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CONTENTS

	Page
Procedural decision concerning items on the agenda of the meeting	261
Appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention and Punishment of the Crime of Genocide, and measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention: report of the Sixth Committee	261
Report of the Security Council	261
The question of Morocco: report of the First Committee	262
The Tunisian question: report of the First Committee...	270

President: Mrs. Vijaya Lakshmi PANDIT (India).

Procedural decision concerning items on the agenda of the meeting

Pursuant to rule 67 of the rules of procedure, it was decided not to discuss items 67, 57, 56, 24, 40 and 49 of the agenda of the General Assembly, which appeared on the agenda of the meeting.

Appeal to States to accelerate their ratifications of, or accessions to, the Convention on the Prevention and Punishment of the Crime of Genocide, and measures designed to ensure the widest possible diffusion of the nature, contents and purposes of the Convention: report of the Sixth Committee (A/2507)

[Agenda item 67]

Mr. Spiropoulos (Greece), Rapporteur of the Sixth Committee, presented the report of that Committee (A/2507).

1. Mr. SCHELTEMA (Netherlands): I should like to explain briefly the vote of my delegation on the question now before us.

2. It would hardly seem necessary to reaffirm the great interest which my country has always taken in the development and codification of international law. The recent re-election [453rd meeting] of my fellow-countryman, Mr. François, as a member of the International Law Commission, was to us a renewed proof that the Members of this Organization are aware of and appreciate the contribution which the Netherlands traditionally has made and in the future will make in this field.

3. In this same spirit, the Netherlands delegation took an active part in the final drafting of the Convention on genocide during the first part of the third session of the General Assembly. It will be recalled, for instance, that article I of the Convention, as originally worded, was amended on the basis of a Netherlands proposal [A/C.6/220]; and, furthermore,

that my Government and the representatives of my Government have been quite outspoken in their support for and advocacy of the institution of an international criminal court.

4. On the other hand, the Netherlands delegation consistently opposed the amendment which called for the deletion, from article II of the Convention, of the reference to political groups as subjects of genocide; the adoption of that amendment meant that political genocide was not punishable under the terms of the instrument. We held and we still hold strong views on this point, having experienced ourselves, during the Second World War, this particular kind of genocide—political genocide—together with racial genocide. At the time, the Netherlands delegation did not consider this objection to article II a sufficient reason for not giving its vote to resolution 260 (III) A approving the Convention as a whole. However, after thorough study and ample consideration, the Netherlands Government has arrived at the conclusion that the non-applicability of the Convention to political genocide seems to rob the instrument of a good deal of its scope.

5. Moreover, the instruments of ratification of several States contain important reservations; they apply, *inter alia*, to the important provisions of article IX, that is, to the compulsory jurisdiction of the international Court of Justice in case of disputes between the contracting parties relating to the interpretation, application or fulfilment of the Convention. This, in our view, weakens the instrument to a degree where it may be asked whether, as long as these reservations stand, the Convention is not chiefly applicable in enforceable form to those countries which are least likely to permit genocide, while those which might trespass against it have protected themselves in advance against enforcement.

6. For these two reasons, my Government has so far not seen fit to ratify the Convention. In view of this fact, it would not seem very logical to vote for a draft resolution which calls on all those who have not ratified or acceded to the Convention—and therefore on ourselves—to do so. We shall therefore abstain in the vote on the draft resolution before the Assembly.

7. The PRESIDENT: As no other representative wishes to explain his vote on this item, I shall now put to the vote the draft resolution proposed by the Sixth Committee [A/2507].

The draft resolution was adopted by 50 votes to none, with 8 abstentions. 795

Report of the Security Council (A/2437)

[Agenda item 11]

8. The PRESIDENT: The delegation of Greece has submitted a draft resolution [A/L.164] which reads as follows:

"The General Assembly

"Takes note of the report of the Security Council to the General Assembly covering the period from 16 July 1952 to 15 July 1953."

If the General Assembly does not wish to discuss this item, and if there is no objection, I shall consider the draft resolution as adopted.

803

The draft resolution was adopted without objection.

The question of Morocco: report of the First Committee (A/2526)

[Agenda item 57]

Mr. Thors (Iceland), Rapporteur of the First Committee, presented the report of that Committee (A/2526).

9. Mr. DE PIMENTEL BRANDAO (Brazil) (*translated from French*): During the seventh session of the General Assembly, the Brazilian delegation played a prominent part in the discussion of the draft resolutions on the Moroccan and Tunisian questions. Everyone knows what that part was: it consisted in putting the principles of moderation and common sense into practice. The warm support with which we were honoured on all sides was, in our view, nothing but a profound tribute to the high principles by which we were guided.

10. This year, our attitude was expressed in an abstention and in a negative vote when the two draft resolutions relating to these questions were put to the vote and ultimately approved by the First Committee. Lest there should be an erroneous and completely unfounded impression that there has been a change of opinion and policy on our part in relation to those very principles which are generally regarded as the origin of the two questions, I am anxious to dispel it forthwith. Brazil has been and still is convinced that colonialism has outlived its usefulness, and that the traces of it which remain will disappear to make way for full freedom and independence for all peoples in the patterns and activities of democratic life.

11. My delegation is, indeed, keenly aware of the importance, the seriousness and the delicacy of the problems raised by the termination of a state of affairs which has long persisted and which, moreover, is at present beset by political problems which weigh heavily upon all mankind. It would therefore not be able to subscribe lightly to extremist proposals, capriciously amended, that were conceived in a spirit certainly alien to that of the Charter. Far from promoting the attainment of the legitimate aspirations which my nation shares with the peoples that love freedom and independence, such proposals would only hinder, in fact stultify, a process of development which is inherently dangerous and has reached a delicate juncture, when only political sagacity, tact, moderation, patience, and the necessary time can lead it safely to the desired goal.

12. Mr. ZAFRULLA KHAN (Pakistan): This is the second occasion on which the question of Morocco has come up for discussion in the Assembly. Last year a resolution [612 (VII)] was adopted on the question of Morocco expressing confidence that, "in pursuance of its proclaimed policies, the Government of France will endeavour to further the fundamental liberties of the people of Morocco, in conformity with the Pur-

poses and Principles of the Charter". It expressed the hope that "the parties will continue negotiations on an urgent basis towards developing the free political institutions of the people of Morocco, with due regard to legitimate rights and interests under the established norms and practices of the law of nations", and it appealed to the parties to "conduct their relations in an atmosphere of goodwill, mutual confidence and respect and to settle their disputes in accordance with the spirit of the Charter, thus refraining from any acts or measures likely to aggravate the present tension".

13. During the year that has elapsed since that resolution was adopted, fundamental liberties in Morocco, instead of being furthered—such of them as were still available to the people—have been abolished. There have been no negotiations in conformity with the hope that was expressed in paragraph 2 of that resolution. As a matter of fact, pressure was brought upon the Sultan of Morocco to set his seal to whatever France was proposing, and more particularly to repudiate all movements in Morocco towards independence and self-government. That he refused to do and, in consequence, he was deposed.

