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Chairman: Mr. V. OUTRATA (Czechoslovakia).

Provision of a United Nations distinguishing ribbon or other insignia for personnel participating in Korea in the defence of the principles of the charter of the United Nations A/1421, A/C.6/334/Add.1) (concluded)

[Item 74]*

1. Mr. INGLES (Philippines) recalled that neither the problem of adopting an official seal and emblem of the United Nations, which had been studied by the Sixth Committee during the second part of the General Assembly's first session, nor that of adopting a distinctive flag of the United Nations, which the same Committee had discussed during the second session of the General Assembly, had given rise to serious legal or constitutional difficulties. For that reason, the Philippine delegation did not think that any serious difficulties of that kind would stand in the way of the examination of the simpler problem raised by the Philippine draft resolution (A/1421), authorizing the Secretary-General to make arrangements for the award of a ribbon or other insignia for personnel which had participated in Korea in the defence of the principles of the Charter of the United Nations.

2. It was the Secretary-General's task to authorize the use of the United Nations emblem, name and initials, except for commercial purposes (General Assembly resolution 92 (I)). He had also been directed to draw up regulations concerning the dimensions and proportions of the United Nations flag and authorized to adopt a flag code (General Assembly resolution 167 (II)). In the same way, he would be authorized, under the Philippine resolution, to make arrangements, under such regulations as he should prescribe, for the design and award of a ribbon or other insignia for those fighting in Korea for the principles of the United Nations Charter.

3. The Philippine delegation realized that there would be a number of technical details to be settled; but such questions might be left to the Secretary-General. For example, one of the details to be settled was the

question whether the proposed decoration should be awarded only to military personnel or also to civilians who had made outstanding contributions to the efforts of the United Nations in Korea. It would also be necessary to provide for a scale of decorations, so that exceptional acts of heroism might be suitably rewarded.

4. The draft resolution presented by the Philippine delegation was drawn up in such a way as to leave the Secretary-General entirely free to settle such matters as and when necessary. The Secretary-General could be relied on in the matter, both in view of his recognized competence, and because he had already been entrusted with similar responsibility in connexion with the United Nations emblem and flag.

5. When the proposal for the adoption of an official United Nations flag had been brought before the General Assembly, the only question that had to be decided was whether it was desirable. The Philippine draft resolution raised a similar question. But the desirability of creating a ribbon or other United Nations decoration for personnel which had participated in Korea in the defence of the principles of the Charter needed no proof. The United Nations forces in Korea were at that very moment engaged in mortal combat. It could be said without exaggeration that too much could not be done to reward the heroism and sacrifices of the men and women who had served and were still serving in the ranks of the United Nations in Korea.

6. The Security Council, in its resolution of 7 July 1950 (S/1587—476th meeting), had given the signal by authorizing the Unified Command at its own discretion to make use of the United Nations flag, side by side with the flags of the various countries taking part in the struggle, during the operations against the North Korean forces. The Unified Command had availed itself of that right, and the blue and white flag was flying over Korea as a symbol of the collective effort of the United Nations. The proposal of the Philippine delegation aimed at extending such symbolism to the rank and file who were supporting the common effort and on whom the victory of the United Nations depended.

7. For the above reasons, the Philippine delegation

* Indicates the item number on the General Assembly agenda.

hoped that the Committee would not hesitate to adopt the draft resolution which his delegation had presented.

8. Mr. ROBERTS (Union of South Africa) asked the Chairman whether the Committee should confine itself to the legal aspects of the Philippine draft resolution or whether it could discuss it from every aspect, in view of the fact that the resolution raised political problems.

9. The CHAIRMAN replied that the question under discussion had been placed upon the Committee's agenda by the General Assembly, and that consequently the Committee could in principle examine every side of the question. The Committee was not thereby precluded, however, from referring certain aspects of the question to another Committee, if it so desired.

10. Mr. INGLES (Philippines) recalled that the questions dealt with in General Assembly resolution 92 (I) and 167 (II) had also been placed on the agenda of the Sixth Committee by the General Assembly.

