

United Nations
**GENERAL
ASSEMBLY**

FOURTEENTH SESSION
Official Records



**842nd
PLENARY MEETING**

Saturday, 21 November 1959,
at 11 a.m.

NEW YORK

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President: Mr. Víctor A. BELAUNDE (Peru).

AGENDA ITEM 55

Report of the International Law Commission on the work of
its eleventh session

REPORT OF THE SIXTH COMMITTEE (A/4253)

Mr. Shardyko (Byelorussian Soviet Socialist Republic), Rapporteur of the Sixth Committee, presented the report of that Committee.

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

1. The PRESIDENT (translated from Spanish): I shall now call on the General Assembly to vote on draft resolutions I to III on agenda item 55 contained in the report of the Sixth Committee [A/4253] and recommended by it for adoption.

Draft resolution I was adopted unanimously.

Draft resolution II was adopted by 56 votes to none, with 11 abstentions.

Draft resolution III was adopted by 63 votes to none, with 3 abstentions.

AGENDA ITEM 28

United Nations Emergency Force (continued): *
(c) Progress report on the Force (concluded)

2. The PRESIDENT (translated from Spanish): The Secretary-General drew up and circulated the report of the Secretary-General on the United Nations Emergency Force [A/4210] for information purposes, and it seems to me that the only decision required of the General Assembly is to take note of this report.

3. Mr. SOBOLEV (Union of Soviet Socialist Republics) (translated from Russian): The General Assembly has before it the latest report of the Secretary-General on the United Nations Emergency Force [A/4210].

4. The report contains an assessment of the operations of UNEF during the past year and describes the situation in regard to its financing. The Soviet delegation, in its statements at previous sessions of the General Assembly, has repeatedly defined the position of the Soviet Union on the question of the establishment and functioning of UNEF and on the manner in which it is financed. The Soviet Union's position of principle remains unchanged.

5. UNEF was set up by a decision of the General Assembly taken in 1956 [resolution 1000 (ES-1)] in connexion with the Anglo-Franco-Israel aggression against Egypt. This decision of the General Assembly is in contradiction with the principles of the United Nations Charter since, in accordance with Chapter VII of the Charter, only the Security Council is empowered to take decisions on the use of the armed forces of Member States against an aggressor.

6. Under Article 42 of the Charter, only the principal organ of the United Nations, the Security Council, which has primary responsibility for the maintenance of peace "may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security".

7. The United Nations Charter, as is known, makes no provision whatsoever for the establishment of a United Nations force, but merely envisages the possibility of Member States placing armed forces at the disposal of the Security Council, in accordance with special agreements.

8. Article 43 of the Charter clearly states that all Members of the United Nations undertake to make available to the Security Council, on its call and in accordance with a special agreement or agreements, armed forces necessary for the purpose of maintaining international peace and security. Thus, the Charter totally precludes the adoption by the General Assembly of any decisions regarding the establishment or operation of international armed forces.

*Resumed from the 839th meeting.

9. The Soviet delegation considers that the problems involved in the establishment and use of such armed forces can be successfully overcome only through strict and conscientious observance by States of the purposes and principles laid down in the United Nations Charter. Strict compliance with the Charter in this matter is the only means of ensuring that such armed forces will not be used to the detriment of international peace and security.

10. Certain circles are doing their best to spread the idea that the presence of UNEF in the territory of a sovereign State is not prejudicial to that State's interests, and that the sole function of UNEF is to preserve peace and security in the Near and Middle East. Recently, however, we have had reports which conflict with this interpretation of the function of UNEF. We learn, for example, that in Saudi Arabia protests are being openly voiced against the continued presence of United Nations troops in the Aqaba Gulf area, their presence in that area being regarded as the annexation of part of the territory of a sovereign State.

11. This is a further demonstration of the fact that action which is undertaken in violation of the United Nations Charter and which infringes on the sovereign rights of States is fraught with grave consequences that may place the cause of peace in jeopardy.

12. For these reasons, the establishment of UNEF in 1956 cannot serve as a precedent for proposals to set up a permanent armed force without reference to the Security Council and in violation of the Charter.

