

1948
NEW ZEALAND

THE UNITED NATIONS

REPORT OF THE NEW ZEALAND DELEGATION
ON THE SECOND REGULAR SESSION OF THE
GENERAL ASSEMBLY HELD AT NEW YORK,
16 SEPTEMBER - 29 NOVEMBER, 1947

Presented to both Houses of the General Assembly by Leave

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NOTE

The resolutions adopted by the General Assembly will in due course be published by the United Nations Secretariat. The documents cited in footnotes to this report may be consulted by the intermediary of the General Assembly Library, Wellington.

REPORT OF THE NEW ZEALAND DELEGATION ON THE SECOND REGULAR SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, 16 SEPTEMBER - 29 NOVEMBER, 1947

I. LETTER TO PRIME MINISTER FROM CHAIRMAN OF DELEGATION

New Zealand Delegation to the General Assembly,
6 December, 1947.

SIR,—

I have the honour to present the report of the New Zealand delegation, of which I was Chairman, on the second regular session of the General Assembly of the United Nations.

The Assembly met at Flushing on 16 September, 1947, and continued its sessions, in the Assembly at Flushing and in Committee at Lake Success, until its final meeting on 29 November, 1947. During its meetings the Assembly considered and disposed of sixty-one separate items on the agenda.

In my view the deliberations of this Assembly, which met in circumstances of great difficulty, showed a marked advance over those of the previous Assembly. At the Assembly meetings last year, apart from the preparatory conclusions taken at the meeting in London, the principal result was the resolution on disarmament. I feared then, and this up to the present has unfortunately been shown to be the fact, that this resolution would prove to be nothing more than words ; but at this meeting of the Assembly a considerable number of decisions of primary and fundamental importance have been reached. Whatever may be their practical effect, the decisions made this year, for example, with respect to Palestine, the United Nations Commission for Greece, the United Nations Commission for Korea, and the establishment of the "Little Assembly" are decisions of great moment to the world. They, in themselves, are

a sufficient indication that the Assembly has asserted, and will I am confident continue to assert, its influence and authority in support of peace and order throughout the world.

And these decisions were taken in circumstances which might well have deterred the Assembly from making any decisions at all had the Assembly not been firmly resolved to do its duty as it saw its duty. Inevitably the Assembly was caught up in the differences that have so unhappily arisen between the east and the west; differences between the United States of America, the United Kingdom, and those member nations who think with them, on the one hand, and the Soviet Union and its associates on the other; differences which are, of course, not merely between these two great Powers as such, but which are in reality the result of widely divergent theories of government and human relations.

All the decisions referred to above, with the exception of that on Palestine, were most bitterly contested by the Soviet group in language of violence and vituperation which is quite unprecedented in my experience, quite irreconcilable with any real attempt to find a common agreement, quite inexplicable from any reasonable point of view, and, in the opinion of the vast majority of delegations, totally indefensible and wholly deplorable.

The Assembly was quite undeterred by these minatory and menacing phenomena or by repeated threats of boycott. In firm terms the Assembly expressed its indignation at the stultification of the Security Council by the use of the veto (and incidentally at the use of the veto on the admission of new members) and quite deliberately established the "Little Assembly" in order to ensure that if and when the Security Council, by reason of the veto, should in future prove unable to discharge its obligations under the Charter, the Assembly itself should always have an organ in permanent session ready to consider any threat to peace which the Security Council should be unable to meet. And in all these instances of differences between the Soviet group and others, the Assembly passed its resolutions by overwhelming majorities against an opposing vote confined to the six members of the Slav group alone.

That such fundamental differences should exist is, of course, in the highest degree regrettable, but that despite such differences, despite the use of every means of procrastination and violent opposition, the Assembly should prove itself ready by huge majorities to make its decisions is, in my opinion, a fact of real significance.

It is not to be assumed, of course, that all the Assembly's decisions were beyond criticism. In a number of instances, for example, there was apparent what could only be described as a marked lack of that sense of responsibility which is so essential in the work of a body such as the Assembly. This was conspicuously the case in respect of the decision on Palestine. In the opinion of the New Zealand delegation and of many others the Assembly, if it assumed the right—as we agreed it should—to decide on the partition of Palestine, should unquestionably, and, at the same time, have assumed the duty of implementing that decision and of protecting the population of Palestine against any violence or disorder that might result from the situation the Assembly itself had created, and should have made proper and timely preparations accordingly. This it failed to do. But, speaking generally, the Assembly, with this important exception, did show a high sense of responsibility in all matters of fundamental importance.

And the Assembly has obviously lost all illusions as to the magnitude and the difficulty of the tasks that lie before it. It has proved that the gravity of these problems is now fully and generally recognized and that the Assembly is determined to place its feet firmly on the path to world peace and to tread that path, uphill as it may be, with resolution and determination.

There were many among the delegations who were dismayed at the heat and the violence of a number of the Assembly's debates. For my part, while I shared that dismay, I am more inclined to look upon the manner in which the Assembly met these crises. From that point of view, from the aspect of the determination it displayed to face its problems and to solve them as appeared best and not merely to play with words or search for a broad and meaningless formula, I found this Assembly most definitely encouraging.

The fact that I was elected Chairman of the Fourth (Trusteeship) Committee—an honour to New Zealand which could not be refused—added very seriously to the burden placed upon the whole of the New Zealand delegation. We were, naturally, small in number, and, of course, we had to cover exactly the same ground as all other delegations, many of them very much larger. Every member of the delegation worked both hard and well. Mr Thorn, as the New Zealand representative on the Economic and Social Council, assumed the responsibility for all the work of Committees

Two and Three—those Committees to which were allotted subjects emanating from that Council—and also for Committee Five, dealing with matters relating to the budget and administration. Mr J. V. Wilson very ably took a large share of the work and the responsibility for the political and security matters dealt with in Committee One and for the early deliberations of the Committee on Palestine. Mrs Roberts, who won high regard not only in the delegation itself but throughout the Assembly, occupied the New Zealand seat on Committee Three, dealing with social and humanitarian questions; and Mr Brebner, the Consul-General in New York, carried the burden on Committee Six, dealing with legal matters. Dr Sutch on his arrival gave most capable and welcome assistance and advice on the economic side, to which throughout Miss Hampton made a most substantial contribution. The secretarial work of the delegation was in the very capable hands of Mr Webster (who also contributed substantially to the work of Committee Five), and it is due to Mr Webster's ability and very hard work that this onerous and complicated work was carried through without a hitch. Mr Craw and Miss Coates proved of the utmost assistance on very many of the Committees, and I cannot speak too highly of the ability and value of these two officers or indeed of the whole staff of the delegation.

Extracts from the address delivered by the New Zealand delegate during the general debate which opened the meetings of the General Assembly are appended hereto as Appendix I.

The report as presented below is based upon the work of the six main Committees, the Joint Second and Third Committee, and the *Ad Hoc* Committee on Palestine, and for convenience the decisions of the Assembly on the Committee's recommendations are recorded under the Committee headings.

I have the honour to be,

Sir,

You obedient servant,

C. A. BERENDSEN

The Right Honourable the Prime Minister,
Wellington, New Zealand.

II. DELEGATIONS

Delegates to the second regular session of the General Assembly were present from all the fifty-five members of the United Nations. Two new members, Yemen and Pakistan, were subsequently admitted, bringing the total membership to fifty-seven.

The delegation of New Zealand was as follows :—

Delegates—

Sir CARL BERENDSEN, New Zealand Minister to the United States.

Mr J. THORN, High Commissioner for New Zealand in Canada.

Mr J. V. WILSON, Department of External Affairs, Wellington.

Mrs I. E. ROBERTS, New Zealand.

Alternates—

Mr T. O. W. BREBNER, Consul-General for New Zealand, New York.

Dr W. B. SUTCH, New Zealand Permanent Delegation to the Economic and Social Council, New York.

Advisers and Assistants—

Mr C. K. WEBSTER, New Zealand Legation, Washington, D.C.

Mr C. CRAW, Department of External Affairs, Wellington.

Miss I. P. COATES, New Zealand Legation, Washington, D.C.

Miss H. N. HAMPTON, New Zealand Permanent Delegation to the Economic and Social Council, New York.

III. GENERAL COMMITTEE

The election of the President of the General Assembly was completed after two ballots. In the first, the results were as follows : Dr O. Aranha (*Brazil*), 26 ; Dr H. V. Evatt (*Australia*), 23 ; Mr J. Masaryk (*Czechoslovakia*), 6. The second ballot, limited to the two leading candidates, gave the following result : Dr O. Aranha, 29 ; Dr H. V. Evatt, 22 ; invalid votes, 4. Dr O. Aranha was declared President of the second session of the General Assembly.

The representatives of the *United Kingdom*, the *United States*, *China*, *France*, *Mexico*, the *Soviet Union*, and *Cuba* were elected Vice-Presidents.

The General (or Steering) Committee therefore consisted of the President, the seven Vice-Presidents, and the six Chairmen of the main Committees as follows :—

Chairman of Committee 1 : Mr J. BECH (*Luxembourg*).

Chairman of Committee 2 : Mr H. SANTA CRUZ (*Chile*).

Chairman of Committee 3 : Dr O. LANGE (*Poland*).

Chairman of Committee 4 : Sir CARL BERENDSEN (*New Zealand*).

Chairman of Committee 5 : Justice Sir FAZL ALI (*India*).

Chairman of Committee 6 : Mr FARIS EL-KHOURI (*Syria*).

The General Committee held frequent and lengthy meetings in the earlier stages of the Assembly's deliberations and sporadic meetings later as necessity arose. Once again this Committee was unable to resist the temptation to discuss in some detail the substance of the matters the inclusion of which on the Assembly's agenda was actually for the Committee's consideration and recommendation, and this led to what was, in effect, another and an unnecessary "reading" and a substantial waste of time and energy. And again, the General Committee was plagued with a long list of last-minute proposals for additions to the agenda.

Sir Carl Berendsen took the view that this growing practice was highly undesirable and unfair to other members, and stated his intention to vote against all such belated proposals unless substantial reasons could be advanced why the items had not been presented in the normal way and at the prescribed time. He voted accordingly, but all the items proposed were, in fact, included on the agenda.

IV. ELECTIONS

Security Council

Elections were held to replace, as from 1 January, 1948, the retiring members, *Australia*, *Brazil*, and *Poland*. Two member States—*Argentina* and *Canada*—received the necessary two-thirds majority of votes on the first ballot and were elected. Voting for the remaining seat was, in accordance with the Rules, limited to *India* and the *Ukrainian S.S.R.*, which had received the next largest number of votes. Ten subsequent ballots failed to see either of these member States elected.

On the day before the twelfth vote, the representative of *India* announced that that country was prepared to withdraw from the contest. In the twelfth ballot the *Ukrainian S.S.R.* received 35 of the 52 valid votes cast, and was therefore elected.

The membership of the Security Council for 1948 will accordingly be :—

Permanent members : *China*, *France*, the *Soviet Union*, the *United Kingdom*, and the *United States*.

Non-permanent members : *Belgium*, *Colombia*, *Syria* (retiring at the end of 1948), *Argentina*, *Canada*, and the *Ukrainian S.S.R.* (retiring at the end of 1949).

Economic and Social Council

Six members of the Economic and Social Council (*Cuba*, *Czechoslovakia*, *India*, *Norway*, the *Soviet Union*, and *United Kingdom*) were due to retire at the end of 1947, but were eligible for re-election. The first ballot to fill the six vacancies resulted in the election of *Brazil*, *Denmark*, the *Soviet Union*, and *United Kingdom*. The second ballot resulted in the election of *Australia*. Two further ballots were necessary before *Poland* received the required majority for election to the Economic and Social Council, which will comprise, as from 1 January, 1948, the following members :—

Canada, *Chile*, *China*, *France*, *Netherlands*, and *Peru* (retiring at end of 1948).

Byelo-Russia, *Lebanon*, *New Zealand*, *Turkey*, *United States*, and *Venezuela* (retiring at end of 1949).

Australia, *Brazil*, *Denmark*, *Poland*, *Soviet Union*, and *United Kingdom* (retiring at end of 1950).

Trusteeship Council

At the second part of the first session of the General Assembly, the Trusteeship Council was composed of—

Administering members : *Australia, Belgium, France, New Zealand, and the United Kingdom.*

Non-administering members : *China, Iraq, Mexico, the Soviet Union, and the United States.*

On 2 April, 1947, the Security Council approved a trusteeship agreement submitted by the United States of America for the strategic trust territory of the Carolines, the Marshalls, and the Marianas, and this agreement was ratified by the United States Government on 8 July, 1947. The United States thereby became an administering member, and two more non-administering countries had therefore to be elected in order to preserve the balance in the Trusteeship Council, as required by the Charter.

General Assembly ballots on 1 October and 20 October proved indecisive, as none of the four countries (the *Philippines, Costa Rica, Norway, and Siam*) which had received most votes at the first ballot secured the necessary two-thirds majority.

On 13 November, however, the *Philippines* received 41 votes on the eighth ballot and was declared elected. Voting for the remaining seat was limited to *Costa Rica* and *Norway*, which had received the second and third highest number of votes on this ballot. When the next ballot also proved indecisive—*Costa Rica* 33, *Norway* 24—the representative of *Norway* announced that in a spirit of co-operation, and to conserve the time of the Assembly, his delegation would withdraw its candidature. In the following ballot, the tenth, *Costa Rica* obtained 46 votes and was declared elected. The *Philippines* and *Costa Rica* were accordingly added to the membership of the Trusteeship Council, and their representatives took their seats at the current meetings of the Council.