11. Mr. COHEN (United States of America) warmly congratulated the Philippine delegation for taking the initiative in proposing the provision of a distinguishing ribbon to symbolize the valour of the men and women who were fighting in Korea. He was particularly glad that such a proposal should have come from the delegation of a country which had made such a brilliant contribution to the Allied victory in the Second World War and which had responded promptly to the appeal of the United Nations for repelling aggression in Korea. The United Nations could not be too grateful to those who were fighting to defend the principles of the Charter.

12. Accordingly, the United States delegation supported the draft resolution aimed at encouraging the men and women who were laying down their lives for the cause of liberty, and who would be proud to wear the ribbon awarded by the United Nations in recognition of their efforts towards the achievement of peace. The troops fighting in Korea counted amongst their number many veterans of the Second World War already decorated by their own governments. But there was no doubt that they would derive a special satisfaction from a decoration awarded by the United Nations.

13. The United States delegation considered that the draft resolution presented by the Philippine delegation was satisfactory in every respect. In particular, paragraph 3 of the resolution granted the Secretary-General the necessary latitude and made it clear that the proposed ribbon or decoration would not be indicative of rank but would be awarded in recognition of services rendered to the United Nations. The United States delegation also considered that the scope of the draft resolution was broad enough to allow for the award of medals if that was considered desirable. For those reasons, the United States delegation warmly supported the Philippine draft resolution and would vote for it.

14. Mr. MOROZOV (Union of Soviet Socialist Republics) stated that, in the opinion of his delegation, the Philippine proposal for providing a United Nations "distinguishing ribbon or other insignia for personnel which has participated in Korea in the defence of the principles of the Charter of the United Nations" was

another attempt to violate flagrantly the basic principles of the Charter and to convince people that the aggressive war waged in Korea by the United States during the past five months had been undertaken in order to defend the principles of the Charter.

15. There was no need to repeat the arguments set forth by the Foreign Minister of the USSR, Mr. Vyshinsky, both in plenary meetings of the General Assembly and in the First Committee, in order to prove that the United States was guilty of a flagrant aggression against the Korean people, which was struggling for its political independence.

16. The Philippine delegation had cited in support of its own draft resolution the Security Council resolution of 7 July 1950. That resolution, however, had been adopted in violation of the fundamental principles of the Charter.

17. In reply to a telegram from the Secretary-General transmitting the Security Council resolution, the Soviet Government had indicated that that resolution violated the Charter as flagrantly as had the resolution of 27 June 1950 (S/1511 — 474th meeting), since it had been adopted in the absence of two of the permanent members of the Council and moreover had been adopted by only six votes, the seventh being that of the Kuomintang representative, who had not the right to represent China. The resolution of 7 July 1950 therefore had no legal validity. The USSR Government had further declared that that resolution aimed at allowing the illegal use of the United Nations flag with the intention of camouflaging United States aggression in Korea. It had therefore lent support to the aggressive intrigues of the United States in Korea. Consequently any proposal based upon the resolution of 7 July 1950 was illegal and contrary to the provisions of the Charter. The USSR delegation therefore considered the Philippine draft resolution as illegal. The adoption of such a proposal could not but jeopardize still further the prestige of the United Nations.

18. The delegation of the Soviet Union would accordingly vote against the draft resolution.

19. Mr. MAURTUA (Peru) said that if it were established, as the representative of the Union of South Africa believed, that the Philippine draft resolution was not of a legal nature and that the question was not within the competence of the Sixth Committee, it would of course be necessary to make arrangements accordingly. He himself thought that the form given by the Philippine delegation to its draft brought it fully within the competence of the Sixth Committee.

20. The Peruvian delegation commended the Philippine delegation for its initiative in proposing a United Nations ribbon or other insignia for those who had participated in Korea in the defence of the principles of the Charter of the United Nations. The question of who should be awarded such a decoration was a purely technical one. The draft resolution merely proposed the recognition of a right and therefore raised a purely juridical question. The United Nations flag and any insignia could be used by virtue of the legal personality of the Organization. The draft resolution under discussion proposed the award of distinguishing insignia to those who were fighting in Korea in the name of the

United Nations. Apart from its legal aspect, the draft resolution had a moral aspect which, from the United Nations point of view, was justified.