13. Considerable attention is paid in the Secretary-General's report to the financing of UNEF. The report makes it quite clear that UNEF is in a critical position, owing to the failure of Member States to supply the necessary funds for its maintenance. The Secretary-General indicates that the number of States declining to contribute to the maintenance of UNEF has risen from year to year. His report shows that twenty-seven Governments have made no payment of their 1957 assessments, thirty-nine have made no payment for 1958, and sixty-one have made no payment for 1959. Many Governments make only partial payments.

14. This situation is easily explained: it is difficult to convince States that they should finance expenditure connected with an act of aggression in which they had no part. International law and common sense dictate that the costs should be borne by those who committed the attack.

15. The Soviet delegation had repeatedly stated that all expenditure entailed in the maintenance of UNEF should be borne by the States which perpetrated the aggression and which consequently must assume both political and financial responsibility for that act.

16. The Soviet delegation accordingly considers it necessary to state that it will, as at previous sessions, vote against proposals which would make the United Nations financially responsible for the maintenance of UNEF in the United Arab Republic (region of Egypt), and it will not consider itself bound by financial commitments which would involve the Soviet Union's participation in the financing of the Force.

17. The Soviet delegation requests that the President put to the vote his proposal that the General Assembly should take note of the Secretary-General's report.

18. Mr. LODGE (United States of America): Three years ago the Members of the United Nations meeting here in this very hall were faced with a mounting and a multiple threat to the peace of the world.

19. To meet the danger of a situation created by one of those threats—the crisis at Suez—the General Assembly, during one night's session, created UNEF. It is interesting to remember that not one single Member of the General Assembly voted against the establishment of UNEF on that night.

20. The deeds which have been achieved by this Force in the last three years should fill us all with the greatest pride for the part which we played in its creation, and here is why I say that. Before the creation of UNEF, both the Gaza Strip and the entrance to the Gulf of Aqaba had been explosive places full of peril to the peace of the world. But after UNEF came into the field, its mere presence, in these two places, has been enough to make them peaceful.

21. Now, that is a very brief statement. And yet no more need to be said, for to say this is to say everything. UNEF has had a record of complete success. It has in every respect fulfilled our highest expectations—and you do not have to take my word for this, you will find it in the report of the Secretary-General on the United Nations Emergency Force [A/4210]. Surely, it would be a most imprudent and a most irresponsible act to permit UNEF to go out of existence. To do so would simply recreate the same disorderly and inflamed conditions which brought about the great trouble of 1956.

22. The Secretary-General tells us: "... it is difficult to foresee when UNEF might be withdrawn without inviting the risk of dangerous consequences" [A/4210, para.2]. He who would contribute directly or indirectly to ending UNEF in the face of this statement by the Secretary-General, the number one international civil servant of the world, takes upon himself a heavy and a fateful responsibility indeed. Instead of talking this way, we should be offering our thanks to the ten Member States who have contributed military personnel; we should be offering our thanks to General Burns, who commands UNEF, and our thanks to the thousands of officers and men who have served and are serving with UNEF. We can pay tribute to the General Assembly, which had the intelligence, the imagination and the courage to create this Force—because it is through courage and sacrifice, and not by hedging and trimming, that we will build great traditions for the United Nations, that we will make the United Nations work. The United Nations is only as good as the willingness of its Members to support it when the going gets rough. And UNEF gives us a prime opportunity to do just this.

23. Obviously, a force like this cannot exist on air alone; it costs money, and each Member must accept its fair share of the responsibility. The threat of 1956 was a world-wide threat and not merely local. Every Member has benefited and is benefiting today from the existence of UNEF. Remember that in every resolution involving UNEF, the General Assembly has recognized the general responsibility of the United Nations for maintaining peace in the Middle East. They did not say it was the responsibility of this country or that country, or of two or three countries; they said it was the general responsibility of the United Nations. To carry out this principle, the General Assembly has decided that all Members

should share in the cost of UNEF. We realize that the expense of UNEF has created a substantial financial burden for some States. The United States and other Members have recognized this fact and have therefore made voluntary contributions for the support of UNEF in order to reduce the burden on those less able to pay.

