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Tibet

18 Aug. 1961

- U. N. General Assembly's documents

16-th session – The Question of Tibet

- end. - Gen. Assembly's document 20 Nov. 1950

5th session - Invasion of Tibet by foreign forces.

UNITED NATIONS

GENERAL ASSEMBLY

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18 August 1961

ORIGINAL: ENGLISH

Sixteenth session

SUPPLEMENTARY LIST OF AGENDA ITEMS FOR THE SIXTEENTH REGULAR SESSION OF THE GENERAL ASSEMBLY: ITEM PROPOSED BY MALAYA AND THAILAND

THE QUESTION OF TIBET

Letter dated 18 August 1961 from the Permanent Representative of Malaya and the Acting Permanent Representative of Thailand to the United Nations addressed to the Secretary-General

On the instructions of our Governments we have the honour to propose, under rule 14 of the rules of procedure, the inclusion in the agenda of the sixteenth regular session of the General Assembly the following item:

"The question of Tibet".

An explanatory memorandum, as required by rule 20 of the rules of procedure, is attached.

(Signed) Dato Nik Ahmed KAMIL
Permanent Representative of the
Federation of Malaya

(Signed) Somchai ANUMAN-RAJADHON
Acting Permanent Representative
of Thailand

EXPLANATORY MEMORANDUM

1. The General Assembly at its fourteenth regular session discussed the question of Tibet and adopted by an overwhelming majority resolution 1353 (XIV), the terms of which are as follows:

"The General Assembly,

"Recalling the principles regarding fundamental human rights and freedoms set out in the Charter of the United Nations and in the Universal Declaration of Human Rights adopted by the General Assembly on 10 December 1948,

"Considering that the fundamental human rights and freedoms to which the Tibetan people, like all others, are entitled include the right to civil and religious liberty for all without distinction,

"Mindful also of the distinctive cultural and religious heritage of the people of Tibet and of the autonomy which they traditionally enjoyed,

"Gravely concerned at reports, including the official statements of His Holiness the Dalai Lama, to the effect that the fundamental human rights and freedoms of the people of Tibet have been forcibly denied them,

"Deploring the effect of these events in increasing international tension and in embittering the relations between peoples at a time when earnest and positive efforts are being made by responsible leaders to reduce tension and improve international relations,

"1. Affirms its belief that respect for the principles of the Charter of the United Nations and of the Universal Declaration of Human Rights is essential for the evolution of a peaceful world order based on the rule of law;

"2. Calls for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life."

2. In view of the continued systematic disregard of the fundamental human rights of the Tibetan people and of the sustained attempt to destroy their traditional and distinctive way of life and their religious and cultural autonomy, as confirmed by the report to the International Commission of Jurists by its Legal Inquiry Committee on Tibet published on 8 August 1960, the question of Tibet was again proposed for inclusion as an item in the agenda of the fifteenth regular session of the General Assembly. The General Assembly subsequently approved the item's inscription by a vote of 49 in favour to 13 against. However, because of the

extreme pressure of work to which the Assembly was subject in the concluding stages of the session, the Assembly did not find it possible to consider the item and consequently no positive action was taken on the "Question of Tibet" at the fifteenth regular session.

3. The situation in Tibet today has not improved and remains a source of grave concern. The Governments of the Federation of Malaya and of Thailand, deeply convinced that the United Nations has an obligation and duty to address itself once again to this question, and hoping that the renewed consideration of the question will pave the way for the restoration of the religious and civil liberties of the Tibetan people, propose the inclusion of an item entitled "The question of Tibet" in the agenda of the sixteenth regular session of the General Assembly.

UNITED NATIONS

OFFICIAL RECORDS OF THE GENERAL ASSEMBLY
FIFTH SESSION

GENERAL COMMITTEE

SUMMARY RECORDS OF MEETINGS
21 SEPTEMBER—5 DECEMBER

1950

NEW YORK

INTRODUCTORY NOTE

These Official Records include the corrections to the provisional summary records which were requested by the delegations, and such drafting and editorial modifications as were considered necessary.

All United Nations documents are designated by symbols, i.e., capital letters combined with figures. Mention of such a symbol indicates reference to a United Nations document.

The documents relating to each agenda item are published as annexes. These annexes are printed in separate fascicules, one to each agenda item.

A complete check list of all documents indicating where they can be found is contained in the prefatory fascicule to the plenary meetings of the General Assembly.

TABLE OF CONTENTS

	Page
COMPOSITION OF THE GENERAL COMMITTEE....	vii
69TH MEETING	
Thursday, 21 September 1950, at 10.45 a.m.	
Organization of the fifth session of the General Assembly (A/BUR/122).....	1
Consideration of the agenda of the fifth session (A/1293, A/1332 and A/BUR/123).....	1
Requests for the inclusion of additional items (A/1373, A/1375, A/1376 and A/1377)...	5
70TH MEETING	
Friday, 22 September 1950, at 10.45 a.m.	
Requests for the inclusion of additional items (A/1373, A/1375, A/1381 and A/1382) (*continued*)	7
Establishment of *ad hoc* committees (A/BUR/123)	7
Allocation of agenda items (A/BUR/123 and A/BUR/124)	7
71ST MEETING	
Thursday, 5 October 1950, at 3 p.m.	
Requests for the inclusion of additional items (A/1373, A/1381, A/1399, A/1401, A/1410, A/1415, A/1416, A/1419 and A/1421) (*continued*)	11
72ND MEETING	
Monday, 20 November, at 3.15 p.m.	
Request for the inclusion of an additional item (A/1534)	15
73RD MEETING	
Friday, 24 November 1950, at 2.30 p.m.	
Referral of two items to the First Committee..	17
Request for the inclusion of an additional item (A/1534) (*continued*)	17
74TH MEETING	
Tuesday, 5 December 1950, at 2.45 p.m.	
Request for the inclusion of an additional item (A/1618 and A/1621)	21

TABLE OF CONTENTS

	Page
COMPOSITION OF THE GENERAL COMMITTEE	vii
89TH MEETING	
Thursday, 21 September 1950, at 10.45 a.m.	
Organization of the fifth session of the General Assembly (A/BUR/122)	1
Consideration of the agenda of the fifth session (A/1293, A/1322 and A/BUR/123)	1
Requests for the inclusion of additional items (A/1323, A/1325, A/1376 and A/1377)	5
90TH MEETING	
Friday, 22 September 1950, at 10.15 a.m.	
Requests for the inclusion of additional items (A/1273, A/1275, A/1381 and A/1382) (continued)	7
Establishment of ad hoc committees (A/BUR/123)	7
Allocation of agenda items (A/BUR/123 and A/BUR/124)	7
91ST MEETING	
Thursday, 5 October 1950, at 3 p.m.	
Requests for the inclusion of additional items (A/1273, A/1381, A/1399, A/1401, A/1410, A/1415, A/1416, A/1410 and A/1421) (continued)	11
92ND MEETING	
Monday, 30 October, at 3.15 p.m.	
Request for the inclusion of an additional item (A/1534)	15
93RD MEETING	
Friday, 24 November 1950, at 2.30 p.m.	
Referral of two items to the First Committee, Request for the inclusion of an additional item (A/1534) (continued)	17
94TH MEETING	
Tuesday, 5 December 1950, at 2.45 p.m.	
Request for the inclusion of an additional item (A/1618 and A/1621)	21

COMPOSITION OF THE GENERAL COMMITTEE

The General Committee of the General Assembly for the fifth session was constituted as follows:[1]

(*a*) The President of the General Assembly;

(*b*) The seven Vice-Presidents of the General Assembly;

(*c*) The Chairman of the six Main Committees of the General Assembly;

(*d*) The Chairman of the *Ad Hoc* Political Committee.

(*a*) *President of the General Assembly*

Mr. Nasrollah Entezam (Iran).

(*b*) *Vice-Presidents of the General Assembly*

Australia, China, France, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America and Venezuela.

(*c*) *Chairmen of the six Main Committees*

First Committee: Dr. Roberto Urdaneta Arbeláez (Colombia);
Second Committee: Dr. Gustavo Gutiérrez (Cuba);
Third Committee: Dr. G. J. van Heuven Goedhart (Netherlands);
Fourth Committee: Prince Wan Waithayakon (Thailand);
Fifth Committee: The Maharaja Jam Saheb of Nawanagar (India);
Sixth Committee: Dr. Vladimir Outrata (Czechoslovakia).

(*d*) *Chairman of the* Ad Hoc *Political Committee*

Dr. Víctor A. Belaúnde (Peru).

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[1] See *Official Records of the General Assembly, Fifth Session, Plenary Meetings,* 277th and 278th meetings.

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United Nations

GENERAL ASSEMBLY

FIFTH SESSION

Official Records

GENERAL COMMITTEE 69th

(OPENING) MEETING

Thursday, 21 September 1950, at 10.45 a.m.

Flushing Meadow, New York

CONTENTS

	Page
Organization of the fifth session of the General Assembly (A/BUR/122)	1
Consideration of the agenda of the fifth session (A/1293, A/1332, and A/BUR/123)	1
Requests for the inclusion of additional items (A/1373, A/1375, A/1376 and A/1377)	5

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Organization of the fifth session of the General Assembly (A/BUR/122)

1. The CHAIRMAN drew attention to the Secretary-General's memorandum (A/BUR/122), and invited comments on the various organizational matters discussed in it.

2. Mr. van HEUVEN GOEDHART (Netherlands), referring to the proposed schedule of meetings, suggested that the Second, Third, Fifth and Sixth Committees should meet three days a week and hold two meetings on each of those days.

3. Mr. CORDIER (Executive Assistant to the Secretary-General) said that the suggestion was sound and practical and would be taken into account as far as possible in arranging the schedule of Committee meetings.

It was decided to recommend the adoption of the proposals in the Secretary-General's memorandum, subject to the observations made above.

Consideration of the agenda of the fifth session (A/1293, A/1332, and A/BUR/123)

RELATED ITEMS OF THE PROVISIONAL AGENDA AND THE SUPPLEMENTARY LIST

4. The CHAIRMAN invited observations regarding the suggestions contained in paragraph 2 of the Secretary-General's memorandum (A/BUR/123) for grouping together certain related items of the provisional agenda (A/1293) and the supplementary list (A/1332) under a single title.

5. Mr. VYSHINSKY (Union of Soviet Socialist Republics) objected to combining items 2 and 10 of the supplementary list regarding relations of Member States and specialized agencies with Spain and took exception to their inclusion in the agenda.

6. The CHAIRMAN said that the Committee would revert to the matter when it came to discuss the merits of each item proposed for inclusion in the agenda.

7. Mr. VYSHINSKY (Union of Soviet Socialist Republics) also wished to exclude from the agenda the question of interference with radio signals, an item which appeared in paragraph 2, sub-paragraph (iv) (b) of the Secretary-General's memorandum, under the heading "Freedom of Information". He had no objection to combining the other two items under that heading.

8. The CHAIRMAN called for a vote on the question of grouping together the three parts of the item under the title: "Freedom of Information".

The printed Official Records of the fifth session of the General Assembly *are being published in fascicule form, that is, the record of each meeting will be issued separately as soon as possible. These will be so produced that they may eventually be bound into volumes, by organ and session. Pagination will therefore be continuous throughout each series of fascicules representing the records of a single body, and at the end of the session there will be issued, for each series, a prefatory fascicule containing a title page, table of contents, list of members attending, initial agenda, and other prefatory material. This prefatory fascicule should be placed in front of the record of the opening meeting, before binding. For ease of recognition the fascicules of the opening and closing meetings will be clearly identified as such in the masthead.*

After the close of the session, sets of fascicules, collated and bound, will be placed on sale for the general public.

It was decided to recommend that parts (a) *and* (c) *should be combined under the title "Freedom of Information".*

It was decided by 11 votes to 2 to recommend that part (b) *should also be included under the same item.*

9. The CHAIRMAN then opened the discussion on the provisional agenda as proposed in paragraph 3 of the Secretary-General's memorandum.

10. He proposed that representatives of the States not represented on the General Committee should, if they so desired, be invited to the Committee table during the discussion of the items proposed by their respective Governments.

ITEM 22 OF THE PROVISIONAL AGENDA (A/BUR/123)

11. Mr. VYSHINSKY (Union of Soviet Socialist Republics) objected to the inclusion of item 22 on the grounds that it had been introduced by the Anglo-American bloc, as in previous years, for political purposes in order to divert attention from the terrorism being practised by the monarcho-fascist regime in power against the Greek national liberation movement. The sponsors of the item were attempting to shift responsibility for those repressive measures to Greece's northern neighbours, thus obscuring the real issue in Greece. Peace and order would be restored in that country only when all foreign interference in its internal affairs had been eliminated. Accordingly, United Nations efforts should be directed toward securing the evacuation of all foreign troops and missions from Greece, the implementation of a general amnesty for political prisoners, the holding of elections on a basis of proportional representation, and similar measures designed to establish a democratic regime.

It was decided by 12 votes to 2 to recommend that item 22 should be included in the agenda.

ITEM 23 OF THE PROVISIONAL AGENDA (A/BUR/123)

12. Mr. VYSHINSKY (Union of Soviet Socialist Republics) protested against the inclusion of the item because the charges on which it had been based were unfounded and a discussion of them would undermine the prestige of the United Nations.

13. There was in fact no dispute between the USSR and the Central People's Government of the People's Republic of China regarding the political independence and territorial integrity of China. On the contrary, the USSR enjoyed the most friendly relations with the Government of the People's Republic, which was the only legal government of China. Item 23 had been introduced, at the instigation of the United States of America, by the representative of the Kuomintang group, who had no right to speak on behalf of the Chinese people.