Credentials Committee

The General Assembly, in accordance with the provisional Rules of Procedure, appointed representatives of *Chile, Czechoslovakia, Honduras, Iran, the Netherlands, New Zealand, Norway, Siam, and the United Kingdom* to examine the credentials of representatives.

V. FIRST COMMITTEE: POLITICAL AND SECURITY QUESTIONS

Chairman: Mr J. BECH (*Luxembourg*)

Vice-Chairman: Mr A. COSTA DU REIS (*Bolivia*)

Rapporteur: Mr H. KAUFFMANN (*Denmark*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr J. V. WILSON

Mr C. CRAW

Miss I. P. COATES

1. Threats to the Territorial Integrity and Political Independence of Greece

This question was included on the agenda of the General Assembly at the request of the United States. The matter had been before the Security Council since December, 1946, when Greece brought a complaint before the Council that her northern neighbours, Yugoslavia, Albania, and Bulgaria, had been giving aid and assistance to Greek guerrilla forces who were attempting to overthrow the Greek Government. The Security Council despatched a Commission of Investigation to Greece, which decided by a substantial majority that the Greek complaint had been justified. After the departure of the Commission a "subsidiary group" of the Commission was left in Greece which, although denied assistance or co-operation from the Yugoslav, Albanian, and Bulgarian Governments, found evidence of continued assistance to the guerrillas by nationals of those countries.

In the meantime, the Security Council was unable to take any action owing to the repeated exercise of the right of veto by the Soviet Union, which had not subscribed to the majority conclusions of the Investigating Commission's report. Finally, when a resolution asking the General Assembly to recommend action was vetoed, the Council removed the item from its agenda. The effect of this decision, which was of a "procedural" nature and therefore not subject to the veto, was to dissolve the subsidiary group, but at the same time to enable the matter to be brought before the General Assembly.

The First Committee, to which the Greek question was in due course referred by the General Assembly, had before it a resolution submitted by the *United States* whereby the Assembly was asked to

find that Albania, Bulgaria, and Yugoslavia had given assistance to the guerrillas; to call on these three countries to desist from supporting the guerrillas; to call on these countries and Greece to co-operate in the settlement of their disputes by peaceful means; and to establish a Special Committee with headquarters at Salonika to observe their compliance with these recommendations and to assist in implementing them. Subsequently, a contrary resolution was submitted by the *Soviet Union* which laid the blame on Greece and on foreign interference in Greek affairs; called on Greece to put an end to frontier incidents; recommended the withdrawal of foreign troops and military personnel from Greece; and proposed a special commission to guarantee that foreign economic aid to Greece be used solely in the interests of the Greek people.

Representatives of *Albania* and *Bulgaria*, neither of which is a member of the United Nations, asked to participate in the discussions, but as both evaded the request of the Committee that they give an unequivocal undertaking to apply the principles and rules of the Charter in the settlement of the question they were invited merely to make statements and to be available to answer questions, but not to participate on an equal footing with Committee members.

The terms of the two resolutions before the Committee indicate the diametrically opposed views of the major Powers concerning the Greek situation, views which were debated exhaustively and with considerable heat, particularly by the Soviet Union and Yugoslavia on the one hand and the United States and Greece on the other. The *United States*, strongly backed by the *United Kingdom*, *Belgium*, and others, upheld the conclusions of the Commission of Investigation. It was argued that the degree of assistance given by Greece's northern neighbours to the Greek guerrillas was unimportant. The point was that both the Commission and the subsidiary group had found that assistance had been given, that the Greek Government was a legal Government resulting from free elections held under international supervision, and therefore that such assistance was an aggressive act and a violation of international law. The situation was an immediate threat to international peace and security and, owing to the failure of the Security Council to act, some action must be taken by the Assembly. British and American military and economic assistance to Greece, which had been represented as interference in Greece's internal affairs, was provided at the request of the Greek Government and was therefore in accordance with international law and practice.

The *Soviet Union* and *Yugoslavia*, on the other hand, went to great pains to illustrate that the Commission's conclusions had not been justified by the evidence presented to it, and, on the contrary, that

the evidence showed conclusively the responsibility of the Greek Government. It was held that many of the witnesses who gave evidence against the northern neighbours were criminals, drunkards, or forced witnesses, an allegation that was not denied on all counts by the members of the Commission, and that the members of the Commission had not been impartial, an allegation that was strongly denied by all but the Slav group. It was charged that the Greek Government was not a legal Government on the grounds that it had been supported against the Greek "democrats" by British troops, and subsequently by American technical and economic aid; that it was infested with former Fascist collaborators; and that it had inaugurated terror and repression, which had forced many thousands of Greek citizens to seek refuge across the borders. The *Albanian* representative, who subscribed to all these arguments, went further by charging Greece with aggressive intentions against his Government. The entire Slav group also argued that the presence of a United Nations Commission on the borders of Greece would be a humiliating and unjustifiable infringement of the national sovereignty of the States concerned. The only point of agreement was that a threatening situation did exist on the northern borders of Greece.

It became apparent as the debate progressed that many delegations, while not disputing the conclusions of the Commission of Investigation, nevertheless doubted the advantage of writing a so-called "guilt clause" into a resolution which contained also a plea for co-operation on the part of Yugoslavia, Albania, and Bulgaria. Certain others, however, in view of the fact that the three countries had already refused to co-operate with the subsidiary group and showed every indication of taking a similar stand with regard to any future United Nations body, felt that a guilt clause was fully justified.

Speaking for the *New Zealand* delegation, Sir Carl Berendsen, while not taking a definite stand on this particular point, emphasized the necessity for immediate action in view of the general agreement that a potential threat to the peace did exist. As the Security Council had, by reason of the veto, been unable to act, it was the obvious duty of the Assembly to do so. It was, he said, clearly not possible for either the First Committee or the Assembly to consider the matter at first hand, and it seemed essential, therefore, for a subsidiary body to be established to replace that constituted by the Security Council.

A strictly neutral attitude was expressed in a *Swedish* resolution calling on the Governments concerned to re-establish normal relations and requesting the Secretary-General to set up a committee to

examine the underlying causes of the present situation in the Balkans and to recommend measures to eliminate the causes of friction. Little attention was, however, paid to the proposal and it received support in the debate only from *Norway* and *Denmark*.

Since there appeared to be a large majority of the Committee in favour of a Special Committee on the lines of the United States proposal, it was proposed by M. Spaak, of *Belgium*, that the Committee should vote first on those parts of the United States resolution requesting the four countries concerned to co-operate in reaching specific agreements for the settlement of their differences and establishing the Special Committee to observe their compliance with these recommendations, leaving the preamble containing the "guilt clause" for later consideration. The legality of this procedure was hotly contested by the *Soviet Union* and its associates, but the majority of the Committee upheld its right to determine its own procedure in as far as it did not contradict the Rules of Procedure. The procedure was admitted to be unusual but not illegal on that score.

The Committee then voted on that part of the resolution (excluding the "guilt clause") paragraph by paragraph, and in each case an average of thirty-four to forty countries (including *New Zealand*) voted in favour, with the *Soviet Union* and its five supporters voting against, and nine or ten countries abstaining. It was proposed that the Special Committee should consist of representatives of *Australia*, *Brazil*, *Mexico*, the *Netherlands*, *Pakistan*, *Poland*, and the five permanent members of the Security Council—*China*, *France*, the *United States*, the *United Kingdom*, and the *Soviet Union*. The Soviet group refused to participate in the election of the Committee, on the grounds that such a Committee would be an infringement of the national sovereignty of the four States concerned and that the procedure by which the Committee was being elected was illegal. The *Soviet Union* and *Poland* also announced their intention to boycott the Special Committee if elected. The proposal for membership was nevertheless approved, on the understanding that seats on the Special Committee would be kept open for these two countries should they decide to co-operate at any time.

Returning to the guilt clause, the Committee eventually adopted an amendment, based on a *French* and a *United Kingdom* proposal, which read: "The General Assembly . . . Taking account of the report of the Commission of Investigation which found by a majority vote that Albania, Bulgaria, and Yugoslavia had given assistance and support to the guerrillas fighting against the Greek Government, calls upon Albania, Bulgaria, and Yugoslavia to do nothing which could furnish aid and assistance to the said guerrillas."

The whole resolution was then approved by 36 votes (including *New Zealand*) to 6 (the Soviet group) with 11 abstentions (the six Arab countries—who made a practice of abstaining on all votes pending the Assembly's decision on Palestine—the three Scandinavian countries, *Afghanistan*, and *India*). The *Swedish* resolution was then withdrawn and the *Soviet* resolution was voted down paragraph by paragraph.

In the General Assembly, after further prolonged debate, the *United States* resolution was finally adopted by an increased majority of 40 to 6 with 11 abstentions, the *Soviet Union* and *Poland* reiterating their intention to boycott the Special Committee, which will be established thirty days after the General Assembly ends.

The resolution, as finally adopted, reads :—

“ 1. WHEREAS

“ The peoples of the United Nations have expressed in the Charter of the United Nations their determination to practice tolerance and to live together in peace with one another as good neighbours and to unite their strength to maintain international peace and security ; and to that end the members of the United Nations have obligated themselves to carry out the purposes and principles of the Charter ;

“ 2. THE GENERAL ASSEMBLY OF THE UNITED NATIONS,

“ HAVING CONSIDERED the record of the Security Council proceedings in connection with the complaint of the Greek Government of 3 December, 1946, including the report submitted by the Commission of Investigation established by the Security Council resolution of 19 December, 1946, and information supplied by the Subsidiary Group of the Commission of Investigation subsequent to the report of the Commission ;

“ 3. TAKING ACCOUNT of the report of the Commission of Investigation which found by a majority vote that Albania, Bulgaria and Yugoslavia had given assistance and support to the guerrillas fighting against the Greek Government ;

“ 4. CALLS UPON Albania, Bulgaria and Yugoslavia to do nothing which could furnish aid and assistance to the said guerrillas ;

“ 5. CALLS UPON Albania, Bulgaria and Yugoslavia on the one hand and Greece on the other to co-operate in the settlement of their disputes by peaceful means, and to that end recommends :

“ (1) That they establish normal diplomatic and good neighbourly relations among themselves as soon as possible ;

“ (2) That they establish frontier conventions providing for effective machinery for the regulation and control of their common frontiers and for the pacific settlement of frontier incidents and disputes ;

“(3) That they co-operate in the settlement of the problems arising out of the presence of refugees in the four States concerned through voluntary repatriation wherever possible and that they take effective measures to prevent the participation of such refugees in political or military activity;

“(4) That they study the practicability of concluding agreements for the voluntary transfer of minorities.

“6. ESTABLISHES a Special Committee :

“(1) To observe the compliance by the four Governments concerned with the foregoing recommendations ;

“(2) To be available to assist the four Governments concerned in the implementation of such recommendations ;

“7. RECOMMENDS that the four Governments concerned co-operate with the Special Committee in enabling it to carry out these functions ;

“8. AUTHORIZES the Special Committee, if in its opinion further consideration of the subject matter of this resolution by the General Assembly prior to its next regular session is necessary for the maintenance of international peace and security, to recommend to the members of the United Nations that a special session of the General Assembly be convoked as a matter of urgency ;

“9. DECIDES that the Special Committee

“SHALL CONSIST of representatives of Australia, Brazil, China, France, Mexico, the Netherlands, Pakistan, the United Kingdom and the United States of America, seats being held open for Poland and the Union of Soviet Socialist Republics ;

“10. SHALL HAVE its principal headquarters in Salonika and with the co-operation of the four Governments concerned shall perform its functions in such places and in the territories of the four States concerned as it may deem appropriate ;

“11. SHALL RENDER a report to the next regular session of the General Assembly and to any prior special session which might be called to consider the subject matter of this resolution, and shall render such interim reports as it may deem appropriate to the Secretary-General for transmission to the members of the Organization ; in any reports to the General Assembly the Special Committee may make such recommendations to the General Assembly as it deems fit ;

“12. SHALL DETERMINE its own procedure, and may establish such sub-committees as it deems necessary ;

“13. SHALL COMMENCE its work within thirty days after the final decision of the General Assembly on this resolution, and shall remain in existence pending a new decision of the General Assembly ;

“14. THE GENERAL ASSEMBLY,

“REQUESTS the Secretary-General to assign to the Special Committee staff adequate to enable it to perform its duties, and to enter into a standing arrangement with each of the four Governments concerned to assure the Special Committee, so far as it may find it necessary to exercise its functions within their territories, of full freedom of movement and all necessary facilities for the performance of its functions.”

2. Measures to be taken against Propaganda and the Inciters of a New War

In a speech before the Assembly on 18 September Mr Vyshinsky (*Soviet Union*) raised the question of what he called the “steadily increasing propaganda of a new war.” The arguments, as well as the tone, of this speech will best be rendered by extracts from it:—

“A furious campaign in the press mainly in the United States press and in the press of the countries obediently following the example of the United States, like Turkey, has been spread for a considerable period of time for the purpose of coaxing public opinion in favour of a new war. All means of psychological influence have been used—newspapers, magazines, radio and films. This propaganda of a new war is being carried on under various flags and pretexts. But no matter how much the flags and pretexts differ, the essence of the whole propaganda remains the same; to justify the furious armament race which is being carried on by the United States, including atomic weapons; to justify the limitless desires of the influential circles in the United States to fulfil the expansionist plans, the keystone of which is a senseless idea of world-domination.

“The war-mongering propagandists try by hook and crook to frighten people poorly versed in politics by the fables and vicious fabrications and slanders about alleged preparations on the part of the Soviet Union to attack the United States. They certainly know only too well that they are telling lies and slanders, that the Soviet Union is not threatening in any way with an attack on any country.