14. There has been no increase in goodwill, mutual confidence and respect. As a matter of fact, today, there is no atmosphere in Morocco of goodwill, mutual confidence and respect. Not only has there been no refraining on the part of the dominant Power from acts or measures likely to aggravate the tension that then prevailed, but the tension that today prevails is more acute. All this acuteness is due not to any act on the part of the people of Morocco to which legitimate objection could be taken, but to the policies and the acts of the dominant Power.

15. That was the situation when the question came up for discussion before the General Assembly. The thirteen Asian-African Powers presented a draft resolution to the First Committee which recommended that in order that goodwill, mutual confidence and respect might be restored, martial law and other exceptional measures that were in operation in Morocco should be terminated, political prisoners should be released and civil liberties should be restored. It also recommended that democratic representative institutions should be established through free elections based upon universal suffrage, and that complete independence and sovereignty should be established in Morocco within a period of five years. That draft was rejected in the Committee.

16. Several implications flow from this, but this is not the stage at which I need enter into the examination of those implications.

17. The draft resolution submitted by Bolivia was adopted, subject to certain amendments. That draft, as amended, is now before the General Assembly. It does not go beyond the expression of pious hopes. But even in respect of these hopes, an analysis of the voting in favour and against is instructive.

18. We have been reminded during the course of this very session, in speeches on behalf of the delegation of the United States, that the Declaration of Independence of the United States provides:

"We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable rights, that

among these are life, liberty and the pursuit of happiness."

The Secretary of State of the United States, Mr. Dulles, affirmed from this rostrum on 17 September [434th meeting] the axiom laid down in the Declaration of Independence, that governments derive their just powers from the consent of the governed. He recalled the observation of Abraham Lincoln that there is "something in that Declaration giving liberty not alone to the people of this country but hope to the world for all future time". He went on to assure us that:

"No peace can be enduring which repudiates the concept that government should rest on free consent, or which denies to others the opportunity to embrace that concept".

19. The Atlantic Charter promised that all men should live under the form of government they freely chose. The United Nations Charter lays down in Article 1, paragraph 2, among the purposes of the United Nations, the development of "friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples".

20. The fifth paragraph of this draft resolution reads as follows:

"Recognising the right of the people of Morocco to complete self-determination in conformity with the Charter."

21. This is a statement not only of an axiom but almost of a platitude. Yet when that paragraph came to the vote in the First Committee, thirteen Members of the United Nations opposed it. They do not recognize the right of the people of Morocco or indeed, if it comes to that, of any other dependent peoples to self-determination in conformity with the Charter. Does not that amount to repudiation of the whole Charter itself? And those thirteen were the United States, the European members, if I might so call them, of the Commonwealth of Nations—that is, Australia, Canada, New Zealand, the Union of South Africa and the United Kingdom—three Benelux countries and four Latin-American countries. This is not only not an encouraging development, but it brings to us a sense of extreme frustration and depression. What faith shall we continue to place in the Charter itself if its very axioms and foundations are repudiated in this manner?

22. All that the present draft resolution does is this; after declaring that it recognizes "the right of the people of Morocco"—as indeed the right of all peoples has been recognized in the Charter—to "self-determination in conformity with the Charter", it "renews its appeal for the reduction of tension in Morocco and urges that the right of the people of Morocco to free democratic political institutions be ensured". This is another expression of a pious hope.

23. We do not think that this draft resolution meets the elementary requirements of the situation. However, in case it is adopted, and in case the spirit of the Charter still inspires the dominant Power, despite its repudiation in the voting and the rejection of the measures put forward in the thirteen-Power draft resolution, which alone could have helped to reduce the tension, we hope that that dominant Power will think it time to embark actively upon a scheme for the development of political institutions in Morocco.

Such a scheme should, within the next year or two—in our opinion, even five years is too long a period—demonstrate to everybody, to the people of Morocco as well as to the peoples elsewhere, that France and Morocco were both determined to reach a settlement which would be just and honourable to both.

24. It is because we entertain that slight hope that we shall vote in favour of this draft resolution though, as I have said, our feelings and attitude with regard to it are those which I have described.

25. Mr. HANIFAH (Indonesia): For more than two weeks, the First Committee dealt with the Moroccan question. We heard full and eloquent accounts of the depressing situation in that part of the world, where a whole people is condemned to a humiliating and meaningless existence. And we were told that, against the continuation of this injustice, the people of Morocco were waging a passionate and determined struggle. They are resolved to re-emerge from bondage and to reassert their fundamental right to independence and freedom. In unison, they demand the right to live their own lives; to achieve self-determination with all its responsibilities, and the liberation of their now stifled creative resources.

26. This is not an isolated struggle, removed from and above the maelstrom of our time. It is an offshoot of the vast movement for national independence and freedom which has been sweeping the Asian and African continents, and whose unfolding is, perhaps, the most significant historical process of our time. Both inside and outside the United Nations we have seen this movement taking its natural and predestined course, giving meaning to the lives of hundreds of millions of peoples. Sometimes, the course has been one of smooth and peaceful evolution. More often, it has been traversed only after revolution and widespread misery, devastation and hatred. But, whatever course this movement has taken—whether that of orderly evolution or some other course—it has gone forward to its culmination. It can be given a certain character. Impediments can be put in its way; and, at times, it may even seem to be momentarily arrested, but, in the end, it cannot be prevented from consummating its destiny.

27. In Morocco, the movement for national independence and freedom which is now unfolding is facing a time of critical decision. It poses a test which we must undergo. For we must recognize that, while its course is irreversible, its character is not irrevocable.

28. The Moroccan people have, up to the present time, sought to attain through peaceful means their right to a more just, creative and independent future. Without resorting to force, they have clearly stated their aims and eloquently expressed their aspirations. But in return, they have been confronted with ever more repressive and arbitrary measures, in flagrant violation of all democratic and humanitarian practices. The French authorities in Morocco have not desisted from the use of force in their desperate efforts to stifle the growing political and social consciousness of the Moroccan people. We fear that they have not yet learned the lesson of the past; that force cannot halt the march of progress, but can only be the breeder of frustrations, despair and hatred. And when patience is exhausted, the value of moderation is forgotten.

29. Thus no one can afford to turn his back on the events unfolding at this very moment in Morocco, indifferent to the conflagration that is certain to sweep across North Africa. So we must if we are to remain true to the principles and purposes enshrined in our Charter, encourage and assist the people of Morocco in realizing peacefully their fundamental human rights, before it is too late.

30. In this respect, the draft resolution recommended by the First Committee certainly falls short of our expectations. We still feel that the urgency of the Moroccan situation calls for negotiations, without delay, between the true representatives of Morocco and the French authorities. Such negotiations should take place, moreover, in an atmosphere which may contribute to their success. This means the lifting of martial law and all other exceptional measures, the release of all political prisoners and the restoration of public liberties. But, in particular, it seems to us that tensions would be considerably eased if the Moroccan people were given the definite prospect of a better future. Therefore we deeply regret that the draft resolution fails to place a time-limit of five years for the complete realization by the people of Morocco of their rights to full sovereignty and independence.

31. But despite these serious shortcomings, the draft resolution recommended by the First Committee—as it now stands—does offer some moral encouragement to the people of Morocco. At the very least, it takes cognizance of their desperate plight and recognizes their right to complete self-determination and to free democratic political institutions.