14. There was no reason for the Assembly to deal with a group which, by the admission of Secretary of State Acheson himself and as confirmed in the United States White Paper, could not be considered as representative of the Chinese people.

15. The real threat to the political independence and territorial integrity of China arose from the aggressive actions carried out by the United States of America in implementation of its war plans. The independence of China was in fact being endangered by the bombing of its territory by United States planes and by armed incursion by United States forces into the island of Taiwan (Formosa), an integral part of China.

16. The General Assembly should protest against that threat; it should not be deflected from its purpose by allegations that the USSR had violated the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945, which had in fact been superseded and no longer had any force.

17. Mr. TSIANG (China) reviewed the background of item 23 and urged that, owing to its importance for peace and security in the Far East, it warranted renewed consideration by the Assembly. The complaint brought against the USSR actually covered the period before the conclusion of the Sino-Soviet Treaty of Friendship and Alliance of 14 August 1945, and the argument that that Treaty had been superseded could not be considered valid. Moreover, the question of the validity of a treaty which had been superseded by a subsequent agreement first had to be settled.

It was decided by 11 votes to 2, with one abstention, to recommend that item 23 should be included in the agenda.

ITEM 25 OF THE PROVISIONAL AGENDA (A/BUR/123)

18. Mr. VYSHINSKY (Union of Soviet Socialist Republics) was strongly opposed to the inclusion of item 25 in the agenda. The advisory opinion of the International Court of Justice[1] was being used to obscure the true situation: unjustified interference by the United Nations in the internal affairs of the countries concerned. The charges brought were without foundation and had been concocted for political purposes as part of an unavowed conspiracy intended to discredit the three Balkan States and to prevent their development.

It was decided by 12 votes to 2 to recommend that item 25 should be included in the agenda.

ITEM 30 OF THE PROVISIONAL AGENDA (A/BUR/123)

19. Mr. VYSHINSKY (Union of Soviet Socialist Republics) wished to exclude item 30 (*b*) from the agenda. The Economic and Social Council resolution (306 B (XI)) recommending its consideration was not legally binding because it had been adopted by the Council in the absence of representatives of several Member States, including the USSR, Poland and Czechoslovakia. Moreover, the item was clearly directed against those States, and its inclusion in the agenda could hardly contribute to the promotion of international co-operation.

20. Mr. AUSTIN (United States of America) recalled that the question had been approved for transmission to the Economic and Social Council by the Sub-Commission on Freedom of Information and the Press, by a vote of 8 to none, with 3 abstentions.[2] The relevant Council resolution had been adopted unanimously. The argument that the absence of certain countries from the Council's eleventh session precluded consideration of the item was untenable.

[1] See *Interpretation of Peace Treaties, Advisory Opinion: I.C.J. Reports 1950,* page 65.

[2] See *Official Records of the Economic and Social Council,* Fifth Year, Eleventh Session, Supplement No. 5 A (E/1672).

It was decided by 12 votes to 2 to recommend the inclusion of paragraph (b) *of item 30.*

It was decided by 12 votes to 2 to recommend the inclusion of the whole of item 30 in the agenda.

ITEM 53 OF THE PROVISIONAL AGENDA (A/BUR/123)

21. Mr. GONZALEZ (Venezuela) recalled that the General Assembly, by its resolution 375 (IV), had called upon Member States to publish replies to the questionnaire on the draft declaration on rights and duties of states for discussion at the fifth session. In view of the fact that very few replies had been received, Mr. Gonzalez proposed that consideration of the item should be deferred.

22. Mr. VYSHINSKY (Union of Soviet Socialist Republics) added that articles 21 and 22 of the statute of the International Law Commission stipulated that the item could not be brought before the Assembly until comments and proposals on the draft declaration had been communicated by Member States. Inasmuch as only eight Governments had submitted such comments, he supported the Venezuelan proposal.

23. Mr. SPENDER (Australia) also supported Mr. Gonzalez' proposal for postponement.

It was decided by 12 votes to 1, with 1 abstention, to recommend that consideration of item 53 should be deferred until a later session.

ITEM 58 OF THE PROVISIONAL AGENDA (A/BUR/123)

On the invitation of the Chairman, Mr. Jooste (Union of South Africa) took his place at the table.

24. Mr. JOOSTE (Union of South Africa) said that his Government formally objected to the inclusion of the item on the grounds that the matter was essentially within the domestic jurisdiction of the Union of South Africa under the terms of Article 2, paragraph 7, of the Charter. The views of the South African Government had been fully explained at previous sessions of the Assembly. He recalled, however, that during the third session, at the 43rd meeting, the Chairman of the General Committee had ruled that no formal motion could be submitted by the representative of the Union of South Africa to remove the item from the agenda because that country was not represented in the General Committee. Nevertheless, the relevant provision in Article 2 had clearly been intended by the authors of the Charter to have an overriding effect; accordingly, Mr. Jooste reserved the position of his Government on item 58 at all appropriate stages of the discussion.

25. Mr. SPENDER (Australia) supported the arguments of the representative of the Union of South Africa and deplored the tendency of United Nations organs to impinge upon the internal affairs of Member States. While it was true that treaties existed regarding the treatment of certain groups in the Union of South Africa, those agreements related solely to domestic jurisdiction and were outside the scope of the Charter. Moreover, the number of people involved could not be permitted to become a factor determining action by the United Nations. Article 2, paragraph 7, of the Charter precluded such action.

26. The CHAIRMAN noted that the precise meaning and scope of Article 2, paragraph 7, of the Charter had never been conclusively defined by the General Assembly.

27. The Maharaja Jam Saheb of NAWANAGAR (India) observed that the very fact that the United Nations had had the item in mind for three years showed that it did not consider it to be a matter falling solely within the jurisdiction of the Union of South Africa. The representative of that Government was, however, free to raise his objections in the course of discussion of the item at the current session.

28. Moreover, India had firmly abided by General Assembly resolution 265 (III) calling for a round-table conference between representatives of India and the Union of South Africa. That conference, however, had been made impossible by recent legislation adopted by the South African Government and that Government was violating human rights. That development, which was of recent date, was surely of direct concern to the United Nations.

29. Mr. JOOSTE (Union of South Africa) wished to reserve the position of his Government regarding the development to which the representative of India alluded.

30. Mr. MONTEL (France) urged inclusion of the item. It was the constant concern of his Government that direct agreement on the matter should be reached by the two parties.

It was decided by 10 votes to 1, with 2 abstentions, to recommend that item 58 should be included in the agenda.

ITEM 59 OF THE PROVISIONAL AGENDA (A/BUR/123)

On the invitation of the Chairman, Mr. El-Khoury (Syria) took his place at the table.

31. Mr. EL-KHOURY (Syria), pointed out that the Arab League was an organization of seven Arab States in complete accordance with the provisions of Chapter VIII of the Charter for regional arrangements. He urged that the item should be included in the agenda and that representatives of the League should be accorded the right to attend meetings of the Assembly as observers.

It was decided to recommend that item 59 should be included in the agenda.

ITEM 63 OF THE PROVISIONAL AGENDA (A/BUR/123)

On the invitation of the Chairman, Mr. Henriquez Ureña (Dominican Republic), took his place at the table.

32. Mr. HENRIQUEZ URENA (Dominican Republic) said that the question warranted renewed consideration on the grounds that certain new aspects now characterized the situation in Spain and that, in accordance with the principle established when the Assembly adopted resolution 39 (I) on 12 December 1946, the question of relations with that country should be reconsidered in the light of favourable changes which had taken place.

33. Mr. VYSHINSKY (Union of Soviet Socialist Republics) considered that there had been no significant change in the internal conditions in Spain to justify reconsideration of the question. The rule of Franco, the fascist accomplice of Hitler, was still unbroken. It had in fact recently been strengthened by the assistance of United States monopolies and banks. Clearly that was no legitimate justification for raising the question before the General Assembly.

34. Mr. URDANETA ARBELAEZ (Colombia) observed that relations with Spain were of great concern to many Member States, and especially to those of Latin America. The relevant item should be included in the agenda in order that the nature of those relations might be defined conclusively and a definitive solution reached to clarify the existing abnormal situation. Those considerations had no bearing on the substance of the question. If the item was included, Mr. Urdaneta Arbelaez reserved the right to reply to the objections raised by the USSR representative.

It was decided by 10 votes to 2, with 2 abstentions, to recommend that item 63 should be included in the agenda.

ITEM 68 OF THE PROVISIONAL AGENDA (A/BUR/123)

35. Mr. MALIK (Union of Soviet Socialist Republics) stated that the attempt to include item 68 on the agenda was clearly nothing more than another manoeuvre by the United States and the United Kingdom, aided and abetted by Australia.

36. Under the provisions of Article 107 of the Charter, the consideration of an item dealing with the repatriation of prisoners of war was clearly outside the competence of the United Nations.

37. Furthermore, despite statements to the contrary by official circles in the United States and Japan, it was well known that the repatriation of German and Japanese prisoners had been fully completed some time previously. He quoted communiqués issued by the *Tass* Agency which made that fact quite clear.

38. His delegation therefore proposed that item 68 should be excluded from the agenda since the question was outside the competence of the United Nations and in any event the problem no longer existed.

39. Mr. AUSTIN (United States of America) was surprised that the Soviet Union delegation did not welcome, but rather seemed to fear, the opportunity now given to refute before the whole world the allegations which had been brought against the USSR.

40. The United States Government considered that item 68 was clearly within the competence of the General Assembly. Article 107 was not applicable. In view of the history of that Article, its wording and its previous interpretation by United Nations organs, his delegation was firmly convinced that it did not preclude the United Nations from considering differences between Member States even when those differences related to occupation or peace treaty matters. Article 107 was clearly intended to prevent an enemy of any of the United Nations in the Second World War from bringing to any United Nations organ a complaint against action taken or authorized as a result of the war by the victorious Powers responsible. The war was still in progress at the time of the San Francisco Conference when the Charter was adopted, and it had been deemed imperative to make it clear that the United Nations was not primarily intended to deal with questions of peacemaking and that the Allies retained full freedom to deal with enemy countries in the period following the war. That did not mean, however, that there could be no discussion in the United Nations of peacemaking and occupation questions; it did not restrain Allied Powers, who were responsible for action in relation to defeated enemy States, from bringing their differences with other Allied Powers before the United Nations.

41. As a precedent, Mr. Austin pointed to the action of the Security Council in 1948 when it included in its agenda the question of the Berlin blockade.[3] Three of the Powers occupying Germany had charged that the action of the fourth constituted a threat to the peace and, as such, should be discussed by the Security Council under Chapter VII of the Charter. The United States representative, Mr. Jessup, had explained[4] the United States position at that time along very similar lines to the statement which Mr. Austin had just made with regard to Article 107. By a vote of 9 to 2, the Security Council had decided that the question of the Berlin blockade was properly within the jurisdiction of the Security Council and should be placed on the agenda. Article 107 had been held to be no bar to a discussion of the question which arose out of the post-war occupation of Germany. By the same reasoning, it should not be interpreted as a bar to a discussion and recommendation in the case of the failure of the USSR to repatriate prisoners of war.

42. Mr. Austin drew particular attention to Article 14 of the Charter and particularly to the phrase ". . . the General Assembly may recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deems likely to impair the general welfare or friendly relations among nations . . .". The failure of the USSR to repatriate certain prisoners of war was a situation which seemed likely to impair friendly relations among nations; in view of the words "any situation, regardless of origin", Article 14 was a specific grant of power to the General Assembly to consider the type of question now under consideration. It was important for the General Assembly to defend and maintain its jurisdiction; and it was the intention of the United States Government to introduce proposals at the current session with a view to increasing the Assembly's power.

43. In conclusion, he reiterated that there was no reason why the General Assembly should not use its authority to deal with the problem raised in item 68; he stressed that in so doing it would be making a valuable contribution to removing the threat of war and to the general welfare and friendly relations of the members of the international community.

44. Sir Gladwyn JEBB (United Kingdom) pointed out that the reasons for which the delegations of the United States and Australia, with the support of the United Kingdom, had proposed the inclusion of item 68 were clearly set forth in the explanatory memorandum (A/1339) transmitted with the request for its inclusion. He urged the Committee to include the item in the agenda.

45. Mr. SPENDER (Australia) explained that his country was a member of the Allied Council for Japan and was therefore in a position to be fully aware of the problem. The repatriation of prisoners of war closely affected the lives of many human beings and his delegation felt that the problem should be investigated, if only for humanitarian reasons.

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[3] See *Official Records of the Security Council*, Third Year, No. 114.

[4] *Ibid.*, No. 113.

46. *A prima facie* case for investigation had been made out, despite reports of complete repatriation in the Soviet Press. In this connexion, the Australian representative pointed out that such reports were often rather inaccurate.

47. He agreed with the United States representative that it was strange that the USSR did not welcome a chance to refute the charges which had been brought against it.

48. The Jam Saheb of NAWANAGAR (India) stated that he was in favour of including item 68. He suggested, however, that the words "Complaint of" might be inserted before the word "failure" in order to give the Soviet Union every chance to reply to the charges made against it.

49. Mr. AUSTIN (United States of America) and Mr. SPENDER (Australia) stated that they were willing to accept the amendment proposed by the Indian representative.

50. Mr. MALIK (Union of Soviet Socialist Republics) emphasized that his delegation had never been afraid of making statements on any item at any international conference. His delegation's objection to the inclusion of item 68 was not based on fear; that item, however, was clearly another attempt to slander the Soviet Union and to drag irrelevant matters before the United Nations in defiance of the Charter and of common sense. The States which had proposed the item were not concerned with solving the problem but with slandering the USSR and weakening the United Nations. Far from cementing international relations, consideration of this item would merely aggravate international tension.

