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CONTENTS

President: Sir Leslie MUNRO (New Zealand).

Decision concerning the procedure of the meeting

In accordance with rule 68 of the rules of procedure, it was decided not to discuss the reports of the First Committee.

AGENDA ITEM 23

The Korean question: report of the United Nations Commission on the Unification and Rehabilitation of Korea

REPORT OF THE FIRST COMMITTEE (A/3746)

1. Mr. MATSCH (Austria), Rapporteur of the First Committee: In presenting to the General Assembly the report of the First Committee on the question of Korea and the draft resolution enclosed, I have the honour to sum up the debate which took place in the First Committee on this item as follows.

2. Although the United Nations has been dealing with the Korean problem for ten years without being able to settle this question, it may be considered an encouraging fact that all representatives of Member States who intervened in the debate referred to the necessity that the Armistice Agreement of 1953 should remain in effect until a unified, independent and democratic Korea is established by peaceful means. As to how to realize this aim, different views continue to exist.

3. On the one hand it has been advocated that this objective should be reached on the basis of the fundamental principles for the unification set forth by the nations participating on behalf of the United Nations in the Korea Political Conference held in Geneva in 1954. Among these, the principle of free elections in the whole of Korea under the supervision of the United Nations has been particularly emphasized. On the other hand, direct negotiations between the two parts of Korea have been urged in order to set up political, economic and cultural ties between the two parts, which would lead ultimately to the unification of the country.

4. The draft resolution on Korea annexed to the report which I have the honour to present, favours the first alternative and calls upon the Communist authorities concerned to accept the established United Nations objectives in order to achieve a settlement in Korea. The First Committee submits it to the General Assembly for adoption.

5. Mr. SOBOLEV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation considers it necessary to state its position on the draft resolution set out in the First Committee's report on the outcome of the discussion of the Korean question, which is now before us.

6. The Korean question has been on the agenda of the General Assembly for more than ten years. Nevertheless, the resolutions adopted by the General Assembly under pressure from the United States have not brought a settlement of the problem one whit nearer, and this is natural, for they have been adopted in the absence of representatives of the Korean people, that is to say, representatives of the Democratic People's Republic of Korea.

7. These resolutions have not contributed to the peaceful unification of Korea, they have all served the ends of the United States policy on the Korean question, which has nothing in common with the interests of the Korean people. The United States is striving to keep the Korean question on the agenda of the United Nations for as long as possible, to use the forum of the United Nations for slanderous attacks on the Democratic People's Republic of Korea, to prevent the two parts of Korea from reaching agreement on the peaceful unification of the country and, accordingly, to impede the removal of one of the causes of international tension in Asia and indeed throughout the world. The flagrant violation of the Armistice Agreement by the United States is directed towards the same objectives as the further measures taken by that country to equip with modern weapons the armed forces of Syngman Rhee, who has not abandoned his mad ideas of attacking the North. As a result of feverish United States military preparations, South Korea has been transformed into a powerful strategic outpost threatening the security of the Democratic People's Republic of Korea and the People's Republic of China.

8. These measures are being taken by the United States despite the fact that the failure of aggression against the Korean people has clearly demonstrated that it is impossible to unify Korea by armed force, just as it is impossible to unify it by imposing on one part of the country out-dated resolutions in the nature of ultimatums.

9. Nevertheless the United States stubbornly continues to follow its aggressive policy in respect of Korea, attempting to disregard reality It closes its eyes to the fact that there are two States with different social structures on the Korean peninsula, that the Democratic People's Republic of Korea has healed the wounds inflicted on it by the aggressors and is successfully developing its economy and that, without economic cooperation with the North, South Korea will become even more deeply involved in the chronic economic crisis it has been experiencing ever since, thanks to the United States intervention, the living body of Korea was artificially cut in two.

10. It must be understood once and for all that there is but one way of settling the question of Korean unification, namely, to preserve and strengthen the armistice, to transform it into a lasting peace, and to give Koreans from the North and South the opportunity themselves to establish and extend economic, political and cultural links between the two Korean States, which must ultimately lead to the unification of Korea on a peaceful and democratic basis.

11. The cause of the unification of Korea would also be served by convening an international conference of the countries interested in the Korean question, as proposed by the Governments of the Democratic People's Republic of Korea and the People's Republic of China. The Soviet Government for its part fully supports the idea of convening such a conference.

12. Such, in our opinion, are the procedures and measures conducive to a peaceful settlement of the Korean question. It is the duty of the United Nations to give the Korean people every assistance in carrying out these procedures and measures.

13. The draft resolution submitted to the General Assembly by the United States and other countries which participated in the aggression in Korea deliberately ignores the only effective means of achieving the unification of Korea, and attempts to force on the Democratic People's Republic of Korea a unilateral and unacceptable solution that runs counter to the interests of the whole Korean people.

14. For these reasons, the USSR delegation will vote against the draft resolution contained in the First Committee's report [A/3746].

15. Mr. JUDD (United States of America): In view of the remarks just made by the representative of the Soviet Union, it is necessary once more for the United States to explain its vote in favour of this resolution.

16. In its consideration of the Korean question over the past decade, the United Nations had directed its efforts to the achievement of two constant and clear-cut objectives: first, the establishment through peaceful means of a unified independent and democratic Korea under a representative form of government and secondly the full restoration of international peace and security in the area. The Members of this General Assembly have endorsed those objectives time and again, always by overwhelming majorities.

17. The record of the Korean question is well known. Nevertheless, we have just again heard shocking distortions of the record by the representative of the Soviet Union. In the First Committee, under similar circumstances, I said that we would correct the record just as often as others might seek to distort it. I did that in the First Committee and I am compelled to do so again today.

18. Aggression in Korea was committed by Communist forces against the Republic of Korea This is a plain truth known to all. After the Armistice Agreement [S/3079, Annex A] had terminated hostilities, the Communist side frustrated the sincere efforts of the United Nations to reach a political settlement. The Communist side then ignored and violated important provisions of the Armistice Agreement it had signed. The Communist side, for example, failed to report shipments of combat matériel, frustrated the inspection and supervisory procedures which it had agreed to in the armistice, and imported large quantities of reinforcing military equipment, contrary to the signed armistice agreement. These too are plain statements of fact. These gross violations of the armistice agreement by the Communist side compelled the United Nations Command to take remedial action.

19. The original intent of sub-paragraph 13 (d) of the Armistice Agreement was to maintain the relative military balance that existed at the time the armistice agreement was signed. The Communist side by violating sub-paragraph 13 (d), while the United Nations Command strictly observed it, drastically upset that military balance. The United Nations Command, therefore, is now taking appropriate steps to strengthen its defensive position. The purpose of these steps thus is not to destroy but to maintain the Armistice Agreement by restoring the relative military balance that existed on 27 July 1953. As stated in the announcement on 21 June 1957 in the Military Armistice Commission and in the Unified Command's report [A/3631], the United Nations Command intends fully to observe, as it has in the past, the cease-fire provision and all other provisions of the Armistice Agreement, save insofar as it is entitled to be relieved from compliance because of violations by the Communist side. It is the purpose and the duty of the United Nations Command, as intended in the Armistice Agreement, to preserve the military balance which will prevent the resumption of war in Korea rather than invite it.

20. Thus the record shows that the United Nations Command has faithfully and honestly observed all the provisions of the Armistice Agreement; the Communist régimes have not. The United Nations Commission for the Unification and Rehabilitation of Korea has again demonstrated its great value in making known the progress that has been achieved in the growth and development of the Republic of Korea. This record of accomplishment should encourage us all. The legitimate desire of the Korean people for freedom, independence and unification deserves to be realized. It would have been realized long since but for the intransigent position of the USSR, its North Korean puppet and communist China. These Communist régimes have repeatedly rejected every proposal for an equitable solution. Their actions fail to demonstrate that they are at all sincere in seeking a real solution to the Korean question.

21. The draft resolution approved by the First Committee now before us sets forth the basis on which it is possible to make progress towards a genuine settlement in Korea. Reiteration of the principles in this resolution and their acceptance by the Communist side could lead finally to the achievement of the objectives which the United Nations has repeatedly reaffirmed. This Assembly can do no less than reassert those basic principles on which a settlement of the Korean problem can be reached and then steadfastly adhere to them.

22. That is why the United States will vote for the resolution submitted by the First Committee [A/3746].

23. Mr. ULLRICH (Czechoslovakia): The draft resolution on the Korean question adopted by the First Committee and submitted to the General Assembly for approval is but a copy of the old American plan for the solution of the Korean problem, which in the past proved harmful and militated against the peaceful solution of this question. For years the group of States which engaged in the Korean war under the leadership of the United States has imposed on the General Assembly one-sided resolutions which cannot serve as a basis for the settlement of the Korean question, or, in particular, for the establishment of the unified Korean State upon a peaceful and democratic basis. This is the true cause of the unsatisfactory state of affairs in Korea, which has an unfavourable impact on the entire situation in the Far East.

24. Moreover, one of the interested parties—the Korean People's Democratic Republic—is being permanently excluded from the discussion of the Korean question. On the other hand, as a result of pressure from the United States, the representatives of South Korea—which, as is well known, unleashed the armed conflict in Korea and refused to sign the Armistice agreement—have been invited to attend the discussions in the Political Committee. It should be recognized at last that without the participation of the interested parties it is impossible not only to solve the Korean question, but even to bring us any nearer to its ultimate solution.

25. At the present time, a rapprochement of both parts of the country, which have embarked on different roads of development, is of great importance in accelerating the settlement of the Korean problem. We are all aware that the prolonged division of the country and especially the war have had a detrimental effect on the development of relations between North and South Korea. It is therefore necessary to support all proposals for a rapprochement.

26. In this spirit, the Korean People's Democratic Republic has for years been submitting proposals aimed at establishing contacts between the population of both parts of the country, between political and other public organizations, including proposals for establishing contacts in the economic and cultural fields. Such practical co-operation can promote a favourable climate for the implementation of the principal task, namely, the reunification of the country. However, the attitude of the South Korean authorities is in flagrant contradiction to the efforts made by the Korean People's Democratic Republic. Not a single one of the latter's proposals was ever adopted.

27. The United States, whose armed forces continue to occupy South Korea, believes that that country fits into its strategic plans as an important military base on Asian territory. It therefore obstructs any agreement on the reunification of the country and influences the South Korean authorities to take a similar stand.

28. Furthermore, the United States consistently refuses the offers made by the Korean People's Democratic Republic and the Chinese People's Republic for the convocation of an international conference of the countries concerned with a view to settling the Korean question.

29. This year, the United States side committed a serious breach of the Armistice Agreement, which endangered peace in this area. The United States Command in Korea announced that, for its part, it would not abide by the provision of sub-paragraph 15 d) of the Armistice Agreement, which prohibits shipments of arms to Korea.

30. At the same time, it informed the Neutral Nations Supervisory Commission that henceforth it no longer considered as binding its obligation to report regularly on the shipment of military material and combat aircraft to South Korea, as it was called upon to do under the Armistice Agreement. In this connexion the competent military authorities of the United States announced that atomic weapons would be introduced into Korea.

31. Czechoslovakia, as a member of the Neutral Nations Supervisory Commission in Korea, considers this decision of the United States Command as a gross violation of the most important article of the Armistice Agreement. This decision, which places the peaceful settlement of affairs in Korea in serious jeopardy, is intended to bring about the cancellation of the Armistice Agreement and the liquidation of the Neutral Nations Supervisory Commission.

32. The peaceful solution of the Korean question lies above all in the hands of the Korean people themselves. This aim can be achieved only by negotiation, not by violence or threats. Our Organization should be mindful of the fact that its principal task is to encourage the efforts of the Korean people for reunification and to promote the creation of such conditions as will facilitate negotiations between the parties concerned and conduce to the establishment of a unified democratic Korean State.

33. In view of the fact that the draft resolution submitted by the First Committee is contrary to the principles which should govern the reunification of Korea and represents an attempt to impose a one-sided solution which is in conflict with the interests of the Korean people, the Czechoslovak delegation will vote against it.

34. Mr. ILLUECA (Panama) (translated from Spanish): With your permission I should like to explain the reasons why the delegation of Panama will vote in favour of the draft resolution approved by the First Committee and appearing in its report [A/3746].