24. We have examined with care the Secretary-General's report. We agree with him that UNEF must be maintained at the minimum strength necessary for the performance of its task. This will take money, considerable sums of money; but as the Secretary-General has said, the removal of UNEF could only lead to a substantial increase of disturbances whose cumulative effect "would probably soon attain a seriousness far overshadowing the effort and expense now involved in the maintenance of the Force" [A/4210, para.2].

25. Therefore, I ask you this question: Could there ever be money spent for a better cause than to save succeeding generations—our children, our grandchildren—from the scourge of war?

26. This is an obligation resting on all Members. All the arguments have been heard, the decision has been made, and it is therefore the clear duty to contribute. I trust, however, that our feelings will be not so much those of duty, clear though the duty is; I hope rather that we all will feel proud of what we have accomplished and consider it a privilege to support this bold and imaginative step towards the prevention of war.

27. We have heard the speech of the Soviet representative and I must say that the continued refusal of the Soviet Union to accept its fair share of the cost of UNEF, on whatever grounds, is really disappointing, and I hope that the Soviet Union may yet reconsider it. The only conclusion to be drawn from Mr. Sobolev's speech is that the Soviet Union is deliberately and as a matter of conscious policy—not because of financial stringency—opposed to having UNEF maintain the peace as it is doing. I regret that on this particular question once again the Soviet Union finds itself alone. The unwillingness of the Soviet Union to pay its duly levied assessments has created a financial crisis both for UNEF and for this Organization as a whole. It raises a serious question as to whether the Soviet Union really desires the maintenance of stability in the Middle East. It indicates that the Soviet Union has no desire to see the United Nations develop as a more effective organ in meeting its obligations under the Charter. It shows disdain for duly adopted decisions of the General Assembly when those decisions do not happen to accord with the views of the Soviet Union. Finally, it represents what is in effect an attempt to veto a major policy decision of the General Assembly. Remember that UNEF was established by the vote of an overwhelming majority of the Members of this Organization. As I have said, there was not a single dissenting vote. From its very inception UNEF has been considered as a general United Nations responsibility, both as to its operation and as to its finances. Every resolution involving UNEF has been adopted by a substantial majority of the Members of the Assembly on this basis. It had to be that way, because only on such a basis could the Force effectively represent the Organization; only on such a basis could the contributing Members make military personnel available; only on this basis could the Force be financed.

28. We deplore the refusal of the Soviet Union to pay any of its assessed share of UNEF costs, let alone to make a special contribution, which it certainly is in a position to do if it wanted to. We have all heard before the argument of the Soviet delegation that the creation of UNEF was unlawful. This is a strange position indeed for a Member to take which did not vote against the resolution [1000 (ES-1)] establishing UNEF in 1956. Was it lawful then and has it become unlawful since then? It also ignores the consistent support given UNEF by the overwhelming majority of Members of the General Assembly. The attitude of a Member towards a resolution, including the casting of a negative vote, does not in any way absolve that Member from any of the legal obligations or financial responsibilities of membership set forth in Articles 17 and 19 of the Charter. Opinions regarding the merits of decisions duly taken by the Organization and the financial responsibilities of membership are wholly separate matters. But obviously, there would soon be no United Nations at all if Members were free to pick and to choose which decisions of the Organization they would support financially and which they would not. So long as a country is a Member of this Organization it must honour its obligations to pay its assessments as determined by legal decision of the General Assembly.

29. We have heard once more the Soviet argument that the aggressors must pay for UNEF. This is a peculiar refrain. It argues that the North Koreans and the Chinese Communists should pay for the cost of the Korean campaign because they were officially proclaimed to be the aggressors by the United Nations in the case of that Korean affair—and I have yet to hear the Soviet representative make a suggestion that this be done, and yet, to be consistent with himself, that certainly is what he should do.