32. Therefore, and in the spirit of this draft resolution, we again appeal to France to reduce tensions in Morocco by granting its people the liberty, equality and fraternity with which its own tradition is so richly embroidered. At the same time, we urge the Western Powers to refrain from a policy of expediency based on cold-war strategy and to adopt a more enlightened approach, which recognizes and reaffirms the right of all peoples to freedom and self-determination. We urgently call upon all nations, and especially those whose own history includes trials and tribulations such as those of the Moroccan people, to let only wisdom and reason be their guide. For the future of Morocco transcends any temporary expedience. What we do here today will influence tomorrow's chances for a more peaceful and secure world, on the basis of mutual understanding and co-operation. Thus the orderly progress towards independence and freedom in that part of the world must be of immediate concern to all nations, large and small.

33. Therefore I shall vote in favour of this draft resolution.

34. Sir Percy SPENDER (Australia): I should have had no desire to make any observations on this matter, had it not been for one remark made by the distinguished representative of Pakistan, Mr. Zafrulla Khan. He expressed, as you remember, his regret that Australia, among other nations, had, in voting against this draft resolution, voted in particular against the paragraph which says: "Recognizing the right of the people of Morocco to complete self-determination, in conformity with the Charter". From that he inferred—and I regret that he did so infer—that Australia had indicated that it was opposed to the right of self-determination.

35. I think Mr. Zafrulla Khan will be the first to admit that my country has stood in the vanguard of human rights, not only in terms of our advocacy of human rights for all people, but also in the practice of human rights, and I thought I made it clear—and if I did not it is my own fault—when the matter was before the First Committee, that we did not in any way express a view upon the merits of this dispute in Morocco. We regretted very much that it had not been solved. We expressed the hope that it would be solved by peaceful discussion between France and the Moroccan leaders. We hoped, therefore, that it would not be necessary for the Committee, or for this Assembly, to take any action. We took the view that, in consequence of Article 2, paragraph 7, of the Charter, neither the Committee nor the Assembly was competent to deal with this matter, and, as representatives know, we have taken a very firm view upon that. We know that our view is not shared by the majority of the delegations, but, none the less, that was the clear basis upon which we indicated that we would not vote for the operative part of the draft resolution of which this particular paragraph, to which Mr. Zafrulla Khan drew attention, is a part.

36. I desired to take just a short space of time this morning in which to indicate that and to make it again abundantly clear that at no time have we taken any part in the discussion as to the merits of this matter. At no time could it be inferred that we were not as dedicated as any other nation represented in this Assembly to the principles of human rights and to the principle of self-determination referred to in the Charter. The important basis of our opposition—the sole basis upon which we at all times approach this matter—is the complete lack of jurisdiction of the Assembly to deal with this or similar matters.

37. Mr. URRUTIA (Colombia) (*translated from Spanish*): We were asked a few minutes ago why certain Latin-American countries had voted in the Committee against the fifth paragraph of the draft resolution on Morocco, which reads:

"Recognizing the right of the people of Morocco to complete self-determination in conformity with the Charter."

38. I have no wish to repeat or to reopen here the whole debate on the Assembly's competence, but simply to clarify a point. For those of us who have come to the conclusion that the Assembly is not competent to deal with such matters, the only course open is to vote against each paragraph of the draft, since, if we abstained, the draft might be adopted. We oppose the text, not on the grounds that it is good or bad, but because we think the Assembly should not adopt a resolution. If a draft resolution in the contrary sense were before us, we should vote against that too, because we believe that the Assembly is not competent to deal with the matter.

39. I do not want to reopen the whole debate on the question of competence, but simply to make clear the position of the countries which have reached that conclusion. It does not mean that we do not recognize the right of the people of Morocco to complete self-determination in conformity with the Charter. There has been some misunderstanding on that point too. What we are opposed to is the procedure but, and I wish to repeat this in any case on behalf of my delegation, we fully agree that the people of Morocco have

a right to complete self-determination, as recognized by the Charter. We were merely opposed to the procedure, for we considered that, as the Assembly was not competent in the matter, it should not take a resolution on it.

40. With regard to the text of the draft resolution itself, even had we recognized the Assembly's competence, there are certain points in it which would in any case have prevented us from voting for it. The first is this. The resolution reads: "*Recalling* General Assembly resolution..." It does not state that it reaffirms the resolution taken last year, with the result that the present resolution in effect would annul the resolution [612 (VII)] taken last year.

41. Another and more delicate point is that, in this draft resolution, the General Assembly

"Renews its appeal for the reduction of tension in Morocco and urges that the right of the people of Morocco to free democratic political institutions be ensured."

This also reverses one—the most important, perhaps—of the provisions of last year's resolution, the one on negotiations. I believe that those countries which approved last year's resolution stressed the need to urge the parties to continue negotiations which would lead to self-government for Morocco.

42. Thus those of us who believe that the only method by which Morocco may be helped to achieve self-government is to urge the parties to continue negotiations are not prepared, by adopting this draft resolution, to give up all that was agreed upon last year and to eliminate the reference to negotiations, which we consider vital.

43. We shall therefore be obliged to vote against this draft resolution. I wanted to make clear our reasons for voting in this way, so that there should be no misunderstanding, and above all so that no one should think that the Moroccan people lack all the sympathy which in fact is theirs in countries such as mine.

44. Mr. DAYAL (India): The object of my intervention at this stage is to explain the attitude of my delegation to the draft resolution recommended by the First Committee for the consideration of this Assembly.

45. It will be recalled that the General Assembly considered the question of Morocco at its seventh session and adopted resolution 612 (VII) by a large majority. We had hoped that those recommendations of the General Assembly would have induced France to take effective steps to bring nearer a solution of the Moroccan problem. Unfortunately, the action of the French Government in disregard of the Assembly resolution only helped, in our view, to add to the state of existing tension.

46. The Assembly's call to further the fundamental liberties of the people of Morocco was answered by a continuation of martial law, the seizure of national leaders and the continued denial of political liberties. The goodwill, mutual confidence and respect desired by the Assembly were undermined by a policy of systematic repression. Instead of entering into negotiations with the other party concerned, namely, the Sultan of Morocco, the French Government sought a ready solution by forcibly removing that party from the scene.

47. I do not wish to go into the details of French activities in Morocco since last year, as the matter was fully discussed in the Committee. I would merely refer to them to remind the General Assembly of the circumstances in which a number of delegations, including the delegation of India, found it necessary to bring the matter once again to the Assembly's attention.

48. In the First Committee, my delegation joined with twelve other delegations in presenting a draft resolution recommending to the French authorities the taking of certain measures which, in our opinion, were essential for bringing about a solution of this problem. There was nothing revolutionary in those proposals; they were not in any way beyond the competence of the Assembly. However, much to our regret, a majority of the members of the Committee could not agree with us or vote in favour of our draft resolution. The Committee, instead, adopted a draft resolution submitted by the delegation of Bolivia, with certain amendments submitted by my delegation jointly with the delegations of Indonesia and Burma. We supported that draft resolution as amended in a spirit of compromise.