“... military blocs, military agreements on the so-called mutual defence are being formed and concluded, measures for the unification of armaments are being elaborated, and the general headquarters plans for a new war are being worked out. The well-known American radio commentator, Leon Pearson, in his recent statement, had reason to admit that ‘American officers slowly and meticulously prepare themselves for the next world war, in which the adversary will be the Soviet Union.’ This is the way in which the war-mongering propagandists of a new war are acting. Being afraid of a new crisis, they are instigating a new war expecting to remove by such means the approaching menace of collapse and loss of their profits.

“The most active role in the promotion of this propaganda is played by the representatives of American capitalist monopolies, by representatives of the largest enterprises and the leading branches of American industrial, banking and financial groups. These are the groups that have received from the second world war great profits and accumulated vast capital, as was the case in the first world war.”

Among the capitalist monopolies which were the chief target of Mr Vyshinsky's attack were those connected with research in the use of atomic energy, “like Dupont Chemical Trust, Monsanto Chemical Company, Westinghouse Company, General Electric, Standard Oil”; “organs of the American reactionary press, which are in the hands of such newspaper magnates as Morgan, Rockefeller, Ford, Hearst, MacCormack, and others”; and various scientific institutions and universities in the United States. Mr Vyshinsky

also alluded to the anti-Russian attitude of United States Forces in Japan, as evidenced by Mr Vernon Bartlett in the London *News Chronicle*; to various utterances by Mr Churchill, and to "war-mongering" statements in the Turkish press.

Perhaps the most novel feature of the speech was Mr Vyshinsky's citation of the names of eight individuals, including members of Congress, ex-diplomats, and business leaders, and ending with an American delegate to the Assembly—the highly-respected John Foster Dulles.

The following resolution was then moved by Mr Vyshinsky and afterwards referred by the Assembly to the First Committee:—

"1. The United Nations condemn the criminal propaganda for a new war, carried on by reactionary circles in a number of countries and, in particular, in the United States of America, Turkey and Greece, by the dissemination of all types of fabrications through the press, radio, cinema, and public speeches, containing open appeals for aggression against the peace-loving democratic countries.

"2. The United Nations regard the toleration of, and—even more so—support for this type of propaganda for a new war, which will inevitably become the third world war, as a violation of the obligation assumed by the Members of the United Nations whose Charter calls upon them 'to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace' and not to 'endanger international peace and security, and justice' (Article 1, paragraph 2, Article 2, paragraph 3).

"3. The United Nations deem it essential that the Governments of all countries be called upon to prohibit, on pain of criminal penalties, the carrying on of war propaganda in any form, and to take measures with a view to the prevention and suppression of war propaganda as anti-social activity endangering the vital interests and well-being of the peace-loving nations.

"4. The United Nations affirm the necessity for the speediest implementation of the decision taken by the General Assembly on 14 December, 1946, on the reduction of armaments, and the decision of the General Assembly of 24 January, 1946, concerning the exclusion from national armaments of the atomic weapon and all other main types of armaments designed for mass destruction, and considers that the implementation of these decisions is in the interests of all peace-loving nations and would be a most powerful blow at propaganda and the inciters of a new war."

In presenting this proposal in the First Committee, the debate on which was characterized by the most extreme and violent language and gestures by Mr Vyshinsky, Mr Bebler (*Yugoslavia*), and Dr Manuilsky (*Ukrainian S.S.R.*), Mr Vyshinsky repeated and added to his examples of war propaganda, and argued that toleration of such propaganda violated the obligations of member States. False and slanderous allegations were made, he said, that the Soviet Union and the eastern European States were preparing for war against the United

States to establish their world dominion. To prove this point Mr Vyshinsky mentioned a number of books, articles, and speeches and named several personalities, including especially James F. Byrnes (formerly Secretary of State of the United States), whose book "Speaking Frankly" was considered by Mr Vyshinsky to be typical of a "provocative attitude" towards the Soviet Union, and also Secretary of Defence Forrestal.

The intention of the "American reactionaries," he continued, was either to allure by economic aid or to subjugate by force. The United States was seeking to secure the kind of peace it wanted by dollars—through the Truman-Marshall plan—and by power—through its military strength and its monopoly of atomic weapons, which it hoped to keep.

Mr Vyshinsky argued that the legal suppression of war propaganda had nothing to do with freedom of the press and opinion, or democratic rights. A free press in civilized and democratic States did not preclude limitations imposed in the interest of society, public morals, and public discipline; and, in fact, in such countries as the United States, the United Kingdom, France, and others which opposed the Soviet Union proposal, the press was so restricted. Legislation imposing severe punishments was not considered to violate the freedom of the press in cases where the State intervened to protect public morals.

Mr Austin (*United States*), on the other hand, declared that the Soviet proposal demanded suppression and censorship, which were contrary to the principles of the Charter. Compulsion, force, and penalties must not stand in the way of the free expression of views, he said. Besides, he considered that the proper place for full consideration of the rights and responsibilities of the press and of other means of communication was the Conference on Freedom of Information, which was to open in March, 1948. Mr Austin challenged Mr Vyshinsky's charges against several of the persons and publications which he had cited.

Wherever censorship has been proposed, he said, it had always been aimed at the suppression of bad propaganda. However, the power to suppress bad propaganda had often been used to suppress good propaganda. Whenever censorship was established, some kind of Government agency was empowered to determine whether a publication was for the benefit of the people or not. It should be left to the individual himself to form his own opinion of the truth on the basis of a free flow of information. What would become of freedom if it were left to censors all over the world to determine what is war-mongering and who are war-mongers? According to Mr Austin the Soviet Union proposal diverted attention from the

real task before the United Nations, which was to remove the causes of war. The United States would continue its efforts to meet negative and obstructive diplomacy and would co-operate in constructive programmes for peace. He considered that only in that way would the United Nations remove the causes of war, thereby eliminating the fear of war which resulted in the propaganda of which the Soviet Union complained.

In support of the Soviet resolution, Mr Zebrowski (*Poland*) charged that among the various political adventurers in smaller countries to-day were Fascist refugees waiting to offer their services in a war against their own countries and against the Soviet Union. The representative of *Yugoslavia*, Mr Bebler, declared that the extreme right-wing press of the Common Man Front in Italy openly declared that a war against the Soviet Union and the countries of Eastern Europe was desirable. According to Dr Manuilsky (*Ukrainian S.S.R.*), no calls to attack the United States or Turkey could be found in the Soviet press, for any one calling for this in the Soviet Union would be immediately tried and severely punished.

Mr Jan Masaryk (*Czechoslovakia*) wondered if it was asking and hoping too much for some international, universally accepted agreement to eliminate the unconstructive headlines, the inaccurate reporting, and the insidious innuendoes from the press. He was not suggesting interference with the freedom of the press, and the Soviet proposal was not intended so to interfere, he said; it was only asking for concerted action to stop and prevent flagrant abuses.

More than twenty States spoke opposing the Soviet proposal or making reservations to some part of it. These included *Belgium, Bolivia, Brazil, China, Costa Rica, Cuba, the Dominican Republic, Egypt, France, Greece, Guatemala, India, the Netherlands, New Zealand, Panama, the Philippines, Sweden, Syria, Turkey, the Union of South Africa, the United Kingdom, the United States, Uruguay, and Venezuela.*

Mr Hector McNeil (*United Kingdom*) said that he did not pretend that there is no relation between uncontrolled private arms manufacture and war propaganda, but a full discussion on disarmament would doubtless take place at the appropriate time. The Soviet Union had been primarily responsible for the lack of progress on this essential and urgent subject. Asking why the Soviet resolution cited only the United States, Turkey, and Greece, he wondered if bitter intemperate language had not been used in Bulgaria, Egypt, or Moscow as well. Had violent and irresponsible language not been used in the First Committee and in the General Assembly, he asked. The authors of the Soviet resolution, he thought, were more concerned to make political propaganda out of the occasion than to solve the problem which the debate had exposed.

Throughout the Committee discussions the *United States* representative clearly showed his desire that the Committee should limit itself to rejecting the Soviet proposal, without attempting any amendment or substitution. Other representatives, however, considered that some resolution on the subject was called for. Dr Evatt (*Australia*), in particular, insisted that a positive approach was necessary. He felt that the remedy was not the prohibition of propaganda, on pain of criminal penalties, as proposed by the Soviet Union, for this would entail great practical difficulties and might endanger the fundamental right of freedom of expression. Neither was Government control or censorship the remedy. The ideal would be to have many newspapers with full access to news and opinions in their own and other countries so that every responsible view could get a fair hearing.

Dr Evatt then introduced a resolution which covered these points. The *Canadian* representative also introduced a short resolution condemning "all propaganda inciting to aggressive war and civil strife." The *French* representative also introduced a resolution in the same general sense.

Sir Carl Berendsen (*New Zealand*) spoke as follows:—

"The New Zealand delegation considers the resolution propounded by the Soviet Union to be, in the form in which it is presented, wholly unacceptable, and most strongly endorses the point of view in this respect which has been so admirably expressed by the representative of the United States.

"There is, of course, much in the resolution with which neither I nor any other sensible person could think of disagreeing. We are all of us opposed to war-mongering, and with any proper definition of that term we would all of us agree that it behoves every member of the United Nations and every right-thinking person not only to deprecate war-mongering, but to use every possible endeavour to eliminate it.

"But what is it that the delegate of the Soviet Union asks us to accept as 'war-mongering'? And who is it that we are asked to condemn as 'war-mongers'? I think there is some reason to believe that any opposition to Soviet policies is regarded by the Soviet delegation as war-mongering, a conclusion with which they will find very little agreement in this Assembly. And the list of those who are presented to us by Mr Vyshinsky and by other Soviet sources as war-mongers or something similar is obviously such as to call not for agreement, but for derision. I have no intention of going through that list, but let us take, for example, a few of those who have been so distinguished. President Truman, Mr Churchill, Senator Austin, Mr Dulles, and Mr Byrnes are a sufficiently illuminating group. No one who has had the privilege, as I have had, of knowing these gentlemen and their record before the world can possibly believe or have the slightest reason to believe that any one of this group could, by any stretch of imagination or by any perversion of the term 'war-monger,' truthfully be so described. Who is there indeed who would not be proud to have his name associated with that group of peace-loving men?

“Even if the Soviet delegation had proved that they were possessed of substantial evidence of war-mongering in the proper sense of that term, and had this resolution been so worded as to approach directly a solution of the difficulty which we will all agree that true war-mongering would present in these troubled times, or indeed at any time, I venture to suggest to you that not a single one of the delegates of those nations represented at this table who are free to make a decision could possibly have supported this resolution after hearing the language with which it was introduced and supported. And I think we must take note of that language, and the tone of voice and the gestures with which it was used.

“I am not without lengthy experience in international discussion, and I have no hesitation whatever in saying that I have never heard such language as has been used in this and previous discussions at this Assembly by the Soviet delegate, and by some who think with him. I have never expected to hear such language; I hope never to hear it again. It is quite inappropriate to the type of discussion that we are undertaking here, and quite unlikely to assist in any way towards the achievement of the objects and the principles of this great organization. Indeed, such language must be destructive of any such object, and I consider it to be deplorable.

“I am quite sure that had Mr Vyshinsky really wished the proposal which he placed before us to be approved by the Assembly he would never have dreamt of using such language which in itself ensures its own defeat.

“Had our Soviet colleague genuinely expected approval of his proposed resolution, how different would have been his approach. He would have asked in temperate language for explanations. He would have placed the best construction—unless malice should be proved—on the intentions of others. He would have invited comparison with official and press pronouncements in his own country—the exact opposite of the line which, in fact, he did take.

“How, then, should this resolution be disposed of? I have no strong feelings on the matter, provided the resolution is disposed of, and in the right way. If and when the Soviet resolution comes to a vote I shall vote against it—every paragraph—but I cannot entirely share what I understand to be the view of Senator Austin that we should merely vote the Soviet resolution down. We admitted the subject on to the agenda, and in doing so we agreed that it was a matter which could and should be discussed. There are some steps that we might take, not necessarily because of, even perhaps despite, the point of view that has been so intemperately expressed here by Mr Vyskinsky. We must not ignore the difficulty of the problem, the possibility of ‘war-mongering’ in the real sense of that term. It is a serious risk, and it must be treated seriously.

“The New Zealand delegation supports those who attach fundamental importance to freedom of information and of expression, with all the risks that that freedom entails. It agrees entirely with the point of view so admirably expressed by Dr Evatt that the correct way to deal with any abuses of this freedom is to expose them and not to repress them. A thorough examination of what freedom of information should mean in contemporary terms is contemplated at the Conference to be held in March, and in the meantime the New Zealand delegation will support a resolution on the lines of the Australian proposal.”

When the general discussion had been concluded, the representative of *Venezuela* proposed that the various resolutions presented to the Committee should be referred to a sub-committee. A number of delegates doubted the wisdom of this course owing to the incompatible character of the Soviet and other draft resolutions. When the proposal of *Venezuela* was put to the vote it was rejected by 29 votes (including *New Zealand*) to 12 with 12 abstentions. At the final meeting of the Committee a joint resolution was submitted by *Australia*, *Canada*, and *France* in place of their separate resolutions. The resolution finally adopted by the Committee reproduces, with certain minor amendments, the text of the joint resolution. The voting took place on this joint text and on the Soviet draft resolution.

Mr Zebrowski (*Poland*) submitted an amendment to the Soviet resolution to eliminate references to particular countries. Mr Vyshinsky (*Soviet Union*), while declaring that the Soviet delegation considered it proper and necessary to indicate the countries where war propaganda had attained especially large proportions, stated that the Soviet delegation would accept the amendment.

In separate votes the Polish amendment was rejected, as were the second, third, and fourth paragraphs of the original Soviet proposal, and the Chairman then ruled that as a result the Soviet resolution as a whole had been rejected.