30. The United Nations Emergency Force is a clear obligation of honour. To refuse to pay one's share—and by that I mean deliberately and as a matter of conscious policy—is to welsh. Now, that is a blunt word but it is an accurate word. I trust that the Soviet Union will yet see the light and will live up to its international obligations.

31. The PRESIDENT (translated from Spanish): I call upon the representative of the Soviet Union to exercise his right of reply.

32. Mr. SOBOLEV (Union of Soviet Socialist Republics) (translated from Russian): I should like to exercise my right of reply in order to correct certain assertions regarding the position of the Soviet Union which were made just now by the United States representative and which are not in keeping with the facts.

33. Mr. Lodge said that the General Assembly's decisions on the establishment of UNEF were adopted almost unanimously, or at any rate with no opposing vote.

34. I feel compelled to point out that, ever since UNEF was established, the Soviet delegation has declared that its establishment is illegal and constitutes a violation of the United Nations Charter. I have already explained in my preceding statement how it violates the Charter and there is no need to cover the same ground again. The Charter is perfectly clear on how international armed forces may be used to further the purposes and principles of the Charter.

35. The armed force known as UNEF was established in violation of the principles of the Charter and the Soviet delegation has never concurred in such a situation.

36. Mr. Lodge said just now that the Soviet Union was attempting to impose a veto on the General Assembly's decision, but he knows very well that there is no veto in the General Assembly. We, of course, have not imposed, and are not imposing, any veto on the General Assembly's decision and, in fact, Mr. Lodge has just stated that the General Assembly's decisions were adopted by a majority of votes. Indeed, they were adopted by a majority, as the Charter requires. But Mr. Lodge must also know that in accordance with the Charter all decisions taken by the General Assembly are recommendations and have binding force only where they are backed by a corresponding position on the part of the Governments concerned.

37. Therefore, to say that the General Assembly's decision on the establishment of UNEF imposes an obligation on all Members of the United Nations in regard to financing UNEF is contrary to the Charter. If the General Assembly's decision on the establishment of UNEF is a recommendation—and according to the Charter it is—then it clearly follows—and this, again, is in conformity with the Charter—that consequential decisions regarding the financing of UNEF are also recommendations.

38. The Soviet delegation cannot, therefore, agree with the assertions regarding the Soviet Union's position just made by the representative of the United States.

39. The PRESIDENT (translated from Spanish): I call upon the representative of the United States to exercise his right of reply.

40. Mr. LODGE (United States of America): I simply wish to point out that, of course, Mr. Sobolev is right when he says that decisions of the General Assembly on political questions are purely recommendatory. But that is not true at all as regards financial questions. Decisions of the General Assembly are not merely recommendations as far as money is concerned, and it is very clear in the Charter that a financial obligation of the United Nations is an obligation of honour resting on Members, and Members who deliberately and consciously seek to evade that obligation are doing something which, to use the short and ugly English word, can only be described as welshing.

41. Then I would like to say that if the Soviet Union thought at the time that the creation of UNEF was illegal, why did they not vote against it?

42. The PRESIDENT (translated from Spanish): In view of the fact that the representative of the Soviet Union has requested that we vote on my motion to take note of the Secretary-General's report, I am bound to put it to the vote.

The motion was adopted by 66 votes to 9, with 6 abstentions.

Decision concerning the procedure of the meeting

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

AGENDA ITEM 69

Suspension of nuclear and thermo-nuclear tests

REPORT OF THE FIRST COMMITTEE (A/4290)

Mr. Fekini (Libya), Rapporteur of the First Committee, presented the report of that Committee and then spoke as follows.

43. Mr. FEKINI (Libya), Rapporteur of the First Committee, (translated from French): The report of the First Committee [A/4290] on agenda item 69, suspension of nuclear and thermo-nuclear tests, contains two draft resolutions which the First Committee recommends to the General Assembly for adoption. It was clearly demonstrated in the First Committee that the two draft resolutions, far from being incompatible, were mutually complementary.