49. The draft resolution introduced by the delegation of Bolivia, as amended, is full of good intentions and pious hopes. There is not a word in it of condemnation or reproach. There is nothing in it to which anyone in this Assembly can possibly take exception. It would, in our view, be most unfortunate and would increase the sense of frustration of the Moroccan people if the General Assembly were to fail to adopt any resolution at all. I would therefore make an earnest appeal to all delegations to lend their support to the draft resolution before us so that the result of our deliberations may not be altogether barren.

50. In conclusion, may I request that a vote should be taken on the draft resolution paragraph by paragraph.

51. Mr. TARAZI (Syria) (*translated from French*): I also request that the vote on the draft resolution should be taken paragraph by paragraph.

52. The PRESIDENT: A roll-call vote has been requested on each paragraph of the draft resolution submitted by the First Committee [A/2526]. We shall now vote on the first paragraph.

A vote was taken by roll-call.

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

In favour: Mexico, New Zealand, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, Canada, China, Cuba, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Greece, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia.

Against: Nicaragua, Panama, Paraguay, Union of South Africa, Belgium, Chile, Colombia, Dominican Republic, Luxembourg.

Abstaining: Netherlands, Turkey, United Kingdom of Great Britain and Northern Ireland, Australia, Costa Rica, El Salvador, Haiti, Honduras, Israel.

The paragraph was adopted by 41 votes to 9, with 9 abstentions.

53. The PRESIDENT: We shall now vote on the second paragraph.

A vote was taken by roll-call.

The Union of South Africa, having been drawn by lot by the President, was called upon to vote first.

In favour: United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Canada, China, Cuba, Denmark, Egypt, Ethiopia, Greece, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Israel, Lebanon, Liberia, Mexico, New Zealand, Norway, Pakistan, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand.

Against: Union of South Africa, Belgium, Chile, Colombia, Luxembourg, Nicaragua, Panama, Paraguay.

Abstaining: Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Australia, Byelorussian Soviet Socialist Republic, Costa Rica, Czechoslovakia, Dominican Republic, Ecuador, El Salvador, Haiti, Honduras, Netherlands, Poland, Turkey, Ukrainian Soviet Socialist Republic.

The paragraph was adopted by 36 votes to 8, with 15 abstentions.

54. The PRESIDENT: We shall now vote on the third paragraph.

A vote was taken by roll-call.

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

In favour: China, Czechoslovakia, Denmark, Egypt, Ethiopia, Greece, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic.

Against: Chile, Colombia, Dominican Republic, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Paraguay, Union of South Africa, United States of America, Australia, Belgium, Brazil.

Abstaining: Costa Rica, Cuba, Ecuador, El Salvador, Haiti, Honduras, Israel, Turkey, United Kingdom of Great Britain and Northern Ireland, Canada.

The paragraph was adopted by 35 votes to 14, with 10 abstentions.

55. The PRESIDENT: We shall now vote on the fourth paragraph of the draft resolution.

A vote was taken by roll-call.

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

In favour: Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Bolivia, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala.

Against: Honduras, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Paraguay, Peru, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Brazil, Canada, Chile, Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Greece.

Abstaining: Haiti, Israel, Venezuela, Argentina, El Salvador.

56. The PRESIDENT: The result of the vote is as follows: 31 in favor, 23 against, and 5 abstentions.

57. I give the floor to the representative of the United Kingdom on a point of order.

58. Mr. CROSTHWAITE (United Kingdom): I simply want to ask whether I am right in assuming that that particular paragraph has not been adopted.

59. The PRESIDENT: It has not been adopted on the basis of a two-thirds vote.

60. We shall now vote on the fifth paragraph of the draft resolution.

A vote was taken by roll-call.

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

In favour: Peru, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Brazil, Burma, Byelorussian Soviet Socialist Republic, China, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Greece, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan.

Against: Paraguay, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Australia, Belgium, Chile, Colombia, Dominican Republic, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama.

Abstaining: Turkey, United States of America, Canada, Costa Rica, Cuba, El Salvador, Haiti, Honduras, Israel.

The paragraph was adopted by 37 votes to 13, with 9 abstentions.

61. The PRESIDENT: We shall now vote on the sixth paragraph.

A vote was taken by roll-call.

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

In favour: China, Czechoslovakia, Denmark, Egypt, Ethiopia, Guatemala, Iceland, India, Indonesia, Iran, Iraq, Lebanon, Liberia, Mexico, Norway, Pakistan, Philippines, Poland, Saudi Arabia, Sweden, Syria, Thailand, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Yemen, Yugoslavia, Afghanistan, Argentina, Bolivia, Burma, Byelorussian Soviet Socialist Republic.

Against: Colombia, Costa Rica, Cuba, Dominican Republic, Ecuador, Haiti, Honduras, Luxembourg, Netherlands, New Zealand, Nicaragua, Panama, Paraguay, Peru, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Brazil, Chile.

Abstaining: El Salvador, Greece, Israel, Venezuela, Canada.

The result of the vote was 32 in favour, 22 against, with 5 abstentions.

The paragraph was not adopted, having failed to obtain the required two-thirds majority.

62. The PRESIDENT: We shall now vote on the draft resolution as a whole.

63. I call on the representative of Pakistan on a point of order.

64. Mr. ZAFRULLA KHAN (Pakistan): As the preamble alone has been adopted by a two-thirds majority, and as the only operative paragraph has been rejected, I submit that there is nothing to vote on; for, if the preamble were voted on and adopted, it would amount to an absurdity because it would end in nothing. Those of us who have voted throughout in favour of the different parts of the draft resolution note that the Assembly does not desire to renew "its appeal for the reduction of tension" and does not urge "that the right of the people of Morocco to free democratic political institutions be ensured". That is the decision of the Assembly, there is nothing else to vote upon.

65. Mr. ENTEZAM (Iran) (*translated from French*): Without wishing to express an opinion on what the Pakistani representative has just said, I should like to draw the President's attention to the fact that, if she proposes to put the draft resolution as a whole to the vote, that is to say, those paragraphs of it which still stand, some small changes should be made in the wording. The second, third, fourth and fifth paragraphs should no longer begin with the words: "Recalling", "Considering", "Considering" and "Recognizing", but with the words "Having considered", "Recalls", "Considers", "Considers" and "Recognizes". The original wording was based on the assumption that the last paragraph of the draft resolution, that is, the operative part, would be adopted. Since it has been rejected, these small changes would be necessary if the Assembly were to vote on the draft resolution as a whole.

66. The PRESIDENT: Does the representative of Iran make this as a proposal?

67. Mr. ENTEZAM (Iran) (*from the floor*): Yes, I make that proposal if we decide to vote on the remainder of the draft resolution. However, I believe that the question raised by the representative of Pakistan should be decided first.

68. The PRESIDENT: I should like to say that I am in entire agreement with the remarks of the representative of Pakistan. I should further like to add that—I do not know whether I ought to say this, but I feel very strongly about it—the Assembly makes itself rather ridiculous if it goes back on the very things for which the Charter stands and to which we are all pledged. Nevertheless since this is the situation, I feel that a vote now would have absolutely no meaning.

69. Mr. THORS (Iceland): Permit me to suggest that we put to the vote what still remains of the draft resolution. I want to call the attention of the Assembly to the fact that, in the remainder of the draft resolution, we still recall the resolution of the seventh session of the Assembly, and also that the paragraph still stands which reads:

"Considering that the motives and objectives of that resolution had and continue to have the merit of recognizing the necessity for the development of the free political institutions of the people of Morocco."