51. Mr. Austin's references to the Charter had no relation to the issue under discussion, firstly because the prisoners of war had already been repatriated, and secondly because Article 107 was applicable to the case in question since it related to all problems arising out of the war, and the United Nations therefore had no competence in the matter.

52. It was well known that the Berlin question had been brought before the United Nations in flagrant violation of Article 107. Mr. Jessup himself had contradicted the statement quoted by Mr. Austin in the bilateral conversations which had resulted in the solution of the question. Mr. Malik repeated that it was by bilateral negotiations and other private negotiations between the Powers concerned and not by United Nations action that the question had been solved. The Security Council vote on the question merely showed that the Council, like all other United Nations organs, could be dominated by the majority headed by the United States.

53. In conclusion, Mr. Malik repeated his demand that item 68 should be excluded from the agenda.

It was decided by 12 votes to 2 to recommend that item 68, as amended, should be included in the agenda.

Requests for the inclusion of additional items (A/1373, A/1375, A/1376 and A/1377)

54. The CHAIRMAN drew the members' attention to four requests for the inclusion of additional items, two submitted by the United States and two by the Soviet Union.

55. In a letter addressed to the Secretary-General (A/1373), dated 20 September 1950, the Chairman of the United States delegation to the General Assembly requested the inclusion of the following items in the agenda of the fifth session of the General Assembly:

"United action for peace";

"The question of Formosa".

56. The letter added that explanatory memoranda on both items would be submitted in the near future.

57. In a letter addressed to the Secretary-General (A/1375), dated 20 September 1950, the Secretary-General of the delegation of the Union of Soviet Socialist Republics requested, as a matter of importance and urgency, the inclusion of the following item in the agenda of the fifth session of the General Assembly:

"United States aggression against China".

58. The USSR delegation proposed separately the inclusion of a second additional item entitled "Declaration on the removal of the threat of a new war and the strengthening of peace and security among the nations".

United action for peace: item submitted by the United States of America (A/1373 and A/1377)

59. Mr. AUSTIN (United States of America) explained that the memorandum contained in document A/1377 set out the four-point peace programme put forward by the United States Secretary of State in his speech at the 279th meeting of the General Assembly on 20 September 1950.

It was unanimously decided to recommend that the additional item "United action for peace" should be included in the agenda.

The question of Formosa: item submitted by the United States of America (A/1373)

60. Mr. MALIK (Union of Soviet Socialist Republics) asked what the United States desired to have included in the consideration of that item and what measures it wished the United Nations to adopt.

61. Mr. AUSTIN (United States of America) drew attention to the statement by the Secretary of State to which he had just referred.

62. The United States believed that the question of Formosa should not be settled by force or unilateral action. It was in the interests of the world that it should be settled by peaceful means. His Government wished that the subject should be given careful consideration by all the interested parties in an attempt to reach a peaceful solution.

63. Mr. MALIK (Union of Soviet Socialist Republics) stated that from the United States representative's reply he gathered that the United States intended that the status of Formosa should be considered. Under the provisions of Article 107 of the Charter, that question was outside the competence of the United Nations since it had been settled in the agreements reached at Cairo and Potsdam and in the Instrument of Surrender of Japan. Moreover, Formosa clearly formed an inalienable part of China.

64. There was however a question concerning Formosa which should be considered by the United Nations: namely, United States aggression against Formosa. His delegation had proposed (A/1375), that the question of United States aggression against China should be included in the agenda. If that aggression were not checked it might constitute a threat to international peace and security. The question of Formosa, as proposed by the United States delegation, should not be included in the agenda but the Committee should include the USSR proposal regarding the question of United States aggression against China.

65. Mr. TSIANG (China) pointed out that the question was of great importance to his Government and his country. He had not been informed of the United States proposal to include that item in the agenda before the speech by the Secretary of State the previous day and had received no instructions from his Government. Furthermore, no explanatory memorandum had been submitted in connexion with that item. He therefore requested that the Committee should postpone any decision until he had had time to receive instructions from his Government and until an explanatory memorandum had been circulated.

66. Mr. AUSTIN (United States of America) expressed his willingness to agree to the proposal of the Chinese representative.

67. Mr. MALIK (Union of Soviet Socialist Republics) did not feel that the absence of an explanatory memorandum was a valid reason for postponing the decision since the Secretary of State's statement had made the position of the United States quite clear. He repeated that the question of Formosa should not be included in the agenda but that, bearing in mind the points raised by the Soviet Union delegation, the item on United States aggression against China should be included.

68. The CHAIRMAN ruled that the Committee should postpone a decision on the item "the question of Formosa" until an explanatory memorandum had been circulated.

UNITED STATES AGGRESSION AGAINST CHINA: ITEM SUBMITTED BY THE UNION OF SOVIET SOCIALIST REPUBLICS (A/1375)

69. Sir Gladwyn JEBB (United Kingdom) was not clear what document A/1375 referred to. He proposed that any decision on the inclusion of this additional item should be postponed until an explanatory memorandum had been circulated.

70. Furthermore, he pointed out that the Security Council had the question of alleged United States aggression against Formosa on its agenda. It would be necessary for the question to be removed from the Council's agenda before it could be discussed by the Assembly.

71. The CHAIRMAN suggested that the procedure followed with regard to item 68 should be adopted, and that the words "Complaint of" should be inserted before the words "United States aggression".

72. Mr. MALIK (Union of Soviet Socialist Republics) agreed to the amendment suggested by the Chairman.

73. He contended that the United Kingdom representative's argument, based on the absence of an explanatory memorandum, was not valid; Mr. Malik had already stated that the absence of such a memorandum was no reason for postponing a decision on the inclusion of an additional item.

74. Mr. SPENDER (Australia) pointed out that it was impossible to agree to the inclusion of the proposed item when the concept of "China" had not been clearly defined. The USSR representative appeared to consider that China included Formosa, an assumption which prejudged the issue.

75. He would therefore support the United Kingdom suggestion to postpone a decision on the matter.

76. Mr. TSIANG (China) stated that the proposed item had been a great surprise to him. His Government and delegation knew of no United States aggression against China and there was not the least evidence that there had been any. The inclusion of the item would therefore make the General Assembly the laughing stock of the world.

77. He agreed with the technical objection put forward by the United Kingdom representative and urged the Committee to recommend that the item should not be included in the agenda in view of both the substantive and procedural objections to its inclusion.

78. Mr. MALIK (Union of Soviet Socialist Republics) felt that the concept of "China" was quite clear. The item proposed by his delegation referred to United States aggression in the broad sense, including aggression on Formosa and the aerial bombardment of Chinese territory, as Mr. Vyshinsky had explained at the 279th meeting of the General Assembly.

79. He promised that his delegation would submit an explanatory memorandum shortly.

80. The CHAIRMAN put to the vote the United Kingdom proposal that the discussion concerning the inclusion of the additional item proposed by the USSR should be postponed until an explanatory memorandum had been circulated.

The United Kingdom proposal was adopted by 11 votes to 2.

DECLARATION ON THE REMOVAL OF THE THREAT OF A NEW WAR AND THE STRENGTHENING OF PEACE AND SECURITY AMONG THE NATIONS: ITEM SUBMITTED BY THE UNION OF SOVIET SOCIALIST REPUBLICS (A/1376)

It was unanimously decided to recommend that the additional item proposed by the Union of Soviet Socialist Republics should be included in the agenda.

The meeting rose at 1.20 p.m.

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United Nations

GENERAL ASSEMBLY

FIFTH SESSION

Official Records

GENERAL COMMITTEE 70th

MEETING

Friday, 22 September 1950, at 10.45 a.m.

Flushing Meadow, New York

CONTENTS

Page

Requests for the inclusion of additional items (A/1373, A/1375, A/1381 and A/1382 (*continued*) 7

Establishment of *ad hoc* committees (A/BUR/123) 7

Allocation of agenda items (A/BUR/123 and A/BUR/124) 7

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Requests for the inclusion of additional items (A/1373, A/1375, A/1381 and A/1382) (*continued*)

THE QUESTION OF FORMOSA: ITEM SUBMITTED BY THE UNITED STATES OF AMERICA (A/1373 AND A/1381) (*continued*)

1. The CHAIRMAN recalled that at the 69th meeting it had been decided to postpone a decision on the inclusion of the additional item proposed by the United States pending the circulation of an explanatory memorandum. That memorandum (A/1381) had now been received.

2. Mr. TSIANG (China) stated that he had not yet received any instructions from his Government and asked the Committee to postpone its decision for a few days.

3. The CHAIRMAN put the Chinese proposal to the vote.

The proposal was adopted by 5 votes to 1, with 8 abstentions.

COMPLAINT BY THE UNION OF SOVIET SOCIALIST REPUBLICS REGARDING AGGRESSION AGAINST CHINA BY THE UNITED STATES OF AMERICA: ITEM SUBMITTED BY THE UNION OF SOVIET SOCIALIST REPUBLICS (A/1375 AND A/1382)

4. The CHAIRMAN recalled that at the 69th meeting it had been decided to postpone a decision on the inclusion of the additional item proposed by the Soviet Union pending the circulation of an explanatory memorandum. That memorandum (A/1382) had now been received.

5. Mr. AUSTIN (United States of America) stated that his delegation would vote in favour of including the item since it believed that the United Nations should hear every complaint brought before it.

6. Mr. TSIANG (China) was opposed to the inclusion of the item because there was not the flimsiest *prima facie* case for the USSR allegations.

7. The CHAIRMAN put to the vote the recommendation for inclusion of the additional item proposed by the Soviet Union.

It was decided by 11 votes to 1, with 2 abstentions, to recommend that the additional item should be included in the agenda.

Establishment of *ad hoc* committees (A/BUR/123)

8. The CHAIRMAN drew attention to the recommendation in Section 4 of document A/BUR/123 that, as in previous years, the *Ad Hoc* Political Committee and the Joint Second and Third Committee should be re-established.

It was decided to recommend the establishment of those two ad hoc *committees.*

Allocation of agenda items (A/BUR/123 and A/BUR/124)

ITEMS TO BE DEALT WITH IN PLENARY MEETING

9. The CHAIRMAN drew attention to Section 6 of document A/BUR/123 which pointed out that a considerable saving of time might be effected if certain items were dealt with directly in plenary meeting without first being referred to Committees. He wished to put forward certain proposals to that effect.

10. He proposed that the Committee should recommend that item 19, "Admission of new Members to the United Nations, including advisory opinion of the International Court of Justice" should be discussed in plenary meeting. The only new development since that question had been exhaustively discussed in committee at previous sessions was the advisory opinion from the

International Court of Justice.[1] In any case, whether referred to a Committee in the first place or not, the item would give rise to lengthy discussion in plenary meetings.

11. Mr. GONZALEZ (Venezuela) supported the Chairman's proposal.

The Chairman's proposal was adopted.

12. Mr. GONZALEZ (Venezuela) proposed that the Committee should recommend that item 48, "Convention on declaration of death of missing persons: report of the Secretary-General" should be considered in plenary meeting rather than referred to the Sixth Committee since the Convention had already been approved by the United Nations Conference on Declaration of Death of Missing Persons which had been called in conformity with General Assembly resolution 369 (IV). The Convention was already open for accession and the Assembly was not therefore called upon to study it anew.

13. The Assembly must consider whether it would authorize the establishment within the United Nations of the International Bureau for Declarations of Death referred to in article 8 of the Convention. It might also adopt a resolution recommending Member States to adhere to the Convention. Both those decisions could be taken in a plenary meeting without reference to the Sixth Committee, although the financial implications of establishing the international bureau to which he had referred would have to be studied by the Fifth Committee.

14. He also proposed that the Committee should recommend that item 59, "Permanent invitation to the Arab League to attend sessions of the General Assembly", should be considered in plenary meeting. His delegation felt that the General Assembly could resolve the question at a plenary meeting without seeking the opinion of the Sixth Committee.

15. The CHAIRMAN welcomed the two proposals made by the representative of Venezuela.

It was decided to recommend that items 48 and 59 should be dealt with directly in plenary meeting.

16. The CHAIRMAN proposed that the Committee should recommend that item 26, "International control of atomic energy", should also be dealt with in plenary meeting in view of the fact that no new proposals had been put forward by the United Nations Atomic Energy Commission.

It was so decided.

17. The CHAIRMAN proposed that the Committee should recommend that item 61, "Development of a 20-year programme for achieving peace through the United Nations", should be considered in plenary meeting.

18. Mr. MALIK (Union of Soviet Socialist Republics) did not wish to make a formal proposal, but felt that since the Secretary-General's peace programme included a number of points some of which might require detailed discussion, it could more appropriately be discussed by one of the Committees.

19. The CHAIRMAN, supported by Mr. GUTIERREZ (Cuba), suggested that if the Committee decided to recommend that item 61 should be dealt with directly in plenary meeting, and it was subsequently considered advisable to study certain points in detail, the Assembly could always refer those points to the competent committee or committees.

It was so decided.

ITEMS TO BE REFERRED TO THE FIRST COMMITTEE

20. The CHAIRMAN pointed out that the *Ad Hoc* Political Committee would share with the First Committee the burden of the political items on the agenda. He also noted that the allocation of items was always subject to modification: items could be transferred from one Committee to another when it was deemed necessary. Moreover, joint meetings of any two Committees might also be arranged if required.