44. Both the preamble and the operative part of draft resolution A refer to the negotiations, which began at Geneva on 31 October 1958 and which are still in progress, with a view to agreement on the discontinuance of nuclear and thermo-nuclear weapons tests and on the establishment of an appropriate international control system. Draft resolution B deals with the problem of the suspension of nuclear and thermo-nuclear weapons tests in a broader context.

45. The First Committee adopted both these draft resolutions by a very large majority. Its discussions were dominated by a fervent desire to achieve the discontinuance of nuclear and thermo-nuclear tests as quickly as possible in conformity with the wishes of all mankind. I have the honour to submit the two draft resolutions for the consideration of the General Assembly, in the hope that they will both receive the most favourable reception.

46. The PRESIDENT (translated from Spanish): I invite the Assembly to vote on the draft resolutions recommended by the First Committee and contained in its report [A/4290]. I first put draft resolution A to the vote.

Draft resolution A was adopted by 78 votes to none, with 2 abstentions.

47. The PRESIDENT (translated from Spanish): A roll-call vote has been requested for draft resolution B.

A vote was taken by roll call.

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

In favour: Sudan, Sweden, Tunisia, Ukrainian SSR, Union of Soviet Socialist Republics, United Arab Republic, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Albania, Argentina, Australia, Austria, Bolivia, Bulgaria, Burma, Byelorussian SSR, Cambodia, Canada, Ceylon, Chile, Colombia, Costa Rica, Cuba, Czechoslovakia, Denmark, Ecuador, El Salvador, Ethiopia, Federation of Malaya, Finland, Ghana, Guatemala, Guinea, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Japan, Jordan, Lebanon, Liberia, Libya, Mexico, Morocco, Nepal, New Zealand, Norway, Pakistan, Panama, Paraguay, Philippines, Poland, Romania, Saudi Arabia.

Against: France.

Abstaining: Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Belgium, Brazil,

China, Dominican Republic, Greece, Haiti, Honduras, Israel, Italy, Luxembourg, Netherlands, Nicaragua, Peru, Portugal.

Draft resolution B was adopted by 60 votes to 1, with 20 abstentions.

48. Mr. PAZHWAQ (Afghanistan): There were two draft resolutions before the First Committee on the question of suspension of nuclear and thermo-nuclear tests. We were a co-sponsor of one of these two draft resolutions which now appears as draft resolution B. We naturally voted for this draft resolution.

49. We abstained on the other draft resolution, that is draft resolution A. It is on this resolution that I would like to explain the vote of my delegation. The reason for our abstention on this draft resolution in the Committee and once again here in the General Assembly is that we think, first that it urges only the States concerned in the Geneva discussions, which have already voluntarily discontinued the testing of weapons, to desist from further tests, and thus it does not call upon other States which may undertake such tests. Secondly, this purpose is included in draft resolution B, where we read in the first part of paragraph 3: "Appeals to the States concerned in the Geneva discussions to continue their present voluntary suspension of tests". Therefore, if the purpose of draft resolution A is only to call on States which have already voluntarily suspended tests, this purpose is covered by draft resolution B. If the purpose is to leave other States to undertake tests, we obviously cannot support such an idea.

50. If certain countries are asked not to undertake tests or to continue the discontinuance of such tests and, at the same time, other countries are not asked to do the same, at least to us, with all respect to those who have sponsored this idea, embodied in draft resolution A, and to those who have voted for it, it is neither logical nor helpful to the purpose of putting an end to nuclear tests.

51. Since there is not a single point in draft resolution A which is not covered by the other draft resolution, that is to say, by draft resolution B, we do not see any purpose that can be served by the adoption of such an additional document by the General Assembly.

52. Mr. UMAÑA BERNAL (Colombia) (*translated from Spanish*): I shall be as brief as possible, so as not to add to the spate of work which has already fallen upon us at this Assembly, both in the First Committee and during the general debate, on the problem of the suspension of nuclear and thermo-nuclear tests. I should like to explain my delegation's votes on these draft resolutions A and B, which votes are intimately bound up with its votes yesterday [840th meeting] on the draft resolution concerning French nuclear tests in the Sahara [agenda item 68].