35. In considering the problem of Korea, the General Assembly must have in view the attainment of the essential objective it has set itself: to bring about a unified, independent and democratic government for the whole of the Korean peninsula. It is with this criterion in mind that we should examine the report of the United Nations Commission for the Unification and Rehabilitation of Korea [A/3672], in order that the States Members of the United Nations, and particularly the countries directly concerned, may be able to find a formula which, while allowing the noble Korean people to enjoy their sovereign rights to the full, would also lead to the admission of the State of Korea to the United Nations and the creation of an atmosphere of international peace and security in that area.

36. I feel I am discharging a duty in expressing my delegation's gratitude for the excellent report submitted by the Commission for the Unification and Rehabilitation of Korea, which provides a summary of its valuable activities during the past year.

37. In the light of this report, we have to decide whether anything has happened that is likely to help the General Assembly, with the co-operation of the States directly concerned, to find a solution to the problem.

38. Unfortunately, the Commission tells us frankly and categorically that "there has been no change in the basic prospects" that the General Assembly had before it at its eleventh session.

39. In the First Committee we listened very attentively to the statements of the distinguished representatives who spoke on the matter, and particularly to the moving speech made on 13 November 1957 by Mr. Yu Chan Yang, Permanent Observer of the Republic of Korea to the United Nations.

40. It is not a simple problem, nor can it be dealt with in isolation. Suffice it to say, as does the report, that there is no sign of any willingness on the part of the North Korean authorities or the Central People's Government of the People's Republic of China to negotiate for a settlement on the basis of the principles laid down by the United Nations. On the contrary, there have been serious violations of sub-paragraph 13 (d) of the Armistice Agreement, which are a matter of grave concern.

41. My country has always firmly supported the admission of the Republic of Korea to the United Nations, because it regards that State as fully qualified for membership under the terms of Article 4 of the Charter. We sincerely believe that with its admission our work would be enriched by the valuable contribution of a nation which boasts a magnificent cultural tradition with eternal values that will always command respect.

42. My delegation is aware of the serious obstacles which have so far impeded the admission of the Republic of Korea to the United Nations. Serious as they are, however, these obstacles are by no means insuperable. It is manifestly unjust to exclude from membership of the United Nations a State which has given proof of its acceptance of the Purposes and Principles of the United Nations Charter and which has complied with the Assembly's resolutions with the proper deference of a country which respects international law, recognizing it as the sole basis for living in peace with the other States that form the universal community of nations. We cannot resign ourselves to the fact that a nation which has experienced the most atrocious aggression of recent times should still be the victim of such injustice, although a number of years have elapsed since the aggression was repulsed.

43. In the case of Korea, as in any other international dispute, the use of force, in disregard of justice and morality, will not provide a solution.

44. My delegation hopes that the parties directly and indirectly concerned in this problem will heed the voice of the Korean people, who wish to live and work in peace and who have a right to do so, and that they will endeavour to find a formula resulting in the political, social and economic reconstruction of the Korean nation, dismembered through an aggression which was resolutely condemned by the free world.

45. In conclusion, I consider that the draft resolution submitted by the First Committee is the least that the General Assembly can do this year and my delegation will therefore vote in its favour.

46. Mr. BRUCAN (Romania): I should like briefly to explain the position of the Romanian delegation with regard to the draft resolution contained in the report of the First Committee [A/3746].

47. In our opinion, this draft resolution has at least two features which run counter to the United Nations objectives concerning Korea, that is, the reunification and rehabilitation of this strife-torn country.

48. Firstly, I refer to its unilateral character, its factious approach to the Korean question. This would be understandable if it were to express the viewpoint of one of the belligerent parties—more precisely, former belligerents—but it is improper and unacceptable in a United Nations resolution.

49. It has been repeatedly underlined that, whether you like it or not, there are at present two States in Korea; this is a reality which has to be taken into account. Apparently, however, realism is not the main asset of those who originated the above-mentioned draft resolution. They choose to deny the very existence as a State of the Korean People's Democratic Republic, as well as all the major realities of the contemporary world. It is our belief that such a philosophy leads its followers through a chain of surprises to discover things of which everybody is aware.

50. The Korean People's Democratic Republic has proved to be a vigorous and lasting State. This is a fact that should be acknowledged even by the sponsors of the draft resolution. As to the character of the policy of the two Korean States, to depict Mr. Syngman Rhee as an apostle of peace is as unconvincing as to allege the unwillingness of the Korean People's Democratic Republic to reach a peaceful reunification of Korea; for, if the United States delegation and its supporters have their reasons for passing over in silence the constructive proposals put forward by the Korean people's Democratic Republic with a view to a peaceful settlement, they cannot ignore the repeated urging of Syngman Rhee that the Armistice Agreement should be broken and his public statements about a "march to the north". Despite these statements, operative paragraph 3 of the draft resolution refers exclusively to North Korea and calls upon the Communist authorities to accept the United Nations objectives on the obvious assumption that South Korea is a perfect example of compliance with these objectives.

51. A natural question arises: does this so-called "march to the north" expose the eleven sponsors' interpretation of the United Nations objectives in Korea? Is that what they actually mean by their unconditional endorsement of the policy of the Republic of Korea? Either the "march to the north", bluntly proclaimed by the ruler of the Republic of Korea, is considered as compatible with United Nations goals, or such a policy is considered as incompatible with or even contrary to these goals. In the latter case, the draft resolution should urge the South Korean as well as the Communist authorities to accept the United Nations objectives but it does not do so.

52. In our opinion, such a unilateral approach to the Korean question is not only sterile and ineffective but fraught with dangers because it implies an encouragement of the aggressive forces in Korea. The adoption of the draft resolution would constitute a moral endorsement of these aggressive forces by the United Nations.

53. I turn now to the second feature of this draft resolution which runs counter to the United Nations goals. I refer to the fact that it is conceived in the evil spirit of the cold war. Obviously, if the United Nations is to bring about by peaceful means the establishment of a unified, independent and democratic Korea, under a representative form of Government, and the full restoration of international peace and security in the area, this cannot be achieved under the ragged banner of the cold war.

54. The Romanian delegation is of the opinion that the political and economic system of a given country is a question within the exclusive competence of its people. The Korean people are the only ones entitled to decide which political and economic system best corresponds to its interests. The best way of enabling the Korean people to make a decision of their own on that question is by the promotion of multilateral relations between the two Korean States. Instead of serving the peaceful aim of a rapprochement between the two parties, the draft resolution stirs up hatred and hostility by using the poisonous weapons of the cold war. That is why the Romanian delegation will vote against it.

55. The PRESIDENT: The Assembly will now vote on the draft resolution recommended by the First Committee in its report [A/3748]. A vote by roll-call has been requested.

A vote was taken by roll-call.

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

In favour: New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, Spain, Sweden, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Ireland, Israel, Italy, Japan, Jordan, Laos, Liberia, Libya, Luxembourg, Malaya (Federation of), Mexico, Netherlands.

Against: Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary.

Abstaining: Saudi Arabia, Sudan, Syria, Yemen, Yugoslavia, Afghanistan, Burma, Cambodia, Ceylon, Egypt, Finland, Ghana, India, Indonesia, Morocco, Nepal.

The draft resolution was adopted by 54 votes to 9, with 16 abstentions.

56. The PRESIDENT: I should like to mention that the representative of Lebanon wishes it to be recorded that, had he been present, he would have voted in favour of the draft resolution.

AGENDA ITEM 62

The question of West Irian (West New Guinea)

REPORT OF THE FIRST COMMITTEE (A/3757)

57. Mr. MATSCH (Austria), Rapporteur of the First Committee: In presenting to the General Assembly the report of the First Committee on the question of West Irian (A/3757), including the draft resolution approved by the Committee, I should like to outline briefly the views expressed in the Committee on that item.

58. The debate showed that the juridical and political aspects involved in this dispute were interpreted in different ways. Most delegations were of the opinion that the General Assembly should invite both parties to pursue their endeavours to find a peaceful solution of this problem of international concern, in conformity with the principles of the United Nations Charter, and that, in order to achieve this aim, the Secretary-General should be requested to assist the parties concerned as he might deem appropriate.

59. Other delegations while welcoming the promise of the Netherlands Government that the inhabitants of West Irian would determine their own future when the time came, were of the opinion that the proposed draft resolution could not produce any tangible result because the positions of the two parties were irreconcilable, both claiming sovereignty over West Irian, and they could not even agree on the object of future negotiations.

60. The draft resolution adopted by the First Committee is recommended to the Assembly for adoption.

61. Mr. QUIROGA GALDO (Bolivia) (translated from Spanish): My delegation, as one of the sponsors of the joint draft resolution on West Irian, feels that it is carrying out a duty in urging the General Assembly to endorse the decision of the First Committee, which by a large majority expressed the wish that a recommendation should be made to the Netherlands and Indonesia to resume negotiations with a view to settling the political future of West Irian.

62. On this occasion my delegation feels obliged to reiterate the conviction which it has been expressing since the ninth session of the General Assembly, namely, that the dispute between the two countries is of a political nature and has its origin in the colonial system, although there are also certain legal elements in it.

63. After the full debate in the First Committee, which culminated in the approval of the draft resolution, it may not be superfluous to sum up the views expressed, which in our opinion, far from having been discredited during that debate seem to coincide very well with the facts of the case. The opponents of the Indonesian claim, as we then said, allege that West Irian did not during the colonial period come under the administrative jurisdiction of the Netherlands East Indies. We are all familiar, however, with the report transmitted to the United Nations in 1949, which stated that:

> "Indonesia consists of a series of island groups in the region of the equator, extending from the mainland of Asia to Australia. The principal groups are the Greater Sunda Islands. . .the Lesser Sunda Islands . . . the Moluccas and New Guinea west of 141 degrees east longitude." 1/

That statement is the expression of an administrative fact which had lasted for 350 years.

1/ Non-Self-Governing Territories, Summaries and Analyses of Information transmitted to the Secretary-General during 1949, United Nations Publication, Sales No. 1950.VI.B.1, Vol. II., p. 158.

64. Article 1 of the Charter of Transfer of Sovereignty concluded by the Netherlands and the infant Republic of Indonesia read as follows:

"The Kingdom of the Netherlands unconditionally and irrevocably transfers complete sovereignty over Indonesia to the Republic of the United States of Indonesia and thereby recognizes the said Republic of the United States of Indonesia as an independent and sovereign State."

65. The transfer of sovereignty is accordingly complete and absolute. No exception was made for any given Territory, and with reference to West Irian, article 2 of the said Charter of Transfer of Sovereignty expressly prescribes that the status quo of the residency of New Guinea shall be maintained with the stipulation that within a year from the date of transfer of sovereignty to the Republic of the United States of Indonesia the question of the political status of New Guinea shall be determined through negotiations between the Republic of the United States of Indonesia and the Netherlands.

66. This view is confirmed also by the agreements signed between the two countries prior to the transfer of sovereignty. The matter is clearly set forth in the third clause of the Agreement of Linggadjati, of 1947, in the declaration of the Lieutenant-Governor of the Netherlands Indies at Den Pasar in the same year, and more particularly in the 1948 amendment to the Netherlands Constitution, under which the Kingdom of the Netherlands comprises the territories of the Netherlands, Indonesia, Surinam and Netherlands Antilles. There is no mention there of West Irian. Without mincing our words, we can state outright that from the very Constitution of the Netherlands it is to be deduced that the Netherlands Crown never claimed possession of the territory and always recognized Indonesia to be the sole lawful owner.

67. In Latin America, as I have said several times in the last four years, we are fully aware of the significance of uti possidetis juris and uti possidetis de facto. The uti possidetis juris of 1810 is a principle of essentially American origin, embodied in the international law of Latin America, and has been used in the settlement of territorial disputes between the States emanicipated from the authority of the Spanish Crown and constituted in conformity with the boundaries delimited by Spain or with the administrative divisions established by that country in its frontier treaties.

68. That doctrine was effective as long as the States parties to the disputes respected the rule of law and justice, upholding the principle embodied in the Latin abbreviation of the formula "what you have you hold" with reference to the administrative position in 1810. In cases where the validity of uti possidetis juris was denied, force was always used and the right of conquest imposed, with the result that the other opposite concept which we in Latin America know as uti possidetis de facto came into being.

69. The course of events in Latin America, in relation to administrative measures introduced under Spanish sovereignty, may serve to clarify the territorial dispute between the Netherlands and Indonesia in the light of that American principle.

70. The fact is that the Indonesian Government, on the basis of very obvious titles, among which we may mention the agreements reached at the Round Table Conference in 1949, is asking for the application of the uti possidetis juris corresponding to the year of the transfer of sovereignty and is thereby seeking to recover part of its territory. The Netherlands, on the other hand, is apparently adhering to the principle of uti possidetis de facto, because by refusing to continue the negotiations prescribed in the Charter of Transfer of Sovereignty it gives us the impression that it wishes to remain indefinitely in West Irian, confident that de facto possession will enable it to exploit the petroleum deposits of the island for the benefit of the metropolitan country.