21. Mr. ROBERTS (Union of South Africa) said that his country was grateful for the sacrifices made by the thousands of men and women fighting in Korea. Among them were nationals of the Union of South Africa, and he considered that it was just to award them a decoration in recognition of their efforts.

22. He wished to make a few general observations concerning the draft resolution.

23. Firstly, he thought that the United Nations should award decorations not only to those who participated in a war in defence of its principles, but to everyone who, in any circumstances, displayed exceptional heroism in the cause of the United Nations.

24. Secondly, the Government of the Union of South Africa reserved the right to be consulted before decorations were awarded to any of its nationals.

25. Lastly, and speaking as one born in the Orange Free State, whose territory had, in his opinion, been taken from it in a war of aggression, but which had learned to overcome difficulties and live in peace and harmony with its former enemies, he voiced the earnest desire of the Union of South Africa that peace, the spirit of co-operation and unity should reign in Korea. He therefore wondered whether the award of a distinguishing ribbon or decoration to those who had fought in Korea would not tend to prevent the wounds from healing. The delegation of the Union of South Africa hoped that, when rules were drawn up for the award of such a United Nations ribbon or other insignia, that factor would be taken into account.

26. While considering that the award of a distinguishing ribbon was small recompense for the sacrifices made in Korea, the delegation of the Union of South Africa would nevertheless vote for the Philippine draft resolution.

27. Mr. DROHOJOWSKI (Poland), recalling that the question had been placed on the Committee's agenda only after a brief discussion in the General Committee and a plenary meeting of the General Assembly, said that his delegation would not attach any great importance to the proposal of the Philippine delegation if it were not, above all, absolutely superfluous. There was in fact no need to devise a ribbon or other decoration for those who participated in the Korean expedition, since all the governments taking part in that expedition had a great variety of decorations or medals which they would, without a doubt, award to all those who returned from Korea.

28. While the Polish delegation did not wish to criticize the practice of rewarding acts of bravery or any meritorious deeds, it wondered whether all the persons whom it was proposed to decorate for their participation in the Korean intervention campaign would realize that they had been the instruments of aggression against a people that desired only to live united and to work in peace. It was highly doubtful whether they were aware that they had been sent to Korea in order to consolidate the terrorist police government of Syngman Rhee, whose policy had long ceased to be a Korean

policy and had become that of the United States. It was highly doubtful whether they knew that they had been sent to the front to help establish in Asia a new form of colonial policy. Had the Philippine delegation been aware of that factor in submitting its draft resolution?

29. Those considerations led the Polish delegation to examine the question closely and foresee the harmful consequences which the Philippine draft resolution, if adopted, might entail.

30. That draft resolution referred to the provision of a United Nations ribbon or other insignia for those who had participated in Korea in the defence of the principles of the Charter of the United Nations. But it should not be forgotten that the question of the legality or illegality of the intervention in Korea was still under discussion of a political nature. The adoption of the draft resolution would give the impression that the world was being faced with a *fait accompli* while the discussion was continuing.

31. The Polish delegation held to its opinion that the intervention in Korea was unwarranted. The resolutions of 25 and 27 June and 7 July 1950 were illegally adopted by the Security Council, in flagrant violation of the Charter and with the sole purpose of masking the armed intervention of the United States Government in Korea. That intervention, as had been proved, had begun even before the Security Council adopted its resolution of 27 June.

32. Moreover, the Philippine draft resolution left wide discretion to the Secretary-General. The Polish delegation thought that that was far from indicated, since it was the Secretary-General who had stated, even before certain members of the Security Council had done so, that the North Korean troops had committed an act of aggression.

33. There was no shadow of a doubt, for any impartial person, as to the illegality of the intervention in Korea. As to the essential nature of the conflict in Korea, it had been emphasized on 27 September last, in the 287th plenary meeting of the General Assembly, by the head of the Polish delegation, Mr. Wierblowski.