21. Mr. van HEUVEN GOEDHART (Netherlands) introduced his proposal (A/BUR/124) for the allocation of political items to the First Committee and the *Ad Hoc* Political Committee respectively. The order in which those questions would be considered would be determined by the Committees themselves.

22. The CHAIRMAN called for comments on the items which, according to the Netherlands proposal, should be referred to the First Committee.

23. Mr. MALIK (Union of Soviet Socialist Republics), referring to item 6 of the Netherlands proposal (item 23 of the provisional agenda (A/BUR/123)), recalled that at the 69th meeting his delegation had voted against the inclusion of that item in the agenda. He would therefore abstain from voting on the recommendation to refer it to the First Committee.

24. Mr. YOUNGER (United Kingdom) observed that item 7 of the Netherlands proposal (item 68 of the provisional agenda (A/BUR/123)) was mainly concerned with human rights and would therefore more appropriately be discussed by the Third Committee.

25. Mr. van HEUVEN GOEDHART (Netherlands) drew attention to the heavy agenda of the Third Committee and suggested that the political aspects of the item would probably give rise to much discussion. Accordingly, he felt that it should be referred to the First Committee.

26. Mr. AUSTIN (United States of America) also believed that the question was primarily of a political nature and should be dealt with by the First Committee.

27. The CHAIRMAN put to the vote the recommendation to refer the item to the Third Committee.

It was decided by 7 votes to 1, with 6 abstentions, to recommend that item 7 of the Netherlands proposal should be referred to the Third Committee.

28. Mr. MALIK (Union of Soviet Socialist Republics) reminded the Committee that the item entitled "Complaint of the Union of Soviet Socialist Republics regarding aggression against China by the United States of America" should be added to the list of questions to be referred to the First Committee.

It was so decided.

29. Mr. AUSTIN (United States of America) suggested that the item entitled "Question of Formosa"

[1] See *Competence of Assembly regarding admission to the United Nations, Advisory Opinion: I.C.J. Reports 1950,* page 4.

should also be discussed by the First Committee if it was subsequently decided to recommend its inclusion in the agenda.

It was so decided.

Subject to the above modifications, it was decided to recommend that the items listed in the Netherlands proposal (A/BUR/124) under "First Committee" should be referred to that Committee.

ITEMS TO BE REFERRED TO THE *Ad Hoc* POLITICAL COMMITTEE

30. Mr. YOUNGER (United Kingdom) said, with regard to the items listed in the Netherlands proposal for consideration by the *Ad Hoc* Political Committee, that, inasmuch as item 6 (item 62 of the provisional agenda) would have to be dealt with largely on the basis of legal considerations, it would be more practical to refer it to the Sixth Committee.

31. Mr. TSIANG (China) believed that it had greater political than legal significance and should therefore be considered by the *Ad Hoc* Political Committee.

32. Mr. SPENDER (Australia) shared the view that the question would ultimately be resolved on a political basis and should be referred to the *Ad Hoc* Political Committee.

33. Prince WAN WAITHAYAKON (Thailand) recalled that the *Ad Hoc* Political Committee had in the past dealt with the legal aspects of questions; it would have to do so again, for example, in connexion with item 58 concerning the treatment of people of Indian origin in the Union of South Africa. In view of the essentially political character of the item on the recognition of the representation of a Member State, it should properly be discussed by that Committee.

34. Mr. van HEUVEN GOEDHART (Netherlands) endorsed the United Kingdom proposal that discussion of the question should start in the Sixth Committee. The latter's agenda would be considerably lightened by the deletion of the item on the draft declaration on rights and duties of States, which the Committee had decided at its 69th meeting to recommend. Moreover, the item could be transferred to the *Ad Hoc* Political Committee at any stage of the discussion if necessary.

35. The Jam Saheb of NAWANAGAR (India) wished to see the item referred to the *Ad Hoc* Political Committee, where it would receive the attention of the principal members of delegations.

36. Mr. GUTIERREZ (Cuba) agreed. He suggested that the item might come before the Sixth Committee at a later stage in its discussion.

37. Mr. AUSTIN (United States of America) favoured that procedure.

38. Mr. YOUNGER (United Kingdom) pointed out that the item did not deal with any specific case, but with the general issue of representation; the concepts of international law were bound to play a large part in its consideration. He was ready, however, to withdraw his original proposal in favour of the compromise suggested by the representative of Cuba.

On that understanding, it was decided to recommend that item 6 of the Netherlands proposal should be referred to the Ad Hoc *Political Committee.*

39. Mr. MALIK (Union of Soviet Socialist Republics) recorded his abstention with regard to the item.

*It was decided to recommend that the items listed in the Netherlands proposal (A/BUR/124) under "*Ad Hoc *Political Committee" should be referred to that Committee.*

ITEMS TO BE REFERRED TO THE SECOND COMMITTEE

It was decided to recommend that the items suggested by the Secretary-General (A/BUR/123) should be referred to the Second Committee.

ITEMS TO BE REFERRED TO THE THIRD COMMITTEE

40. Mr. MALIK (Union of Soviet Socialist Republics) recorded his absention with regard to sub-item (*b*) of item 6 of the items proposed for consideration by the Third Committee (A/BUR/123).

41. Mr. van HEUVEN GOEDHART (Netherlands) drew attention to the additional item which the Committee had decided to recommend for consideration by the Third Committee, namely, "Complaint of failure on the part of the Union of Soviet Socialist Republics to repatriate or otherwise account for prisoners of war detained in Soviet territory".

It was decided to recommend that the items suggested by the Secretary-General (A/BUR/123), as amended, should be referred to the Third Committee.

ITEMS TO BE REFERRED TO THE JOINT SECOND AND THIRD COMMITTEE

It was decided to recommend that the items suggested by the Secretary-General (A/BUR/123) should be referred to the Joint Second and Third Committee.

ITEMS TO BE REFERRED TO JOINT MEETINGS OF THE JOINT SECOND AND THIRD COMMITTEE AND THE FIFTH COMMITTEE

42. The CHAIRMAN drew attention to the recommendation concerning items to be allocated to joint meetings of the Joint Second and Third Committee and the Fifth Committee, contained in section 5 of document A/BUR/123.

It was decided to recommend that the items suggested by the Secretary-General (A/BUR/123) should be referred to joint meetings of the Joint Second and Third Committee and the Fifth Committee.

ITEMS TO BE REFERRED TO THE FOURTH COMMITTEE

It was decided to recommend that the items suggested by the Secretary- General (A/BUR/123) should be referred to the Fourth Committee.

ITEMS TO BE REFERRED TO THE FIFTH COMMITTEE

It was decided to recommend that the items suggested by the Secretary-General (A/BUR/123) should be referred to the Fifth Committee.

ITEMS TO BE REFERRED TO THE SIXTH COMMITTEE

43. The CHAIRMAN pointed out that the Committee had decided earlier to recommend that items 3 and 7 of the list proposed for consideration by the Sixth Committee (A/BUR/123) should be discussed in plenary meetings of the General Assembly and that item 8 of the list had been deleted from the agenda.

It was decided to recommend that the items suggested by the Secretary-General (A/BUR/123), as amended, should be referred to the Sixth Committee.

44. The CHAIRMAN announced that the Committee had completed its consideration of the agenda and that the Secretariat would prepare the Committee's report for submission to the General Assembly.

45. Mr. MALIK (Union of Soviet Socialist Republics) requested that the report should be prepared in all the official languages and congratulated the Secretariat upon its excellent work.

The meeting rose at 11.50 a.m.

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United Nations

GENERAL ASSEMBLY

FIFTH SESSION

Official Records

GENERAL COMMITTEE 71st

MEETING

Thursday, 5 October 1950, at 3 p.m.

Lake Success, New York

CONTENTS

Page

Requests for the inclusion of additional items (A/1373, A/1381, A/1399, A/1401, A/1410, A/1415, A/1416, A/1419 and A/1421) (*continued*) .. 11

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Requests for the inclusion of additional items (A/1373, A/1381, A/1399, A/1401, A/1410, A/1415, A/1416, A/1419 and A/1421) (*continued*)

THE QUESTION OF FORMOSA: ITEM SUBMITTED BY THE UNITED STATES OF AMERICA (A/1373 AND A/1381) (*continued*)

1. The CHAIRMAN recalled that, at the 70th meeting, consideration of the inclusion of the above item in the agenda had been postponed in order to enable the Chinese representative to obtain instructions from his government.

2. Mr. TSIANG (China) drew attention to the fact that the item had been proposed by the United States delegation and that it was unprecedented in the United Nations for the government of one Member State to question the right of another State to its territorial possessions. In so doing, the United States delegation had taken a very grave step. In accordance with the principles laid down by the Charter, the Cairo Declaration and the Potsdam Proclamation, the Chinese delegation felt that it was beyond the competence of the General Assembly to consider the proposed item, and would therefore oppose its inclusion in the agenda.

3. Mr. MALIK (Union of Soviet Socialist Republics) said that the USSR delegation was also opposed to the inclusion of the item which would be contrary to the Charter and would constitute an insult to the great Chinese people who had successfully fought for their independence. There could be no doubt about Formosa, since the fact that it belonged to China had been recognized in the Cairo Declaration and the Potsdam Proclamation, as well as in the order providing for the surrender of Japanese troops in China and Formosa. Those international instruments—which the United States had signed—had settled the matter so conclusively that no one had questioned it in the ensuing five years.

4. The basic argument of the United States delegation in defence of the occupation of Formosa by United States troops was that the action was intended to prevent Chinese "communist forces" from occupying the island and creating a threat to the peace in the Far East. It was obvious that the principal reason why the United States delegation now raised the question of Formosa was that there had been a change of political régime in China and that the United States intended to transform Formosa into a strategic base. That was what prompted the United States Government to intervene in China's domestic affairs and to prevent its rightful government from liberating the island of Formosa.

5. The United Nations was plainly not competent to deal with the matter, since to do so would be a clear violation both of Article 2, paragraph 7 of the Charter, which forbade intervention in the domestic affairs of any State, and of Article 107, which sanctioned the action of the Allies taken as a result of the war. The fate of Formosa was no more subject to discussion by the United Nations than the fate of any island which belonged to the United States or to any other country.

6. Mr. AUSTIN (United States of America) maintained that the very fact that the item under consideration was clearly a cause of dispute warranted its inclusion in the agenda of the General Assembly as a matter of international concern. The United States Government had consistently favoured the fullest and freest discussion of any charges brought against it, and would continue to do so. His country's views on the implications of the armed attack against the Republic of Korea and the recognition by the United Nations of its responsibilities towards that Republic, together with the statement of the President of the United States on the questions of Korea and Formosa, were set out in document A/1381. The settlement of the question of Formosa had thus become necessary both in the interests of the maintenance of international peace and security in general and of the pacific and military settlement of the Korean question in particular.

7. Mr. SPENDER (Australia) supported the United States proposal. The tension between the Government in Formosa and that on the adjacent mainland had reached such a pitch that it had been incumbent upon the United States to give some indication of the action it would take if that tension were expressed in force. Australia had not been a party to the Cairo Declaration and did not recognize the competence of the great Powers to decide the future of any part of the world without consulting their war-time allies. The argument that it was unprecedented for one Member State to question the territorial possessions of another would be valid only if all countries recognized the Cairo Declaration as legally binding. Invoking Article 2, paragraph 7 of the Charter was equally invalid, because the provisions of Article 14 placed within the competence of the General Assembly measures for the peaceful adjustment of any situation, regardless of origin. A reference to Article 107 was entirely irrelevant, as that Article came under Chapter XVII which was headed "Transitional security arrangements". To place the item on agenda would not, therefore, be a violation of the Charter.

8. Mr. MALIK (Union of Soviet Socialist Republics) pointed out that an item connected with Article 14—item 70—was already on the agenda of the General Assembly. The United States proposal, dealing specifically with Formosa, had no connexion with that item. Article 107 was wholly relevant, and the legal force of the Cairo Declaration could not be called in question by the United Nations. No discussion of the territorial status of Formosa could be considered legal.

9. The CHAIRMAN put to the vote the United States proposal (A/1373) that the item on the question of Formosa should be included in the agenda.

It was decided by 10 votes to 3 to recommend that the additional item submitted by the United States should be included in the agenda.

It was unanimously decided to recommend that the item should be allocated to the First Committee.

Duties of States in the event of the outbreak of hostilities: item submitted by Yugoslavia (A/1399)

10. The CHAIRMAN invited the representative of Yugoslavia to take his place at the Committee Table.

11. Mr. BEBLER (Yugoslavia) felt that the paper before the Committee was self-explanatory but he wished to emphasize that the principal virtue of his delegation's proposal was that it would simplify the work of every instrument of the United Nations and check aggression. Under the proposed plan the role of the aggressor would be more difficult, as aggression could not be camouflaged under the guise of self-defence; moreover, border incidents between countries not wishing to go to war could be settled rapidly in a pacific manner and with less risk of their spreading and thereby becoming more serious.

12. Mr. BELAUNDE (Peru) supported the Yugoslav proposal which was directly connected with Article 40 of the Charter and gave it a somewhat broader interpretation. His own country had experienced the value of the imposition of provisional measures to prevent the aggravation of a situation and ensure a return to the *status quo ante*. Article 7 of the Treaty of Rio de Janeiro contained a somewhat similar provision. The Yugoslav proposal could not be a substitute for Article 40, but, if its legal implications were accepted, would be a valuable complement to it. The General Assembly should decide that legal question.

13. The CHAIRMAN put to the vote the Yugoslav proposal (A/1399).

It was unanimously decided to recommend that the additional item submitted by Yugoslavia should be included in the agenda.