71. Obviously every political problem has its legal trappings. In the question of West Irian, however, we must avoid the risk of giving first place to those elements which in this case seem to be secondary. The danger lies in failing to perceive that these elements are sometimes invoked in a spirit which is far from impartial, to give the impression that, since the negotiations prescribed under the Charter of Transfer of Sovereignty to determine the future of the Territory within a period of one year had broken down, the Netherlands was not acting arbitrarily in making a unilateral decision to annex the Territory.

72. The fact is that the failure of the negotiations is merely a temporary set-back which cannot change the specific agreement, stipulated in the afore-mentioned legal instrument, that the political status of West Irian shall be determined through negotiations between Indonesia and the Netherlands.

73. Nor should it be forgotten that it was not the fault of Indonesia that no settlement of the problem was reached within one year of the date of the transfer of sovereignty, as required under article 2 of the instrument signed at The Hague on 2 November 1949, to which we have frequently referred. Between April 1950 and July 1954, four conferences were held for the purpose and all four failed on account of the obstinate refusal of the Netherlands to settle the question in accordance with the letter and spirit of article 2.

74. It may be appropriate to recall here that the Netherlands Government went so far as to propose to Indonesia that sovereignty over the territory should be transferred to the Union between the two countries; that proposal was rejected outright by the Government of Djakarta, which stated that Indonesia could not participate in a colonial régime. Similarly, the efforts made by the Netherlands to strip the question of its political character and to convert it into a mere legal case, as when it tries to bring the case before the International Court, have no other purpose than to nullify the effects of article 2 of the Charter of Transfer of Sovereignty and thus eliminate all possibility of negotiation.

75. Later the Netherlands Government argued that in view of the change in the constitutional structure of Indonesia, which had replaced its federal constitution by a unitary constitution, there was no reason for continuing the negotiations.

76. Who can honestly maintain in this Assembly that a sovereign State may not freely exercise the rights inherent in sovereignty? And how can anyone affirm that the solution of outstanding territorial problems is a necessary preliminary condition for any change in constitutional structure? My own country was originally part of a confederation of States and later

chose to revert to its original unitary constitutional structure. So far as I know, such constitutional changes have never influenced decisions in favour of, or against, Bolivia in any of the territorial questions with which my country has so often been faced in the course of its stormy international history.

77. Finally, in the legal web that has been woven around the question of West Irian it appears also that the dissolution of the Netherlands-Indonesian Union is being used as a pretext for consigning article 2 of the Charter of Transfer of Sovereignty to oblivion. In our view, the fact that the Union has been dissolved does not mean that the dispute over West Irian has ceased to exist, unless the dissolution involved the disappearance of the associated States from the political map of the world.

78. None of the legal arguments advanced so far by the Netherlands Government has changed the nature of the problem. The question of West Irian continues to be a political problem arising out of the liquidation of 350 years of colonialism.

79. The new turn recently given to events by the Governments of Australia and the Netherlands when they embarked on a policy of co-operation to continue their occupation of the island has merely emphasized the eminently political nature of the problem. The very fact of bluntly presenting the United Nations with a fait accompli on the eve of the twelfth regular session of the General Assembly is evidence that the leaders of the Netherlands have unilaterally repealed article 2 of the Charter of Transfer of Sovereignty in order to avoid the negotiations stipulated in that article, and have attempted to neutralize the adverse impression which the violation of a freely signed treaty would be bound to have on public opinion by announcing a series of measures to be taken in the future, ranging from the education of the people of West Irian to the access of Papuans and pygmies, i.e., bushmen, to the right of self-determination.

80. In the face of that attitude, which is at variance with the spirit and the letter of the Charter which the Governments of The Hague and Canberra are invoking to justify their decisions, the United Nations can only have recourse to moral pressure, which may at least prevent the problem from becoming more acute.

81. The debate in the First Committee has served to place the dispute in its proper perspective in the general picture of world politics. We must demonstrate that the vote has shown once more that the present-day world is faced with a choice between uniting to co-operate for the welfare of mankind in general or remaining divided into two hostile camps.

82. We must regret the intemperance of certain speakers, which reminded us of the tone in which Palmerston was accustomed to refer to the peoples of Asia and Africa in his time. Such an attitude, which although it can certainly not be regarded as indicating any revival of nineteenth-century colonialist policy, nevertheless helps to spread fear and mistrust among the countries which have managed to free themselves from the colonial yoke.

83. We must also regret that certain thoughtless references have been made to an alleged "colonialist policy" or a "new colonialism" supposed to be implied in the Charter. Such a disconcerting statement, which seems shamelessly to suggest the rebirth of colonialism under the auspices of the United Nations, can only make us smile here, but it might become a dangerous instrument for bringing about a rift between the Western world and the African and Asian peoples.

84. Fortunately, the debate in the First Committee revealed a very different trend. About fifty sovereign States from East and West supported Indonesia in its just territorial claims.

85. Nevertheless, in order to dispel any misunderstanding which might result from the extravagant and anachronistic notions which I have just mentioned, it is today more than ever necessary that the General Assembly should endorse the recommendation approved by its Political Committee and give it the two-thirds majority vote required to make it effective.

86. There is nothing extraordinary in the draft resolution approved by the First Committee. There is nothing in it that is out of keeping with the will to peace and harmony which is the very life-blood of the United Nations. It is merely a repetition of the hopes expressed in previous years; it is an appeal, couched in very moderate terms, to the good sense and the sense of responsibility of the Government of the Netherlands to resume, with its counterpart in Djakarta, the peaceful negotiations that can lead to settlement of a problem which is already fraught with danger.

87. My delegation is confident that this time the General Assembly will reflect the attitude of all men of good will, who desire only the well-being of the Netherlands people and the progress, in all good neighbourliness, of the brave peoples of Australia and Indonesia.

88. Mr. SASTROAMIDJOJO (Indonesia): In view of the thorough examination of the question of West Irian in the First Committee, where our position on this matter was clearly stated, I shall be very brief. It may seem to some that my present statement is nothing more than a formality but I would like to impress upon this Assembly the serious implications of the dispute between Indonesia and the Netherlands. We cannot afford to allow the present situation to continue; the urgent nature of this political dispute leaves us no choice but to seek a peaceful solution without delay. To this end the United Nations can and must make its contribution.

89. We have before us a draft resolution adopted by a large majority in the First Committee. That majority represents the considered opinion of delegations speaking for more than half of the world's populations. They are calling upon this Assembly to invite the Netherlands and Indonesia "to pursue their endeavours to find a solution of the dispute in conformity with the principles of the United Nations Charter".

90. Can we possibly withhold this reasonable invitation by failing to support the draft resolution recommended by the First Committee? It is not without significance that it was an Asian nation and a close and friendly neighbour of Indonesia, the Philippines, which stated that it could not assume the responsibility for closing the door of this Organization to any Member State which expresses the desire to negotiate with a view to settling a dispute with another Member State and which requests the assistance of this Organization to that end.

91. This is indeed the crux of the matter. A political

dispute exists between two Member States. It has been brought before the United Nations in order to prevent its continued deterioration, which is likely to endanger the peaceful development of the area concerned. Are we willing to take the minimum preventive measure of supporting the finding of a solution through the peaceful means of negotiation? I may ask, can anyone assume the responsiblity for denying the very raison d'être of the United Nations and thus bringing back a reliance upon other means in the conduct of international relations? The answer to this question is self-evident. Indeed, let us make no miscalculation about this: we are not faced with the question, "What is there to negotiate about?", but with the critical choice, "Negotiations or what else?".

92. The purpose of negotiations is to try to find points of agreement, thereby removing or reducing existing differences that may threaten international relations and peace. This is the essence of what the first operative paragraph of the draft resolution seeks to promote.

93. Furthermore, the second operative paragraph opens the way, whatever the results of negotiations may be for both parties to continue their endeavours to settle this dispute through the peaceful machinery provided for in the Charter. This paragraph does no more than request the Secretary-General to "assist the parties concerned, as he deems it appropriate, in the implementation of this resolution and ... submit a report of the progress to the General Assembly at its thirteenth session."

94. There can be only one reason for the continued unwillingness of the Netherlands to negotiate a peaceful settlement of this long-standing political dispute. It is that the Netherlands actually does not want a solution of this dispute. This is indeed regrettable. And that attitude is not only detrimental to the interests of the Netherlands, but will affect the very nature of international relations.

95. Negotiations or what? That is the very issue. We have seen in the past, as we see today, the dire consequences of withholding the possiblity of peaceful negotiations in the settlement of colonial problems such as that of West Irian. When I say, therefore, that the situation is appalling, that is not an empty phrase. What is more, I am expressing the realities of this dispute in the context not only of Indonesian-Netherlands relations but within the orbit of the forces at play in the international arena as a whole. Let us not overlook what this may mean.

96. The tenseness of the situation is already evident in current rumours that the Dutch are preparing other military moves besides strengthening their naval forces in and around West Irian in order allegedly to protect Dutch interests. Whatever the truth of these rumours, the inevitable alternative to negotiations seems indeed to be an invitation to, or reliance on physical force. Under present international conditions, the implications and consequences of such a development are obviously dangerous and undesirable. I need hardly stress before this august body the need to prevent this from happening.

97. We want peace in Indonesia and we want peace in our relations with the Netherlands. We are prepared to co-operate fully in all efforts to achieve a settlement of this political dispute, desiring peaceful development in our region of the world. And it is from the desire to promote and safeguard international peace and security that we urge the adoption of the resolution before this Assembly. We cannot do more than say that the vote you will cast on this draft resolution will be of the greatest consequence to Indonesia, to Indonesian-Netherlands relations, to developments in our region of the world, and I even venture to say, to the well-being of the international community as a whole.

98. I rely on the wisdom of the Members of this Assembly when they cast their votes. Indeed, I rely on the great responsibility which we have all assumed under the Charter in adopting a stand on political disputes of this kind. The political issue is: what will serve a peaceful settlement better—to adopt this recommendation of the First Committee, or to reject it and thus let the dispute take its own course, with all the grave consequences thereof?

99. Let us face this choice with all the wisdom we have. It is up to you, fellow representatives, to reach the right decision.

100. Mr. LUNS (Netherlands): The draft resolution adopted by the First Committee, on which the Assembly will presently have to vote, is basically the same as those which the Assembly rejected on 10 December 1954 [509th meeting] and on 28 February 1957 [664th meeting].

101. The essentail elements of these draft resolutions are common to all three: they differ only in the form in which those elements have been expressed. The common elements are as follows.

102. First, an appeal to the parties to negotiate in order to reach a solution of their dispute. Only the draft resolution rejected by the eleventh session of the General Assembly actually mentioned the word "negotiations"; the one rejected by the ninth session and the one now recommended used for this concept the words "endeavours to find a solution".

103. Secondly, the appointment of a mediator. This was contained in the proposal made by Indonesia in 1954, which was not brought to a vote, but omitted from the draft resolution which was rejected at the ninth session. The mediator, according to the Indonesian proposal, was to be the Secretary-General. Under the proposal made at the eleventh session, the task of mediation or assistance to the parties was to be entrusted to a Good Offices Commission. In the present draft, the authors have returned to their original plan of requesting the Secretary-General to assist the parties.

104. Thirdly, a report to the General Assembly at its next session. In the 1954 draft, this report was to be made by the parties; in the one rejected at the eleventh session, it was to be submitted by the Good Offices Commission; in today's proposal, the task of reporting to the General Assembly at its next session is to be entrusted to the Secretary-General.

105. The Netherlands delegation cannot agree to any of these three principal components of the Indonesian proposal, whatever the guise in which they are presented to us.

106. Allow me to sum up in a few words the reasons why we consider all three elements of the draft resolution proposed on behalf of Indonesia to be contrary to the principles of the Charter, and why we are so

strongly convinced that this draft resolution must and should meet with the same fate as the previous attempts.

107. Leaving aside all other arguments, I should like to say this about the first element, negotiation: What is intended by the draft resolution is not that the Netherlands and Indonesia should sit down together and try to reach agreement on some future status for Netherlands New Guinea, taking into account the principles of the United Nations Charter as well as the rights and interests of the inhabitants of the territory, especially the right of self-determination. What is intended—and the speakers on Indonesia's side have left no room for the slightest doubt about this—is that the Netherlands should recognize that Netherlands New Guinea is legally part of Indonesia and should make arrangements with Indonesia for the prompt transfer of the Netherlands administration of that territory to Indonesia.