34. Despite the specious arguments of certain speakers, the conflict in Korea was nothing more than a civil war. The United Nations intervention was therefore quite unwarranted, and the American and other troops merely constituted foreign interventionist units; they could never be considered as United Nations forces. Moreover, the right to award decorations belonged only to States and governments; nowhere did the Charter of the United Nations provide for the possibility of awarding decorations. If it were otherwise, the numerous heroes of the last war, who had fought in the ranks of the United Nations armies against Hitlerism and fascism, would certainly have been decorated already. They were the real founders of the United Nations, and compared to those fighters for freedom and democracy the soldiers sent to Korea were merely tools in the service of aggression.

35. It was therefore inadmissible that the acts they were ordered to perform should be committed under the flag bearing the colours and emblem of the United Nations. That emblem was degraded by being made to

cover the inhuman bombardment of Korean towns and villages and an armed fight against the freedom of the Korean people. All of that was doubtless intended to mislead world opinion, which had, however, already affirmed its attitude in the matter. The illegal use of the United Nations flag could never conceal the fact that the United States had disregarded its obligations arising out of the Potsdam and Moscow decisions to give the Korean people back their freedom. It was an illustration of how, by means of legal acrobatics and by fitting the contents of the Charter to the requirements of imperialist policy, the United States had undertaken action that flagrantly violated the very law which it had helped to create.

36. It should be remembered that every symbol of the United Nations should be a symbol of neutrality and impartiality. The Secretary-General had clearly stressed that in the memorandum he had submitted at the second session of the General Assembly. The decision taken by the General Assembly on 20 October 1947 clearly stipulated that the use of the flag was to be regulated and its dignity protected. It had consequently been decided that the flag must be flown by the Secretary-General only on United Nations buildings, and buildings in which United Nations commissions and committees were housed. If, therefore, the flag was to serve exclusively for peaceful purposes, a decoration, whatever it might be, could not serve any other purposes, much less any contrary purposes.

37. Decorations could not therefore be awarded to those who had participated in the intervention in Korea, for that would be to reward those waging war on a foreign territory against those fighting on their own soil for their native land. The troops in Korea were not soldiers of the United Nations, for they had not been sent in accordance with Article 43 of the Charter.

38. Those were the reasons for which the Polish delegation opposed the Philippine draft resolution. The Polish delegation was willing to believe in the good intentions of the Philippine delegation, but good intentions were not enough and the Philippine delegation would be rendering a signal service to the General Assembly if it withdrew its proposal.

39. Mr. DE LACHARRIERE (France) said that his delegation supported the Philippine draft resolution. The question of whether or not the Sixth Committee was competent to consider that proposal had already been settled by the decision of the General Assembly referring the item to the Sixth Committee. It was obvious that all the questions discussed by the Committee had a number of political aspects, and it was correct for the Committee to consider the draft in all its aspects.

40. He pointed out that the Polish representative himself, having contested the Sixth Committee's competence to consider the Philippine draft resolution, had none the less advanced arguments of a juridical nature. It was indisputable that the draft had a political aspect, since it proposed to decorate those who helped to repel aggression in Korea. All who participated in the fight waged in defence of the principles of the United Nations were giving it valuable support. It was, of course, impossible to answer those who described a collective defence measure as aggression and who falsified the

most obvious truths. For anyone else, there was no doubt as to the scope of the Philippine draft resolution.

41. While not wishing to alter the Philippine draft resolution as it stood, he agreed with the representative of the Union of South Africa that measures of a more general nature should be considered. It would thus be desirable later to consider awarding decorations to all who had rendered or might render eminent service to the United Nations in circumstances other than the military operations in Korea.

42. Mr. BIHELLER (Czechoslovakia) stated that, in his delegation's opinion, the Philippine proposal should not have been included in the agenda of the General Assembly. The Philippine draft resolution conferred upon the Secretary-General powers far exceeding those conferred on him by the Charter. The United Nations and its organs had no powers other than those conferred upon them by the Charter. The Organization was not a State, and the Secretary-General was not a head of State. It was therefore absurd to confer the powers of a head of State on him.