Voting followed on the joint resolution paragraph by paragraph, after which, on a roll-call vote, it was unanimously approved as a whole, with slight amendments. The text, as finally adopted, reads :—

“ WHEREAS in the Charter of the United Nations the peoples express their determination to save succeeding generations from the scourge of war, which twice in our lifetime has brought untold sorrow to mankind, and to practice tolerance and live together in peace with one another as good neighbours ; and

“ WHEREAS the Charter also calls for the promotion of universal respect for, and observance of, fundamental freedoms which include freedom of expression, all members having pledged themselves in Article 56 to take joint and separate action for such observance of fundamental freedoms,

“ THE GENERAL ASSEMBLY,

“ 1. CONDEMNES all forms of propaganda, in whatsoever country conducted, which is either designed or likely to provoke or encourage any threat to the peace, breach of the peace, or act of aggression.

“ 2. REQUESTS the Government of each member to take appropriate steps within its constitutional limits :

“ (a) To promote, by all means of publicity and propaganda available to them, friendly relations among nations based upon the Purposes and Principles of the Charter ;

“ (b) To encourage the dissemination of all information designed to give expression to the undoubted desire of all peoples for peace.

“ 3. DIRECTS that this resolution be communicated to the forthcoming Conference on Freedom of Information.”

When Mr Vyshinsky expressed the wish to have it recorded that the first paragraph of the Soviet resolution, in which Greece, Turkey, and the United States were mentioned, had not been voted on, Mr Sarper (*Turkey*) moved that a vote be taken on the Soviet resolution as a whole. The Chairman, however, pointed out that he had already ruled that the Soviet resolution, including the first paragraph, had been rejected. Mr Sarper then stated that he would raise the matter before the General Assembly, but later renounced this intention. When the matter came before the plenary meeting of the Assembly the resolution presented by the Committee was passed unanimously without debate. After its adoption two short statements were made; one by Mr Vyshinsky (*Soviet Union*) pointing out the defects of the resolution in that it did not mention the countries where "war-mongering" was rampant; the other by General Romulo (*Philippines*), who stated that in his country the United States had not "war-mongered," but had "made war" in defence of liberty.

3. Interim Committee of the General Assembly

In his address in plenary session of the General Assembly the *United States* delegate, Mr Marshall, after referring to the complexity of the problems on the agenda of the Assembly and to the General Assembly's definite, though secondary, responsibility in the field of political security, suggested the establishment of a standing Committee of the Assembly to be known as the Interim Committee on Peace and Security to serve until the beginning of the third regular session. A somewhat similar proposal had been made by the Netherlands as early as 1945 before the Executive Committee; at that early stage, however, it was decided that a standing Committee of the Assembly on peace and security was not necessary. The proposed new body, in the opinion of the United States, should not impinge on matters which are the primary responsibility of the Security Council or other bodies, but should have the responsibility of considering situations or disputes likely to impair friendly relations brought to its attention by member States or by the Security Council pursuant to Articles 11 and 14 of the Charter, and it might report thereon to the Assembly or the Council. In addition, the Committee (which would include every member of the United Nations) might recommend the calling of special sessions of the Assembly. At the end of its term it might report on the desirability of permanent establishment.

The proposal, which was, of course, the direct result of the stultification of the Security Council by the use of the veto, received the approval in principle of a substantial majority of delegations,

some of whom, however, advised careful study of the proposal so as to avoid any unnecessary overlapping with the Security Council. The strength of this support undoubtedly derived in large part from a general disillusionment with the manner in which the Security Council had conducted its business in the past year. There was a general feeling that the proposed Interim Committee or "Little Assembly" might do much to repair the damage done to the prestige of the United Nations by the Security Council, which, in the words of the Canadian delegate, "has become frozen in futility and divided by dissension."

The *New Zealand* delegate, Sir Carl Berendsen, in the course of his address to the plenary session, stated that while the Interim Committee would not, of course, remove the principal bar of the veto on action for the formation of a fully effective system of international security, nevertheless the proposal was a vital one, and the United States offer to forgo the use of the veto on matters of peaceful settlement was of great moment to the world, and, if adopted, would mark a magnificent step forward. He pointed out that, in any case where the Security Council had failed to take effective action, then it was not only the right but the bounden duty of the Assembly to take that case under consideration.

Mr Vyshinsky (*Soviet Union*), supported by the representatives of the Slav bloc, was quick to attack the United States proposal, which, in his view, was nothing but a scheme to substitute for, and to by-pass, the Security Council. The functions of the Committee were exactly the same as those of the Security Council. But the functions of the Council could not be transferred to any other organ regardless of the name of that organ, and any attempt to achieve this was a direct and obvious violation of the Charter and was intended to undermine the very basis of the organization.

Other speakers from the Slav countries claimed that the proposed Interim Committee was an attempt to dictate an Anglo-American line of conduct to the other members of the United Nations, that it would be the tool of American expansionist tendencies, and that (in the words of Dr Manuisky, of the *Ukraine*) "the suggested third and intermediate organ would be either a Security Council or perhaps a supplementary Assembly or, as many fear, it will become a branch of the State Department of the United States of America."

In the *General Committee* the *Soviet Union* and *Poland* characterized the proposal as unconstitutional and a violation of the Charter, and therefore asked that this question should be removed from the agenda. Nevertheless, while several members reserved their position on the main issue, the General Committee recommended, by a vote of 12 to 2, that this item should be included in the Assembly's agenda and referred to the First Committee for detailed consideration.

The general debate in the *Political and Security Committee*, which lasted five days, revealed in sharper detail the fundamental opposition of the Soviet Union to the establishment of an Interim Committee. Mr John Foster Dulles, in outlining the *United States* views, stressed the responsibilities with respect to the maintenance of international peace and security conferred upon the General Assembly by the Charter, and, while he recognized the primary responsibility of the Security Council in this regard, he declared that the United States considered it necessary to establish an Interim Committee for study, inquiry, and discussion on behalf of the Assembly in the period between the present session and the third regular session. This Interim Committee, which would be composed of one representative of each member State, would have four major substantive functions :—

(1) The preparatory functions of examining, investigating, and reporting to the next session on matters in relation to the maintenance of international peace and security and friendly relations among nations which might be listed with the Secretary-General for inclusion on the agenda of the next regular session. In an urgent case it could advise the Secretary-General to call a special session.

(2) The “ follow-through ” function of checking on the execution of any recommendations of the Assembly in relation to international peace and security and friendly relations.

(3) To initiate the work necessary to enable the Assembly to make recommendations regarding the general principles of co-operation in the maintenance of international peace, and to initiate the studies required for the purpose of promoting international co-operation in the political field.

(4) To report at the next regular session on the advisability of establishing the Committee on a permanent basis.

It was, he said, the intention of the United States proposal that the Interim Committee should respect fully the primary responsibility of the Security Council for the maintenance of international peace and security. Thus the Committee would not deal with items on the current agenda of the Security Council, nor would it study subjects already under consideration by such bodies as the Atomic Energy Commission.

Furthermore, in order to avoid any question of unconstitutionality, it should be quite clear that the Interim Committee would be only “ an internal organ of the Assembly, similar to others already created to study, report, and recommend to it and not to member States or any organs of the United Nations.”

Of the large number of delegations which gave their general support, several submitted modified versions of the original United States plan. On behalf of the *United Kingdom*, Sir Hartley Shawcross put forward suggestions which tended to limit the functions of the Interim Committee to the following dual role: (i) it would have to make preparatory studies of certain questions for the General Assembly; and (ii) it would also follow up the development of any questions the General Assembly might refer to it. Any decision to take up in the Committee a question concerning the maintenance of peace and security would require a two-thirds majority. Furthermore, the United Kingdom could see no point in the Committee's discussing "the general principles of co-operation in the maintenance of international peace" as proposed by the United States, but, on the other hand, thought the Committee might be given certain budgetary functions such as giving an opinion on proposals involving expenditure, submitted to it by the Secretary-General after consultation with the Advisory Committee on Administrative and Budgetary Questions. (A somewhat similar suggestion had already been made by the New Zealand representative in the Fifth—Administrative and Budgetary—Committee.) Finally, whereas the United States draft resolution on the subject provided that the Interim Committee should have the power "to conduct investigations and appoint commissions of inquiry within the scope of its duties and functions as it may deem useful and necessary," the British plan permitted the Committee to send commissions of inquiry to the territory of a State only with the latter's consent.

Further alterations were suggested by *Argentina* to the effect that the Interim Committee should have power to make recommendations to the Assembly in administrative and trusteeship matters, and by *Canada*, which proposed that the Committee should have full authority to consider and report on situations under Article 35 of the Charter, as well as those within the purview of Article 14. Canada also suggested that the Committee should have two other functions—namely, (a) to consider and report to the Assembly on the implementation of resolutions referred to it by the Assembly; and (b) to consider and report on any item on the provisional agenda of the Assembly. The Interim Committee, however, in accordance with the Canadian amendment, would not assume the very general responsibilities in relation to the study of general principles of co-operation suggested by the United States.

The *Bolivian* delegation suggested that the present session of the Assembly should be divided into two parts, of which the second would be convoked by the President and the Secretary-General at a suitable date. The First (Political and Security) Committee, with

functions and duties similar to those proposed for the Interim Committee by the United States, would meet, if necessary, before the second part of the session, would carry out the Assembly's work in the meantime, and would suggest a date for the summoning of the second part of the session.

The *Soviet Union*, supported by *Byelo-Russia*, *Czechoslovakia*, *Poland*, the *Ukraine*, and *Yugoslavia*, attacked not only the United States proposal, but all alternative proposals and amendments. Claiming that the veto had been used in the Security Council exclusively in the defence of small Powers, Mr Gromyko (*Soviet Union*) attempted to prove that the proposed establishment of the Interim Committee was aimed at a circumvention of the veto in the interests of the Great Powers (other than the Soviet Union), whose aims were contrary to those of the Charter. Furthermore, the Interim Committee would not be a subsidiary organ of the General Assembly, but a principal organ parallel to the Security Council and equal in rank with the General Assembly and with jurisdiction over questions within the sole competence of the Council. The Interim Committee's right to conduct investigations and appoint commissions of inquiry whenever it deemed necessary and useful would not only conflict with those of the Security Council, but would actually be broader than those of the Council as laid down in Article 34, since the Council could investigate disputes or situations only with the specific aim of establishing whether these disputes or situations were likely to endanger the maintenance of international peace and security. Thus, the establishment of the Interim Committee would undermine the United Nations because it would make the task entrusted to the Security Council under the Charter impossible to perform. It was directed against the rule of unanimity between the Great Powers, which was the very basis of the United Nations and without which it could not function. The United States proposal was, in short, "a flagrant violation of the Charter"—an expression with which the members of the Committee became wearily familiar during the debate.

In view of the number of alternative proposals and amendments, the *Australian* delegation proposed the establishment of a sub-committee for the purpose of arriving at an agreed text. This proposal was opposed by the Soviet Union and its supporters as needless. It was, however, decided to set up a sub-committee composed of representatives of fifteen States, including *Czechoslovakia* and the *Soviet Union*. The representatives of these two latter States thereupon declared that, since all the proposals were illegal and quite unacceptable to them, they would be unable to participate in the work of the sub-committee.

On 5 November the full Committee considered the sub-committee's report, which included a compromise draft resolution which read as follows :—

“THE GENERAL ASSEMBLY

“CONSCIOUS of the responsibility specifically conferred upon it by the Charter in relation to matters concerning the maintenance of international peace and security (Articles 11 and 35), the promotion of international co-operation in the political field (Article 13) and the peaceful adjustment of any situations likely to impair the general welfare or friendly relations among nations (Article 14) ;

“DEEMING IT NECESSARY for the effective performance of these duties to establish an Interim Committee to consider and report with its conclusions on such matters to the General Assembly during the period between the closing of the present session and the opening of the next regular session of the General Assembly ;

“RECOGNIZING fully the primary responsibility of the Security Council for prompt and effective action for the maintenance of international peace and security (Article 24),

“RESOLVES THAT

“1. There shall be established, for the period between the closing of the present session and the opening of the next regular session of the General Assembly, an Interim Committee on which each member of the General Assembly shall have the right to appoint one representative.

“2. The Interim Committee, as a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter, shall assist the General Assembly in the performance of its functions by discharging the following duties :—

“(a) To consider and report with its conclusions to the General Assembly on such matters as have been referred to it by the General Assembly ;

“(b) To consider and report with its conclusions to the General Assembly on any dispute or any situation which, in virtue of Articles 11 (2), 14 or 35 of the Charter, has been proposed for inclusion in the agenda of the General Assembly by any member of the United Nations or brought before the General Assembly by the Security Council, provided the Committee previously determines the matter to be both important and requiring preliminary study. Such determinations shall be made by a majority of two-thirds of those present and voting, unless the matter is one referred by the Security Council under Article 11 (2), in which case a simple majority will suffice ;

“(c) To consider, as it deems useful and advisable, and report with its conclusions to the General Assembly on methods to be adopted to give effect to that part of Article 11 (1) which deals with the general principles of co-operation in the maintenance of international peace and security, and to that part of Article 13 (1) (a) which deals with the promotion of international co-operation in the political field ;

“(d) To consider, in connection with any matters under discussion by the Interim Committee, whether occasion may require the summoning of a special session of the General Assembly and, if it deems that such session is required, so to advise the Secretary-General in order that he may obtain the views of members of the United Nations thereon ;

“(e) To conduct investigations and appoint commissions of inquiry within the scope of its duties, as it may deem useful and necessary, provided that decisions to conduct such investigations or inquiries shall be made by a two-thirds majority of the members present and voting. An investigation or inquiry elsewhere than at the headquarters of the United Nations shall not be conducted without the consent of the State or States in whose territory it is to take place ;

“(f) To report to the next regular session of the General Assembly on the advisability of establishing a permanent committee of the General Assembly to perform the duties of the Interim Committee as stated above with any changes considered desirable in the light of experience.