108. Such a request is contrary to the United Nations Charter for the following two reasons.

109. First, the request would imply that the general Assembly should give a decision on a purely legal question, namely, whether it is the Netherlands or Indonesia in which the legal right of sovereignty over Netherlands New Guinea is vested, whereas, under Articles 36 and 92 of the Charter, such a question should be referred to the International Court of Justice; a decision on it is beyond the General Assembly's competence.

110. Secondly, the request would require the Netherlands not only to betray the solemn promises which the Netherlands Government has made to grant self-determination to the inhabitants of Netherland New Guinea, but also to act in a manner contrary to the obligations which it has accepted, and was bound to accept under Chapter XI of the Charter—and the General Assembly has the duty to supervise the compliance with these obligations.

111. The second element of the proposed draft resolution, mediation by the Secretary-General, is contrary to the express stipulations of the Charter, because the General Assembly has no right to impose upon a party to a dispute any specific means of conciliation or mediation which that party is not willing to accept. Under Article 33 of the Charter, the choice of the means must be left to the free will of the parties.

112. Finally, the third element of the proposed draft resolution—reporting to the next session of the General Assembly—is, if not in itself contrary to the letter, at any rate contrary to the spirit of the Charter, which demands that Members should practice tolerance and live together in peace with one another as good neighbours. This demand implies that Members should refrain from forcing on to the agenda of the General Assembly year after year, claims on which no action can be taken and which cannot be adjudicated by this body, the discussion of which serves only to disturb the peace and whip up feeling in countries that would be happier and better off if they could live in harmony with each other.

113. In view of the great weight of these considerations concerning the operative paragraphs of the proposed draft resolution, and also in view of the fact that this matter has already been discussed in such detail and at such length in the First Committee, I do not propose to dwell on the preamble, although it contains statements as unacceptable as those made in the operative part.

114. It is not my intention to reopen the debate on this question. I shall therefore now conclude my statement by expressing the strong hope that the General Assembly will persist in the course which it has pursued for four years and will again reject this misconceived proposal. I trust that it is not too much to hope that, once this has been done, Indonesia will turn its mind to other and more urgent matters and will realize that an improvement in its relationship with my country would be in its best interest also. If that is the case, as I most earnestly hope, then Indonesia will still find the Netherlands prepared to extend to it the hand of friendship.

115. Mr. WALKER (Australia): This item has been discussed at very great length in the First Committee, where the views of the Australian delegation have already been stated. I therefore do not propose to go into the substance of the matter in any detail on this occasion.

116. I think, however that the discussions in the First Committee have made one thing abundantly clear, namely, that, however moderately phrased this draft resolution may be, what it really asks the General Assembly to do is to bring about negotiations on a territorial claim not established in law and not even submitted to the International Court of Justice—a claim that makes no provision for consulting the people who would be most directly affected, the inhabitants of Western New Guinea. For that reason, the Australian delegation cannot support the draft resolution. I take this opportunity of urging the General Assembly not to adopt it.

117. Mr. LALL (India): The more I listen to this debate, the more inexplicable it becomes that there should be, or could be any opposition to this draft resolution. It seems to me that opposition can only stem from the fact that the two parties know very well that they approach this matter from two entirely different points of view. That of course, is so. We fully understand that the Netherlands and Indonesia approach this matter from two different points of view, but that is precisely why the draft resolution is drafted as it is. It does not state that the two parties have different views, but, by mentioning a political dispute and by inviting both parties to pursue their endeavours to find a solution of the dispute, it admits by implication that two different views do exist. I cannot see why the fact that there are two different views should make it necessary for anyone to vote against the draft resolution.

118. It has been suggested that this draft resolution is opposed to the Charter of the United Nations. It has been suggested that this is essentially a legal dispute and that there are other channels for its solution, which should now be used. It may well be that there are other channels through which the solution of legal disputes can be sought, but the Charter mentions the General Assembly and other organs in connexion with those disputes. How can the Assembly accept the view therefore, that when there is a dispute of this nature, the General Assembly is no longer in the picture.

119. It seems to me that if we were to accept that view of the Charter we should be losing sight of the

very purposes of the United Nations, which are enshrined in the very first Article. Article 1 states that one of the purposes of the United Nations is:

"...to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace."

The same article also provides that another purpose of the United Nations is:

"To be a centre for harmonizing the actions of nations in the attainment of these common ends."

120. If these are the purposes and principles of the Charter, it would surely not be consistent with the Charter to try to disregard the fact that a dispute exists and to say that the United Nations can play no role in this matter.

121. The Foreign Minister of the Netherlands has given us several reasons for voting against this draft resolution. He began his statement by drawing attention to three of the components of this draft resolution which, he said, were identical with the components of previous resolutions which were rejected by this Assembly. That is quite true. There were these common components and those previous resolutions were rejected by this Assembly, but there is a fourth factor which we must not overlook. This factor is that, although the General Assembly rejected these resolutions in previous years, it undoubtedly did so in the hope that some method would be found to settle this dispute and make it unnecessary for the issue to remain before the United Nations; in other words, in rejecting previous resolutions the General Assembly was expressing the hope that a peaceful solution would be found in some other way.

122. Now the fourth component in the situation is the fact that this dispute has not been settled. That is the most important factor of all in the situation, and it makes it essential that the General Assembly, which so far has thought it best to stand on the sideline, should now invite the parties to pursue their endeavours to find a solution to this problem. What could be more appropriate for this Assembly than to invite the parties to negotiate? That word is not used in the draft resolution, but that is immaterial; the crux of the recommendation in the draft resolution is that the two parties should meet and settle this dispute.

123. This is too important a matter for the General Assembly to ignore indefinitely. It is too important a matter to be neglected any longer. It is a matter which as one side has clearly told us, affects the peace and stability of that region, as well as good-neighbourliness and many other things on which the peace of the world ultimately depends.

124. Another country is closely concerned in this dispute, and we should bear in mind the fact that what was originally a dispute between two countries now tends to involve, more or less directly, a third country. This in itself shows the danger of allowing this dispute to continue without any effort on the part of the General Assembly to secure a solution.

125. Before I come to the conclusion of this statement, I think it is relevant for this Assembly to bear in mind that article 2 of the Charter of the Transfer of Sovereignty states that the transfer of sovereignty to the Republic of the United States of Indonesia of the territory of West Irian shall be determined through negotiations. If this had always been a purely legal matter, if it had been a matter which should not have been dealt with by negotiations, why should this Charter have stated that it was to be negotiated? I cannot understand why, in the face of this basic provision in the Charter which governs this whole issue and which speaks of negotiations between the two parties, one party should now feel that it cannot enter into negotiations.

126. If the Foreign Minister of the Netherlands will not mind my doing so, I should like to address a direct appeal to him and to his Government. What this draft resolution calls for is merely a continuance of the basic approach to this issue agreed upon by the Netherlands and Indonesia in the Charter of the Transfer of Sovereignty. Surely, then, if it was important in 1949, that there should be negotiations over the transfer of sovereignty, it is much more urgent today, eight years later, that these negotiations should take place. Let me assure the representative of the Netherlands that the Member States of this Assembly have the interests of the Netherlands as much at heart as those of Indonesia, and we believe that the least that this Assembly can do now is to press for negotiations between the two countries.

127. Indonesia has one view, the Netherlands another. That is why there should be negotiations. It would really be a great pity and most unstatesmanlike of this Assembly to reject this draft resolution.

128. It has also been suggested that the new role to be given to the Secretary-General is not consistent with the Charter. I entirely fail to see that. The terms of operative paragraph 2 of this draft resolution are extremely wide and couched in the most courteous language. The Secretary-General is requested to assist the parties, "as he deems it appropriate". No one has told the Secretary-General that he must assist the parties. No one has told the Secretary-General that he must find a room and keep the two parties locked up in it until they negotiate, or that he must not give them bread and water until they do. There has been no addition to the normal duties of the Secretary-General. He has been asked, as a servant of the United Nations to assist two Members, insofar as it might be appropriate, to get together and negotiate.

129. In view of the fact that the dispute has continued for so many years, and in view of the fact that although the Assembly thought it wise to stand aside for some years and let the parties get together and find a solution, they have been uable to do so, it becomes all the more urgent for the Assembly now to give the two parties a gentle reminder and ask them to negotiate on this issue. That is all the Assembly is doing. It would be totally wrong for either of the parties to feel that one party was being favoured at the expense of the other by a request from the General Assembly that the two parties should negotiate. I would like to say categorically that it would be a great pity if the Netherlands representative and the Government and people of that country were to regard the fact that we request the two parties to negotiate as anything but a friendly act on the part of the delegation and Government of India.

130. In view of the fact that there are strong feelings about this matter and in view of the fact that the peace

of a certain region of the world is involved, we are being friendly to both countries in asking them to negotiate. We would ask the representative of the Netherlands to regard this draft resolution in the light of a friendly gesture on the part of the General Assembly, bringing the parties together to negotiate. I hope that it is not too late to ask those delegations which were not able to support the draft resolution in the Committee now to reconsider their position. I hope they will realize the extent to which this draft resolution is in conformity with the Charter and will give it their strong support.

131. The PRESIDENT: It would appear that the General Assembly is now ready to vote on this draft resolution. I shall take it that it is understood that the vote will take place on the basis of a two-thirds majority, as has been the practice with respect to this item in the past. We shall, therefore now proceed to the vote on the draft resolution contained in the report of the First Committee [A/3746]. A vote by roll-call has been requested.

A vote was taken by roll-call.

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

In favour: Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Costa Rica, Czechoslovakia, Egypt, El Salvador, Ethiopia, Ghana, Greece, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Japan, Jordan, Laos, Lebanon, Libya, Malaya (Federation of), Morocco, Nepal, Pakistan, Poland, Romania, Saudi Arabia, Sudan, Syria, Thailand, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Albania, Bolivia.

Against: Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, France, Honduras, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Peru, Portugal, Spain, Sweden, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, Argentina, Australia, Austria, Belgium.

Abstaining: Cambodia, Ecuador, Finland, Liberia, Mexico, Panama, Paraguay, Turkey, United States of America, Uruguay, Venezuela.

The result of the vote was 41 in favour, 29 against, and 11 abstentions.

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

132. Mr. J. S. F. BOTHA (Union of South Africa): The South African delegation has on this occasion participated in the vote in the General Assembly on the draft resolution submitted by the First Committee solely because the request of the Government of Indonesia that the Assembly should take action on its claim to sovereignty over West New Guinea represents, in our view, an infringement of the rights of the Netherlands under Article 2 (7) of the Charter, rights which were formally reserved by the Foreign Minister of the Netherlands when this item first came before the Assembly at the ninth session. We hold this view because we recognize that the Netherlands is exercising full sovereignty over West New Guinea. We must, therefore, regard any intervention by the United Nations which calls that sovereignty into question as contrary to the injunctions of Article 2 (7), the observance of which we regard as of fundamental importance to the future of the Organization. We therefore, vote against the draft resolution.

133. Mr. GARIN (Portugal): Portugal and its people have long been linked to both Indonesia and the Netherlands by ties of sincere and loyal friendship, which tradition and mutual understanding have made strong. We value our relations with both countries highly and shall always do our utmost to strengthen them. This is one more reason why my delegation would have wished, like so many other delegations, that the question on which we have just voted had never been taken outside the context of direct negotiations, to which it rightly belongs. It was removed from this context, however, and, as was explained at length by other representatives in the First Committee, the debate on this question in this Organization is contrary to important juridical principles which, my delegation strongly believes, should be respected. We therefore felt obliged to vote against the draft resolution.

134. Mr. St. LOT (Haiti) (translated from French): The Republic of Haiti would like to explain the attitude it took during the vote on the question of West Irian, since my delegation did not speak during the debate in the First Committee.

135. We voted in favour of the draft resolution, because it seemed to us to be in accordance with the Charter and the wishes of the parties concerned. The Charter prescribes that disputes between Member States should be settled by negotiation. In the face of this dispute, which has been going on for nearly four years between two equally esteemed Members of the United Nations, our attitude is, we think, the more reasonable in that the two parties had agreed, in article 2 of the Charter of the Transfer of Sovereignty, that any differences that might arise should be settled by negotiation.

136. The draft resolution submitted to the First Committee by nineteen Members of the United Nations and supported by Indonesia invites the two States concerned to resume negotiations and is therefore in accordance not only with the spirit of the Charter but also with the contractual obligations assumed by the two parties.