43. Furthermore, the Czechoslovak delegation considered that the question proposed by the Philippine delegation was political and not within the competence of the Sixth Committee. The argument from adoption of a United Nations flag was unfounded. The Philippine proposal was not concerned with the creation of a new United Nations emblem, but was a new justification for measures which many considered to have been taken in violation of the Charter. The Sixth Committee should not exceed its competence and risk its prestige.

44. The Philippine draft resolution was based on inadmissible premises, in view of the fact that the military action in Korea was an aggression committed by the United States even before the Security Council resolution of 25 June 1950. Moreover, the Security Council resolutions which had been quoted were illegal, since the organ that had adopted them had not been constituted in accordance with Article 23 of the Charter. Thus, all decisions based on those resolutions were also illegal. The resolutions could not hide the fact that the United States had committed an act of aggression in Korea in order to dominate that country and Asia as a whole. The use of the United Nations flag and the appointment of a single Commander could not serve to camouflage American aggression. In trying to provide a ribbon or some other decoration, the supporters of the Philippine proposal sought to stifle the sense of guilt of those who had taken part in the aggression.

45. The Czechoslovak delegation noted with regret that the current session of the General Assembly had been called the session of violation of the Charter and of international law. That position should not be further aggravated.

46. For all those reasons, the Czechoslovak delegation would vote against the Philippine draft resolution.

47. Mr. HERRERA BAEZ (Dominican Republic) said his delegation regarded the arguments advanced against the Philippine draft resolution as unacceptable. His delegation unreservedly approved the draft resolution and would support it just as sincerely as it had supported the collective action undertaken in Korea by the United Nations in defence of its principles and

ideals. He recalled the memorable words of a great North American President, saying that nothing could change by one iota the glory of the men and women who were fighting in Korea for peace and collective security. Their great sacrifices entitled them to a recognition that went much further than any distinction they might be granted.

48. Still, support of the draft resolution would symbolize gratitude towards those heroes and would demonstrate that the Committee members identified themselves with the United Nations cause in Korea. Owing to social engagements, he had to leave the meeting but before that he wished to place on record his support of the Philippine draft resolution. He asked the Chairman if his support could be counted as an affirmative vote when the text was voted on.

49. The CHAIRMAN regretted that he could not grant that request, since a representative could not vote if he was absent. The position of the delegation of the Dominican Republic on the Philippine draft resolution would, however, be mentioned in the official record.

50. Mr. VALLAT (United Kingdom) stated that his government warmly supported the Philippine draft resolution for the provision of a decoration which would symbolize the courage and sacrifices of those who had served the United Nations in repelling aggression in Korea. He recalled the attitude of the USSR, Polish and Czechoslovak delegations which had stated that they could not accept the Philippine draft resolution because the United Nations action in Korea and the Security Council resolutions of 27 June and 7 July 1950 were illegal. He did not wish to re-open discussion of that question, the legal and political aspects of which had been frequently debated in other organs of the United Nations. But, as the question was again being raised, he hoped that the Committee's vote would show that it did not question the legality of United Nations action in Korea.

51. Mr. KURAL (Turkey) expressed his delegation's congratulations and thanks to the Philippine delegation, which had taken the initiative in asking that the sacrifices of those who were risking their lives in Korea should be symbolized by a decoration.

52. The Turkish delegation would vote for the draft resolution.

53. Mr. UDOVICHENKO (Ukrainian Soviet Socialist Republic) recalled that the Committee had before it a proposal for the provision of a distinguishing ribbon or other insignia for personnel who were allegedly participating in Korea in the defence of the principles of the United Nations Charter. The USSR delegation had already objected to the inclusion of that question in the agenda of the fifth session of the General Assembly. The Ukrainian delegation had also voted against the inclusion of the question in the agenda. In proposing that the question be included in the agenda of the General Assembly, the Philippine delegation had invoked resolution 92 (I) of the General Assembly on the official seal and emblem of the United Nations, its resolution 167 (II) on the United Nations flag, and the Security Council resolutions of 27 June and 7 July 1950. The USSR Government had already pointed out, in its reply to the Secretary-General's telegram trans-

mitting the text of the resolution of 27 June 1950, that the resolution had been taken in the absence of two permanent Members of the Security Council, the Soviet Union and China, and was therefore illegal.