Finally, the paragraph still stands which reads as follows:

"Recognizing the right of the people of Morocco to complete self-determination in conformity with the Charter."

I think we are obliged to put that to the vote, and there are still remaining certain expressions in the draft resolution which will be of meaning to the people of Morocco and which might be of assistance in solving these problems. I therefore suggest that the draft resolution as a whole be put to the vote.

70. The PRESIDENT: I should like to call the attention of the General Assembly to rule 89 of the rules of procedure, the final sentence of which states that:

"If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole."

In view of that, I should like to support the view of the representative of Pakistan.

71. In view of this situation, I propose to pass to the next item on the agenda.

72. The PRESIDENT: I call upon the representative of Turkey on a point of order.

73. Mr. SARPER (Turkey): I should like to ask a question. Is it the President's ruling that no vote should be taken on the draft resolution as a whole?

74. The PRESIDENT: Yes.

75. I call upon the representative of the USSR.

Mr. de la Colina (Mexico), Vice-President, took the Chair.

76. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): We must now find a solution consonant with the dignity of the General Assembly and in accordance with the purposes and principles which should guide the General Assembly in deciding political questions and particularly those of great political importance.

77. The reference, primarily of a procedural nature, to rule 89 of the rules of procedure, can hardly be said to accord with the important principle I have mentioned and with the position in which we now find ourselves.

78. Rule 89 certainly says:

"If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole."

But I must point out that the amendment which was submitted here by the representative of Iran was not voted on and it cannot therefore be considered to have been either rejected or adopted. Only if the Iranian amendment were rejected after being put to the vote would rule 89 become applicable. That rule would also have been applicable had no amendment been proposed. But the Iranian representative's amendment has not been put to the vote. Consequently, we do not know

whether it has been rejected or adopted. Such being the case, the reference to rule 89 is premature.

79. I therefore propose that the Iranian representative's proposal should be put to the vote, unless he wishes to withdraw it. In the latter event, I shall submit the same proposal on behalf of my delegation.

80. I should like a vote to be taken on the amendment under which the word "recognizes" would be substituted for "recognizing". In fact this is perfectly normal and legal, for the amendment does not in any way depart from the requirements of the Charter or from what it proclaims.

81. Refusal to support this amendment would indicate an unwillingness to abide by the most important principle of the Charter. If that principle is not respected, no political problem which may confront our Organization in the course of its work can be solved.

82. The PRESIDENT (*translated from Spanish*): In view of what has just been said by the representative of the Soviet Union, I suggest that rule 82 of the rules of procedure should be applied in this case. It deals with the reconsideration of proposals and states:

"When a proposal has been adopted or rejected, it may not be reconsidered at the same session unless the General Assembly, by a two-thirds majority of the Members present and voting, so decides. Permission to speak on a motion to reconsider shall be accorded only to two speakers opposing the motion, after which it shall be immediately put to the vote."

83. I recognize the representative of the United Kingdom.

84. Mr. LLOYD (United Kingdom): I think that we are getting into a situation which involves a certain amount of difficulty. It was my understanding that the President had ruled that we should move on to the next item on the agenda. The present suggestion seems to me to be a rather indirect way of challenging the President's ruling.

85. My delegation considers that the President's ruling should be upheld, for this reason. It is really in accordance with the spirit of our rules of procedure and, I think, with the terms of rule 88, that once voting has begun upon a draft resolution representatives should not then begin to move amendments according to how the voting goes. I feel that that rule is a very sensible one for any assembly, and I am not entering into the merits of this particular draft resolution at all.

86. It does seem to me that if we start this principle of moving amendments according to how the voting goes on certain sections, then we are going to get ourselves into a simply splendid mudle each time we come to vote on a draft resolution paragraph by paragraph. Rule 89, on which Mrs. Pandit based her ruling, is absolutely specific. It states that if the operative parts of a proposal have been rejected, the whole proposal falls to the ground. In this particular case, as I understand it, the operative part was defeated and therefore the President, Mrs. Pandit, ruled that we should move on to the next item. I think her ruling was strictly in accordance with the rules of procedure, both as to the spirit and the actual terms. I hope, therefore, that we shall accept her ruling and pass on to the next item.

87. The PRESIDENT (*translated from Spanish*): I suggest that there is some opposition to the previous ruling given by the Chair. The proposal will therefore have to be reconsidered, but for that a two-thirds majority is necessary.

88. I shall put the question of reconsidering the proposal to the vote.

89. I recognize the representative of the Soviet Union on a point of order.

90. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): I should like to ask the President what proposal we are supposed to be voting against. If it is against the ruling given of the previous President, then I think that ruling has already been reversed by the present President, and that we should now vote on his proposal. If we vote for his proposal, then we shall automatically be voting against the previous ruling. There is a clash between the two rulings: the ruling given by the previous President, and the ruling given by the present President. I propose that we vote for the ruling of the present President; that would be more correct, because it modifies the previous ruling. In any case I think some clarification is called for. I should like it to be made clear exactly what we are voting on.

91. The PRESIDENT (*translated from Spanish*): I believe that in this case a vote for or against the reconsideration of the proposal would be just the same as sustaining or reversing the ruling previously given by the Chair.

92. Consequently I do not think there is any real conflict between the rulings. The result is exactly the same in the long run.

93. I recognize the representative of the Netherlands on a point of order.

94. Mr. VON BALLUSECK (Netherlands): I should like to support the suggestion just made by the representative of the United Kingdom. I feel that the ruling made by Mrs. Pandit was a very wise one, because she invoked the last part of rule 89. Now, just as Mr. Lloyd has done, I should like to refer to rule 88, which states in part as follows:

"After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting."

95. The suggestion made by the representative of Iran was not connected with the actual conduct of the voting. It was a substantial amendment to change the wording of the penultimate paragraph of the original draft resolution from "*Recognizing* the right of the people of Morocco" to "*Recognizes* the right of the people of Morocco". This would mean that this paragraph would become the conclusion of the draft resolution instead of one paragraph of a preamble leading up to a different conclusion, which was voted down by this Assembly.

96. In order to escape from all this confusion, I would urgently submit that we would be very wise to adhere to the ruling of the first President of this morning's meeting, Mrs. Pandit; and since this ruling has been challenged, we should put it to the vote.

97. The PRESIDENT: I recognize the representative of Iran on a point of order.

98. Mr. ENTEZAM (Iran) (*translated from French*): Although in general I abhor prolonging a debate, I think it is my duty to clarify certain details, since this discussion was started as a result of my suggestion.

99. The objection is advanced that the rules of procedure preclude the raising of a question when the President is putting a proposal to the vote; that is correct. But common sense is also correct. Let us strive to appreciate the situation and apply a little common sense to it. A draft resolution has been put to the vote paragraph by paragraph; the last part of it has been rejected. The proposal as a whole was about to be put to the vote. At what point could I have submitted my suggestion? Before? No, because I believed that the last paragraph of the draft resolution would be accepted. But, when the President was about to put the draft resolution as a whole to the vote, it occurred to me, in order not to make the Assembly ridiculous, to suggest changing the wording of the last paragraph, which would thus become an operative clause.