“3. In discharging its duties the Interim Committee shall at all times take into account the responsibilities of the Security Council under the Charter for the maintenance of international peace and security as well as the duties assigned by the Charter or by the General Assembly or by the Security Council to other Councils or to any Committee or commission. The Interim Committee shall not consider any matter of which the Security Council is seized.

“4. Subject to paragraphs 2 (b) and 2 (e) above, the Rules of Procedure of the General Assembly shall, so far as they are applicable, govern the proceedings of the Interim Committee and such sub-committees and commissions as it may set up. The Interim Committee shall, however, have authority to adopt such additional rules as it may deem necessary provided that they are not inconsistent with any of the Rules of Procedure of the General Assembly. The Interim Committee shall be convened by the Secretary-General not later than six weeks following the close of the second regular session of the General Assembly. It shall meet as and when it deems necessary for the conduct of its business.

“5. The Secretary-General shall provide the necessary facilities and assign appropriate staff as required for the work of the Interim Committee, its sub-committees and commissions.”

It will be observed that this resolution clearly lays it down that the Interim Committee is a subsidiary organ of the General Assembly established in accordance with Article 22 of the Charter and that the Committee can only consider a question on the agenda of the General Assembly if it has been previously determined that the matter is important and requires preliminary study, this determination being taken by a two-thirds majority. The two-thirds rule also applies to a decision to conduct investigations or appoint commissions of inquiry. In addition, these inquiries may only be

conducted with the consent of the State or States in whose territory they are to be made. Finally, it should be noted that the last sentence of paragraph 3 guarantees that the Interim Committee will not consider any matter of which the Security Council is seized.

Several delegations (notably those of *Australia* and *Argentina*) had urged in the sub-committee that in order to give the Interim Committee effective power it should be able to adopt decisions by a simple majority, to deal with questions which had been before the Security Council if the latter was unable to reach a decision, and to decide to despatch commissions of inquiry also by a simple majority. The opposition of the majority to these views had led Dr Arce of *Argentina* to declare in the sub-committee that the "Little Assembly" it was now proposed to establish was "a very little Assembly indeed." Nevertheless, all supporters of the principle of the Interim Committee, including those who had wished to broaden its functions, decided to support the sub-committee's text as the only solution likely to secure the requisite majority.

In the general discussion which took place before the proposition was put to the vote, Mr Vyshinsky (*Soviet Union*) made, upon familiar lines, several lengthy and violent attacks upon the resolution adopted by the sub-committee. Mr Dulles (*United States*), Sir Hartley Shawcross (*United Kingdom*) and others, in reply, denied any desire to undermine the principle of unanimity of the Great Powers, although the former expressed his disapproval of the manner in which the Great Powers had taken secret decisions affecting the interests of small Powers without the latter's knowledge. However, a majority of delegations made it clear that they considered the establishment of the Interim Committee as fully constitutional and not in violation of the Charter, and on the draft resolution of the sub-committee being put to the vote it was adopted by 43 votes (including *New Zealand*) with 6 against and 6 abstentions (the Arab States). On the adoption of the resolution, Mr Vyshinsky stated on behalf of the *Soviet Union* that, since the Charter did not provide for the setting-up of an Interim Committee and that the adoption of the proposal violated the provisions of the Charter, the Soviet Union would not take part in the work of the Committee. The representatives of *Byelo-Russia*, *Czechoslovakia*, *Poland*, the *Ukraine*, and *Yugoslavia* also declared that, owing to what they regarded as the illegal nature of the Interim Committee, their Governments could not participate in the Committee's work.

These declarations brought a sharp protest from Dr Evatt (*Australia*), who stated that in actual fact a refusal to take part in the work of the Committee constituted a breach of the Charter. Sir Hartley Shawcross then inquired of Mr Vyshinsky whether he would accept a decision of the International Court of Justice regarding the legality of the establishment of the Interim Committee. Mr Vyshinsky, however, replied that Sir Hartley was attempting to place the International Court, one of the organs of the United Nations, above the organization itself, and further denied that there was anything in the Charter which made it necessary for all States to participate in the work of a subsidiary organ.

4. *Relations of Members of the United Nations with Spain*

The General Assembly, on 12 December, 1946, adopted a resolution condemning the Franco regime, barring it from international agencies and conferences under United Nations auspices, and asking members to recall their chief diplomatic representatives from Madrid. In addition, it was recommended that "if within a reasonable time there is not established a Government which derives its authority from the consent of the governed . . . the Security Council consider the adequate measures to be taken in order to remedy the situation." This resolution had followed earlier resolutions adopted by the United Nations Conference at San Francisco, the Three Great Powers at Potsdam, and by the General Assembly in London.

In the period which had elapsed since the adoption of this resolution, all the members of the United Nations (with the exception of Argentina) which had maintained Ministers or Ambassadors in Madrid withdrew them, but there was a sharp divergence of opinion as to what other effects, if any, had been produced by the resolution. Some speakers, notably Mr Lange (*Poland*), Mr Masaryk (*Czechoslovakia*), Mr Gromyko (*Soviet Union*), and Mr Bebler (*Yugoslavia*), considered that in the eleven months which had passed since the adoption of the resolution the situation in Spain had not changed. In fact, Franco's regime had strengthened its basis by various laws, such as the Law of Succession. The Spanish question was not a domestic matter but an international problem, and non-intervention was just a "pretext" to whitewash the Franco regime. Since no improvement had taken place in the Spanish situation, it was time for the Security Council to act. This action, it was suggested, should take the form of economic sanctions against Spain.

On the other hand, many speakers felt that last year's resolution had, indeed, only resulted in strengthening Franco's regime and that any stronger resolution would not lead to a solution of the Spanish problem, but would rather, in the words of Mr Fahy (*United States*), "provide additional occasions for appeals to the national pride of the Spanish people which would tend to consolidate the Spanish Government of which the United Nations disapproved." There was a strong feeling in the Committee that there was no justification in the Charter for economic sanctions against Spain, which constituted only a latent threat to the peace, and that such sanctions would, in any case, force economic misery on the Spanish people. This group, in the main, considered that the General Assembly should neither retreat nor advance in the matter.

Mr Castro (*El Salvador*) maintained his last year's objections to any action being taken by the United Nations. Proposals for breaking off economic relations and even communications with Spain would amount, in his opinion, to an invitation to civil war in that country. The United Nations, he said, was intended to work for peace and international order, and not to undertake the "ominous task" of spreading ill-will and interfering in the internal affairs of any country.

The draft resolutions submitted to the Committee reflected the views of the various participants in the general discussion. These proposals (and amendments) were as follows:—

(1) A *Polish* resolution recommending to the Security Council that it consider within a month and take adequate measures in conformity with Article 41 of the Charter, in order to remedy the present situation according to the resolution of 12 December, 1946. A *Yugoslav* amendment to this draft sought to insert the words "particularly measures of an economic nature."

(2) A joint resolution submitted by *Cuba, Guatemala, Panama, Mexico, and Uruguay* reaffirmed last year's resolution and expressed confidence that the Security Council would exercise its responsibilities under the Charter "should it consider that the situation in regard to Spain so required."

(3) A joint resolution presented by the delegations of *Belgium, Luxembourg, and the Netherlands* expressed regret that the recommendation to all member States to recall their diplomatic representatives from Madrid "has not been fully applied" and confidence that the Security Council "will exercise its responsibilities for the maintenance of international peace and security as soon as the Spanish situation should require the adoption of measures."

In the interests of obtaining a draft acceptable to the majority of members it was decided to establish a drafting sub-committee composed of representatives who had made proposals or suggested amendments. The sub-committee eventually produced the following text :—

“WHEREAS the Secretary General in his annual report has informed the General Assembly of the steps taken by the States Members of the Organization in pursuance of its recommendations of 12 December, 1946 ;

“THE GENERAL ASSEMBLY,

“REAFFIRMS its resolution adopted on 12 December, 1946, concerning relations of members of the United Nations with Spain, and

“EXPRESSES its confidence that the Security Council will exercise its responsibilities under the Charter as soon as it considers that the situation in regard to Spain so requires.”

Mr Lange (*Poland*), referring to the above draft, stated that his delegation accepted the resolution, although it considered it too weak. Other delegations (including that of the *United States*), however, declared that they were unable to support the second paragraph of the resolution, which reaffirmed the resolution of 12 December, 1946, and would therefore, in effect, call upon the Security Council to consider measures to remedy the situation. To be effective these measures could only be in the form of some kind of economic sanctions, action which many members of the Committee did not desire to see taken against Spain at the present moment.

Sir Alexander Cadogan (*United Kingdom*) pointed out, however, in this connection that paragraph 3 of the resolution gave an interpretation of the previous year's resolution which made the reaffirmation more acceptable. This was also the point of view of the New Zealand delegation, which last year had abstained from voting on the paragraph dealing with future Security Council action.

The resolution was then put to the vote, paragraph by paragraph, with the following results :—

Paragraph 1 was adopted by 38 votes (including *New Zealand*) to 6 with 11 abstentions. Paragraph 2 adopted by 30 votes (including *New Zealand*) to 14 with 11 abstentions. Paragraph 3 was adopted by 37 votes (including *New Zealand*) to 6 with 12 abstentions.

The entire resolution was then approved by 29 votes (including *New Zealand*) to 6 with 20 abstentions.

When the resolution came before the plenary session several speakers appealed for support for the resolution, asking how could a revival of democracy come about in Spain without this “moral pressure.”

The *Byelo-Russian* delegate, reiterating arguments which all the Slav countries had used in the Committee, described Spain as "a power-house of aggression" where Nazism still lived. He accused the United States and the United Kingdom of desiring to avoid sanctions against Spain because of the fact that British and American corporations controlled much of the country's industrial potential.

Mr Castro (*El Salvador*) was again the only speaker openly to oppose the resolution, which he contended was aimed at making Spain "swing to the left," adding that "to try and bring about civil war in Spain is a form of war propaganda."

When the resolution was put to the vote paragraphs 1 and 3 were accepted, but paragraph 2 was rejected (after a roll-call vote had failed to obtain the necessary two-thirds majority) by 29 votes (including *New Zealand*) in favour, 16 against, and 8 abstentions.

The remainder of the resolution was then adopted by a vote of 36 votes (including *New Zealand*) to 5 with 12 abstentions.

5. *Treatment of Indians in the Union of South Africa*

The General Assembly at the second part of its first regular session adopted a resolution which, after taking note of the complaint of the Government of India with regard to the treatment of Indians in South Africa, stated that friendly relations between the two States, which had been impaired because of that treatment, were likely to be impaired further unless a satisfactory settlement was reached; expressed the opinion that the treatment of the Indians should be in conformity with the terms of the agreements concluded between the two Governments and with the relevant provisions of the Charter; and requested the two Governments to report to the next General Assembly on the measures adopted to this effect.

In September, 1947, both Governments submitted reports on the developments which had taken place after the adoption of the resolution. These reports revealed that, in spite of several attempts at negotiation, the situation had, if anything, become more serious.

The Government of *India*, in its report, claimed that the Union Government had completely ignored the General Assembly resolution not only by taking no action to implement its provisions, but also by refusing to agree to India's request that the terms of the resolution should be accepted as a basis of discussion. The *South African* Government, in their report, made it clear that they still considered the whole question as essentially one of domestic jurisdiction with which consequently the Assembly had no competence to deal. The Union Government went on to state that no progress had been

made towards the settlement of the differences between the two Governments because the Indian Government had insisted upon the acceptance by South Africa of "a condemnation said to be implied in the resolution of the Assembly" and because the Indian Government had continued their policy of economic sanctions.

The *First Committee* devoted seven meetings to the question, the discussion centring (as at the last session), around the two main questions: whether the racial policies of the South African Government contravene the provisions of the Charter dealing with fundamental human rights and freedoms; and whether there existed between India and South Africa international engagements of a kind to invalidate the plea of the South African Government that the treatment of Indians in South Africa was a matter essentially of domestic jurisdiction.

The Question of Discrimination

The *Indian* representative (Mrs Pandit) made several strongly worded attacks upon the policies of the South African Government which she said should be condemned as repugnant to the Charter. The political, social, and economic status of non-Europeans had been "dwarfed and stunted," and the South African Government apparently intended that condition to continue. South Africa contended that "human rights and fundamental freedoms" comprise only a limited category of rights so fundamental as to be the concern of the society of nations. But the Charter stated clearly that the right of any individual, man or woman, not to be treated differently by reason of race, language, or religion, is a fundamental human right.

Mr Lawrence (*South Africa*) denied that South African legislation did infringe upon fundamental human rights. It was based not on racial superiority or inferiority, but on racial distinction. The former was a violation of the Charter, whereas distinctions of a racial character were not all undesirable and were even necessary for a better understanding of human rights. The different races living in South Africa preferred to be separated and the lifting of residential restrictions, for instance, would only result in greater friction and animosities. A majority of speakers, however, contended that the Union Government had been guilty of discriminatory legislation not only against the Indians, but also against the native population of South Africa. The delegates of the *Soviet Union* and *Yugoslavia* compared South Africa's discriminatory legislation to that of Nazi Germany and claimed that the South African Government, in defending their country's policy, were justifying the "Fascist theories of racial hatred" which constituted a potential danger to the world.

In a speech notable for its moderation (and in this connection it may be mentioned that the whole debate was less emotional in tone than last year's discussions), Sir Zafrullah Khan (*Pakistan*) stated that the South African representative had confused measures for the protection of minorities with discriminatory measures. It was obvious that minorities must be protected, but discriminatory measures which placed minorities at a disadvantage were contrary to human rights.