14. Mr. BEBLER (Yugoslavia) pointed out that, despite the technical legal questions involved, the item was of particular political importance, especially in the present circumstances. He suggested therefore that it should be allocated to the First Committee.

15. Mr. van HEUVEN GOEDHART(Netherlands), Mr. BELAUNDE (Peru) and Mr. PEREZ PEROSO (Venezuela) proposed that the item should be allocated to the Sixth Committee, in view of its legal implications.

16. The CHAIRMAN proposed that the item should be sent to the First Committee, with the understanding that the legal aspects might later be referred to the Sixth Committee if the First Committee felt the need of a legal opinion.

17. Mr. GUTIERREZ (Cuba) supported the Chairman's proposal. Since Article 40 of the Charter referred to the competence of the Security Council, the item thus fell within the purview of the First Committee.

18. Mr. YOUNGER (United Kingdom) also supported the Chairman's proposal, as the broad issue involved was essentially of a political nature.

It was decided by 10 votes to none to recommend that the item should be allocated to the First Committee, subject to subsequent reference to the Sixth Committee, if necessary.

Establishment of a permanent commission of good offices: item submitted by Yugoslavia (A/1401)

It was unanimously decided to recommend that the additional item submitted by Yugoslavia should be included in the agenda and that it should be allocated to the First Committee.

Provision of 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: item submitted by the Philippines (A/1421)

19. The CHAIRMAN invited the Philippine representative to take his place at the Committee table.

20. Mr. INGLES (Philippines) observed that the item proposed by his delegation and the accompanying draft resolution were self-explanatory. The United Nations had been quick in the past to recognize the value of symbols, such as the seal, the emblem and the flag of the United Nations; he hoped that the Committee would recommend the inclusion of the item in the agenda of the fifth session, so that swift action might be taken to recognize the valour of United Nations forces fighting in Korea.

21. Mr. MALIK (Union of Soviet Socialist Republics) was opposed to the inclusion of the item in the agenda. As his delegation had pointed out on other occasions, the resolutions on Korea [1] had been taken by the Security Council in the absence of two of its permanent members—the USSR and China—and with the participation of a representative of the Kuomintang group. Consequently, those resolutions had no legal force, and the troops which fought in Korea were the troops of single States and not an army of the United Nations.

22. Mr. YOUNGER (United Kingdom) supported the inclusion of the item. His own country had troops in Korea, which, like those contributed by other States, were fighting and dying there only because they were obeying the recommendations of the United Nations; he could not agree with the USSR representative's interpretation of the situation.

It was decided by 12 votes to 2 to recommend that the additional item submitted by the Philippines should be included in the agenda.

It was unanimously decided to recommend that the item should be allocated to the Sixth Committee.

REQUEST BY THE UNION OF SOVIET SOCIALIST REPUBLICS FOR CONSIDERATION OF THE INCLUSION IN THE AGENDA OF A PROPOSAL BY THE CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA (A/1410, A/1415, A/1416, A/1419)

23. Mr. AUSTIN (United States of America) inquired whether the USSR was actually proposing the insertion of the item or supporting a request made by communist China. The attitude of his delegation would be determined by the answer to that question.

24. Mr. MALIK (Union of Soviet Socialist Republics) replied that the reasons which had motivated the request of the Central People's Government of the People's Republic of China were given in the cable from the Minister for Foreign Affairs of that Government to the Secretary-General (A/1415) and that the USSR supported the proposal, as stated in document A/1416.

25. It was clear that the United States' air force had violated the air space of China; that fact had been recognized by the United States Government itself. Moreover, the President of the General Assembly had just received a further communication from the Minister for Foreign Affairs of the Central People's Government (A/1410) stating that an American warship had fired on a Chinese vessel. Those were matters which presented a serious threat to international peace and security, and which the General Assembly should investigate without delay. He emphasized in that connexion that the situations outlined in the communications already before the Security Council could not be properly considered because of the refusal to hear representatives of the Central People's Government.

26. The CHAIRMAN suggested that it would simplify matters if the USSR delegation were itself to propose the inclusion of the item, since such a proposal should come from a Member State.

27. Mr. MALIK (Union of Soviet Socialist Republics) replied that his delegation was prepared to do so, on the understanding that the item was based on the protest contained in the cables to which he had referred.

28. The CHAIRMAN thought it would be advisable to suspend the meeting in order to revise the wording of the item.

The meeting was suspended at 4.30 p.m. and was resumed at 4.45 p.m.

29. The CHAIRMAN read the revised title of the item agreed upon after consultation with the representative of the USSR:

> "Complaint by the Union of Soviet Socialist Republics regarding the violation of Chinese air space by the air force of the United States of America and the machine-gunning and bombing of Chinese territory by that air force, and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by military vessel of the United States".

30. Mr. AUSTIN (United States of America) stated that the point he had raised at the beginning of the discussion had now being clarified and that he was prepared to accept the revised wording of the USSR proposal. In conformity with his government's policy of favouring full investigation of charges brought against it, he would support the inclusion in the agenda of the item as now drafted.

31. Mr. TSIANG (China) opposed the inclusion of the item because the party originating the complaint had no legal right to lodge it. In the first place, the so-called government at Peiping was a puppet of the USSR. It had not been confirmed by any popular vote indicating its acceptance by the Chinese people; it was recognized only by a minority of Member States, and the legitimate Government of China had protested against its existence. Secondly, the complaint referred only to comparatively trifling incidents which should not be exaggerated into a political issue. An error had been committed by a Member State in the performance of its duties to the United Nations. That Member was prepared to pay due compensation and to take the appropriate disciplinary measures. Thirdly, the item was a duplication of item 70 of the agenda.

32. Mr. GUTIERREZ (Cuba) agreed that there might be some danger of duplication and suggested that the two items might be merged. He was, however, in favour of an investigation of the charges, although he would abstain from voting.

33. Mr. SPENDER (Australia) supported the inclusion of the item. In his view, the question of duplication was a secondary one. The wording of the USSR complaint could apply to either of the contending parties in China, except the reference to the merchant ship of the People's Republic of China. In any case, that Republic existed, even if it was not recognized by many countries, including his own; the mere fact of non-recognition did not preclude the United Nations from fulfilling its obligations to any territory if aggression was committed against it in violation of the Charter.

34. Mr. AUSTIN (United States of America) considered that item 70 and the item under consideration were too dissimilar for them to be merged.

[1] See documents S/1501 and S/1511. The text of S/1511 is the same as that of S/1508/Rev.1 which appears in *Official Records of the Security Council, Fifth Year, No. 16.*

35. The CHAIRMAN put to the vote the USSR proposal (A/1419) as revised.

It was decided by 11 votes to 1 to recommend that the additional item submitted by the USSR should be included in the agenda.

36. Mr. AUSTIN (United States of America) suggested that the item should be allocated to the *Ad Hoc* Political Committee, since the agenda of the First Committee was overburdened.

37. Mr. MALIK (Union of Soviet Socialist Republics) preferred that the item be allocated to the First Committee.

It was decided by 8 votes to 2 to recommend that the item should be allocated to the First Committee.

The meeting rose at 5.5 p.m.

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United Nations

GENERAL ASSEMBLY

FIFTH SESSION

Official Records

GENERAL COMMITTEE 72nd

MEETING

Monday, 20 November 1950, at 5.15 p.m.

Flushing Meadow, New York

CONTENTS

Page

Request for the inclusion of an additional item..... 15

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Request for the inclusion of an additional item

INVASION OF TIBET BY FOREIGN FORCES: ITEM SUBMITTED BY THE DELEGATION OF EL SALVADOR (A/1534)

1. The CHAIRMAN said that the only question before the General Committee was the request of the delegation of El Salvador (A/1534) that the question of Tibet should be placed on the agenda of the current session of the General Assembly. The text of that request contained a letter, a supporting memorandum of facts and a draft resolution.

2. He feared that the matter could not be discussed at the present meeting as some members of the General Committee had not yet received instructions from their governments on the question. He had nevertheless called the meeting in order to hear the statement of the representative of El Salvador, if the Committee so desired, and thereby save the Committee's time. Unfortunately, all the members of the General Committee were not present; some of them were at Lake Success presiding over committee meetings.

3. In the circumstances, he could hardly do more than request the members who were present to suggest a date for a meeting at which the matter could be considered.

4. Mr. CHAUVEL (France) said that he was among those who had not yet received instructions from his government but he thought that a delay of three or four days would be reasonable.

5. The CHAIRMAN proposed that the members should leave it to him to keep in touch with them and call a meeting of the Committee when all the members had received instructions from their governments.

It was so decided.

The meeting rose at 5.20 p.m.

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A—40680—December 1950—3,400

United Nations

GENERAL ASSEMBLY

FIFTH SESSION

Official Records

GENERAL COMMITTEE 73rd

MEETING

Friday, 24 November 1950, at 2.30 p.m.

Lake Success, New York

CONTENTS

	Page
Referral of two items to the First Committee	17
Request for the inclusion of an additional item (A/1534) (*continued*)	17

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Referral of two items to the First Committee

1. The CHAIRMAN proposed that two questions which had first been referred to the *Ad Hoc* Political Committee should be referred to the First Committee. Those questions were: item 20 (*a*), "Question of an international régime for the Jerusalem area and protection of the Holy Places: special report of the Trusteeship Council (A/1286, A/1367)", and item 75, "Complaint by the Union of Soviet Socialist Republics regarding the violation of Chinese air space by the air force of the United States of America and the machine-gunning and bombing of Chinese territory by that air force, and against the bombardment and illegal inspection of a merchant ship of the People's Republic of China by a military vessel of the United States".

The proposal was unanimously adopted.

Request for the inclusion of an additional item (A/1534) (*continued*)

INVASION OF TIBET BY FOREIGN FORCES: ITEM SUBMITTED BY THE DELEGATION OF EL SALVADOR (*continued*)

2. The CHAIRMAN said that he would first ask the representative of El Salvador to give the Committee any explanations he felt necessary in connexion with his delegation's proposal. He would then ask the members of the General Committee whether they had received any instructions from their respective governments and whether they were prepared to discuss the El Salvador proposal forthwith.

At the invitation of the Chairman, Mr. Castro (El Salvador) took his place at the Committee table.

3. Mr. CASTRO (El Salvador) thanked the General Committee for having permitted him to submit his country's proposal. He would point out that members of the General Committee in taking a decision on it would represent not only their own governments but all of the States Members of the United Nations.

4. Two weeks ago the El Salvador delegation had asked the Secretary-General for a copy of the appeal forwarded to the United Nations by the Government of Tibet. The Secretary-General had agreed to that request, but so far had taken no further action in the matter. In pursuing the aims of the Charter, however, the United Nations should be careful not to isolate itself and lose all touch with governments which were not Members of the Organization. Every important communication sent to the United Nations by the government of a non-member State should be made known to all Member States. He regretted that the Secretary-General had not distributed to delegations the appeal from the Government of Tibet. He asked the President of the General Assembly to do everything possible to see that communications and documents sent by non-member States, like those sent by Member States, were distributed to Members of the United Nations when those Members were called upon to take an important decision.

5. The invasion of Tibet by Chinese armed forces had been announced by the Press of the whole world. As the Government of Tibet had refused to comply with the orders of the Government of the so-called People's Republic of China, the latter had decided to send a military expedition to Tibet. It should be borne in mind that the Government of Tibet had always shown readiness to enter into peaceful negotiations with the so-called People's Government of China. A delegation from the Government of Tibet had been on the point of proceeding to Peking when the invasion occurred.

6. Little information was available; it was known that Tibet had been invaded by a foreign army but the extent of the territory won by that army was not known.

7. Before submitting its proposal to the General Committee, the Salvadorean delegation had had rather peculiar questions put to it. It had been asked whether its government was not, in the present case, acting under the influence of another government. The Gov-

ernment of El Salvador had always exhibited the fullest independence and the delegation of El Salvador had always complied with its government's instructions. No other government therefore could have influenced the government or the delegation of El Salvador.

8. He then recalled the terms of the telegram and the letter sent on 14 November 1950 to the President of the General Assembly by the Chairman of the delegation of El Salvador (A/1534).

9. The delegation of El Salvador had hoped that the General Assembly could take a decision on that question without referring it to the General Committee. This was a case of international aggression which the General Assembly could not overlook. Under the terms of Article I, paragraph 1 of the Charter, the United Nations must "maintain international peace and security". Tibet of course was not a Member of the Organization, but the United Nations must maintain peace not only between Member States, but throughout the whole world.

10. The aggression committed against Tibet should be of particular concern to the great Powers. He recalled that a permanent member of the Security Council had accused the other permanent members of dealing with questions only in so far as their own political interests were concerned. There was no basis for that accusation, but, if the General Assembly refused to consider the proposal of El Salvador, some weight might attach to that charge.

11. Mr. Dulles had stated, in regard to threats to the independence and territorial integrity of China, that if the General Assembly took no action in that matter, it would disappoint the whole world.[1] It would be equally disappointing if the General Assembly disregarded an act of international aggression on the pretext that consideration of that question would complicate still further the present situation. It might also be asked whether there was any basis for such an argument. Representatives of Member States frequently made strong statements before the General Assembly and charged certain other governments with pursuing a dangerous policy. Such statements showed the complete freedom of expression of delegations, but were more likely to complicate the international situation than was consideration of the aggression committed against Tibet.

12. Some claimed that Tibet was not autonomous at all and that it was a province of China, so that its invasion by a Chinese army would be an internal affair which came within the competence only of the Chinese Government. He wished to submit certain information to members of the General Committee to show that that argument was unfounded.