54. The ruling circles of the United States had hoped to use the prestige of the United Nations to camouflage their imperialistic aims in Korea and mislead the world. In spite of their efforts, the whole world knew that the armed forces fighting in Korea were those of a small number of States, headed by the United States. Far from defending the principles of the United Nations, as the Philippine representative alleged, those forces were carrying on a war of aggression.

55. The Ukrainian delegation therefore objected to the Philippine draft resolution and would vote against it.

56. Mr. VAN GLABBEKE (Belgium) stated that his delegation regarded the proposal to provide distinguishing insignia for those who were giving or risking their lives to ensure the triumph of the peaceful ideals of the United Nations as a noble initiative. It considered, however, that a decoration for men and women serving in military organizations should also be extended to civilians. He therefore hoped that, if the Committee adopted the Philippine draft resolution, the persons dealing with the technical aspects of the question would study the possibility of granting the decoration to civilian as well as military personnel, and of granting it posthumously. He was, of course, thinking of Count Bernadotte, who had given his life for a cause which everyone wished to serve.

57. Those concerned with the technical aspects of the question might, if they chose a cross, add a ribbon with laurel leaves, or, if they chose a gold, silver or bronze medal, they might supplement it by a bar, in which case the ribbon or bar would bear an inscription indicating the military operation, for example, Korea, or any other inscription specifying the type of operation in which the recipient of the decoration had taken part. He was thinking of those who had been killed or wounded, in the Balkans or elsewhere, while carrying out the duties entrusted to them by the United Nations. He therefore shared the views expressed by the representative of South Africa and supported by the representative of France.

58. Mr. KHOMUSKO (Byelorussian Soviet Socialist Republic) stated that his delegation objected to the Philippine draft resolution based on the Security Council resolutions of 27 June and 7 July 1950. As the USSR Government had frequently stated, those resolutions were contrary to the provisions of the Charter.

59. The Byelorussian delegation considered that the statements of the representatives of the Soviet Union, Poland and the Ukrainian SSR were fully justified.

60. It would therefore vote against the Philippine draft resolution.

61. Mr. DROHOJOWSKI (Poland) said that he had carefully followed the discussion that had just taken place, and was surprised that the members of the Committee who were in favour of the Philippine draft resolution had not submitted any valid arguments in support of it. Moreover, the arguments of those who opposed the draft resolution had been misunderstood. The political aspects of intervention in Korea were be-

ing discussed in other organs of the United Nations, and he would therefore refrain from dwelling on them. He was surprised, however, that no member of the Committee had attempted to refute his previous statement that there were no provisions in the Charter which allowed the Organization to embark upon the tortuous course of granting decorations. The United Nations had no right to grant any kind of decorations to anyone whatsoever.

62. He drew the Committee's attention to rule 120 of the rules of procedure, which stated that, "subject to rule 118, any motion calling for a decision on the competence of the General Assembly or the committee to adopt a proposal submitted to it shall be put to the vote before a vote is taken on the proposal in question". Neither rule 118 nor rule 112, which was mentioned in rule 118, applied to the question at issue.

63. He therefore asked for a vote on the question of the Sixth Committee's competence to adopt the Philippine draft resolution.

64. Mr. MAURTUA (Peru) considered that, contrary to the Polish representative's statement, the United Nations had the right to reward personnel in its service. The Belgian representative had rightly stated that those rewards should be granted to all personnel in the service of the United Nations, in Korea and elsewhere. The United Nations had resorted to military action for the first time. He could not understand those who criticized the United Nations and hoped it would fail when it was acting on behalf of the international community.

65. The United Nations was fully competent to deal with the question of providing a distinguishing ribbon or other insignia for personnel serving in Korea in defence of the principles of the Charter.