Domestic Jurisdiction

A majority in the Committee were of the opinion that the matter was not one essentially of domestic jurisdiction, because, as they pointed out, the situation had acquired definite international significance. Several instances were cited of cases which had, owing to special circumstances, ceased to be a purely domestic question and assumed an international character. The Sudeten German case was given as an example of this.

On the other hand, a number of speakers considered that, since the question involved legal points of the highest importance, the International Court of Justice should be asked to give an opinion on the matter. The *New Zealand* representative (Sir Carl Berendsen) said that he did not wish to deal with the merits of the case and was therefore intervening neither on behalf of India nor South Africa. The point to be decided was the legal question whether the matter was essentially one of domestic jurisdiction, and that should be settled by an authorized judicial organ. Furthermore, India's claim that international agreements were not being carried out was denied by South Africa, on the ground that the declarations in question (those of 1927 and 1932) were not, properly speaking, international agreements. This was another legal question which should be solved judicially before the General Assembly took action. Grave doubt existed as to the legal capacity of the Assembly in this case, and, in the circumstances, substantive decisions should not be made. In view of all these considerations it was, in the opinion of the New Zealand representative, the clear duty of the Committee to recommend that the Assembly refer the legal problems to the International Court of Justice.

In spite of the fact that many speakers agreed with this attitude, the Committee generally were not in favour of referring the problem to the International Court of Justice, even though the Assembly had adopted a resolution recognizing the need for the greater use of the Court.

At the conclusion of the general debate the Committee had before it several draft resolutions :—

(1) An *Indian* resolution which reaffirmed last year's resolution ; expressed regret " at the refusal by the Government of the Union of South Africa to accept the implementation of the resolution of the General Assembly dated 8 December, 1946, as a basis of discussion with the Government of India and at its failure to take any other steps for such implementation " ; requested the two Governments to discuss the treatment of Indians at a round-table conference without any further delay ; and invited Pakistan to take part in these discussions. To this resolution several amendments were offered. India accepted a *Mexican* amendment which deleted from the draft the paragraph which implied a condemnation of South Africa. A *Norwegian* amendment to the Indian draft resolution called upon the two Governments to suspend all retaliatory action and to enter into a round-table conference on the basis of the agreements concluded between them and their obligations under the Charter. In the event of failure to reach an agreement, they should submit to the International Court of Justice the question of the extent of their obligations under these agreements and under the Charter provisions.

(2) A draft resolution submitted jointly by the delegations of *Belgium*, *Brazil*, and *Denmark* stated that it was above all necessary that the International Court of Justice should clarify the legal position concerning the rights and obligations of the two States concerned, and suggested the submission of the entire question to the Court should the two parties fail to reach an agreement through direct negotiations.

(3) The delegation of *Iraq* submitted a resolution requesting all member States to act in accordance with the principles contained in the Charter in regard to " human rights and fundamental freedom for all, without distinction as to race, sex, language, or religion." This resolution was eventually withdrawn by the Iraq representative, who explained that he accepted the view expressed by several delegations that the adoption of the resolution was unnecessary because of its general scope and the fact that a similar resolution had been adopted last year.

(4) *Cuba* submitted a resolution recommending that the parties to the dispute should engage immediately in direct negotiations, and that if these negotiations failed recourse, should be made to mediation, conciliation, arbitration, judicial settlement, or other pacific means they might select.

(5) Lastly, *Colombia* proposed the establishment of a sub-committee which would examine, in consultation with the delegations of India, Pakistan, and the Union of South Africa, the basis on which negotiations for the settlement of the dispute could be initiated.

After the rejection of the Colombian resolution by a vote of 26 (including *New Zealand*) to 13 with 8 abstentions, and the Norwegian amendment to the Indian resolution by a vote of 27 to 8 with 12 abstentions, the Indian resolution was voted on paragraph by paragraph and then adopted as a whole by 29 votes in favour, 15 against, with 5 abstentions. *New Zealand* opposed the adoption of this resolution because of the view consistently held and expressed that the International Court of Justice should be requested to examine the complex legal problem involved.

The Cuban resolution was then withdrawn, but the joint resolution was voted upon and rejected by 24 votes to 18 (including *New Zealand*) with 6 abstentions.

When the report of the First Committee on the treatment of Indians in the Union of South Africa was considered in *plenary session*, *Belgium*, *Brazil*, *Cuba*, *Denmark*, and *Norway* proposed a draft resolution couched in somewhat similar terms to the previous joint resolution. This proposal called upon the Governments of India, Pakistan, and South Africa to have recourse to the International Court of Justice in the event of the failure of their efforts at negotiation. A large number of speakers reiterated the arguments adduced during the Committee stage. Mr Lawrence (*South Africa*) raised the question of the competence of the General Assembly in the matter, but declared that as an earnest of good will he would vote for the joint draft resolution. Mrs Pandit (*India*) attacked the joint resolution as an invitation to South Africa to delay negotiations in order to appeal to the International Court of Justice, and called for the adoption of the resolution approved by the First Committee, stating that the real issue was one of a challenge to the dignity and respect of her country.

On being put to the vote the resolution of the First Committee was rejected by 31 in favour and 19 against (including *New Zealand*) with 6 abstentions (a two-thirds majority being required for adoption).

The joint resolution was also rejected by a vote of 24 in favour (including *New Zealand*) and 29 against with 3 abstentions.

The *Indian* delegation then submitted a new draft resolution on the subject, but after some discussion as to the appropriateness of such a procedure the resolution was withdrawn.

Consequently, the final position was that no resolution was adopted by the General Assembly on this subject.

6. *Application of Article 27 of the Charter*

The Committee had again on its agenda the question of the exercise of the veto, the subject coming up under two items :—

(1) Convocation of a general conference under Article 109 of the Charter to amend the privilege of the veto (item proposed by the delegation of *Argentina*).

(2) Resolution of the second part of the first session of the General Assembly in relation to the exercise of the veto in the Security Council and the extent to which the recommendations contained in that resolution have been carried out (item proposed by the delegation of *Australia*).

China also submitted a proposal designed to bring about “an improvement in the practice of the Security Council by the method of procedural revision in full harmony with the spirit and letter of the Charter.” This document proposed that the General Assembly should resolve as follows :—

“A. To recommend to the Security Council to consider as procedural matters and therefore subject to Article 27 (2) :

“1. The question whether a given question brought before the Security Council is a situation or a dispute ;

“2. The question whether or not a member of the Security Council is, in relation to any matter under consideration by the Council, a party to a dispute in connection with any such matter and is thereby required under the Charter to abstain from voting thereon ;

“3. The fixing of conditions under which a State not a member of the United Nations may become a party to the Statute of the International Court of Justice under Article 93 of the Charter ;

“4. A request to the International Court of Justice to give an advisory opinion on any legal question or any legal aspect of a situation or a dispute brought before the Security Council.

“B. To recommend to the five permanent members of the Security Council to amplify the Sponsoring Governments’ Statement issued at San Francisco by adding to it a declaration that the five permanent members, one and all, waive the right of invoking the application of Article 27 (3) in all proceedings arising under Chapter VI of the Charter on pacific settlement of disputes ;

“C. To declare (in a separate resolution) that whenever the Security Council, in dealing with any question brought before it, fails to adopt a resolution voted for by a majority of seven or more members, including four of the permanent members, the members constituting such a majority may request the Secretary General to convoke a special session of the Assembly for the consideration of the question ; that such a request shall be considered to have the same force as a request of the Security Council in accordance with Rule 3 of the Provisional Rules of Procedure of the General Assembly ; and that the Secretary General shall forthwith convoke such a special session ; provided the same question has been removed from the agenda of the Security Council.”

The *United States* delegation, taking into account the fact that the Committee had spent so much time on such controversial matters as Greece, Korea, and the Interim Committee, felt that it would be impossible adequately to discuss the question of the veto at the present session of the General Assembly, and therefore proposed that the question of voting procedure in the Security Council be referred to the Interim Committee of the Assembly for its consideration and consultation with a committee of the Security Council, and for report to the next session of the General Assembly. Secondly, they proposed that the permanent members of the Security Council be invited to consult with one another on the problem of voting in the Security Council.

A general discussion, however, took place in the Committee not only on the proposal to refer the question to the Interim Committee, but also on the substance of the question of the voting procedure in the Security Council.

Mr Dulles (*United States*) pointed out that the problem presented great difficulties and there was no time at present to study it thoroughly. Accordingly it would be advisable to refer the question to the Interim Committee. Nevertheless, he wished to indicate the position of the United States on various points involved. It was certain that measures taken by the Council in virtue of Chapter VII ("action with respect to threats to the peace," &c.) should, as a matter of principle, be subject to stringent voting requirements, since the power of action in this respect was so vast and so subject to considerations of national policy and expediency that it required such unanimity in order that action could fairly be said to reflect the judgment of the overwhelming majority of the world community. The present voting procedure was calculated to protect the minority against a possible arbitrary majority. On the other hand, broadly speaking, it did not appear that the rule of unanimity of the permanent members was required, on considerations of principle, to apply to recommendations made under Chapter VI (peaceful settlements of disputes) or to organizational matters, including the admission of new members. The United States did not consider that the Five Power statement made at San Francisco on 7 June, 1945, was a treaty binding it for all time, and consequently did not feel debarred from seeking some means of improving the voting procedure in the Security Council. The present procedure could undoubtedly be made more flexible in many respects without modifying the voting rules laid down in Article 27, and the United States therefore supported a careful study of the whole problem.

The representative of the *Soviet Union* (Mr Gromyko) opposed the reference of the question to the Interim Committee because, in his opinion, the question had been placed on the agenda in an artificial

manner and should accordingly be removed, and, in any case, the Interim Committee was an illegal organ. On the substance of the matter, after referring to the fact that the overwhelming majority at the last Assembly had refused to "follow the lead of the hot-heads who demanded the abolition or at least a limitation of the veto," he stated that those who criticized the principle of unanimity should realize that abolition of the veto would "mean the end of the United Nations, untie the hands of the aggressors, and pave the way for a new war." The assertion that the Soviet Union had abused the veto right in the Security Council was utterly untrue, since in every case the Soviet Union had used its veto right in order to prevent the majority of the Council, above all the United States, from taking decisions contrary to the Charter. Dr Manuilsky (*Ukrainian S.S.R.*) supported the representative of the Soviet Union, contending that in each of the cases when the Soviet Union had employed the veto it had done so in order to protect the interests of small Powers.

Sir Hartley Shawcross (*United Kingdom*) considered that the veto had been used as a result of lack of confidence, and that its use, in turn, diminished confidence. He agreed with the United States delegate that the Interim Committee could examine the existing rules with a view to liberalizing definitions and procedures, but considered that the potentialities of this body should not be over-estimated, for this was a question primarily for the Security Council and especially for the permanent members. Perhaps also something could be achieved through a "gentleman's agreement" as the United Kingdom had suggested in the previous year.

Sir Carl Berendsen had, like most speakers, expressed the views of the *New Zealand* Government on the question of the veto in his opening speech to the plenary session. A copy of this speech is to be found in Appendix I to this report.

When the *United States* resolution was put to the vote it was adopted by 36 votes (including *New Zealand*) to 6 with 11 abstentions. Both the *Argentine* and *Chinese* proposals were withdrawn, since the United States resolution provided for the study of these resolutions by the Interim Committee.

When the resolution thus approved by the *First Committee* came before the plenary session the representative of the *Soviet Union* renewed the attack upon the proposal. Mr Vyshinsky, in an address lasting over an hour and a half, said that States which considered Article 27 of the Charter objectionable should, after having signed the Charter, remain faithful to its provisions rather than struggle against the principle of unanimity and thereby attempt to undermine the very foundations of the Organization. The Soviet Union was becoming impatient at the continued attacks on the veto by its

uncompromising enemies, but it would continue to use the veto whenever it considered such action necessary.

Mr Dulles (*United States*) stated that he was glad that the Assembly had not wished to make a definitive pronouncement on the subject at its present session, and looked forward to a careful study of the matter by the Interim Committee. He issued a warning, however, that since no question had engaged public attention more than the veto there must be no support for attempts to suppress discussion, which would only cause the problem to flare up in other directions.

The resolution, which was then adopted by a vote of 38 in favour (including *New Zealand*), 6 against, and 11 abstentions, reads as follows :—

“THE GENERAL ASSEMBLY, in the exercise of its power to make recommendations relating to the powers and functions of any organs of the United Nations (Article 10 of the Charter) :

“REQUESTS the Interim Committee of the General Assembly, in accordance with paragraph 2 (a) of the resolution of the General Assembly of 13 November, 1947, establishing that Committee, to :

“1. Consider the problem of voting in the Security Council, taking into account all proposals which have been or may be submitted by members of the United Nations to the second session of the General Assembly or to the Interim Committee ;

“2. Consult with any committee which the Security Council may designate to co-operate with the Interim Committee in the study of the problem ;

“3. Report, with its conclusions, to the third session of the General Assembly, the report to be transmitted to the Secretary General not later than 15 July, 1948, and by the Secretary General to the Member States and to the General Assembly ;

“REQUESTS the permanent members of the Security Council to consult with one another on the problem of voting in the Security Council in order to secure agreement among them on measures to ensure the prompt and effective exercise by the Security Council of its functions.”

7. Admission of New Members to the United Nations

There were four aspects of this item which were debated in the *First Committee* :—

(a) Approval of the admission of Yemen and Pakistan as recommended by the Security Council.

(b) Consideration of the failure of the Security Council to recommend the admission of the eleven other States which had applied for admission.