13. He then read an extract from *Chambers's Encyclopaedia* (volume XIII) where it was stated that the Central Government of Tibet consisted of the Dalai Lama acting through a minister appointed by the chief lamas. That minister presided over a grand Council or Cabinet of four members. The country was divided into 170 administrative districts, each in the charge of a district magistrate who was responsible for the collection of taxes, the administration of civil affairs and the working of a civil and criminal code of laws based on Buddhist teachings. The central government's authority decreased in proportion as the distance from Lhasa increased. The revenue, used largely to finance monasteries, religious festivals and the army, was raised by taxes levied on the lower classes, and on exports. There were no banking facilities and taxes were frequently paid in kind; barter was common although there was a local currency and Indian coinage and paper money were used. The army, about 10,000 strong, was recruited by conscription, and was stationed mainly on the eastern borders. Many senior officers had been trained in India.

14. The representative of El Salvador also quoted an excerpt from the *Enciclopedia Universal Ilustrada* (volume X, appendix), which stated that imports from India in 1927 had totalled 1,186,800 Haikwan taels, and imports from China 1,939,000 taels and 737,300 taels, respectively. During the First World War the Government of Tibet had proposed to send 1,000 soldiers to fight alongside the United Kingdom, a nation with which Tibet had had excellent relations since 1910.

15. According to the *Encyclopaedia Britannica* (volume 22), the Government of Tibet had sent representatives to an international conference in which representatives of China, India and the United Kingdom had also participated.

16. Finally, it appeared from information published in a recent article in the *New York Times* that Tibet possessed very important mineral resources. For all those reasons it was easy to understand why some of its neighbours were interested in the country.

17. He did not think the General Assembly could disregard the aggression against Tibet on the mere pretext that that country was isolated and had but few means of communication with the outside world. Tibet was in a particularly important strategic position; the high plateaus of Tibet dominated India. Those were facts which the General Assembly could not disregard.

18. The representatives of the Tibetan Government were coming to New York to lay a complaint before the General Assembly or the Secretary-General. The General Assembly could not dismiss their case unheard.

19. The Government of El Salvador had done its duty by drawing the attention of the General Committee to the aggression against Tibet. If the General Assembly disregarded that aggression, it would be neglecting its responsibilities.

20. Finally, Mr. Castro read the draft resolution submitted by his delegation (A/1534) and concluded by saying that the General Assembly should at the very least condemn the unprovoked act of aggression against Tibet.

21. The CHAIRMAN endorsed the interpretation given by the representative of El Salvador of the functions of members of the General Committee. He pointed out, however, that the opinions of the various governments they represented were one of the grounds for decision available to the members of the Committee. He had acceded to the wish expressed by certain delegations at the Committee's last meeting with that thought in mind.

[1] See *Official Records of the General Assembly, Fifth Session, First Committee*, 402nd and 403rd meetings.

22. Mr. YOUNGER (United Kingdom) did not think he could participate at that time in a general discussion on the question of Tibet. That did not mean that the United Kingdom delegation was attempting either to shirk its own responsibility or to prevent the United Nations from assuming its full responsibilities. The question before the Committee was one of procedure. The point was to decide what was the best way of considering the question of Tibet. Consideration of the question was not an end in itself, but rather a way of trying to settle the problem.

23. The Committee did not know exactly what was happening in Tibet, nor was the legal position of the country very clear. Moreover, it could still be hoped that the existing difficulties in Tibet could be settled amicably by agreement between the parties concerned. In those circumstances, before taking a decision the members of the General Committee would be wise to wait until a better idea could be formed of the possibilities of a peaceful settlement. He proposed therefore that the Committee should defer decision on the request made by the delegation of El Salvador.

24. The Jam Saheb of NAWANAGAR (India) said his government had given careful study to the problems raised by the proposal of El Salvador to place the question of the invasion of Tibet by foreign forces on the General Assembly agenda. That was a matter of vital interest to both China and India. The Committee was aware that India, as a neighbour of both China and Tibet, with both of which it had friendly relations, was the country most interested in a settlement of the problem. That was why the Indian Government was particularly anxious that it should be settled peacefully.

25. He had no desire to express an opinion on the difficulties which had arisen between China and Tibet, but would point out that, in the latest note received by his government, the Peking Government had declared that it had not abandoned its intention to settle those difficulties by peaceful means. It would seem that the Chinese forces had ceased to advance after the fall of Chamdo, a town some 480 kilometres from Lhasa. The Indian Government was certain that the Tibetan question could still be settled by peaceful means, and that such a settlement could safeguard the autonomy which Tibet had enjoyed for several decades while maintaining its historical association with China.

26. His delegation considered that the best way of attaining that objective was to abandon, for the time being, the idea of including that question in the agenda of the General Assembly. That was why he supported the United Kingdom representative's proposal that consideration of the request for inclusion should be adjourned.

27. Sir Keith OFFICER (Australia) agreed with the representatives of the United Kingdom and India. In view of the statement made by the Indian representative, he would unreservedly support the United Kingdom proposal that consideration of the request for inclusion submitted by El Salvador should be adjourned.

28. Mr. J. MALIK (Union of Soviet Socialist Republics) agreed with the United Kingdom proposal. However, he wished to explain his delegation's view on the substance of the question. It was an extremely simple question: Tibet was an inalienable part of China and its affairs were the exclusive concern of the Chinese Government.

29. The representative of El Salvador had referred to newspaper articles and encyclopedias, but he had not cited any international instrument in support of the argument that Tibet was an independent country which had been invaded by Chinese troops. Chinese sovereignty over Tibet had been recognized for a long time by the United Kingdom, the United States and the USSR.

30. The question was therefore one which came essentially within the national jurisdiction of China; the United Nations could not consider it. If it did so it would be guilty of unwarranted intervention in the internal affairs of the Chinese people, who had been liberated after centuries of foreign domination. That being so, his delegation would vote for adjournment of consideration of the request submitted by the representative of El Salvador and even for its outright rejection.

31. The CHAIRMAN stated that, if the General Committee decided to adjourn consideration of the question, it should then state whether the question was adjourned *sine die* or whether consideration was deferred until a subsequent date to be decided upon.

32. Mr. LIU (China) paid tribute to the motives which had led the representative of El Salvador to request the inclusion of the Tibetan question in the agenda of the General Assembly. He saw no objection to adjourning consideration of that request, and would merely supply certain general information to give the members of the General Committee a better understanding of what was going on in Tibet.

33. During the debate in the First Committee (400th and 404th meetings) on item 23 of the General Assembly agenda, concerning threats to the political independence and territorial integrity of China and to the peace of the Far East, the representative of China had emphasized that the invasion of Tibet was one aspect of the Soviet Union's aggression against China.

34. Tibet had been part of China for 700 years and all Chinese, whatever their party or religion, regarded it as such. The development of the Chinese system had been independent of political development in the western world, and the two systems were not always comparable or even compatible. That fact had been brought out in the reports drawn up by the missions sent to China in 1793 and 1812 by the British Government to establish relations with the Chinese Government of that time. Sun Yat-sen had made great efforts to modernize the Chinese system. He had proclaimed the equality of the five branches of the Chinese people and had stated that if disputes arose between those branches, they should never be settled by force. During the last twenty-five years the Chinese Government had faithfully observed the precepts of Sun Yat-sen in its relations with Tibet. Indeed, relations between Tibet and China had never been more cordial than during that period; representatives of Tibet had taken part in drafting the new Chinese Constitution in 1946 and in electing the President and Vice-President of the Republic in 1947.

35. The dispatch of an army to Tibet by the satellite régime of Peking was an event which shocked the Chinese people as much as other peace-loving peoples throughout the world. There could be no justification for that invasion, which was prejudicial to the interests of China, since it would leave a heritage of hatred between the Tibetan branch and the other branches of the Chinese family and harmed the good relations between India and China. Chinese policy consisted in maintaining the best possible relations with India, and the measures taken by the Chinese Communists had already had deplorable repercussions in India. That was a threat to the peace in Asia.

36. The Chinese Communists explained their incursion into Tibet by saying that it was liberation; they asserted that the economic and social system of Tibet was feudal. Mr. Liu realized that that system differed radically from the systems in force in the other parts of China. But the Chinese Government had thought it better not to impose reforms in Tibet by force. Tibet was the holy country of Buddhism; although that religion, like Christianity, was divided into several sects, the brotherly feelings uniting those various sects were an important factor in the life of millions of Buddhists in China and southern Asia. The result of the Communist invasion would be to turn Tibet into an instrument in the policy of world Communism.

37. Tibet was of considerable strategic importance. At the end of the nineteenth century and the beginning of the twentieth century rival empires had sought to secure a predominant position there. Since the First World War, Tibet had played little part in international disputes, but the action recently taken by the Chinese Communists again made the Tibetan question a pressing one. An attempt was being made to turn Tibet into a base for carrying out the imperialistic plans of the Communists. In Tibet, as in China as a whole, foreign conquest was being presented as a revolution or movement of liberation. That was the real meaning of the Communist invasion of Tibet.

38. His delegation was convinced that the Tibetan question should be regarded as part of item 23 of the agenda of the fifth session of the General Assembly. That question had been referred to the Interim Committee, and consequently the same decision could be taken on the Tibetan question. In any event, it should not form a separate item in the agenda of the General Assembly.

39. Mr. J. MALIK (Union of Soviet Socialist Republics) observed that once again a bankrupt government was attempting to place responsibility for its bankruptcy on the USSR.

40. The CHAIRMAN stated that the question of substance raised by the USSR representative was not within the province of the General Committee. He had previously allowed the representatives of the USSR and China to touch on the substance of the matter submitted to the General Committee, but had done so only because he thought that information provided by them might assist the General Committee in taking its decision.

It was unanimously decided to adjourn consideration of the inclusion of the item proposed by El Salvador in the agenda of the General Assembly.

41. Mr. GROSS (United States of America) said that he had voted for adjournment in view of the fact that the Government of India, whose territory bordered on Tibet and which was therefore an interested party, had told the General Committee that it hoped that the Tibetan question would be peacefully and honourably settled. In accordance with its traditional policy, the United States would in any other circumstances have voted for the inclusion of the item in the General Assembly agenda. His government had always supported any proposal to refer to the United Nations international disputes or complaints of aggression, which could thus be aired, considered and settled at international hearings. That was the principle applied by the United States Government even in the case of accusations made against the United States and despite the illogical and fraudulent nature of those accusations.

42. However, in the present case, the United States delegation wanted to support the proposal made by the States most directly concerned in the subject-matter of the request submitted by the delegation of El Salvador.

43. Mr. PEREZ PEROZO (Venezuela) explained that his vote in no way prejudiced the competence of the General Assembly to consider the question.

44. Mr. CASTRO (El Salvador) referred to his first speech and thought it well to repeat that when he had asked for a copy of the text of the Tibetan Government's appeal, he had received a favourable reply. The appeal had therefore been effectively made and had also been published in the Press. Consequently, the document should be distributed to all members of the General Assembly.

45. Mr. CORDIER (Executive Assistant to the Secretary-General) thought that the representative of El Salvador was probably referring to a communication distributed unofficially to the members of the Security Council on 11 November.

46. The CHAIRMAN stated that he would have enquiries made and would ask that all documents of that type received by the Secretariat should be distributed.

The meeting rose at 4.10 p.m.

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United Nations

GENERAL ASSEMBLY

FIFTH SESSION

Official Records

GENERAL COMMITTEE 74th

MEETING

Tuesday, 5 December 1950, at 2.45 p.m.

Lake Success, New York

CONTENTS

Page

Request for the inclusion of an additional item (A/1618 and A/1621)..... 21

Chairman: Mr. Nasrollah ENTEZAM (Iran).

Request for the inclusion of an additional item (A/1618 and A/1621)

INTERVENTION OF THE CENTRAL PEOPLE'S GOVERNMENT OF THE PEOPLE'S REPUBLIC OF CHINA IN KOREA: ITEM SUBMITTED BY CUBA, ECUADOR, FRANCE, NORWAY, UNITED KINGDOM AND UNITED STATES OF AMERICA.

1. Mr. AUSTIN (United States of America) said that the delegations of six nations had joined in requesting the inclusion in the agenda of the current session of the General Assembly, as an important and urgent question, of the following item: "Intervention of the Central People's Government of the People's Republic of China in Korea".

2. The question before the Committee was a procedural one; the facts of the case were known throughout the world. The United Nations forces had been on the point of achieving their objective to repel the aggression against the Republic of Korea when they had encountered intervention by Chinese communist armed forces. The United Nations was under attack.

3. In November 1950, the Security Council had devoted eleven meetings to the consideration of that intervention.[1] Representatives of the six nations which now requested consideration of the question by the General Assembly had submitted a joint draft resolution (S/1894) to the Security Council on 10 November 1950.[2] The draft resolution called upon all States and authorities to effect the immediate withdrawal of their nationals, or of individuals or units of their armed forces which might be assisting the North Koreans, and reaffirmed the peaceful objectives of the United Nations in Korea. A representative of the Central People's Government of the People's Republic of China had been invited to attend the meetings of the Security Council when the item was taken up for consideration, but he had declined to speak on the matter.

4. On 30 November 1950 the Security Council had voted on the joint draft resolution[3] which was not adopted owing to the negative vote of one of the permanent members, the Union of Soviet Socialist Republics. As a result of the lack of unanimity among its permanent members, the Security Council had been unable to exercise its primary responsibility for the maintenance of international peace and security.