100. Allow me to make one remark at this point. We are not opposing the President's ruling. When Mrs. Pandit made that ruling she had properly appreciated that the draft resolution had been rejected. On the other hand, if my proposal is accepted—and the Soviet Union representative has very judiciously explained the point—the last paragraph will become the operative part. Consequently, Mrs. Pandit's ruling will not apply and, if you agree to discuss my suggestion, you will not be going against that ruling, which Mrs. Pandit made before leaving the Chair and in the knowledge that the operative part had been rejected. If my proposal is accepted, the last paragraph will become the operative part and read as follows: "Recognizes the right of the people of Morocco to complete self-determination in conformity with the Charter." It is true that it can be objected that this is not an operative clause, but an examination of other General Assembly resolutions will show that many of them went much less far.

101. The PRESIDENT: I call upon the representative of the Soviet Union on a point of order.

102. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): I am speaking in support of the statement just made by the representative of Iran.

103. In addition, I should like to say a few words in defence of the rules of procedure. It seems to me that an artificial interpretation of this or that article of the Charter or rule of procedure could render a disservice by opening the way for the evasion of the basic principles of the Charter whenever circumstances made it expedient for those who wished to make such an attempt.

104. Reference has been made to rule 88 of the rules of procedure. In the first place, rule 88 states that "no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting". It is just that latter part of the first sentence which has been lost sight of. What was the purpose of the statement made by Mr. Entezam, the representative of Iran? It was to direct or to help the President to direct the voting along the right lines. His proposal directly concerned the conduct of the

voting. He wished to point out that it was impossible to vote on a preamble alone without the operative part, to strike off the head, as it were, and then to vote on the remainder of the body which is, naturally, dead without its head. This was a matter directly connected with the conduct of the voting, and Mr. Entezam was acting in complete conformity with rule 88. He was trying to find a way out without turning the voting into a sheer farce and so lowering the dignity of our Assembly.

105. It is clear that Mrs. Pandit, our President, fully perceived this when she permitted Mr. Entezam not only to submit his proposal but also to explain it from a legal point of view. She acted quite correctly when she asked whether he was making a formal proposal. As far as I remember, Mr. Entezam confirmed that he was submitting a formal proposal. Indeed, I can see now that he is nodding his head in agreement. Rule 88, therefore, has not been violated, and to consider that it has been violated is to interpret it in the narrowest and most formalistic way, at the expense of the common sense which Mr. Entezam so aptly advocated and of the respect due to the basic principles of our Charter.

106. The fact of the matter is of course that we cannot vote on a draft resolution without an operative part. A proposal has been introduced to change the operative part. That was natural and necessary, for the rules of procedure cannot provide against all eventualities, but can only set forth general principles and directions for the resolution of questions in conformity with the basic tasks of the Assembly. A way out must be found. The way out lies in taking a vote on the proposal or amendment which has not been voted on. If that amendment were rejected, then rule 89 would come into force and there would be no need for further discussion. But so long as Mr. Entezam's amendment has not been voted on, rule 89 cannot be applied.

107. That is why I think that the present President is quite right in saying that there is no conflict between his ruling and that of his predecessor, for he is convinced that, if Mrs. Pandit were in the Chair, she too would agree that Mr. Entezam's amendment should be voted on since it was submitted as a formal proposal and has not been put to the vote. I therefore think that the Assembly should request the present President to maintain his last ruling and to put Mr. Entezam's amendment to the vote. In that way we should be observing the rules of procedure exactly and we should be respecting the principles of the Charter.

108. Mr. FRANCO Y FRANCO (Dominican Republic) (*translated from Spanish*): I shall try to shed a little light on the question.

109. The final sentence of rule 89 of the rules of procedure reads:

"If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole."

110. The Iranian representative's proposal was submitted after the entire proposal had been rejected, since, under rule 89, the draft resolution must be considered to have been rejected as a whole after its operative part had been rejected. Therefore, according to the last sentence of rule 89, there was nothing left

of the resolution after the Assembly had rejected the operative part.

111. Now, it is surely not possible to amend something which does not exist. The representative of Iran could not submit an amendment to something which no longer existed. What he could have done was to submit a new draft resolution, provided that he did so in accordance with the rules of procedure. If such a draft resolution were submitted in accordance with the rules of procedure, the General Assembly would then proceed to take the appropriate decision on it. But the really fundamental issue, which is as clear as daylight, is this: the draft resolution was rejected as a whole, under rule 89, because the operative part had been rejected. Therefore nothing remained; it had become, in the French phrase, *le néant*. It was absolutely nothing, and you cannot amend nothing. If nothing remains, the only possible course is to submit something new, if we wish to observe the rules of procedure.

112. I consider the President's ruling quite correct, and our Acting President is only endeavouring, as is his duty, to uphold this ruling in accordance with the wishes of the Assembly. That is all.

113. The PRESIDENT (*translated from Spanish*): In accordance with rule 72 of the rules of procedure, and in view of the fact that the ruling of the Chair has been challenged, I shall put that ruling to the vote so that the General Assembly may at once decide the question.

114. I should like to say that to my mind rule 72 is quite unequivocal; since the ruling of the Chair has been challenged, it must be put to the vote immediately.

115. I call upon the representative of Turkey on a point of order.

116. Mr. SARPÉR (Turkey): I tried several times to catch the President's eye, but I was not lucky. However, the representative of the Dominican Republic has just said what I wanted to say. There is now one other point, however, which I should like to understand. I am not sure that there has been a challenge to the ruling. Who has challenged the ruling, and in what way, if I may ask?

117. The PRESIDENT (*translated from Spanish*): I think that what has been said by various representatives, and especially by the representative of the Soviet Union, might well be considered as an appeal against the ruling of the President. I therefore think that, in order not to prolong the discussion unnecessarily, we should decide this question once and for all, as it is undoubtedly one which must be decided first.

118. In accordance with rule 72 I shall immediately put the ruling of the Chair to the vote.

119. There has evidently been some confusion in this connexion, although a ruling was given earlier about which there can be absolutely no doubt. As a result, and in accordance with rule 88, I put to the vote the ruling given by Mrs. Pandit.

120. I call upon the representative of Iran on a point of order.

121. Mr. ENTEZAM (Iran) (*translated from French*): I am going to try to facilitate the President's task and simplify the vote the Assembly is about to take.

122. It is always difficult to vote against a ruling from the Chair. Moreover, as I have said, Mrs. Pandit had not, in my opinion, made any ruling on this point before hearing me.

123. I now wish to revert to the President's proposal. Does he not think that it would be easier to put to the vote the question whether the Assembly wishes to take a decision on my proposal? I have no illusions, incidentally, and I think this proposal will be rejected, because, like the President, I realize that it must obtain two-thirds of the votes of the Members present and voting.

124. My proposal, then, is that the following question should be put to the vote: does the Assembly wish to take a decision on the amendment proposed by the Iranian delegation? In this way our situation will be simplified, and we shall not be compelled to take sides on the President's ruling.