137. Great as is our traditional aversion to colonialism and its consequences, we Haitians could not have allowed emotional considerations, however laudable, to govern our action in such a delicate question.

138. The question has been carefully examined and subjected to an erudite and subtle analysis, particularly article 2 of the Charter of Transfer. We too have pondered this article 2 and its terms appear to us to provide the elements for a well substantiated legal opinion. As drafted, article 2 seems to be incompatible with the present attitude of the Netherlands Government, which denies that Indonesia has any rights whatever.

139. It seems to us that if the Netherlands Government were really entitled to dispute those rights and to claim absolute and unconditional sovereignty over West Irian, it would never have accepted the wording of article 2 in its present form. For in that article the Netherlands Government undertakes to continue negotiations for the determination of the political status of New Guinea, as the Netherlands claims, for the transfer of sovereignty as the Indonesian Government claims.

140. It is a simple question of logic. How could anyone possessing an absolute right of ownership make such an unconscionable concession in a legal instrument as to agree to discuss with another the determination of the political status of something which he claims is his property? Why would he do so? Is there a partial title to ownership or sovereignty? Are there semi-titles to sovereignty? No, the right of sovereignty is absolute. No one is obliged to admit a third party to conversations with the territory over which the rights of sovereignty is exercised.

141. Why was Indonesia the third party in this case? Why not Australia, which is a close neighbour? Why not India? Why not Haiti? We should have understood a reservation in this matter of determining the political status of New Guinea. The only third party in the case, however, was the United Nations, which could have co-operated with the Netherlands East Indies in determining the political status of New Guinea. In no case could it have been Indonesia, for—and this is what determined our vote—this participation of the Indonesian Government, stipulated in Article 2 of the Charter of Transfer of Sovereignty, constituted the beginning of a recognition of Indonesia's rights.

142. It may be that reasons of which we are unaware later led the Netherlands to withdraw this initial admission. We were under no obligation to follow the Netherlands in this withdrawal. We followed Indonesia, which has accepted this moderate draft resolution worded almost too faithfully in the spirit of United Nations resolutions. We followed Indonesia, as we shall follow it in the future, because we are convinced that justice and reality are on its side.

143. Mr. SUBANDRIO (Indonesia): Mr. President, I would like to thank you for giving me the opportunity to make a statement at the end of this debate.

144. I would also like to thank the President and the Assembly for putting the problem of West Irian on the agenda of the twelfth session and by so doing giving many countries the opportunity to express their views on this problem.

145. This problem has now been discussed in the Assembly for the fourth time, and from the results emerging after the deliberations, it might be expected that for my delegation, even more than ever, it would be a matter of deep regret that this Assembly has failed to assist in bringing both parties to the dispute together as a first move towards preparing the way for a settlement of all problems between the Netherlands and Indonesia, including that of West Irian.

146. Nevertheless, I want to express from this rostrum my sincere gratitude for the support of the majority of the Member delegations who spared no efforts of eloquence or appeal to convince the Assembly that peaceful negotiation between the Netherlands and Indonesia is the only way to settle this long-standing dispute and the least that the Assembly could do within its competence was to promote such negotiation.

147. As I said in my earlier statement (700th meeting), the implications of this dispute are not merely the maintenance of the Netherlands rule in West Irian or the reunification of that territory under the Indonesian administration. Indeed that was the starting point of the dispute, which during the years has resulted in growing tension between Indonesia and the Netherlands in particular, and which has had its repercussions on the complex problem of present international relations in general. Nobody would deny that if we were to allow the present problem to remain unsolved, the implications might be very grave indeed.

148. Up to now we have done our utmost to conduct our policy in such a way as to discourage any action which might lead to disturbances in the territory under dispute, West Irian, and its surroundings; but to maintain this policy would be an almost impossible task for any Indonesian Government now. Apart from that, the ramifications of this problem in international affairs are certainly not academic. After all, the Indonesian people are well aware of the unsettled problems in international relations which directly or indirectly affect their fate and, in this context, any dispute between Indonesia and another country—especially a Western country—might influence their thoughts in a direction not originally envisaged in the national policy or the immediate future.

149. On the other hand, from the point of view of the outside world, no international problem and certainly not such a grave dispute as that between Indonesia and the Netherlands, can be isolated. In one way or another, this dispute is likely to become an issue in the over-all struggle of international power politics. It is for this reason that Indonesia regards the West Irian problem as more acute than ever, and it is for this reason again that Indonesia is trying to solve the problem as soon as possible, or at least to reduce the tension between the Netherlands and Indonesia by a discussion of the West Irian problem and other matters affecting both countries. We thought that this was a positive contribution towards the slackening of international tension.

150. My delegation deeply regrets that the result of the vote in the General Assembly does not allow us to bring our endeavours to a successful conclusion.

151. On the other hand, West Irian is a vital problem for Indonesia, which might affect the basic development of our national life and policies. In this affair our basic attitude has never been and will never be affected merely by feelings of prestige or of national pride, as is the case with the Netherlands, which has in fact no real interest in West Irian whether for economic or for security reasons.

152. As the Assembly has not succeeded in bringing the parties together, we have no alternative but action outside the United Nations. We have our obligations in the welfare and security of our people in Indonesia and, since no conciliatory move is possible, we might take steps which will not be conducive to the improvement of our relations with the Netherlands.

153. To our closest neighbour, Australia, I should like to say this. Our security interests in many fields are interlocked. In this context, the Indonesian people do not understand why the Australian Government has aspirations toward West Irian. Either in terms of defence or of economics, Indonesia as a whole is far more important for Australia than the territory of West Irian alone. We hope that at this very juncture, where there is a growing desire in both countries to give full substance to their relationship, the establishment of a close friendship will not be jeopardized by the incomprehensible attitude of the Australian Government on the problem of West Irian. Once Australia realizes that Indonesia as a whole is more important than a Netherlands colonial enclave in West Irian, then I think we

shall have achieved our aim of laying the basic foundations of peace and security in that region.

154. I have come here to present the Indonesian point of view on the West Irian problem. My Government has done its utmost to convince the Assembly of the grave implications of the Netherlands-Indonesian dispute. The Assembly did not succeed in making a positive recommendation. There may even be some who think that the Assembly has been released from its obligations and responsibilities with regard to this problem.

155. In the absence of any recommendation from the General Assembly, the Indonesian Government, as a sovereign Government responsible for the well-being of 82 million people will continue with a clear conscience to shoulder the heavy burden laid upon it until we have achieved security for the whole of Indonesia, including West Irian. I hope this will be clear to everyone in this Assembly.

AGENDA ITEM 54

The question of defining aggression: report of the Special Committee

REPORT OF THE SIXTH COMMITTEE (A/3756)

Mr. TABIBI (Afghanistan), Rapporteur of the Sixth Committee, presented the report of that Committee.

In accordance with rule 68 of the rules of procedure, it was decided not to discuss the report of the Sixth Committee.

156. Mr. EL-ERIAN (Egypt): My delegation has the honour to submit to the General Assembly in concert with the delegations of Ceylon, Guatemala, Indonesia, Mexico, Poland and Syria, the text of amendments [A/L.237 and Add.1] to the draft resolution proposed by the Sixth Committee in its report [A/3756]. These seven-Power amendments seek to provide the General Assembly with the opportunity of adopting at the present session a constructive and conciliatory approach to the question of defining aggression, a question the vital importance of which for the consolidation of international peace and security and the development of international law has been repeatedly emphasized by the General Assembly.

157. In paragraph 29 of the report before us, the Rapporteur of the Sixth Committee rightly points out: "During the general debate, it appeared that a majority of delegations were not in favour of defining aggression at the present session, but wanted the question to be postponed [A/3756, para.29]."

158. While a majority of the delegations in the Sixth Committee agreed on postponing the question of defining aggression, opinions differed as to how this should be done and as to what should be done in the interim. Two principal courses of action were suggested: one was to abandon the efforts to define aggression and postpone the question indefinitely; the other was to re-establish the 1956 Special Committee on the Question of Defining Aggression and give it more definite terms of reference and an enlarged membership.

159. In the course of the ensuing long debate, the general feeling of preference for a course of action which would be a compromise between the two prevailed. Extensive consultations took place and continuous efforts were made both inside and outside the Sixth Committee to find a procedural solution which would command general acceptance.

160. It was in that context and with that objective in view that the delegation of Egypt took the initiative by suggesting in the Sixth Committee that the question should be postponed until the fourteenth session of the General Assembly. Instead of adopting this conciliatory procedural course, the Sixth Committee has recommended to the General Assembly another course of action which gives rise to a number of objections both of a substantive and of a constitutional character.

161. The recommendation of the Sixth Committee seeks to establish a committee composed of the Member States the representatives of which have served on the General Committee of the most recent regular session of the General Assembly to determine when it will be appropriate for the General Assembly to resume its consideration of the question of defining aggression. This recommendation cannot be considered to be a merely procedural solution, as envisaged in the general debate which took place in the Sixth Committee. It transcends the procedural aspect of the problem and prejudices the substance of the question of defining aggression.

162. Nor can this recommendation be viewed as the compromise which was earnestly worked and hoped for in the Sixth Committee in view of the fact that it is tantamount to an indefinite postponement of the question of defining aggression. From a constitutional point of view, this recommendation, if adopted, would have the result of depriving the Sixth Committee of its competence to consider the question of defining aggression, a competence which was vested in it by repeated decisions, taken by overwhelming majorities of the General Assembly. It would interrupt the work of the United Nations and undermine the tedious efforts made toward reaching a generally acceptable solution of the question of defining aggression, a solution for which the General Assembly has called for as both possible and desirable.

163. For all these reasons, my delegation does not find it possible to support the recommendation of the Sixth Committee. The course of action recommended in the seven-Power amendments is a more constructive and less objectionable solution. My delegation has long believed in the process of the United Nations in defining, determining, exposing and repelling aggression. The small countries which have known aggression in different forms and under various pretences have a deep-rooted conviction of the vital importance of defining aggression, which has special significance for them.

164. These are the reasons and considerations which underlie my delegation's position on the recommendation of the Sixth Committee and the amendments which are before the General Assembly.

165. Mr. WELLS (United States of America): The United States delegation will vote against the seven-Power amendments [A/L.237 and Add.1]. These amendments would alter the terms of the draft resolution adopted by the Sixth Committee by limiting the request for comments on this question to the States recently admitted to the United Nations. We are opposed to such a procedure because we believe it discriminates without reason or purpose against

other States. Under the draft resolution adopted by the Sixth Committee, comments would be received from all Member States.

166. One of these amendments would also place the question of defining aggression on the provisional agenda of the fourteenth session of the General Assembly. Such a procedure would be rigid and unrealistic. On the other hand, the draft resolution adopted by the Sixth Committee would appoint a committee to determine the time appropriate for the discussion of this item. We believe that such a committee will make it possible for the question to be considered at a time when there exists a reasonable possibility of reaching agreement. For these reasons, the United States will vote against the seven-Power amendments.

167. Mr. LACHS (Poland): The Sixth Committee usually claims little of the time of the General Assembly. Today, however, the General Assembly has before it an item which may justify some reflection and longer consideration than usual. It concerns an aspect of the work of the United Nations which ought not to be neglected: that is, law, on which our Charter is built and which should be our guide in the solution of the great and the small problems of our times. It is indeed, one of the important tasks of the United Nations to promote respect for the law and encourage its development wherever possible. There is no field in which this is more important than in the relationship of peace and war.

168. Therefore, it was only right and proper that the United Nations should take up, some time back, the problem of defining aggression, a task left undone in previous years. We have now been working on it for some years and have so far not succeeded in reaching agreement, but to those who read the records of our deliberations it will be clear that the number of those who favour a definition has grown as time has gone by. We have gone more and more deeply into the subject, reaching the stage where various conflicting proposals confront us, some of which come very near to providing a solution.

169. The discussion in the Sixth Committee during the present session showed the great interest displayed by a considerable number—I should say the majority—of representatives. It also showed their eagerness to reach agreement on a generally acceptable definition.

170. So it seems that the undeniable trend towards precision and clarity and also towards development, which is the fate of every legal system and which has brought international law from its primitive stages to its present wealth of rules, is bound to carry us to the goal we set ourselves with regard to the definition of aggression, namely, to crystallize and shape a series of guiding principles which, having been generally accepted, would constitute a system of legal presumptions, thus permitting a speedier and more certain identification of law-breakers, of those who violate the sacred principles of peaceful international co-operation. Such legal presumptions will help to strip those who wage aggressive war of every defence law could possible offer them; furthermore, their deterrent effect is of no small importance.