5. Since the Security Council had not been able to act in the matter, the six delegations which had sponsored the joint draft resolution now proposed that the General Assembly should consider the question. The United States Government believed that the General Assembly would wish to discuss immediately the situation described in the telegram addressed by the heads of the six delegations to the Secretary-General (A/1618), and make recommendations on the question.

6. Mr. OUTRATA (Czechoslovakia) urged the General Committee not to place the question raised by the United States delegation on the agenda of the General Assembly. In his opinion, if the situation in Korea was endangering world peace, it was not because the United Nations had adopted too few resolutions, resolutions which were undoubtedly illegal; nor because the governments most closely concerned with, and responsible for, the maintenance of peace in the Far East had not had occasion to consider the question, and to plan appropriate measures to safeguard the legitimate interests of all parties concerned.

7. The delegation of Czechoslovakia felt that, on the contrary, too many resolutions had been adopted, and that throughout the past six months, certain of the parties concerned had consistently refused to face the facts, and to accept the only clear, logical, honest and fair solution of the problem.

8. The representative of Czechoslovakia thought that it might be to the Committee's advantage to recall the draft resolution submitted at the beginning of the present session by the USSR and several other (A/1426) delegations and which proposed a reasonable solution of the problem. If the General Assembly had adopted that draft resolution, and if all the Member States had honestly endeavoured to apply its provisions, hostilities in Korea would have ceased and the world would not be living in fear of a new war.

[1] See *Official Records of the Security Council, Fifth Year*, Nos. 61 to 63 and 65 to 72 inclusive.
[2] *Ibid.*, No. 63.
[3] *Ibid.*, No. 72.

9. Doubts might indeed be expressed on the usefulness of a new discussion by the General Assembly of the question raised by the six Powers, and of the adoption by the Assembly of a new resolution based on the United States proposal which was without foundation from a legal point of view and inappropriate from a political point of view. The only result of such a discussion and of the adoption of such a resolution would be to perpetuate the discredited myth that all communists were depraved and all Americans models of virtue. The solution of the problem could in no way be facilitated by the distortion, now familiar to all the peoples of the world, of the meaning of the words "aggression" and "defence of democracy and peace".

10. It was evident that any reasonable solution of the problem should be based on facts. Those facts were clear. A great Power had sent its armed forces to the other side of the world, to intervene in the domestic affairs of another State; that Power had sent its troops to the very frontiers of two other great Powers, situated 25,000 kilometres from its own borders. The same great Power had, over a period of years, systematically built up a gigantic chain of military bases in foreign territories, in the immediate vicinity of the territory of two other great Powers; and at the same time it had insulted the intelligence of other nations by pretending to be a noble defender of the peace and declaring that those who opposed it were aggressors.

11. Such were the facts which should be considered if a reasonable solution of the so-called Korean question was to be achieved. The United States proposal was not in accordance with those facts. The representative of Czechoslovakia therefore considered the proposal not only useless but disastrous to the interests of the United Nations, and, for the reasons he had mentioned, would oppose its adoption.

12. Mr. VYSHINSKY (Union of Soviet Socialist Republics) stated that in document A/1618, dated 4 December 1950, there was a reference to an explanatory memorandum relating to the request of the delegations of Cuba, Ecuador, France, Norway, the United Kingdom and the United States, that the question, considered by those delegations as important and urgent, of the "intervention of the Central People's Government of the People's Republic of China in Korea", should be added to the agenda of the General Assembly's current session. Despite the formal provisions of rule 20 of the Assembly's rules of procedure, however, the explanatory memorandum (A/1621) had not been distributed, and his delegation had received it only a short time before the General Committee's meeting.

13. Mr. Vyshinsky had hoped that the explanatory memorandum would contain explanations; he had been disappointed, however, for the memorandum had merely reiterated, with a few additional details, what had already been indicated in document A/1618. The memorandum contained no facts and did not justify in any way the request presented by the aforementioned six delegations. For example, the memorandum stated that the Security Council had been unable to adopt a certain draft resolution, but that fact did not explain why the General Assembly should give its attention to the question set forth in document A/1618.

14. There was reason to believe that the sponsors of the proposal submitted to the General Committee were deliberately abstaining from presenting evidence and mentioning facts. The explanation of their attitude was simple: the evidence and the facts did not exist. The true purpose of the proposal was to deceive world public opinion and to conceal the identity of the real aggressor, the United States of America, which had begun the bloody struggle in progress in Korea since 25 June 1950. Mr. Vyshinsky had submitted a large number of documents to the First Committee[4] and the evidence and facts which they contained had never been refuted by the United States representative.

15. Those responsible for the aggression had submitted to the Security Council a draft resolution (S/1894) to explain the humiliating defeat inflicted on MacArthur's forces by Korean patriots. By accusing the Central People's Government of the People's Republic of China of intervention, they wished to make that government the scapegoat and to lay at its door the whole responsibility for the defeat sustained by the imperialist aggressors.

16. Mr. Vyshinsky said that he would confine himself to the procedural aspects of the question. According to the United States representative, the Security Council had already considered the matter. But since 25 June 1950 the Council had examined a wide variety of questions relating to different aspects of United States intervention in Korea. Mr. Austin had reminded the Committee that the Security Council had rejected a certain draft resolution (S/1894) on 30 November 1950 because of the negative vote of the USSR representative. That was perfectly true, but the draft resolution in question had an entirely different purpose from the proposal now before the General Committee.

17. The USSR representative read the agenda of the Security Council meeting at which that vote had taken place and pointed out that the document made no reference to the Central People's Government of the People's Republic of China.

18. The draft resolution which had been rejected dealt with all aspects of the Korean question and made two references to communist China; the first reference, in the third paragraph, stated that "Chinese communist military units are deployed for action against the forces of the United Nations in Korea". That reference indicated that the Council was not then in a position to consider the question of intervention by the People's Republic of China. MacArthur's report (S/1884) in fact referred to "communist military units", which might very well have been units composed of volunteers such as, for example, the International Brigade or the detachment of American volunteers who fought on the Republican side in the Spanish Civil War. It would be absurd to claim that those volunteers formed part of the armed forces of the United States and had been sent to Spain by the United States Government.

19. No one denied the presence of military units from communist China. Those units were, however, ex-

[4] For the discussion on "the problem of the independence of Korea" in the First Committee, see *Official Records of the General Assembly, Fifth Session, First Committee,* 346th to 353rd meetings inclusive.

clusively composed of volunteers while the United States representative had referred to the intervention of Chinese Government forces. An entirely different matter was therefore involved.

20. The third paragraph of the operative part of the draft resolution (S/1894) which had been rejected, also mentioned "Chinese forces" but did not specify the forces it referred to. At no time during the eleven meetings, which, according to Mr. Austin, the Security Council had devoted to the question, had reference been made to the intervention of the armed forces of the Central People's Government of the People's Republic of China and that question had never been placed on the Council's agenda. The proposal was in effect a ruse employed by defendants attempting to play the part of the prosecutor.

21. It followed from those considerations that the argument invoked in the explanatory memorandum in support of the six-Power request was devoid of all foundation. The USSR delegation felt that if the sponsors of that request wished to submit a complaint, they should address themselves to the Security Council, since they were not entitled to appeal to the General Assembly.

22. Moreover, the General Assembly resolution of 6 November 1950 entitled "Uniting for Peace" (A/1456, resolution A), laid down a compulsory procedure under which States wishing to lodge a complaint had to approach the Security Council in the first place. The USSR delegation had opposed the adoption of that resolution, but, inasmuch as it had been adopted by a majority of the Assembly, it considered that those who had voted for it less than a month ago should not violate its provisions. In any event, the General Committee should comply with its provisions and reject the proposal before it.

23. Sir Keith OFFICER (Australia) pointed out that the members of the Committee were not called upon to pronounce themselves on the substance of the question but on its importance and urgency. The representatives of Czechoslovakia and the USSR had not denied its importance; it was precisely on that account that six members of the Security Council, including three permanent members, had requested the General Committee to include a new item on the agenda of the fifth session. They had pointed out in their explanatory memorandum that the Security Council had taken a vote on the question and that the draft resolution submitted on the matter had been rejected because of the negative vote of the Soviet Union.

24. The question was also of an urgent nature. War was being waged and Article 1 of the Charter entrusted the United Nations with the maintenance of international peace and security. As a result of the vote taken, the Security Council had been unable to take any decision in the matter. The General Assembly should therefore act without delay.

25. For those reasons Sir Keith requested the Committee to recommend to the General Assembly the inclusion in its agenda of the question of the intervention of the Central People's Government of the People's Republic of China in Korea.

26. Mr. TSIANG (China) said that on 6 November 1950[5] the United States representative had submitted a special report of the Unified Command to the Security Council. That report indicated that the North Korean forces had been destroyed or put out of action but that the United Nations forces were facing a new and well-equipped foreign army. That army had crossed the frontier between Manchuria and Korea without interference.

27. From 6 to 30 November, the Security Council had given consideration to that problem. A moderately worded draft resolution had been rejected on 30 November because of the negative vote of one of its permanent members. It could not therefore be contended that the Security Council had not dealt with the question; the Council had considered it for a month but had been prevented from taking any decision on the matter.

28. The Chinese representative therefore considered that the General Assembly should take up the question. He would vote for its inclusion on the agenda but he wished, however, to make a formal objection to the title given to the item, which was a matter of some surprise to him; it gave dignity and prestige to a group of men who were making China a colony of the Soviet Union.

29. Mr. VYSHINSKY (Union of Soviet Socialist Republics) said that the representative of the Kuomintang group, who quite unjustifiably claimed to represent China, had referred to the report of the Unified Command which had been submitted to the Security Council on 6 November by the United States representative. It was in fact clear from that report that the armed forces of the United States and the United Kingdom, which were in Korea illegally, were at present fighting against Chinese armed forces. The forces concerned were, however, Chinese volunteers who were taking part in the struggle and who had come to the aid of the democratic army of North Korea in repelling American and British aggressors.

30. The many delegations which were anxious for a discussion at the earliest possible moment of the question before the General Committee had not displayed a similar eagerness in the First Committee when it was a question of discussing United States aggression against Taiwan, the bombing of Chinese territory by United States aircraft and the entry of a United States fleet into Chinese territorial waters. The First Committee had begun to discuss the question of the Soviet Union complaint regarding aggression against China by the United States at the 407th meeting whereupon Mr. Dulles had requested an adjournment of twenty-four hours to give him an opportunity to prepare his reply to the statement of the USSR representative. More than a week had since elapsed and the First Committee had not yet resumed its discussion of the question in spite of its urgent nature. It was a matter for speculation why the United States remained silent in the face of the charges made and the irrefutable facts presented by the USSR delegation.

31. Instead of resuming the discussion of the question in the First Committee six delegations were now re-

[5] See *Official Records of the Security Council, Fifth Year*, No. 60.

questing the General Assembly to consider a new question. If the majority of the Assembly met that request, its members would be violating both the provisions of the resolution they had recently adopted and the provisions of the Charter: they would be falsifying the facts and would be taking a decision which was profoundly unjust. The USSR delegation wished to protest forthwith against the inclusion in the agenda of the fifth session of the question of the intervention of the Central People's Government of the People's Republic of China in Korea. It did so both on its own behalf and on that of a number of other delegations.

32. Mr. URDANETA ARBELAEZ (Colombia), speaking as Chairman of the First Committee, informed Mr. Vyshinsky that it was correct that the representative of the United States had asked for twenty-four hours in which to prepare his reply to the USSR representative's speech. The First Committee, however, had not met in the meantime because the General Assembly had had three days of plenary meetings which members of the First Committee had wished to attend; the Security Council had also had a number of meetings at which it had examined questions connected with those pending before the First Committee. Lastly, the Committee had decided to invite the representatives of the Central People's Government of the People's Republic of China to attend its meetings; the latter, however, had had to attend the meetings of the Security Council.

33. Mr. Urdaneta Arbelaez stated that the question mentioned by the USSR representative had by no means been withdrawn from the agenda of the First Committee, which would examine it as soon as it met again. Regarding the new question, whose inclusion in the General Assembly's agenda had been requested, he said that the First Committee would examine it if the General Assembly decided to ask the Committee to do so.

34. Mr. GUTIERREZ (Cuba) strongly objected to the USSR representative's statement to the effect that the majority of the General Assembly distorted the truth and violated the provisions of the resolution entitled "Uniting for Peace" or the provisions of the Charter. It was not against the majority of the General Assembly, but against Member States which prevented the United Nations from achieving its purposes, that such an accusation should be made.

35. The facts were well known and had been proclaimed by the Press and radio throughout the world: the armed forces of the People's Republic of China had committed an act of aggression in Korea against the armed forces of the United Nations. According to the USSR representative, only volunteers had intervened in Korea. In fact, there were 800,000 fully-equipped men advancing as a regular army.

36. The obstructive manoeuvre of the USSR delegation on the occasion of the vote on the draft resolution (S/1894) submitted to the Security Council on 30 November 1950 had led six Member States to request the inclusion of that question on the General Assembly's agenda. The Soviet Union was against such a move, knowing that its delegation could not paralyse the General Assembly as it paralysed the Security Council; the USSR delegation wanted to submit the question anew to the Security Council and continue to procrastinate whilst thousands of men were dying daily in Korea.

37. The USSR representative had stated that in including the new question in the General Assembly's agenda the General Committee would be taking an illegal step. He was entirely wrong. Mr. Gutierrez would not discuss the point with the Soviet Union representative for, in his opinion, the question was not whether the Chinese armed forces were or were not composed solely of volunteers. The fact was that the United Nations was now faced with an undeclared war; and Articles 10, 11 and 14 of the Charter, subject to the provisions of Article 12, authorized the General Assembly to deal with a question of that kind.