53. Yesterday in Committee, and today in plenary, my delegation voted in favour of the two draft resolutions relating to the suspension of nuclear and thermo-nuclear tests. We did so because they are of a general nature and refer to all nuclear Powers, and because they undoubtedly express the fervent desire of the people of the world.

54. On the other hand, the Colombian delegation voted yesterday in plenary against those preambular paragraphs of the draft resolution on the question of nuclear tests in the Sahara wherein special reference

was made with clear discriminatory intent, to the case of France; and my delegation abstained from voting on the resolution as a whole for the same reason.

55. In so doing, the intention of the Colombian delegation was to express its desire that nuclear tests should if possible be suspended, and, at the same time, to demonstrate its traditional friendship and respect for the eternal and immortal French nation.

AGENDA ITEM 66

Report of the Disarmament Commission: letter dated 11 September 1959 from the Chairman of the Disarmament Commission to the Secretary-General

REPORT OF THE FIRST COMMITTEE (A/4291)

Mr. Fekini (Libya), Rapporteur of the First Committee, presented the report of that Committee.

56. Mr. GIBSON BARBOZA (Brazil): In the report [A/4291] of the First Committee on the item now under discussion, it is stated in paragraph 6 that:

"The Chairman noted the informal suggestion of the representative of Greece that the President of the Disarmament Commission might be invited to attend the opening meeting of the ten-Power disarmament committee."

57. I should like to say that it is very gratifying for the Brazilian delegation to give its support to the suggestion made by the representative of Greece. In the First Committee we expressed the view that the presence of the Chairman of the Disarmament Commission in the negotiations to be initiated early next year in Geneva by the ten-Power disarmament committee would be an appropriate way of establishing a link between our Organization and that body. The informal suggestion put forward by the representative of Greece deserves our heartfelt support, especially as it falls on a man whose experience and ability is unique and who is recognized as a statesman for whom we have the greatest respect and admiration, Mr. Padilla Nervo, ambassador of Mexico.

58. The PRESIDENT (*translated from Spanish*): The draft resolution contained in the report [A/4291] on agenda item 66, was unanimously approved by the First Committee. Consequently, unless I am asked to put it to the vote, I shall consider it adopted by the General Assembly.

The draft resolution was adopted unanimously.

Tribute to the memory of Mr. Alfonso López, former President of the Republic of Colombia

59. The PRESIDENT (*translated from Spanish*): Before closing the meeting, I have to refer to the death of an illustrious American, Mr. Alfonso López, who was twice President of the Republic of Colombia, was leader of his country's Liberal Party, and was closely connected with the United Nations, having represented his country brilliantly as chairman of the Colombian delegation in the difficult early years of our Organization and served on a number of occasions as President of the Security Council.

60. Mr. López was one of the great figures of Colombian democracy and a great American democrat.

In addition, together with Mr. Oscar Benavides, President of Peru, he helped to strengthen the unbreakable friendship between the Republic of Peru and its sister Republic of Colombia.

61. On behalf of the General Assembly, I have sent the Government of Colombia my sincere condolences on the death of this great man, and I ask you to observe a minute's silence in memory of an outstanding American.

62. Mr. ESCOBAR (Colombia) (translated from Spanish): On behalf of the delegation of Colombia, I thank the General Assembly for the tribute it has just paid to the memory of Mr. Alfonso López, who, as the President of the General Assembly has just recalled, was twice President of Colombia, and was one of the most striking figures of Latin America.

63. His death is an irreparable loss for us. He was a zealous guardian of our legal institutions and an incorruptible defender of public liberties and of democracy. Moreover, in the course of his busy public life, which was crowned with success, he was an outspoken and determined supporter of the policy of coexistence and brotherhood among nations. His contribution to international law in this connexion is a source of real pride to his country.

64. I should like, therefore, to express once again the sincere and heartfelt thanks of the Colombian delegation for the tribute which has just been paid to the memory of Mr. Alfonso López.

The meeting rose at 12.20 p.m.