66. Mr. DE LACHARRIERE (France), returning to the question of competence raised by the representative of Poland, wondered whether it was a question of the competence of the Sixth Committee of the General Assembly, that is, the particular competence of that Committee in relation to the other bodies of the United Nations. If that was the case, the Sixth Committee could discuss all aspects of an item on its agenda. While the Committee specialized in legal questions, it was still a Committee of the General Assembly as well.

67. If it was a question of the General Assembly's competence, it was true, as the representative of Poland had said, that there was no Article of the Charter providing for the awarding of decorations by the United Nations. There were, however, innumerable questions which had been discussed by the General Assembly but which were not expressly mentioned in the Charter. Article 10 of the Charter provided that the General Assembly could discuss any questions or matters within the scope of the general purposes of the Charter. Article 1 stated that the purposes of the United Nations were, among others, to maintain international peace and security and to that end to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression. Moreover, paragraph 4 of Article 11, which listed the powers of the General Assembly, provided that the powers of the General Assembly set forth

in that Article should not limit the general scope of Article 10. If the power to create a decoration was not expressly mentioned in the Charter, therefore, it was clear that the provision of such decorations was within the General Assembly's competence.

68. Consequently, the competence of the Sixth Committee and of the General Assembly could not be seriously challenged.

69. Mr. DROHOJOWSKI (Poland) thanked the representative of France for having replied to his remarks. In the light of the arguments made during the discussion, it appeared that the difference between representatives who supported the Philippine draft resolution and those who opposed it lay in the importance to be accorded to the question under discussion. Representatives who concurred with the Philippine delegation's view considered that the question was of little fundamental importance.

70. He regretted that he could not share that point of view. If the matter was of no consequence, it should not be discussed at that time, when there was a risk of taking a decision that might aggravate the already tense international political situation. Actually, fundamental principles were at stake.

71. He had not been convinced by the French representative's legal arguments. He did not believe that, under the terms of Article 10 and Article 11, paragraph 4, of the Charter, measures such as those proposed came within the General Assembly's competence. He therefore felt that it was his duty to press for his motion, calling for a decision as to such competence, to be put to the vote.

72. Mr. INGLES (Philippines) thanked all the representatives who had made statements in support of his draft resolution, and in particular the representative of the United States, who had recalled the part played by the Philippines in the Second World War and in the current operations in Korea.

73. In reply to the argument that the draft resolution should be submitted in more general form and provide for the awarding of a ribbon or other decoration not only to the United Nations forces engaged in the Korean operation, but also to all those who might in future be called upon to defend the principles of the Charter, Mr. Ingles pointed out that his draft resolution was intended solely to meet an immediate need. If a similar situation should arise in future, the General Assembly would be able to take similar measures at the proper time.

74. He did not think it was true that only governments were competent to award decorations to their nationals who were taking part in the Korean operations. The awarding of decorations by governments did not in any way prevent the awarding of a decoration by the United Nations to all those who, regardless of their nationality, had answered the call of the United Nations and were defending the principles of the Charter in Korea. The proposed decoration would not be a reward in the strict sense of the word, but rather a symbol of the gratitude of the international community for services rendered and sacrifices made in the cause of the United Nations.

75. Replying to the representative of Poland, he added another observation to the French representative's arguments: the power to award decorations was a logical attribute of the international personality of the Organization, which was incontestably recognized by the United Nations Charter and by the International Court of Justice. Moreover, that question had been definitively settled by the adoption of General Assembly resolutions 92 (I) and 167 (II) concerning the adoption of a United Nations official seal, emblem and flag. Those resolutions alone should have sufficed to prove to the Polish representative that his objections were groundless.

76. Those who opposed the Philippine draft resolution might not approve of the measures taken by the United Nations in Korea, but that did not justify opposition to the idea that the men and the women fighting in Korea under the United Nations flag should receive a decoration in accordance with the best traditions of war as conceived by civilized nations. It could have been expected that the question of frontiers would never be confused with the question of recognition of services rendered in the cause of humanity. Those who gave their moral support to the forces fighting against the United Nations in Korea could at their leisure plan measures similar to those now proposed with respect to the United Nations forces. The United Nations for its part could not but recognize services rendered in the defence of the principles of the Charter, as proposed in the Philippine draft resolution.