38. For all those reasons, the representative of Cuba was in favour of including the new question in the General Assembly's agenda.

39. Mr. VYSHINSKY (Union of Soviet Socialist Republics) felt obliged, in view of the remarks just made by the representative of Cuba, to explain in greater detail than he had intended his delegation's views on the matter.

40. The Cuban representative had stressed the fact that he had not intended to dwell upon the question of whether the Chinese troops fighting in Korea were volunteers or not, as in his view, the facts were well-known, having been amply stated both by the Press and the wireless. But what Press and what wireless? No doubt the American broadcasting stations had given a version of the facts which seemed to them expedient, but it was quite obvious that such statements could not be credited.

41. At that juncture, Mr. Vyshinsky thought it necessary to reaffirm the very definite attitude adopted in the matter by his delegation. In spite of the Soviet Union's objections, the General Assembly had adopted a resolution on the question of unity for peace (A/1456, resolution A). As it had been adopted, the resolution should be respected by United Nations organs. As the Committee's members were aware, the resolution provided that the General Assembly could only take action if the Security Council, after studying a question, was unable to solve it. But as the Soviet Union representative had already pointed out in previous statements, the question of the intervention of the Central People's Government of the People's Republic of China in Korea had never been examined by the Security Council. The fact that the report of the so-called United Nations Command in Korea (S/1884), dated 5 November 1950, mentioned the presence in Korea of "Chinese communist military units" or that the draft resolution (S/1894), discussed in the Security Council referred, in more or less veiled terms, to an intervention by Chinese forces in Korea, did not make it permissible to state that the question of the intervention of the Central People's Government of the People's Republic of China in Korea had been examined by the Security Council.

42. The USSR representative expressed his thanks to the representative of Colombia, Chairman of the First Committee, for the explanations he has furnished. He wished, however, to point out that after the 407th meeting of the First Committee, held on 27 November 1950, during which the United States representative had asked for twenty-four hours in which to prepare

his reply to the statement of the Soviet Union representative, the Committee had not met, either on 28, 29 or 30 November. Was it to be concluded that the United States representative required so long to prepare his reply? Similarly, although the last plenary meeting of the General Assembly had taken place on 4 December, there had been no suggestion that the First Committee should meet on Tuesday, 5 December, and it apparently had no meeting scheduled for Wednesday, 6 December.

43. After having shown that it was impossible to justify, on procedural grounds, the inclusion in the General Assembly's agenda of an item entitled "Intervention of the Central People's Government of the People's Republic of China in Korea", Mr. Vyshinsky adduced other arguments on the substance of the question. In accusing the Central People's Government of military intervention in Korea, the ruling circles of the United States were merely trying to create a diversion in order to draw the attention away from the real aggressors.

44. As time went on the plans of the instigators of a new war became increasingly clear. It was they who had prepared the attack launched by Syngman Rhee; they who had engaged in a bloody and destructive war against the peace-loving people of Korea, fighting under the leadership of the North Korean Government for their national independence. Undeterred by their early reverses, the American imperialists had thrown new divisions, new instruments of destruction into battle, in the hope of breaking the resistance of the heroic Korean people and extending their hegemony over the whole country. They had not even hesitated to push their offensive northwards until they threatened the frontiers of Manchuria. It was very significant that the United States armed forces had not stopped at the 38th parallel, after driving the so-called North Korean aggressors back beyond that line, but had tried to push on as far as the Manchurian frontier. In fact, the United States war machinery was directed against China itself.

45. It was perhaps not out of place to recall the attitude of the United States Government towards the Chinese people. It was true that the United States Government had announced last January that it had no intention of giving aid to the island of Taiwan or of intervening in its affairs. However, long before the events in Korea, the United States Government had sent a large number of tanks and other war material to Taiwan and had tried to transform the island into a base for operations against the Chinese people. The United States Government had sent the Seventh American Fleet into the territorial waters of Taiwan. In his speech of 27 June 1950, the President of the United States had vainly tried to justify that act of aggression by referring to the need to preserve peace in the Far East, which was in fact only threatened by the manoeuvres of the United States Government. Moreover, if further proof were required, General MacArthur's message to the convention of Veterans of Foreign Wars left no doubt as to the United States' intentions concerning Taiwan.

46. In addition, Chinese territory had been repeatedly bombed by United States aircraft since the outbreak of hostilities in Korea. The United States representative on the First Committee (407th meeting) had not denied that fact; he had even shown the Committee a map indicating where the bombing attacks had taken place. His explanation was that American airmen had received orders to bomb a bridge on the Yalu river, attacking only the side of the bridge which was in Korean territory, but that mistakes sometimes occurred; he had added that, in most cases, they had been violations of a purely technical nature. In point of fact it was not bridges but inhabited areas which had been attacked by United States aircraft, causing loss of life and considerable material damage to the Chinese people. It was only to be expected that such bombing of Manchurian territory, not denied by the United States representative himself, had aroused strong feeling among the Chinese people.

47. Moreover, the Chinese were well aware of the latent danger to their country caused by the manoeuvres of the American capitalists. So far, the Chinese people had been able to avoid that danger, thanks to their victories over Chiang Kai-shek, but they were well aware of the threat to their country from the ruling circles of the United States which, in treaties with China, had always sought to undermine that country's sovereignty. Was it necessary to recall in that connexion the secret treaty by which Chiang Kai-shek had handed over Taiwan to the United States? It seemed in fact that, with respect to China, the United States intended to resume the policy formerly followed by the Japanese imperialists, one of the most famous representatives of whom, Tanaka, had said that Japan must conquer Chinese territory in order later to extend its domination over South-East Asia, India and even the Near East. It was worth adding that the task of the Japanese imperialists had been facilitated by the existence of an American-Japanese treaty, giving Japan a free hand in China.

48. Those facts sufficed to show the value to be attached to the alleged friendliness of the ruling circles in the United States towards the Chinese people. In fact, the policy of the United States in the nineteenth and twentieth centuries had always been designed to subjugate China in the interests of American capitalists. It was in pursuance of that policy that the United States Government had supported various cliques in China, the last of which had been the Kuomintang.

49. The CHAIRMAN pointed out that the General Committee had before it a request submitted by six Member States (A/1618), for the inclusion of a new item in the agenda; the USSR representative should not, therefore, broach a question which had already been included in the Assembly's agenda and had been referred to a Committee.

50. Mr. VYSHINSKY (Union of Soviet Socialist Republics) declared that the facts he had cited made it possible to understand the Chinese people's attitude towards United States aggression in Korea.

51. The United States representative (407th meeting, First Committee) had given examples of what he termed his country's friendship for the Chinese people. There was no doubt that the United States, encountering a formidable rival in Japan, had been forced to adapt its policy to the circumstances. The United States representative had, for example, referred to the doctrine of non-recognition of the fruits of aggression held by Japan at the expense of China formulated by the late

Secretary of State Stimson. It was therefore interesting to recall that in a letter sent to *The New York Times* in January 1940, Mr. Stimson had laid stress on the United States' responsibility for the events in the Far East and had shown that by selling petroleum, scrap iron and other strategic materials in Japan, American capitalists had enabled that country to increase its destruction of Chinese territory.

52. In reality, Sino-American relations had been characterized throughout that period by a close alliance between American capitalists and Chinese reactionary circles. At present American capitalists were supporting Chiang Kai-shek who without their assistance would not be able to continue the struggle against the Chinese people.

53. Proceeding to analyse the reactions of the Chinese people to the events in Korea, Mr. Vyshinsky stressed the fact that the Central People's Government of the People's Republic of China had constantly urged that the question should be settled by peaceful means. It was sufficient to recall the various telegrams sent by the Minister for Foreign Affairs of the Central People's Government, the declaration of the democratic parties of China, dated 4 November 1950, and the statements of the representative of the Central People's Government in the Security Council.[6] There was evidence everywhere of their desire that hostilities in Korea should cease, that the question should be settled by peaceful means and that the United States should relinquish its policy of aggression in that part of the world.

54. Quoting from the declaration made by the democratic parties of China, Mr. Vyshinsky asserted that it was absolutely false to accuse the Central People's Government of military intervention in Korea. That was merely an effort to distort the meaning of the spontaneous movement that had led Chinese volunteers to lend their assistance to their Korean brethren who were the victims, not the instigators, of aggression—an effort to place on another State the heavy responsibilities incurred by the United States Government. He doubted if anyone could maintain that it was the Korean people who had attacked the United States and were threatening peace, when the United States armed forces had invaded Korean territory and the United States fleet was bombarding that country's coasts.

55. Could the Chinese people remain indifferent when faced with United States intervention in Korea, which at one time was taking place at its very frontiers? Was it not rather their moral duty to assist the Korean people as the declaration of the democratic parties of China had invited them to do? It was perfectly normal that the Chinese people, who had themselves also been the victims of foreign intervention and who were united with the Korean people by bonds of sincere friendship, forged in the common struggle for independence, should lend their assistance to the Koreans. In other words, the appeal launched by the democratic parties of China was morally perfectly justified.

56. The appeal was also justified from a legal point of view. Certain doubts had been expressed as to whether the Chinese fighting in Korea were actually volunteers. The United States representative had put a number of questions to the representative of the Central People's Government on that point.[7] Chinese volunteer action in Korea, however, was not without precedent. Men like La Fayette and Beaumarchais, for example, impelled by their sympathy for the American people who had just risen against England and were fighting for their independence, had provided sufficient equipment to arm 20,000 volunteers, which was a considerable figure for those times. That being the case, were there any grounds for surprise that Chinese volunteers, whose country was infinitely closer to Korea than France was to America, were fighting side by side with the Koreans? If nothing had prevented La Fayette and Beaumarchais from sending well-trained and well-equipped units to America, why should it be otherwise in the case of the Chinese volunteers? Was there any reason why China, whose population, infinitely greater than that of France, was most indignant at the aggression of the United States and that country's policy with regard to China, should not allow its volunteers to assist the Koreans? As a matter of fact the Central People's Government had with good reason declared that it saw no reason for preventing the departure for Korea of volunteers who wished to participate in the Korean people's struggle for liberation under the command of the Government of the People's Democratic Republic of Korea.

57. In so doing, the Central People's Government of the People's Republic of China had in no way violated the provisions of the relevant international conventions. Mr. Vyshinsky drew the Committee's attention to the Hague Convention (V) of 1907 with respect to the rights and duties of neutral Powers and persons in case of war on land and the Hague Convention (XIII) of 1907 concerning the rights and duties of neutral Powers in naval war. Article 6 of the first of those conventions provided that "The responsibility of a neutral Power is not engaged by the fact of persons crossing the frontier separately to offer their services to one of the belligerents" while article 7 provided that "A neutral Power is not called upon to prevent the export or transport, on behalf of one or other of the belligerents, of arms, munitions of war, or, in general, of anything which can be of use to an army or a fleet". Moreover, article 7 of the second of those conventions provided that "A neutral Power is not bound to prevent the export or transit, for the use of either belligerent, of arms, ammunition, or, in general, of anything which could be of use to an army or a fleet".

58. The United States Government should recognize the validity of those two conventions since it had signed them. That being the case, how could it possibly object if the Central People's Government of the People's Republic of China did not prevent Chinese volunteers from going to the assistance of their Korean brothers? The number of those volunteers in no way altered the legal situation. Moreover, it should not be imagined for one moment that the Chinese people could remain indifferent while the United States forces were in action, at a given moment, on the very frontiers of their country.

59. Such facts were too self-evident to be ignored. They showed beyond all possible doubt that there had been no intervention of the Central People's Govern-

[6] *Ibid.*, Nos. 69, 70 and 72.

[7] *Ibid.*, No. 68.

ment of the People's Republic of China in Korea but rather the participation in that war of Chinese volunteers who wished to save Korea from the imperialist yoke and defend the security of their own territory. Consequently, there was nothing to justify the inclusion in the General Assembly's agenda of an item entitled "Intervention of the Central People's Government of the People's Republic of China in Korea".

60. Mr. van HEUVEN GOEDHART (Netherlands) remarked that it was only due to the patience, indulgence and generosity of the Chairman that the USSR representative had been able to express himself in such detail and to depart so widely from the subject. The General Committee had not met in order to discuss the manner in which the First Committee performed its task but to consider a question of procedure concerning the request for the inclusion in the General Assembly agenda of a new item entitled "Intervention of the Central People's Government of the People's Republic of China in Korea". In accordance with rule 40 of the rules of procedure, "In considering matters relating to the agenda of the General Assembly, the General Committee shall not discuss the substance of the item, except in so far as this bears upon the question whether the General Committee should recommend the inclusion of the item in the agenda . . .".

61. The members of the General Committee were therefore faced with three possibilities: if they felt that the arguments put forward to justify the inclusion of the item in the agenda were well founded, they should vote for the inclusion of that item; if not, they should vote against the inclusion and if they did not find it possible to act in either way with certainty, they should abstain.

62. For his part, the Netherland representative said that he would not hesitate to vote for the inclusion of the item in the General Assembly agenda.

63. The CHAIRMAN put to the vote the proposal recommending the inclusion in the General Assembly agenda of the item entitled "Intervention of the Central People's Government of the People's Republic of China in Korea".

The proposal was adopted by 10 votes to 2, with one abstention.

64. The CHAIRMAN suggested that the item should be referred to the First Committee.

It was so decided.

65. Mr. VYSHINSKY (Union of Soviet Socialist Republics) stated that the USSR delegation, which opposed the inclusion of the item on the General Assembly agenda, was also opposed to the matter being referred to the First Committee.

The meeting rose at 4.50 p.m.

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