(c) Rules governing the admission of new members, recommended by the Committee of the General Assembly which was established at the previous regular session of the Assembly to confer with a similar Committee of the Security Council on this subject.

(d) Protection of the rights of the General Assembly in relation to the admission of new members.

(a) The admission of Yemen and Pakistan was unanimously approved by the First Committee and the General Assembly. There was, however, some discussion of a question raised by Argentina regarding the legal position of India and Pakistan as members of the United Nations arising from the partition of India. The representative of *Argentina* felt that both dominions were new States and questioned the justice of India's retaining the status of a foundation member, whereas Pakistan had been obliged to go through all the formal processes of admission. He therefore moved that both States should be regarded as having been admitted on 15 August, 1946, the date on which the two States achieved their independence. After some discussion the delegation of *Australia* submitted a motion, which was adopted, approving the admission of Yemen and Pakistan (and therefore respecting the situation as it existed) and, at the suggestion of *Chile*, added a motion that the legal principle involved should be referred to the Sixth (Legal) Committee for consideration in case a similar situation should arise at any time in the future. The *Sixth Committee* subsequently reported that (i) as a general rule, it is in conformity with legal principles to presume that a State which is a member of the United Nations does not cease to be a member simply because its constitution or its frontiers have been subjected to changes, and that the extinction of the State as a legal personality recognized in the international order must be shown before its rights and obligations can be considered thereby to have ceased to exist; (ii) when the new State is created, whatever may be the territory and the populations which it comprises, and whether or not they formed part of a State member of the United Nations, it cannot, under the system of the Charter, claim the status of a member of the United Nations unless it has been formally admitted as such in conformity with the provisions of the Charter; (iii) beyond that, each case must be judged according to its merits.

(b) The Committee also considered the failure of the Security Council to recommend the admission of eleven other States, five of which—Albania, Eire, Outer Mongolia, Portugal, and Transjordan—had been referred back to the Security Council for re-examination by the previous regular session of the General Assembly. The six other applicants—Austria, Bulgaria, Finland, Hungary, Italy, and Roumania—had applied and been rejected since the Assembly's previous resolution.

In the Security Council, nine of the eleven members had supported the admission of Eire, Finland, Italy, Portugal, and Transjordan, but no recommendation was made owing to the opposition of the Soviet Union, which, as a permanent member with the right of veto, was thus in a position to block a recommendation. The applications of Albania, Bulgaria, Hungary, Roumania, and Outer Mongolia had, on the other hand, failed to obtain a majority.

As regards Italy and Finland, the representatives of the Soviet Union, supported by those of Poland, had stated in the Council that they regarded the qualifications of these two States for membership as satisfactory, but that they could not support them unless the applications of the other ex-enemy States—Bulgaria, Hungary, and Roumania—were also approved by the Council. The argument was that the signatory Powers of the Potsdam Agreement—the United States, the United Kingdom, and the Soviet Union—had undertaken to support the applications of all these States for membership when the peace treaties had entered into force, and all these countries should therefore be admitted together without discrimination. The counter-argument, advanced by the United States, the United Kingdom, and Australia, was that the pertinent provisions of the Potsdam Agreement and the peace treaties merely “enable” or “make it possible for” the three Powers to support applications from the ex-enemy States, but did not bind them to do so. Each Government was accordingly free to approve or disapprove each application in the light of the applicant’s qualifications for membership under Article 4 of the Charter.

There was some criticism in the First Committee of the Soviet attitude in respect of Finland and Italy, and a *Belgian* resolution, one of eight to be finally approved, proposed that the International Court of Justice be asked for an advisory opinion on the question of whether a member of the United Nations is juridically entitled to make its consent to an admission dependent on conditions not expressly prescribed by paragraph 1 of Article 4 (which states that membership is open to peace-loving States which accept the obligations contained in the Charter, and, in the judgment of the Organization, are able and willing to carry out their obligations), and also whether such a member, while recognizing the conditions set forth in that provision to be fulfilled by the State concerned, can subject its affirmative vote to the additional condition that other States be admitted to membership in the United Nations together with that State.

There was also a general feeling of frustration and exasperation at the frequent exercise of the veto by the Soviet Union. It was felt that the authors of the Charter had not intended the unanimity provisions to apply in this connection, and during the debate the other four permanent members of the Council—the *United States*, the *United Kingdom*, *France*, and *China*—all stated their readiness to abandon their privilege with regard to recommending applicants for membership. The *Soviet Union* representative, however, stated that his delegation did not intend to adopt the same attitude.

Certain delegations, led by *Argentina*, argued that the Assembly was within its rights in deciding to admit those applicants which had received the support of a majority in the Security Council, on the grounds that, in the terms of paragraph 2 of Article 4, the “decision” on admission rested with the General Assembly, whereas the Security Council had power only to “recommend.” This view was rejected by the majority, which, nevertheless, while considering the Argentine contention legally inadmissible, felt that some positive steps should be taken to show the Assembly’s dissatisfaction at the manner in which the Security Council had dealt with the applications before it, and to indicate the Assembly’s attitude to individual applications.

Several resolutions were introduced, the broadest being a *Swedish* motion that all eleven applications should be reconsidered by the Security Council “in the light of the principle of universality of the United Nations.” This was rejected on the grounds that, while universality was desirable, Article 4 of the Charter lays down specific qualifications for membership which must be fulfilled. The Committee, however, considered that Eire, Portugal, Transjordan, Italy, Finland, and Austria did fulfil these qualifications, and separate resolutions were adopted in respect of each of these applicants. The resolutions noted that a majority of the Security Council had approved the country in question for membership, that in the opinion of the Assembly that country was peace-loving and able and willing to carry out its obligations under the Charter, and requested the Security Council to reconsider the application in the light of the Assembly’s resolution. The resolutions in respect of Italy and Transjordan also contained a provision that the Council should reconsider the application before the end of the present session of the General Assembly. New Zealand supported all these resolutions, with the exception of that relating to Austria, on which the New Zealand delegation abstained on the grounds that Austria was still an occupied country and no peace treaty had yet been signed.

The eighth resolution to be adopted by the Committee was a *Polish* proposal requesting the five permanent members of the Security Council to consult together on pending applications for membership in order to try to reach agreement among themselves.

The final Assembly votes on all these resolutions were as follows : (1) *on reference to the International Court*—40 in favour, 8 against, 2 abstentions ; (2) *on Eire*—43 in favour, 8 against, 1 abstention ; (3) *on Portugal*—40 in favour, 9 against, 3 abstentions ; (4) *on Transjordan*—44 in favour, 8 against ; (5) *on Italy*—43 in favour, 8 against, 1 abstention ; (6) *on Finland*—44 in favour, 8 against ; (7) *on Austria*—43 in favour, 8 against, 1 abstention (*New Zealand*) ; (8) *on consultation by the permanent members of the Security Council*—46 in favour, 1 against, 5 abstentions.

In accordance with the resolutions in respect of Italy and Transjordan, the Security Council did reconsider these applications before the end of the session, but the Soviet Union maintained its previous attitude and the reconsideration therefore produced no results. The Security Council thereupon decided to postpone further consideration of these two applications to allow consultation among the permanent members.

(c) The report of the General Assembly Committee on rules governing the admission of new members contained four new rules which had been agreed upon in conjunction with the Security Council Committee, all of which were adopted by the First Committee and the General Assembly. The most important of these secured the right of the Assembly, if the Security Council does not recommend an applicant State for membership or postpones consideration of the application, to give full consideration to the report of the Security Council and send back the application to the Security Council, together with a full record of the discussion in the Assembly, for further consideration and recommendation or report.

(d) The representative of *Australia* withdrew the item proposed by his delegation concerning the protection of the rights of the General Assembly in relation to the admission of new members, on the grounds that, by adopting the eight resolutions referred to in (b) above, the Assembly had already fully asserted its rights.

8. *Revision of Peace Treaty with Italy*

The *Argentine* Government proposed that the General Assembly should discuss the question of the revision of the peace treaty with Italy. Accordingly, they moved the adoption of a resolution containing "suggestions to the countries concerned with the peace treaty with Italy." This draft resolution, after noting that the

“people of Italy did not take up arms against the Allies,” referring to the economic problems of the country as a result of overpopulation and the loss of overseas possessions, and recognizing the contributions made by Italy to the “scientific, literary, and artistic development of occidental civilization,” called upon the Assembly to “recommend to the member States that signed the Peace Treaty with Italy that Italy be given an opportunity to present new observations and suggestions which would tend to lessen the obligations that the treaty has imposed on her and which have to be met by her people.”

In the General Committee the *Soviet Union* objected to the inclusion on the agenda of this proposal, which was characterized as “groundless” and “serving no purpose.” Article 107 of the Charter left no doubt that the General Assembly was not competent to deal with the question. Several delegations affirmed that the General Assembly was certainly competent to consider the matter, whatever view might be taken of the expediency of so doing. The *United States* representative said that his Government had never concealed its dissatisfaction with the treaty and therefore would support discussion of the Argentine proposal. Other speakers (including Sir Carl Berendsen) thought it unwise to attempt revision of a treaty which had been ratified only forty-eight hours before and on which the ink was not yet dry, and stated that, although they would not oppose the inclusion of the item on the agenda, they would not support it.

The item was eventually included in the agenda, but when it came up for discussion in the First Committee the representative of *Argentina* withdrew his proposal and consequently no further discussion took place on the subject.

9. Korea

In the course of his opening address to the General Assembly, the *United States* delegate (Mr Marshall) recalled the Cairo Declaration of December, 1943, in which the United States, the United Kingdom, and China had joined in declaring that, in due course, Korea should become free and independent. This multilateral pledge had been reaffirmed in the Potsdam Declaration of July, 1945, and subscribed to by Russia when it entered the war against Japan. In Moscow, in December, 1945, the Foreign Ministers of the Soviet Union, the United Kingdom, and the United States had concluded an agreement (later adhered to by China) designed to bring about the independence of Korea. This agreement provided for the establishment in Korea of a Joint United States - Soviet Union Commission to consult with Korean democratic bodies and organizations and to decide on

methods for establishing a provisional Korean Government. The proposals of the Joint Commission, following consultation with the provisional Korean Government, were to be submitted to the four participating Powers to permit the working-out of a four-Power trusteeship for Korea for a period of up to five years. The United States Government had been trying to reach agreement with the Soviet Government through the Joint Commission, and otherwise, for about two years, but without success. To-day the independence of Korea was no further advanced than it was two years ago, and, in addition, Korea had become divided at the thirty-eighth parallel with little or no exchange of goods or services between the two zones. The Korean people, who are not former enemies but a people liberated from forty years of Japanese oppression, were still not free. The United States Government believed that further attempts to solve the Korean problem by means of bilateral negotiations would serve only to delay the establishment of an independent united Korea, and thus intended to present the problem of Korean independence to this session of the Assembly.

When the Political Committee commenced the discussion of the Korean question it had before it a draft resolution submitted by the United States recommending the holding by the occupying Powers of elections in their respective zones not later than 31 March, 1948, under the observation of the United Nations, the establishing of a national Government of Korea in accordance with a procedure prescribed in an annex to the resolution, and the setting-up of a United Nations Temporary Commission on Korea to be present in Korea during the elections, to be available for consultation, and to make any recommendations that it may wish concerning further United Nations action in maintaining the independence of Korea. In presenting his resolution the *United States* delegate (Mr John Foster Dulles) referred to the fact that after the Korean matter had been placed on the agenda of the General Assembly the chief Soviet delegate on the Joint Commission in Korea had made a statement to the effect that the Koreans should be afforded an opportunity of forming a Government without Allied aid and after the withdrawal of American and Soviet troops.

It seemed clear, therefore, and this was subsequently confirmed in the Committee debate, that both the United States and the Soviet Union had abandoned the provision in the Moscow Agreement for trusteeship, which had proved so unpopular with the Koreans, whether in the north or in the south.

In the ensuing discussion the *Soviet Union* representative (Mr Gromyko) outlined the Soviet position. His delegation, he said, believed that the problem of Korea was not within the competence

of the United Nations and was a question to be decided by the States concerned. He held that the dispute could still be settled on the basis of the Moscow Agreement of December, 1945, but as the question had been admitted to the agenda of the Assembly he would formally bring forward the Soviet proposal for a simultaneous evacuation of troops. He said that the Joint Commission had been set up to consult with Korean democratic political parties and social organizations, but that the Commission had been unable to come to an agreement as to what parties and organizations were to be consulted, and in this connection the Soviet Government believed that the United States had failed to abide by the provisions of the Moscow Agreement. He later presented two draft resolutions: one proposing the participation of the elected representatives of the Korean people in the Committee's discussions, and the other proposing the withdrawal of American and Soviet troops from Korea at the beginning of 1948.

The Committee discussed first the Soviet resolution dealing with the participation of the Koreans in the Committee's discussions, and the *United States* representative submitted an amendment to the Soviet resolution in which it was proposed to establish a United Nations Temporary Commission in order to facilitate and expedite participation by the Koreans in the consideration of the question. While the principle of consultation with the Korean people was thus freely admitted, there was considerable divergence as to method. As the United States amendment raised the substantive issue of the appointment of a United Nations Commission for Korea, substantive issues were discussed by the Committee at this stage, and in the course of this discussion the *New Zealand* representative, Sir Carl Berendsen, said, after referring to the procedural difficulties:—

“In the long-run an agreed solution of the difficulties that do admittedly exist in Korea does depend on the agreement of two only of the Allied Powers principally concerned I will say at once that if I have to choose between the United States proposal and the alternative, as I understand it, offered by the Soviet Union—namely, between the United States proposal for elections leading to the independence of Korea and the ultimate removal of all troops, supervised by a United Nations body, and the Soviet proposal of the immediate withdrawal of troops and an election without such supervision—I should unhesitatingly choose the former course, though I must add that I question, and question seriously, the advisability of establishing such a rigid, and particularly such an early, time-limit as the 31st March next. And I agree with previous speakers that the inevitable result of the course suggested by the Soviet Union would, from the information available to me, lead not to a solution, but to chaos and disorder, and would not be calculated to achieve what all are desirous of seeing, a united and independent Korea.