171. The deliberations of the Sixth Committee produced what we may regard as a general agreement on the necessity of pursuing this task. We were not unanimous, however, as to the method which would be most likely to produce a desirable result as speedily as possible. The delegation of Poland holds that a more active and constructive approach is necessary. It is our considered view that, to improve the international atmosphere now unfortunately prevailing, steps must be taken in many fields, not only political, economic and other steps, but also legal steps, for only by concerted action on all fronts shall we succeed in gradually rebuilding the law of the United Nations and restoring it to its proper place. That is why we are so anxious to improve the legal machinery and the rules of law by which we are to be guided today and tomorrow.

172. A definition of aggression is one of the most important items on this agenda. With this in mind, we suggested in the Committee and we suggest here that the work on the defining of aggression should go on unhampered and that the question as to when the item should come back for our consideration should not be left to any other body. Such a body, having no other function but this and moreover, having no continuity in its composition, would not be able to bring us any nearer to the solution we seek.

173. We also feel that the machinery of double screening suggested in the body of the draft resolution adopted by the Sixth Committee is not acceptable, as was pointed out a few minutes ago by the representative of Egypt.

174. We submit that this Assembly itself ought to decide when the problem is to be taken up again and for this it has no need of outside advice.

175. Meanwhile Member States which have only recently been admitted to the United Nations, and which were therefore unable to participate in our earlier debates and work, could present their views on the subject. Then the item should come back to this Assembly—not next year, because that would be too early, but in a not too far distant future, which means, at the fourteenth session of the General Assembly.

176. With this in mind, we have, together with the delegations of Ceylon, Egypt, Guatemala, Indonesia, Mexico and Syria, submitted amendment [A/L.237 and Add.1] which, we hope will meet with the approval of many of the other delegations assembled here. In this way we shall be able to take a constructive step forward and be speedily able to resume our work on a subject which is of importance within the framework of the Charter and of our Organization. If a solution is reached, it will strengthen the arm of law, which is so important to the work of the United Nations.

177. Mr. MALOLES (Philippines): The Philippine delegation will vote against the seven-Power amendments.

178. The problem before us is that of a definition of aggression. This reminds us of the story of a boy who was asked to define an elephant. He replied that he would not try to define an elephant but that he could tell an elephant when he saw it. My delegation has always been against a definition, on general principles, for there is always the danger that a definition might include what should be excluded and exclude what should be included.

179. As a well-known colleague has rightly observed, the United Nations has never failed to discharge its obligations for lack of a definition, and, on the other hand, war has not been prevented or aggression made

impossible because of the presence of a definition. In the concrete cases that have been cited, it has been found that the definition was made only to be violated afterwards by those who were anxious to define it.

180. Our delegation is persuaded that no useful purpose can be served by these amendments which seek to bring up this matter again at the fourteenth session of the General Assembly. The question has been before the Assembly for the last seven years. A special committee was set up to define aggression. However, a definition acceptable to the majority of this body has never been possible, for many reasons. In passing, I might cite a few of these reasons.

181. First, no definition is possible in a situation which, by its inherent character, admits of no definition. Secondly, the League of Nations tried to define aggression, but to no avail. Thirdly, the only treaty in which aggression was considered and defined was the Convention of 1933 between the Soviet Union, Turkey, Estonia, Latvia, and others, and we already know what happened to these countries, notwithstanding a definition. Fourthly, if the treaty has proved anything, it has proved only that is is more honoured in the breach than in the observance.

182. We do not see in what way our position can be improved if, for the last thirty-seven years, we have not succeeded in formulating this definition. I do not see how this matter can be brought up again in two years time with any hope of success. What assurance is there that a definition will be possible then, when we have failed for the last thirty-seven years?

183. The draft resolution calls for comments from all the new States Members and from those Members that have not yet expressed their views on this question. On the basis of these comments, the proposed committee will recommend the appropriate time for the consideration of the question of defining aggression, and will request the Secretary-General to place it on the provisional agenda of the General Assembly not earlier than its fourteenth session, after the committee has advised him that it considers the time appropriate.

184. There are cogent and imperative reasons why a favourable climate for the discussion of this question must first be present before progress can be made. Otherwise, we shall go through the same distressing experience as in the past thirty-seven years, without being able to achieve any success in defining aggression.

185. Mr. SOBOLEV (Union of Soviet Socialist Republics) (translated from Russian): The USSR delegation considers it necessary to make the following brief remarks in explanation of its vote on the draft resolution on the definition of aggression submitted by the Sixth Committee in its report [A/3756] and also on the seven-Power amendments [A/L.237 and Add.1].

186. The USSR delegation considers the defining of aggression by the United Nations one of the important links in a chain of action designed to remove the threat of a new war and reduce international tension.

187. The Soviet Union's approach to the question stems from the very roots of Soviet foreign policy, which upholds the principle of the peaceful coexistence of States regardless of their social and economic systems.

188. The adoption by the United Nations of a definition of aggression would tie the hands of those who consider war a means of settling disputed issues and who are prepared to unleash a destructive atomic war for the sake of their own selfish interests. The adoption of a definition of aggression would make it harder for aggressive forces to justify an attack on peace-loving States on one pretext or another.

189. Far from decreasing in importance in recent years, the defining of aggression has taken on still greater significance. The armaments race, which is assuming ever greater proportions, particularly in such a dangerous sphere as that of atomic and hydrogen weapons, increases the atmosphere of mistrust and suspicion between States and gives rise to a situation fraught with the threat of the outbreak of a new war. In addition, it must be borne in mind that the advent of modern methods and means of waging war, no line can be drawn between what used to be called the front lines and the rear areas, so that a new war will inevitably bring suffering to millions of human beings.

190. All this makes it imperative for peace-loving peoples and the United Nations, which is called upon to strengthen peace, to make still more energetic efforts to eliminate the danger of a new war.

191. It was for these reasons that the Soviet delegation introduced its draft definition of aggression at the current session of the General Assembly.

192. It is patent and required no demonstration that the main danger lies in an armed attack by an aggressor on any country, which in present circumstances would result in tremendous loss of human life and the destruction of material and cultural wealth. It is not surprising, therefore, that the majority of representatives in the Sixth Committee agreed that the first essential was to work out a definition of armed attack as the most important element in the definition of aggression. The main point of the USSR definition of armed aggression submitted for United Nations consideration is that that State should be declared the attacker which is the first to declare war on another State, regardless of the pretext or reason for its action. No political, strategic or economic considerations can justify the use of armed force by one State against another.

193. The discussions in the Sixth Committee on the definition of aggression showed convincingly that the majority of States Members of the United Nations recognize the need for a definition of aggression. The discussion also indicated that the majority of delegations are in general agreement on a number of important principles which should serve as the basis for the drafting of such a definition.

194. A positive solution of this important question has been impeded by the obstructionist tactics of the delegations of the United States and certain other Western Powers, which are opposed to defining aggression. The position of the United States delegation, which has made every effort to shelve the question of the definition of aggression and to prevent the adoption of any definition, can be interpreted only as an attempt to retain full freedom to continue its policy of negotiating from a position of strength.

195. As a result of the efforts of the delegations of the United States and a number of other States which

are members of Western military blocs, a resolution was forced on the Sixth Committee which is not in keeping with the noble task of strengthening peace entrusted to the United Nations. Approximately thirty delegations, including the USSR delegation, voted against this draft resolution in the Sixth Committee, or abstained, on the ground that it was designed to hamper any future work on the definition of aggression by the United Nations. Furthermore, many delegations justifiably stated that they could not agree with the unprecedented, I might almost say absurd, procedure devised by those who are opposed to the defining of aggression.

196. The USSR delegation cannot support the draft resolution in the form in which it has been submitted to the General Assembly and will vote against it. We consider that as a minimum, any resolution on the defining of aggression must set a date for a further discussion of the question in the General Assembly.

197. The seven-Power amendments [A/L.237 and Add.1] improve the draft resolution, as they are designed to ensure that the question of defining aggression is considered at the fourteenth session of the General Assembly. The adoption of these amendments would contribute to the drafting of a definition of aggression and this in turn would do much to further the cause of international peace and security.

198. For these reasons, the USSR delegation will vote in favour of those amendments.

199. Mr. MAURTUA (Peru) (translated from Spanish): The Peruvian delegation wishes simply to explain its vote in connexion with this question.

200. The Peruvian delegation had joined in a proposal for the establishment of a committee which would continue to study the problem. We thought that the work already done by the 1956 Special Committee should not be wasted and that the same Committee, with some additional members, could continue its efforts to devise a definition by studying new proposals, examining new sources of information and testing new formulae, thus paving the way to a definition that would be acceptable to the majority and would sum up the very essence of international law on the subject.

201. Such is the course of action dictated by our legal tradition; unfortunately that course of action was not favoured by the Sixth Committee.

202. An amendment submitted by the Egyptian representative, which would have postponed all consideration of the problem until the fourteenth session of the General Assembly, met with no greater success. We opposed the Egyptian proposal because we felt that the mere postponement of the question would break the continuity of the efforts being made by jurists to find a definition of aggression, a continuity which has properly characterized the work of the United Nations in this sphere. We did not think that an automatic postponement would be justified without constructive efforts first having been made.

203. We shall accordingly abstain in the vote on the amendments [A/L.237 and Add.1], as we abstained in the Sixth Committee, for that document is more or less identical with the amendment put forward earlier by the Egyptian representative.

204. We consider that the same confusion which characterized the discussion in the Sixth Committee at the present session will reappear during the fourteenth session of the General Assembly, for lack of an acceptable definition of aggression or at least for lack of a new presentation of the problem.

205. Mr. MAGHERU (Romania) (translated from French): The Romanian delegation wishes to explain its vote on the draft resolution on the question of defining aggression transmitted to the General Assembly by the Sixth Committee. The draft resolution adjourns indefinitely the debate on the definition of aggression and leaves the decision about reopening the debate to a small committee.

206. The Romanian delegation wishes to make it clear from the outset that the General Assembly will be creating a dangerous precedent if it leaves the decision on the expediency of discussing a question to a small committee. The General Assembly alone is competent to decide if and when a debate should be opened or resumed and it should not divest itself of this responsibility or raise obstacles which might prevent it from discussing a question.

207. Everyone agrees that the defining of aggression is a difficult problem, but opinions differ on whether such a definition is possible and desirable. The Romanian delegation considers that it is not only possible and desirable but also necessary; indeed, that fact has been recognized by the General Assembly on three occasions, in resolutions 378 B (V), 599 (VI) and 688 (VII).

208. In deciding to adjourn the debate sine die, the General Assembly would in fact be endorsing the opinion of those who maintain that it is neither possible nor desirable to define aggression. The delegations which, following the example of the United States and other great Powers, have supported the idea of such a form of adjournment, have maintained that in these days of international tension it is impossible to find any common ground and that a definition of aggression cannot be of any value unless it is accepted by the whole world.

209. The premises on which that argument is based seem to us unsound. First, it is precisely by defining aggression, and thereby giving possible aggressors the most solemn warning, that international tension is reduced and true understanding between peoples fostered. Secondly, the fact that a definition of aggression is possible is proved by the practice of States, for in both Europe and America the multilateral treaties even now in force do in fact define aggression. We need only refer to the London Conventions of 3, 4 and 5 July 1933 and the Rio de Janeiro Treaty of Reciprocal Assistance of 2 September 1947, signed by the United States and other American States.

210. That is not all. From the discussions on defining aggression in the Sixth Committee during this session conclusions can be drawn which show that the gaps separating the points of view of the various States have been considerably narrowed. For example, delegations have come closer together on the advisability of concentrating first and foremost on the definition of armed aggression and leaving aside for the moment the definition of economic, ideological or indirect aggression; there is virtually unanimous agreement—and this is a very encouraging fact—that the definition should be a composite one, consisting of a general idea followed by a non-exhaustive enumeration of cases of armed

aggression; and a majority have come to support the view that the principle of priority is an essential element in the definition of aggression.

211. By adopting the draft resolution on adjournment in its present form the General Assembly would merely be solving a substantive issue by a procedural decision; by implying that it is neither possible nor desirable that further efforts should be made, it would gravely impair the prestige of the United Nations. The task of this Organization is to promote international peace and security, as stipulated in the Charter, by every means, including legal means. To bury the discussion on defining aggression would be to deprive the peoples of the world of a guarantee for the strengthening of international peace and security. It would be tantamount in fact to placing a bonus on aggression and it is not for such purposes that we are gathered here.