77. Mr. ORIBE (Uruguay) stated that his delegation would vote for the Philippine draft resolution. It considered that the United Nations should do everything in its power to reward the courage of the nationals of the United Nations who were risking their lives by taking part in the execution of measures adopted in conformity with the Charter. He took the opportunity to pay a tribute to all those who were fighting in Korea under the United Nations flag, and who were now encountering new hardships and dangers.

78. He supported the French representative's arguments. The Polish representative's theory that the General Assembly would not be competent in the matter was entirely groundless. In regard to powers of the United Nations not expressly conferred by the Charter but necessary for the performance of the functions of the Organization a United Nations legal precedent already existed. Moreover, in its advisory opinion on losses suffered by United Nations officials in the exercise of their duties, the International Court of Justice, whose authority could not be contested, had clearly laid down that the United Nations had the powers necessary to the performance of its duties in addition to the powers expressly conferred upon it by the Charter.¹ The Court thus confirmed the doctrine of the implicit powers of the Organization and the legal precedent that had been established in the United Nations. The question had therefore been definitively settled, and he was astonished that it had again been brought up for discussion in the Committee.

¹ International Court of Justice, *Reports of Judgments, Advisory Opinions and Orders*, Reparation for injuries suffered in the Service of the United Nations, Advisory Opinion of 11 April 1949.

79. Mr. DROHOJOWSKI (Poland), replying to the argument that the International Court of Justice had acknowledged that the General Assembly had the powers necessary to the performance of its duties, noted that the awarding of decorations could not be deemed a measure necessary to the proper working of the Organization. In that connexion, he pointed out that a number of governments, among them the Turkish Government, did not award decorations to their nationals but that did not in the least disturb the proper working of those governments. In his opinion, that was sufficient to refute the argument based on the advisory opinion of the International Court of Justice.

80. Mr. KURAL (Turkey) confirmed that in fact there was no Turkish decoration other than that created in 1923 after the War of Independence. He felt, however, that the matter was exclusively the concern of the Turkish Parliament, which could consider taking the necessary measures if the General Assembly took a favourable decision on the question.

81. Returning to the question of the competence of the General Assembly, he stressed the fact that, as the United Nations had the right to demand sacrifices on the part of its Members, it was logical that it should have the right to confer awards upon the nationals of those Members for services rendered in the cause of the Organization.

82. Mr. ROBERTS (Union of South Africa) moved that the discussion be closed.

A vote was taken on the motion of the representative of Poland proposing that a decision should be taken as to the competence of the General Assembly or the Committee to adopt the Philippine draft resolution.

The Committee decided by 32 votes to 5, with 3 abstentions, that the General Assembly was competent.

83. Mr. INGLES (Philippines) requested a vote by roll-call on his draft resolution.

A vote by roll-call was taken on the Philippine draft resolution (A/1421).

France, having been drawn by lot by the Chairman, voted first.

In favour: France, Greece, Guatemala, India, Iran, Iraq, Lebanon, Mexico, the Netherlands, Norway, Pakistan, Peru, Philippines, Sweden, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Belgium, Brazil, Burma, Canada, Chile, China, Colombia, Cuba, Denmark, Ecuador.

Against: Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Byelorussian Soviet Socialist Republic, Czechoslovakia.

Abstained: Saudi Arabia, Syria, Yemen, Yugoslavia.

The Philippine draft resolution was adopted by 32 votes to 5, with 4 abstentions.

84. Mr. BARTOS (Yugoslavia) explained his abstention: the Yugoslav delegation recognized that decisions taken by the Security Council were legal. Nevertheless, in view of the position which it had hitherto adopted, the Yugoslav delegation had deemed it consistent to abstain from the vote that had just been taken.

The meeting rose at 12.55 p.m.