125. The PRESIDENT (*translated from Spanish*): The situation as I see it is that, after the rejection of the operative part of the draft resolution, Mrs. Pandit concluded that, under rule 89, the draft resolution as a whole had been rejected. She immediately announced that the Assembly would therefore proceed to the next item on its agenda. The disagreement which has now arisen is therefore in reality an appeal against that decision and constitutes a request for the reconsideration of the decision taken with respect to the draft resolution. For that reason, I shall put to the vote the appeal against the ruling given by the President, Mrs. Pandit. The ruling was that the draft resolution as a whole should be considered as rejected, and that the Assembly should therefore pass on to the next item.

The ruling of the Chair was upheld by 32 votes to 11, with 9 abstentions. Mrs. Pandit resumed the Chair.

The Tunisian question: report of the First Committee (A/2530)

[Agenda item 56]

Mr. Thors (Iceland), Rapporteur of the First Committee, presented the report of that Committee (A/2530).

126. Mr. HANIFAH (Indonesia): As I pointed out when the Tunisian question was under consideration in the First Committee, the time is ripe for more action and fewer words. We have already expended a considerable amount of words and eloquence in describing the unfortunate conditions in that part of the world. Moreover, what I, as well as other representatives, have stated earlier from this rostrum on the question of Morocco is equally applicable to the problem of Tunisia. Therefore I do not wish to try the patience of this Assembly by repeating again all that has been said so often on this matter.

127. There is one point, however, pertinent to the question of Tunisia, as well as to that of Morocco, which must be stressed and stressed again. And that is the apparently increasing tendency of this Organization to by-pass, for reasons of temporary expedience, the burning problems of Asia and Africa. It is done by various ways and means. On many occasions, refuge is taken behind the clause concerning domestic jurisdiction. At other times, one hears the threat of non-co-operation with or even boycott of United

Nations meetings. Then again, one finds that use is made of both the clause on domestic jurisdiction and the walk-out to frustrate any fruitful action on the part of this Organization.

128. But perhaps most detrimental to this world body is the employment by certain Powers of their tremendous influence to cast votes in the full knowledge that they will paralyse or prevent this Assembly from reaching any decisions on the pressing problems besetting the Asian and African continents. Thus it seems to us that procedures which can hardly be characterized as democratic are being increasingly utilized to thwart the majority will of this august body. But it is most regrettable that such procedures are being used to block the peaceful progress of peoples from the status of subjugation to that of democratic freedom and independence.

129. What are the demands of the people of Tunisia? Tunisia is today seeking to reaffirm its faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small. It is desirous of establishing democratic conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained. It wants to promote, in the interest of its people, social progress and better standards of life in larger freedom. These are all aims enshrined in our Charter which we, the peoples of the United Nations, have resolved, through our combined efforts, to accomplish. It is now our collective responsibility to choose whether we will redeem our pledge or whether we will allow the Charter to lapse into nothing more than a collection of beautiful and noble phrases.

130. In this connexion, I may add that the answer will not be provided by revising the Charter. For if there is a desire to escape one's moral obligations—even on the basis of undemocratic practices—then such loopholes will always be found, no matter how many revisions are made. The success of this Organization in achieving its inspiring and high aims cannot be calculated alone by the words inscribed in our Charter. But it can be measured by the will of every Member State to desist from any other considerations but reason and justice in weighing the merits of each issue.

131. As regards the question of Tunisia, my delegation still believes that it merits stronger measures than are contemplated in the draft resolution recommended by the First Committee. But again, as in the case of the Moroccan question, we feel that this draft resolution is better than nothing at all. Its tone is mild and reasonable and should, therefore, command the support of nearly every Member State represented here. In particular, those delegations which have harboured some doubts as to the extent of the Assembly's competence in this matter should not, in the opinion of my delegation, find difficulty in supporting its recommendations.

132. The preamble, in which the Assembly expresses the desire for normal relations between France and Tunisia based on the principle of equality of rights of nations large and small, and reaffirms its conviction as to the legitimate rights of the Tunisian people to self-determination and self-government in conformity with the Charter, can certainly be offending to no one. In its operative part, the draft resolution simply recommends that necessary steps be taken so as to ensure

the realization by the people of Tunisia of their rights to full sovereignty and independence. It also requests the Secretary-General to report on the Tunisian question to the ninth session of the General Assembly.

133. It is our hope that no one will hesitate to reaffirm these fundamental human rights. In the interest of the whole world, let us support and assist the progress of the people of Tunisia to democratic freedom and independence.

134. Mr. ABDEL-RAZEK (Egypt) (*translated from French*): I am not going to enter into all the details of the Tunisian question today. I spoke at length on the subject in the First Committee. I shall therefore confine myself to repeating that resolution 611 (VII), which the General Assembly adopted on 17 December 1952, has not yet been implemented, that tension continues in Tunisia, and that the French Government has not yet begun negotiations with the true representatives of the Tunisian people, but instead has imposed on His Highness the Bey, and on his people, reforms whose purpose is not to bring about independence for the Tunisian people, in conformity with the United Nations Charter, but rather to reinforce the principle of co-sovereignty and to protect more than ever the rights and privileges of the French colonists.

135. On several occasions the French Government, after giving proof of goodwill in the matter of real reforms, has subsequently had to bow to the pressure of the French colonists and adopt their colonial policy, which is inconsistent with the principles of the Charter and with the tenets of the French people and the French Constitution, which recognize the rights of peoples to independence, their right to self-determination, and their right to live in a manner consistent with human dignity.

136. In the name of all these sacred principles we today appeal to the French people and the French Government to implement the principles they have proclaimed, and to satisfy the national aspirations of the Tunisian people, who sacrificed their blood and their resources to help France during the darkest hours of the Second World War.

137. We therefore support the draft resolution adopted by the First Committee, which, without in any way blaming France, recommends that all necessary measures should be taken to enable the Tunisian people to exercise their right to sovereignty and independence. This draft resolution, therefore, merely proclaims the principles embodied in the United Nations Charter, and we hope the General Assembly will adopt it by a great majority.

138. Mr. TSIANG (China): My delegation supports the draft resolution on Tunisia, as we supported the draft resolution on Morocco, and what I have to say in relation to the draft on Tunisia applies equally to the one on Morocco. My delegation finds this draft resolution consistent with the principles of the Charter, and we also find its terms in line with the policy of France as announced here during the seventh session by the then Foreign Minister of France, Mr. Robert Schuman [*392nd meeting*]. We think that it would be helpful in future developments.

139. The question of Tunisia, as well as the question of Morocco, has been debated in two successive sessions of the General Assembly. In fact, both of these

questions have to a certain degree been discussed in the Security Council. In the Security Council, the discussion has never crossed the barrier of domestic jurisdiction. It is on that account that these questions have never formally been placed on the agenda of the Security Council. They have been discussed in the First Committee, but the debate there has really centred on the question of competence. Thus Article 2, paragraph 7, of the Charter, on which the claim of domestic jurisdiction is based, has been, up to the present moment, the crux of the whole problem.

140. I do not intend at this hour to renew the arguments relating to that point. Legal arguments were advanced in the First Committee to show that the questions of Tunisia and Morocco were within the competence of the United Nations. My delegation shared in that type of reasoning. I would add today that, in the mind of my delegation, there is another consideration which is perhaps even more important than the legal considerations.