212. The Romanian delegation considers that, as it has not been possible to conclude the work of defining aggression this year, it would be permissible to adjourn the discussion to a later session, provided that it is adjourned to a specific date, with no impediments or prior conditions; that course of action would not be prejudicial to the United Nations.

213. It is for these reasons that the Romanian delegation considers the amendments proposed by the seven Powers [A/L.237 and Add.1] appropriate and will vote in favour of them.

214. Mr. KESTLER (Guatemala) (translated from Spanish): If the amendments we have co-sponsored with other delegations are not adopted, my delegation will vote against the draft resolution which appears in the Sixth Committee's report [A/3756] and would like to explain its vote.

215. My delegation has from the outset maintained that a definition of aggression is both desirable and necessary.

216. As representatives of a small country, we have always been interested in the establishment of objective principles calculated to strengthen a system of law in the light of which world public opinion could appraise the soundness of the decisions of the Security Council, a body in which not all the States Members of the United Nations are represented.

217. Bearing this in mind, my delegation, together with the delegations of Afghanistan, Bolivia, Haiti, Mexico and Peru, submitted certain amendments in the Sixth Committee to the draft resolution now before us.

218. In one of our amendments we asked that the Special Committee on the Question of Defining Aggression, set up under resolution 895 (IX) of 4 December 1954, should be re-established, that its membership should be increased by the addition of representatives of new States Members of the United Nations and that it should submit its report to the fourteenth session of the General Assembly. In submitting the amendments we hoped that a further study of the question of aggression would lead to results that would favour the development of international law and international peace and security.

219. The records of the Sixth Committee show that, these amendments having been rejected, we voted against the draft resolution which was originally submitted by Chile, Colombia, Cuba, Ecuador, El Salvador, the Philippines and Venezuela and was amended by the United States. We voted against this draft resolution because in essence it leaves the future discussion of the question to the discretion of a special committee composed of the Member States the representatives of which have served on the General Committee of the most recent regular session of the General Assembly; this creates a bad precedent and is at variance with the spirit of rules 40, 41 and 42 of the rules of procedure of the General Assembly.

220. It was for this reason too, that we co-sponsored, with the delegations of Ceylon, Egypt, Indonesia, Mexico, Poland and Syria, the amendments to the draft resolution now before us. As can be readily seen, this new amendment represents a minimum, in that it merely requests the Secretary-General to place the question of defining aggression on the provisional agenda of the fourteenth session of the General Assembly.

221. If these new amendments are not adopted, we shall vote against the draft resolution submitted by the Sixth Committee and shall maintain that position whenever such a draft resolution leads in substance to an indefinite postponement of consideration of the question and is thus incompatible with our view that aggression can and should be defined.

222. The PRESIDENT: I think that the Assembly is now in a position to vote. I will put to the vote the four amendments (A/L.237 and Add.1) submitted by Ceylon, Egypt, Guatemala, Indonesia, Mexico, Poland and Syria to the draft resolution of the Sixth Committee.

The first amendment was rejected by 31 votes to 31, with 9 abstentions.

The second amendment was rejected by 35 votes to 31, with 11 abstentions.

The third amendment was rejected by 36 votes to 29, with 12 abstentions.

The fourth amendment was rejected by 34 votes to 28, with 11 abstentions.

223. The PRESIDENT: The Assembly will now proceed to vote on the draft resolution recommended by the Sixth Committee in its report [A/3756]. A vote by roll-call has been requested.

A vote was taken by roll-call.

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

In favour: Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Honduras, Iceland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Malaya (Federation of), Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Philippines, Portugal.

Against: Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Guatemala, Haiti, Hungary, Indonesia, Iraq, Jordan, Libya, Mexico, Morocco, Poland, Romania, Saudi Arabia.

Abstaining: Sudan, Austria, Bolivia, Burma, Cambodia, Ceylon, Ghana, Greece, India, Iran, Ireland, Lebanon, Nepal, Panama, Peru.

The draft resolution was adopted by 42 votes to 24, with 15 abstentions.

AGENDA ITEM 37

The future of Togoland under French administration: report of the Trusteeship Council

REPORTS OF THE FOURTH COMMITTEE (A/3751) AND THE FIFTH COMMITTEE (A/3758)

Mrs. Skottsberg-Ahman (Sweden), Rapporteur of the Fourth Committee, presented the report of that Committee and then spoke as follows:

224. Mrs. SKOTTSBERG-AHMAN (Sweden), Rapporteur of the Fourth Committee: The Fourth Committee examined with the greatest care the special report on this item submitted by the Trusteeship Council [A/3676 and Corr.1] and the report to the General Assembly of the United Nations Commission on Togoland under French Administration [A/3677].

225. The various phases of the Committee's proceedings are described briefly in the report now before the Assembly, which requires no further explanation on my part. I wish, however, to draw the Assembly's attention to operative paragraph 4 of the draft resolution proposed by the Fourth Committee. Under that paragraph, the Assembly would decide to elect a commissioner to supervise the elections to the Togoland Legislative Assembly. If the draft resolution is adopted, arrangements will have to be made for the election of the United Nations commissioner before the close of the present session of the Assembly.

226. These were the few observations that I wished to make on the report of the Fourth Committee before the Assembly took action on it.

In accordance with rule 68 of the rules of procedure, it was decided not to discuss the report of the Fourth Committee.

227. Mr. KOSCZIUSKO-MORIZET (France) (translated from French): The General Assembly is called upon today to take a decision on the draft resolution submitted by the Fourth Committee regarding Togoland under French Administration.

228. It was only after three weeks of sometimes heated discussion that it proved possible to fulfil the wishes of the Trusteeship Council and reach a constructive solution, which was supported by a very large majority of the Committee.

229. During the discussions, which were of a high standard, very varied opinions were expressed. The vehemence of the speeches demonstrated the great importance that delegations attached to a prompt and successful settlement of the Togoland problem. The very fact that the discussions went on for so long is evidence that all the factors of the problem were studied and that none of its aspects were overlooked. Thus any misunderstandings there might have been were cleared up. Today the position is clear and the text which is now before the General Assembly is quite unambiguous.

230. I should like first to extend my thanks to the sponsors of this draft resolution and to all those who have contributed to its adoption. Their efforts to reach agreement have borne fruit and this result does the United Nations credit.

231. It will be readily recognized that France itself, which was given special responsibilities under the Trusteeship Agreement and whose duty it accordingly was, first and foremost, to take into account the freely expressed wishes of the peope of Togoland and their legal Government, could not have shown a more conciliatory attitude. France was also too anxious not to delay the application of measures through which the objectives of the Charter could be attained to raise objections, even for legitimate reasons, to the suggestions which were put forward during the discussion and which it felt it could accept without betraying its trust.

232. A procedure was worked out. The French Government agreed to it because, as Mr. Gérard Jaquet, the French Minister for Overseas France, said, it seemed to define the fundamental points and to offer a means acceptable to all for reaching a solution in conformity with the Charter.

233. The Togoland Government, which is to be congratulated on its spirit of understanding, has announced that elections will be held earlier than originally scheduled. It had invited United Nations observers to witness the honest and regular conduct of these elections.

234. The Commissioner whom you elect and his team will most certainly have the complete and sincere co-operation of both the Administering Authority and the Government of Togoland in carrying out the whole of their mission. It is in the interest of all—the Government and people of Togoland, France and the United Nations—that these elections should in no way be open to question.

235. Moreover, a responsible French Minister has given you the most solemn assurance of the French Government that it intends to transfer to the Togoland authorities all internal powers, without exception; that is stated in the resolution.

236. At its thirteenth session, the General Assembly will therefore be in a position to re[solve] the specific question of terminating the Trustees[hip] reement, in conformity with Article 76 of the United Nations Charter. It will take its decision fully informed of the operation of the proposed procedure and of the desires of the people of Togoland.

237. The draft resolution submitted to the General Assembly by the Fourth Committee is the fruit of our joint labours and reflects a balance which it would be unwise to disturb in any way. If the draft resolution were called in question my delegation could not but express its great disappointment that the conciliatory spirit it had demonstrated in so many ways had not been reciprocated; my delegation would then be obliged to reconsider its entire position, I am sure, however, that nobody will wish to assume the responsiblity of disappointing the legitimate hopes of the people of Togoland. I am confident that the identity of views which enabled the Fourth Committee to adopt the draft resolution now before the Assembly will be maintained, and perhaps even enhanced, in the General Assembly.

238. The vote which is about to take place does not simply entail the adoption of a text for which members

will vote according to their individual preferences; it will to a large extent decide the fate of a nation of a million people, who are impatiently awaiting the recognition of their political maturity.

239. France is conscious of having carried out its duty to the full towards both Togoland and the United Nations. We are proud of the work we have done and we shall be sincerely happy to see our efforts, as also those of the Government and people of Togoland, recognized by this, the highest international body.

240. I therefore appeal to each and every Member of this Assembly to support the draft resolution and give their unanimous sanction to a solution in accordance with the Charter which will set the feet of the Togolese people on the path to a promising future.

241. Mr. MUFTI (Syria) (translated from French): My delegation would like to avail itself of the provisions of rule 130 of the rules of procedure and ask for a separate vote on two passages of the operative part of the draft resolution on Togoland under French administration.

242. The first passage is in operative paragraph 7 and reads as follows: "and the termination of the Trusteeship Agreement for the Territory of Togoland under French administration".

243. The second passage is in operative paragraph 8 and is as follows: "so as to enable it, if so requested by the new Togoland Legislative Assembly and the Administering Authority, to reach a decision, in the light of the circumstances then prevailing, concerning the termination of the Trusteeship Agreement in accordance with Article 76 b of the Charter of the United Nations."

244. My delegation is obliged to vote against the two passages I have just mentioned because they refer to the termination of the Trusteeship Agreement and my delegation regards this reference as premature at the present stage of the political development of the Territory.

245. My delegation finds it all the more necessary to take this attitude in that Mr. Gérard Jaquet, the Minister for Overseas France, broadcasting from New York on 23 November, claimed that the references to the termination of the Trusteeship Agreement in the draft resolution represented a great success for France. It seems to us that the General Assembly would be ill advised to retain these references in the draft resolution, for they might be used in future to give the impression that the General Assembly had agreed to the termination of the Trusteeship Agreement before the final objectives of the Trusteeship System, as provided for in Article 76 b of the Charter, were achieved.

246. Such an approach from the French side is already taking shape, as is clearly shown by the following passage from Mr. Jaquet's statement, which I wish I could quote in full:

> "The outlook for the future is good. The elections will take place towards the middle of the year under the supervision of a High Commissioner and of United Nations observers. The campaign will be fought over a clear-cut issue. The Togolanders will be asked: do you agree with the modified Statute, which grants new powers to the Togoland Government?"
>
> "The people will therefore understand the issue of the termination of trusteeship. The question of holding elections by universal suffrage in the Trust Territory is therefore closely bound up with the question of the termination of trusteeship. This is exactly what the Administering Authority has always maintained, contrary to the wishes of the majority of members of the General Assembly."

247. The PRESIDENT: The Syrian representative has moved that certain parts of the draft resolution be voted upon separately. If any objection is made to the request for a division, then the motion for division would have to be voted upon. Is there any objection?

248. Mr. ESKELUND (Denmark): Under rule 91 of the rules of procedure, I oppose the motion which has just been made by the Syrian representative for a separate vote on parts of operative paragraphs 7 and 8.

249. For more than two weeks, the Fourth Committee had an opportunity to listen to all imaginable arguments in favour of or against any points of view which could possibly be expressed. We discussed them all with great seriousness and in a very conciliatory spirit, and the result was that all sides took part in the discussion, the French Government, the Togolese Government, the co-sponsors of the draft resolution as it was originally submitted to the Committee, and the representatives of those Powers which had submitted the eleven-Power amendments. All the problems were considered most carefully and there was give and take from all sides. The sponsors of the draft resolution accepted quite a number of the eleven-Power amendments and new formulations of other parts of the draft resolutions, which represented very considerable concessions. The co-sponsors of the amendments also made concessions. This was the result of the extremely conciliatory way in which the whole matter was dealt with.

250. France showed this conciliatory spirit all the time and the Togolese Government, which certainly had certain hesitations concerning many of the matters which were discussed and finally included in the draft resolution, also made concessions.

