206. As to compensation, practically nothing was done at all in that respect. The Conciliation Commission, on the other hand, showed a marked tendency at times to substitute the views of its members for the resolutions adopted by the General Assembly. This is a very dangerous tendency which I hope will not be continued in the future.

207. These reasons should have induced my delegation to vote for the USSR amendment, but it voted against it. The reason is that we want the Conciliation Commission to be kept in being as a matter of necessity, for the only way to pursue the effort begun by the Commission is to accept it as it now stands. That necessity made it practically obligatory for us to accept the draft resolution approved by the *Ad Hoc* Political Committee.

208. Certain remarks were made here which I cannot answer in explaining my vote. Therefore I would limit myself to saying that we supported a solution which affords a possibility of conducting direct or indirect negotiations because in our view the failure to achieve any just settlement of the Palestine problem is not at all due to the formalities of negotiations but to much more fundamental reasons. Those reasons are mainly the defiance shown by certain authorities of the resolutions of the General Assembly and the readiness of some great Powers to support that defiance and to give a helping hand to those authorities in continuing their present policy, a policy which is contrary to the resolutions of the General Assembly, whether in respect of the refugees, Jerusalem, or other questions.

209. We consider that a settlement can be achieved only in an atmosphere of confidence. And that atmosphere can be created only if the human rights of the refugees are observed, if certain provisions of the General Assembly resolutions on other aspects of the question are respected, and if some agreed preliminary basis for discussion, such as was referred to by the representative of Iraq, is arrived at.

210. Having this in view, we thought that more efforts could be made in order to attain the stage where there would be a real possibility of success, and direct negotiations could then be thought of.

211. The Syrian delegation voted for the resolution which has just been adopted because it allows for the

possibility of negotiation in more than one way and also because—and I should emphasize and stress this—it stresses and emphasizes the right of the refugees to return to their homes, a right which is in no way dependent upon the decisions that we may take but which is a natural and human right that can only be endorsed by this Assembly, as it has been.

Report of the Security Council: report of the *Ad Hoc* Political Committee (A/1679)

[Agenda item 11]

212. The PRESIDENT (*translated from French*): The *Ad Hoc* Political Committee has submitted a report [A/1679] which contains a draft resolution providing that the General Assembly takes note of the report of the Security Council.¹⁰

213. Mr. TSARAPKIN (Union of Soviet Socialist Republics) (*translated from Russian*): The Security Council's report to the General Assembly covers the period 16 July 1949 to 15 July 1950. That report includes the decisions that were taken by the Security Council at a time when it was illegally constituted because of the absence of two of its permanent members, the USSR and China, and because of the illegal participation at Council meetings of the representative of the Kuomintang group, a group which had been stripped by the Central People's Government of the People's Republic of China of all rights and authority to represent China in the United Nations.

214. I should mention, in particular, such illegal decisions as the resolutions on the Korean question adopted on 25 and 27 June and 7 July 1950 respectively.¹¹

215. Those illegal decisions of the Security Council were taken under pressure from the United States Government, which tried and is still trying to justify and mask its armed intervention in Korea by referring to those same Security Council resolutions. In accordance with Article 27 of the United Nations Charter, all decisions of the Security Council on important questions must be made by an affirmative vote of not less than seven members, including the concurring votes of the five permanent members. Yet the resolution of 27 June was adopted by only six votes, the seventh vote recorded having been that of the representative of the Kuomintang group, who illegally occupied China's seat in the Security Council. Furthermore, the resolution was adopted in the absence of two permanent members of the Security Council, namely, the Soviet Union and China.

216. All this deprives the Security Council resolution of 27 June of any legal force.

217. By adopting that resolution, the Security Council also violated another highly important principle of the United Nations Charter, the principle which forbids the United Nations to interfere in the internal affairs of any State when there is an internal dispute between two groups of one and the same State and people. The adoption by the Security Council of the resolution of 7 July, under which armed forces and other resources were placed at the disposal of the so-called Unified

¹⁰ See *Official Records of the General Assembly, Fifth Session, Supplement No. 2.*

¹¹ See *Official Records of the Security Council, fifth year, Nos. 15, 16 and 18.*

Command, under the leadership of the United States, was an equally flagrant violation of the Charter.

218. It should also be noted that all the Security Council resolutions on the Korean question were adopted in flagrant violation of Article 32 of the Charter, which provides that a party to a dispute under consideration by the Security Council must be invited to participate, without vote, in the discussion relating to the dispute. The representative of the Syngman Rhee clique was invited to the meetings of the Security Council, but the proposal that the representative of the People's Democratic Republic of Korea should be invited was rejected. The Security Council adopted all its resolutions on the Korean question on the basis solely of the unilateral information supplied by the United States delegation and by Syngman Rhee's agent.

219. The illegal resolutions on the Korean question adopted by the Security Council under direct pressure by the United States Government show that the Security Council was not acting in this matter as the body which is primarily responsible for the maintenance of peace, but as a tool of the ruling circles of the United States for unleashing war.

220. When this draft report was considered in the Security Council,¹² the USSR delegation pressed for the deletion from it of the decisions taken by the Council at a time when it was illegally constituted. The delegation of the Soviet Union was therefore unable to vote for the proposal that the Security Council's report should be approved as it stood and abstained from voting.

221. The USSR delegation considers that it is impossible to take note of the report submitted by the Security Council unless the decisions adopted at a time when the Council was illegally constituted are deleted from the report. The delegation of the Soviet Union will therefore abstain from voting on the draft resolution

of the *Ad Hoc* Political Committee regarding the report of the Security Council.

222. I would ask the President to put this draft resolution to the vote.

223. The PRESIDENT (*translated from French*): I put to the vote the draft resolution submitted by the *Ad Hoc* Political Committee [A/1679].

The draft resolution was adopted by 45 votes to none, with 6 abstentions.

The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy: report of the *Ad Hoc* Political Committee (A/1720)

[Agenda item 59]

224. The PRESIDENT (*translated from French*): In its report [A/1720], the *Ad Hoc* Political Committee recommends that the General Assembly should retain this item on the agenda and consider it at the sixth session. Since the *Ad Hoc* Political Committee did not propose any text, I suggest the following draft resolution:

"The General Assembly

"Decides to defer to its sixth session consideration of item 59 of the agenda of its fifth session, entitled 'The appropriate adjustment of the frontiers between Egypt and the former Italian colony of Libya, with particular reference to paragraphs 2 and 3 of annex XI of the Treaty of Peace with Italy'."

225. If there are no objections, I shall declare this draft resolution adopted.

It was so decided.

The meeting rose at 6.15 p.m.

¹² *Ibid.*, Nos. 33, 40 and 42.