141. We think that, under the Charter of the United Nations, this concept of "domestic" versus "international" is changing its meaning. Formerly, what was considered international was limited to relations between independent sovereign States. Under the Charter of the United Nations, "international" includes also relations between peoples. Therefore "international" would mean not only "inter-state"; it would also have to mean "inter-people". If the question of Tunisia had been a question, say, between Burgundy and Provence or between Paris and Marseilles, I would readily concede it to be a question of domestic jurisdiction and therefore beyond the competence of the General Assembly. But I do not believe that anybody can claim that the people of Tunisia or the people of Morocco are a part of the people of France, or vice versa. Therefore, on that ground, I feel there is an additional reason for consideration of this question by the United Nations.

142. Similar questions have occurred in the past. In fact, in the nineteenth century, the whole of South-Eastern Europe was in a condition more or less similar to the conditions now prevailing in Tunisia and Morocco. As regards questions concerning South-Eastern Europe during the nineteenth century, two great empires—the Ottoman Empire and the Austro-Hungarian Empire—always claimed that the problems in that region were within their domestic jurisdiction. Indeed, they had treaties behind them. But events made those problems, eventually, not domestic problems. Those problems were the causes of wars—some international wars, world wars, some wars of independence.

143. Therefore, in view of our past experience, in view of the principles of the Charter, I feel that we should not stick to practices of the past which have proved fruitless. I believe that the United Nations should render a service—try to render a service—in solving the remaining problems of colonialism in a better way than the way in which they were solved in the last century.

144. For this reason, which seems to my delegation to be important and pertinent, we supported this draft resolution in committee and will support it now in the General Assembly.

145. Mr. ZAFRULLA KHAN (Pakistan): As stated in the report of the First Committee, the draft

resolution originally moved by thirteen States, among them Pakistan, made three recommendations, only the first one of which commended itself to the Committee. The remaining two recommendations, relating to the "existing state of martial law and all other exceptional measures" and the release of political prisoners and the restoration of civil liberties, and also proposing that "negotiations be undertaken without delay with representatives of a Tunisian government established through free elections held on the basis of universal suffrage and enjoying the necessary guarantees of freedom", were rejected. Therefore the operative part of the draft resolution now before the Assembly recommends only "that all necessary steps be taken to ensure the realization by the people of Tunisia of their right to full sovereignty and independence".

146. But, having regard to the results of the voting in the Committee, and also having regard to what happened in the case of Morocco, where all that was said in the draft resolution adopted by the Committee was axiomatic, we do not expect that this draft resolution on Tunisia will commend itself to the Assembly. Having regard, as I have said, to what happened in the case of Morocco, one could adopt an attitude of bitterness or of sarcasm. But that would not help. As we have repeatedly said whenever these questions have been discussed either in committee or in the Assembly, our desire is that these questions should be amicably resolved, not only in the interests of the people of Morocco and the people of Tunisia, not only in the interests of the people of France, but in the interests of international peace and the promotion of the welfare of the whole of humanity.

147. At the moment, under the influence of the very frustrating decision that has just been taken with regard to Morocco, one might have thought that it would be useless to urge the Assembly to take a decision in the case of Tunisia which, if followed, might help to resolve this problem. We shall not take that course as far as the voting is concerned. We accepted in committee the rejection of the second and third recommendations contained in our draft resolution. We shall vote accordingly in the Assembly, but before the Assembly proceeds to the vote we wish to say, with regard to all these questions—and we wish to say it with all the solemnity at our command—that this Assembly, by its decision, gives only an indication of how the collective mind is running. It does not follow that the collective mind on all questions is running in the right direction nor does the indication of the direction in which it is running decide the question.

148. We have adopted no resolution on Morocco; but that really makes very little difference to the actual situation. It does not mean that the struggle in Morocco will stop; it does not mean that the Moroccans will not be free; it does not mean that the principle of the domination of one section of mankind by another thereby becomes a beneficent principle. It means only this: that, unfortunately, there is still a great deal of divergence between what we proclaim and what we practise. As long as that divergence continues, our problems will pile up and will not be resolved. If we were to look into the history of these things, we would have to affirm that liberty, the greatest gift of God to man, must have been abused to have been lost; and that therefore the people who by abuse of liberty in the end lost it themselves have

to go through a period of suffering and penance to be fit to regain it.

149. But that is only one side of the picture. It does not follow that those who by the exercise of force or of guile deprive sections of mankind of their liberty are acting righteously. It is only a case of the Arabic saying that in the course of time one who has abused is oppressed by somebody who is also abusing his position of power. If these things continue unremedied and if they are not voluntarily remedied, they are remedied in the end also by force. If we do not use what Providence has given us as an opportunity for promoting beneficence, we surely in the end, resolutions or no resolutions, have to pay the penalty. We have been taught that God says:

"If my bounties are used by mankind or sections of mankind beneficently, I shall go on multiplying them to those people. But if they are abused, my punishment is also severe".

150. There is something very much higher than this Assembly, or this Council or this Organization, which runs the universe. If we put ourselves in accord with the will of that higher Being—according to some of us, or Power—according to others, we shall be acting beneficently. If we do not, we take the consequences. Pakistan is very anxious that these struggles that have started—which can only end in one way, do what we may, whatever resolutions we pass or whatever resolutions we reject—should not proceed along destructive lines and that we should hold out a hand of friendship to those peoples. We should open the door of hope to those peoples lest they, in their frustration and in their desperation, open their hearts to counsels of despair and proceed to adopt courses of despair.

151. We may congratulate ourselves that we have assisted France by not adopting any resolution on Morocco, and France may be happy over it. We may say that we are not going to have this word or that word. We are struggling with words, but the urge that has awakened in the hearts of a people to attain

its liberty and freedom will be fulfilled. If the absence of a resolution amounts merely to blocking that urge, we are opening the doors to forces of violence, and we shall have to take the consequences. We should be here to promote beneficently what we have all set our signatures to—that is to say, the right of self-determination of peoples. We are not here to say one thing and to go on doing another, to seek shelter behind this or behind that. When, as I have said before, the trial of one Cardinal was in discussion, Article 2, paragraph 7, of the Charter did not stand in the way, but those very delegations which, with passion, urged then that that matter was an international matter and ought to be discussed here, urge today that the question of the freedom, liberty and self-determination of a people is barred by Article 2, paragraph 7. Believe me, nothing, however small in our eyes, goes without producing its consequences—beneficent or ill. Whatever we do here, of that we must take the consequences.

152. Again I repeat that we shall support this draft resolution, not because it achieves what we think the time has come to achieve, not because through it, even if it is adopted, France will be persuaded to do what it ought to do and what is already overdue from France in this respect, but still in hope and in the belief that we ourselves must not take refuge in despair. We shall support it in the hope that this will achieve beneficent results—at any rate, that this is the only beneficent way of doing it.

153. If we did not support this draft resolution, we should have to say to the people of Morocco and to the people of Tunisia: "We cannot do anything for you: go ahead and do whatever you can for yourselves"; and the stage has not come where we think that that would be the right thing to do. Therefore, as the least we can do to assist them, as the least we can do to assist France and as the least we can do to keep hope alive in their hearts lest they have recourse to counsels of despair and the reaction of despair, we shall support this draft resolution.

The meeting rose at 1.20 p.m.