251. The result was that a few days ago the Fourth Committee voted on the points which were still in dispute. There were not many of them. Every representative had an opportunity to state his Government's opinion and after we had thus finalized the formulation of the whole draft resolution, it was voted upon and adopted by 50 votes to none, with 26 abstentions. I think that it would not be fair now to try to remove any thing from this edifice, if I may call it so, which we have built up during those very long and sometimes rather difficult debates and negotiations. It would not be fair to France, to the Togolese Government or to the co-sponsors of the draft resolution. It would not even be fair to those who went through these negotiations with the co-sponsors in order to try to get something which was acceptable to everyone (I must say that they afterwards got, if not all they wished, at least a substantial part of it) and who decided not to vote against anything in the final draft resolution. The representative of Syria did not vote against it.

252. May I just very briefly state what is contained in the draft resolution which is now before the General Assembly. It states that there will be free elections, and we have just heard the French representative say

in very strong terms that no one is more interested in making sure that the elections will be absolutely above reproach, absolutely decent, honest and fair, than the Administering Power or the Togolese Government. I cannot see any quarrel with that point of view.

253. The United Nations, of course, is very deeply concerned with the elections. However, should it happen that the elections were not satisfactory to the United Nations, the United Nations would have the recourse of deciding the next year, that the Trusteeship Agreement should not be brought to an end, whereas France will have no such recourse if, as it has said it will, it gives up before the elections all the residual powers except those of diplomacy, defence and those relating to the monetary system, which will mean giving Togoland complete internal autonomy. France, moreover, has declared that if at any time the Togolese Government should ask for a complete sundering of the connexion between France and Togoland, if it wants complete independence, that is to say, its own diplomacy, defence, monetary system and everything else, then France will have no choice but to accept this and put it into effect.

254. It was stated in the Trusteeship Council several months ago; it was stated in the Fourth Committee a number of times, and there is no doubt that this is a binding obligation on France, that if at any time Togoland desires not only autonomy, but complete independence, Togoland will get it.

255. Finally, what else do we find in this draft resolution? We find that we are not committing ourselves in any way to any action at the next session of the Assembly. The French Administering Authority has agreed that if, next year, the General Assembly does not wish to accept what is proposed by either the Administering Authority or the Togoland Government, it is perfectly free to refuse it. Of course, there must be some reason for the Assembly's acceptance or refusal, but it is in no way committed and the vote on this draft resolution cannot be held against any Member of the Assembly.

256. I would ask the representative of Syria not to press his motion to a vote. I would strongly urge him not to do so because the whole edifice which we have built up after working for so long may collapse if the draft resolution is changed in any way.

257. The representative of Syria has had ample opportunity to state all his views. If he wishes, he may explain his vote in the Assembly, giving all his opinions on any part of the draft resolution, but I believe we must not even envisage the possibility of bringing this whole matter to the floor.

258. It may be very difficult to foresee what difficulties may arise, but I can assure the Assembly that the Government of Togoland, which is a very young and proud Government, will not be pleased if it thinks that the Assembly cannot trust it to make satisfactory preparations for next year, when the question must come up, for they know that they will get full autonomy, and complete independence at any time they wish.

259. Therefore, I urge the representative of Syria not to press for a vote on his proposal. If he feels that he cannot accede to my wish, I am sorry to say that I shall be obliged to vote against his proposal for a division of the vote.

260. The PRESIDENT: There is a motion for division in which two speakers can speak on either side. The next speaker is the representative of Ireland.

261. Mr. KENNEDY (Ireland): As one of the sponsors of the draft resolution now before the Assembly, together with the delegations of Canada, Colombia, Denmark and Liberia, I should like to support very warmly indeed what has just been said by the representative of Denmark. He has stated clearly a point of great importance, namely, that the draft resolution before the Assembly is the product of protracted and careful negotiations extending over many long hours in the Fourth Committee. The text which finally emerged from our negotiations and which, I may mention, was approved as a whole by the Fourth Committee by 50 votes to none, with 26 abstentions, was a carefully negotiated compromise from two points of view.

262. It embodied, on the one hand, a series of concessions agreed to by the Government of France and by the Government of Togoland, and which, I may mention, called for a real effort of statesmanlike moderation on their part. On the other hand—and this is a point to which I should like particularly to draw the attention of this august Assembly—it embodied a number of amendments proposed to the sponsors by eleven other Powers whose preoccupations and legitimate concern on certain points were fully met by the careful redrafting of our original text.

263. In all our discussions and negotiations it was made very clear that paragraphs 7 and 8 of our draft resolution were the most important and delicate of all. These are the paragraphs which relate to the action which may be taken by the thirteenth session in relation to the termination of the Trusteeship Agreement in accordance with Article 76 b of the Charter. And the General Assembly will readily appreciate how important it is to all of us,—not least—to the Government of France, to whom the sacred trust of civilization in Togoland has been entrusted. Our negotiations, therefore, related especially to paragraphs 7 and 8, and the final texts of these paragraphs were, if you like, a wide international effort at compromise, which was approved by a vote of 50 in favour and none against, as I mentioned earlier. Every word of those two paragraphs is important.

264. We feel that, in these circumstances, it is unfair and unwise to reopen an issue so delicate and well-balanced as paragraphs 7 and 8 of our draft resolution here in the Assembly.

265. We must oppose as clearly and as vigorously as we can the proposal of the representative of Syria to have a separate vote on the passages to which he referred in operative paragraphs 7 and 8. In saying this, we believe that we are reflecting the good sense of this Assembly and expressing the point of view of those representatives who voted for our draft resolution in its entirety in the Fourth Committee by a very large majority. I think that it is only fair to say that, had we, the sponsors of the draft resolution, been able to foresee that this proposal would be made in the Assembly, after so many hours of real and apparently successful effort by all concerned, it would hardly have been possible for us to reach the compromise we did successfully attain.

266. In these circumstances, I would appeal to the representative of Syria not to press his proposal. If

it is pressed to the vote, my delegation will have to oppose it, and we appeal to this General Assembly, in its great wisdom, to do the same.

267. The PRESIDENT: Before I call upon the next speaker, let me make the position clear to the Assembly. Under rule 130 of the rules of procedure, there may be only two speakers on either side. The two speakers we have heard were against the proposal for division. Therefore, I cannot call upon any further speaker on that side. If the representative of Ghana is for the division, I can call on him.

268. Mr. CHAPMAN (Ghana): I wish to support the proposal put forward by the representative of Syria. I support it mainly because the interpretation put on the draft resolution by the Minister for Overseas France has put a completely different complexion on the whole situation.

269. There was no unanimity in the Fourth Committee on the aspect of the matter referring to the possible termination of the Trusteeship Agreement. I can say that there was general agreement on the holding of elections to demonstrate to the whole world and to the United Nations that it is possible to hold fair elections in the Territory. There was also agreement that, with certain exceptions, powers should be transferred to the Togoland Government before the elections. However, many of us were opposed to the linking of the termination of the agreement to these other aspects.

270. Our reasoning was that it would take a long time for the people to settle down with their new government after the elections and they should not be confused by having to decide at the same time to discuss this question of termination and put forward proposals to the United Nations on that. Only recently Ghana had experience of the transfer of power: the United Kingdom transferred power to the people and government of Ghana only this year, as the Assembly knows. But the process began as far back as 1954. I have watched all the steps myself and I think it would be a disservice to the people of Togoland to insist on rushing things and getting them confused.

271. That is why I support very strongly the motion for a separate vote on these two passages. It was my intention to abstain on the draft resolution, but if it is insisted that the resolution should be voted on as a whole, without a vote by division on paragraphs 7 and 8, I shall be compelled to vote against the draft resolution.

272. The PRESIDENT: I shall now call on the final speaker on the motion for division, the representative of Syria.

273. Mr. MUFTI (Syria) (translated from French): My delegation regrets that the motion for division which it submitted has led to the reopening of the discussion of the substance of the question. It appreciates the appeals made to it by the Danish and Irish delegations and would like to give them satisfaction, but it cannot act against its convictions. For this reason Syria maintains its request for a separate vote on parts of the draft resoluion.

274. The PRESIDENT: It will now be necessary for me to put to the vote the Syrian motion for a vote by division on paragraphs 7 and 8 of the draft resolution contained in the Fourth Committee's report [A/3751]. A roll-call vote has been requested.

A vote was taken by roll-call.

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

In favour: Pakistan, Poland, Romania, Saudi Arabia, Sudan, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Czechoslovakia, Egypt, Ghana, Guatemala, Haiti, Hungary, India, Indonesia, Iran, Iraq, Jordan, Libya, Mexico, Morocco.

Against: New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, China, Colombia, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Iceland, Ireland, Israel, Italy, Japan, Laos, Liberia, Luxembourg, Netherlands.

Abstaining: Tunisia, Uruguay, Bolivia, Cambodia, Costa Rica, Ethiopia, Greece, Honduras, Lebanon, Malaya (Federation of), Nepal.

The motion was rejected by 39 votes to 30, with 11 abstentions.

275. The PRESIDENT: The draft resolution submitted by the Fourth Committee [A/3751] will therefore be voted on as a whole. A roll-call vote has been requested.

A vote was taken by roll-call.

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

In favour: Brazil, Cambodia, Canada, Ceylon, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, El Salvador, Ethiopia, Finland, France, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Laos, Lebanon, Liberia, Luxembourg, Malaya (Federation of), Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Portugal, Spain, Sweden, Thailand, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium.

Against: Ghana.

Abstaining: Bolivia, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Czechoslovakia, Egypt, Greece, Guatemala, Hungary, India, Indonesia, Iran, Iraq, Jordan, Libya, Morocco, Nepal, Pakistan, Poland, Romania, Saudi Arabia, Sudan, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yemen, Yugoslavia, Afghanistan, Albania.

The draft resolution as a whole was adopted by 50 votes to 1, with 29 abstentions.

276. Mr. NISOT (Belgium) (translated from French): The draft resolution appearing in the report of the Fourth Committee [A/3751] concerns the future of Togoland under French administration. The Belgian delegation voted in favour of this draft resolution because it has been accepted by the Administering Authority for the Territory.

277. Mr. SULTANOV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation considers it necessary to explain its vote on

the draft resolution, which is of great importance from the point of view of principle.

278. As is well known, the Administering Authority, motivated by considerations which are at variance with the objectives of the International Trusteeship System, is seeking to end the Trusteeship Agreement over Togoland under French administration before that Territory has attained independence or self-government. The draft resolution presented by the Fourth Committee goes far to meet the Administering Authority on this point, as a number of the key paragraphs anticipate the possibility that the Trusteeship Agreement may be terminated before the objectives of trusteeship have been attained.

279. This tendency is particularly clear in paragraphs 7 and 8 of the draft resolution, which anticipate the possibility of the termination of the Trusteeship Agreement in circumstances in which it is definitely known that the Territory will not have competence in matters of defence, diplomacy and currency, which are essential attributes of independence or self-government. The real master of the Territory will not be the indigenous population, but rather the present French Administering Authority.

280. Since the basic objectives to be attained by Trusteeship are clearly defined in the United Nations Charter and consist in promoting the attainment by the Territories of independence or self-government, the Trusteeship Agreement can be terminated only when the Territory has achieved the specified objectives.

281. For this reason, the Soviet Union delegation voted against paragraphs 7 and 8 of the draft resolution in the Fourth Committee, as it considers that they are contrary to the Charter.

282. Nevertheless, since the draft resolution embodies one important provision that meets the wishes of the people of the Territory and the views of the petitioners on the holding of elections to the Togoland Legislative Assembly in 1958 on the basis of universal adult suffrage and under United Nations supervision, the USSR delegation voted for the part of the resolution referring to the holding of elections and abstained on the draft resolution as a whole, both in the Fourth Committee and in the plenary meeting.

283. The Soviet delegation expresses the hope that there will be effective United Nations supervision of all stages in the preparation and holding of the elections.

284. Mr. KADRY (Iraq): On behalf of my delegation, I should like to reserve our position concerning the interpretation given by the representative of France this afternoon to the resolution the General Assembly has just adopted. My delegation has already stated in the Fourth Committee our reservations concerning what we consider is the correct interpretation of the word "decision", as it is found in paragraph 8 of the resolution. I should like on behalf of my delegation to state once again that we consider that the only interpretation which can be given to the said paragraph is that the General Assembly will continue to be seized of the general issue of the future of Togoland under French administration.

285. The PRESIDENT: Before I adjourn the meeting, there is one matter which I wish to mention in connexion with operative paragraph 4 of the resolution just adopted by the Assembly. The election of a Commissioner as provided in that paragraph, will take place at a subsequent plenary meeting.

The meeting rose at 7.10 p.m.

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