“ But must we accept either of those proposals ? I am not at all sure that we must. Quite clearly this matter falls within what would be the natural purview of the peace arrangements with Japan . . . But if that would involve too great a delay, or if there are other objections to such a course which I do not for the moment see, then I have another suggestion to offer . . . that having regard to the fact that this is an extremely complicated and difficult question to decide, on which not more than two of the members of this Committee are or can be properly informed, it might not be wise to make an urgent decision on anything beyond the establishment and despatch to Korea of a United Nations Commission with the primary object, in the meantime, of ascertaining how best to consult, or even of actually consulting, the Koreans on all aspects of the problem, and that we might, with propriety (perhaps after ascertaining the special views of the eleven combatant Powers primarily concerned), offer all other aspects of this matter as one of the first tasks to be entrusted to the Interim Committee of the Assembly, if and when it is decided to establish such an Interim Committee. Such a course would give time for a proper and careful consideration of all the numerous problems involved.”

Upon the defeat, as impracticable, of a *Byelo-Russian* amendment to the effect that the Korean representatives should be invited to take part in the discussions in the First Committee and in the plenary meetings of the current Assembly, the representatives of the *Soviet Union*, the *Ukraine*, *Czechoslovakia*, *Yugoslavia*, and *Poland* stated that as the Korean question could not be discussed without the participation of the Korean representatives they would be unable to take part in the voting on the United States amendment. The latter amendment was then adopted by 41 votes (including *New Zealand*) to none with 7 abstentions. The *Soviet Union* then moved that the examination of the Korean question be deferred, but this was rejected by 33 votes (including *New Zealand*) to 6 with 12 abstentions. The Committee then resumed its general debate on the substantive draft resolutions of the United States and the Soviet Union, the United States having presented a revised version of its resolution, taking into account the fact that their amendment setting up the Commission had already been adopted.

The *Soviet Union* representative compared conditions in the two Korean zones. Elections had taken place, landless peasants had been given land, and labour and social laws had been promulgated in the Northern Zone. In Southern Korea there was no labour legislation, peasants subsisted on a low standard of living, and terror was developing against democratic leaders and organizations. Calling Mr Gromyko's picture of Southern Korea “fantastic,” Mr Dulles (*United States*) replied that the debate showed why the United States - Soviet Commission on Korea had reached no result ; the same kind of argument had gone on in Korea for almost two years.

Amendments were proposed by the *Philippines* (stressing the necessity of avoiding unilateral action and intervention in Korea), *India* (proposing to delete the provision that the elections should be held by the occupying Powers), and *China* (proposing consultation between the Commission and the Korean National Government when formed). The *Soviet Union* resolution providing for the simultaneous withdrawal of troops was rejected by 20 votes (including *New Zealand*) to 6 with 7 abstentions, and as a consequence the representatives of the *Soviet Union* and associated Powers declared that since the Koreans were not to participate in the discussion of the question they would be unable to take part in the voting on the resolution. All the amendments to the *United States* resolution were thereupon carried, and the resolution as a whole was adopted by 46 votes (including *New Zealand*) to none with 4 abstentions. The representative of the *Ukraine* stated that although his country had been named as a member of the United Nations Temporary Commission on Korea it would be unable to take part in the work of the Commission.

The resolution finally adopted by the Committee was as follows :—

“ THE PROBLEM OF THE INDEPENDENCE OF KOREA

“ I.

“ INASMUCH as the Korean question which is before the General Assembly is primarily a matter for the Korean people itself and concerns its freedom and independence ; and

“ RECOGNIZING that this question cannot be correctly and fairly resolved without the participation of representatives of the indigenous population ;

“ THE GENERAL ASSEMBLY

“ 1. RESOLVES that elected representatives of the Korean people be invited to take part in the consideration of the question ;

“ 2. FURTHER resolves that in order to facilitate and expedite such participation and to observe that the Korean representatives are in fact duly elected by the Korean people and not mere appointees from military authorities in Korea, there be forthwith established a United Nations Temporary Commission on Korea, to be present in Korea, with right to travel, observe and consult throughout Korea.

“ II.

“ THE GENERAL ASSEMBLY,

“ RECOGNIZING the urgent and rightful claims to independence of the people of Korea ;

“ BELIEVING that the national independence of Korea should be re-established and all occupying forces then withdrawn at the earliest practicable date ;

“ RECALLING its previous conclusion that the freedom and independence of the Korean people cannot be correctly or fairly resolved without the participation of representatives of the Korean people,

and its decision to establish a United Nations Temporary Commission on Korea (hereinafter called the 'Commission') for the purpose of facilitating and expediting such participation by elected representatives of the Korean people :

" 1. DECIDES that the Commission shall consist of representatives of Australia, Canada, China, El Salvador, France, India, the Philippines, Syria, Ukrainian Soviet Socialist Republic ;

" 2. RECOMMENDS that the elections be held not later than 31 March, 1948, on the basis of adult suffrage and by secret ballot to choose representatives with whom the Commission may consult regarding the prompt attainment of the freedom and independence of the Korean people and which representatives, constituting a National Assembly, may establish a National Government of Korea. The number of representatives from each voting area or zone should be proportionate to the population and the elections should be under the observation of the Commission ;

" 3. FURTHER RECOMMENDS that as soon as possible after the election the National Assembly should convene and form a National Government and notify the Commission of its formation ;

" 4. FURTHER RECOMMENDS that immediately upon the establishment of a National Government that Government should, in consultation with the Commission (a) constitute its own national security forces and dissolve all military or semi-military formations not included therein ; (b) take over the functions of government from the military commands and civilian authorities of north and south Korea ; and (c) arrange with the occupying Powers for the complete withdrawal from Korea of their armed forces as early as practicable and if possible within ninety days ;

" 5. RESOLVES that the Commission shall facilitate and expedite the fulfilment of the foregoing programme for the attainment of the national independence of Korea and withdrawal of occupying forces, taking into account its observations and consultations in Korea. The Commission shall report, with its conclusions, to the General Assembly and may consult with the Interim Committee (if one be established) with respect to the application of this resolution in the light of developments ;

" 6. CALLS upon the member States concerned to afford every assistance and facility to the Commission in the fulfilment of its responsibilities.

" 7. CALLS upon all members of the United Nations to refrain from interfering in the affairs of the Korean people during the interim period preparatory to the establishment of Korean independence, except in pursuance of the decisions of the General Assembly ; and thereafter, to refrain completely from any and all acts derogatory to the independence and sovereignty of Korea."

No new issues were raised in the plenary session of the General Assembly, which passed this resolution by 43 votes to none with 6 abstentions, the *Soviet Union* and its associates taking no part in the voting. *New Zealand* voted with the majority in all cases.

VI. SECOND COMMITTEE: ECONOMIC AND FINANCIAL QUESTIONS

Chairman: Mr HERNAN SANTA CRUZ (*Chile*)

Vice-Chairman: Dr C. L. PATIJN (*Netherlands*)

Rapporteur: Mr JOSEPH HANC (*Czechoslovakia*)

New Zealand Representatives

Mr J. THORN

Dr W. B. SUTCH

Miss H. N. HAMPTON

General Discussion

General discussion in the Economic and Financial Committee crystallized around the following headings: Committee on European Economic Co-operation, including the "Marshall Plan"; the need for development and reconstruction in several areas of the world; post-UNRRA relief; the necessity for regular economic reporting; food shortages; and the work of the Economic and Social Council in general.

Committee on European Economic Co-operation

The representative of *Poland* opened the debate on Chapter II of the report of the Economic and Social Council¹ and explained that Poland had not participated in the Paris Conference of sixteen European countries to deal with reconstruction, but his country nevertheless was fulfilling the main aims of the reconstruction programme proposed by that Conference. His country has not been represented, because the organizational arrangements suggested had given predominance to the inviting Powers, and Germany had been given priority over areas the Germans had devastated. During the debate this view was developed and expanded.

The representative of the *United Kingdom* said that the economies of eastern and western Europe were interdependent. If, however, the Paris Conference had not included delegates from eastern European countries, the responsibility could not be laid fairly at

¹ Document A/382.

the door of the western European countries. He did not consider that there had been any exclusiveness in the aims underlying the Paris Conference, or that the Conference had by-passed the United Nations. There was no question, he added, of giving priority to the reconstruction of Germany, but it would not be politic to allow Germany to remain a slum.

The representative of the *Soviet Union* said that German foreign relations should be controlled by the Allied Control Council, and not by the separate control authorities. The Marshall Plan itself had aggravated differences in the political relations between nations, and, since the United States might face an economic crisis if it did not grant financial assistance abroad, from an internal point of view the United States attitude on the Marshall Plan was not disinterested.

The representative of *Byelo-Russia* criticized the Marshall Plan on the ground that it had by-passed the Economic Commission for Europe, which was a United Nations organ. The *Yugoslav* representative also agreed with this view.

The representative of *Sweden* justified the Paris Conference because of its temporary nature, but added that further multilateral action of a similar character should be taken within the framework of the United Nations.

The respective representatives of *Belgium* and the *Netherlands* each hoped that the Economic Commission for Europe, which was an organ of the United Nations, would, in future, play a more important part in European Economic Co-operation.

The representative of *New Zealand* (Mr J. Thorn) said he did not consider that the Marshall Plan had by-passed the United Nations. It was competent for any group of nations to get together for economic co-operation so long as this did not harm other countries nor cut across the United Nations Charter.

The representative of *Canada*, in stressing the advantages of multi-lateral trade, supported the ideas behind the Paris Conference, and said that the Marshall Plan, though outside the framework of the United Nations, was better than no action at all.

The representative of the *United States* said that the Marshall Plan was a constructive step, and regretted that certain countries had not taken part. He did not accept the view that the United States had set certain conditions in the Marshall Plan which were contrary to the Charter. He thought also that the German economy must be improved because the lag in German production was too great for the good of Europe.

Need for Development and Reconstruction

At the March, 1947, meeting of the Economic and Social Council a resolution¹ on employment and economic development proposed by New Zealand was carried. This resolution requested the Economic and Employment Commission to report on methods of using the world's resources to promote higher standards of living, more particularly in undeveloped and under-developed areas.

This subject was again raised by several delegates, who stressed the importance of aid to under-developed or under-industrialized areas. This was the view of the representatives of *Argentina, China, Egypt, India, Liberia, Mexico, Pakistan, Peru, and the Philippines.*

Post-UNRRA Relief Needs

On the question of post-UNRRA relief, the representative of *Yugoslavia* said that, despite the report of the Special Technical Committee on Post-UNRRA Relief² Poland, Hungary, and Yugoslavia had received no aid, for political reasons. This view was also that of the delegates of the *Soviet Union and Poland*, the latter expressing disapproval of what they regarded as the failure of certain member Governments to carry out the intentions of the resolution (48 (i)) of the General Assembly.

The representative of the *United States* said that his Government had a large programme of assistance to foreign countries in the form either of long-term credits or of outright contributions, and that American economic strength had not been used to extend its power or its property abroad. The United States was being condemned for refusing support in some cases and for having offered it in others.

Economic Commissions for Regional Areas

Much of the Committee's time was taken up in discussing the possible establishment of an Economic Commission for the Middle East. This arose out of the decision of the Economic and Social Council to set up an *ad hoc* Committee to study the factors involved in setting up a Regional Economic Commission for Latin America. The *Latin American* countries favoured this, and the *Middle Eastern* countries supported them because they wanted a Middle Eastern Economic Commission for themselves. These groups also had the support of *Australia*.

The representative of *Siam* said that non-self-governing territories should be permitted to take part in the work of Economic Commissions, particularly that for Asia and the Far East. The device of associate membership, in his view, should be welcomed.

¹ Document E/403.

² Document E/269.

Necessity for Regular Economic Reports

The representatives of *Poland* and *Australia* each spoke on the need for regular economic reporting. This, too, was part of the subject-matter of the New Zealand resolution passed at the March, 1947, meeting of the Economic and Social Council. The representative of *Poland* said that the Economic and Social Council and the Secretariat together should undertake to present periodically an integrated picture of world economy, and to make recommendations. *Australia* proposed a resolution whereby the Council would review current economic conditions and trends systematically and the Secretariat would prepare factual surveys and analyses to assist the Council, its Commissions, and sub-commissions.

Food Shortages

The question of food shortages was discussed by the delegate of *India*, who said there should be no restriction on the production of basic foodstuffs until the world was free from want. He suggested that the proposed World Food Council should be responsible for commercial agreements governing articles of food, while the International Trade Organization should deal with all others.

On the invitation of the Chairman, the *Director-General of the Food and Agriculture Organization*, Sir John Boyd Orr, addressed the Committee on the serious shortage of food. He called for a combined operation on a world scale to provide food without consideration of political and ideological differences.

Economic and Social Council Work

Several delegates, when discussing the work of the Economic and Social Council, suggested that it had been somewhat pre-occupied with organizational questions and had not made much progress with projects of a substantive nature. This view was that of *Australia*, *Belgium*, *Czechoslovakia*, and *France*.

The work of the Council was supported by the representative of the *United States*, who said that it had taken steps to co-ordinate international economic activities and that some of the difficulties of the Council, its organs, and the Secretariat were partly due to the slowness with which Governments themselves responded to requests for appointments or information. He felt that the General Assembly should not make the Council's work more difficult by giving it detailed instructions.

The delegate of *New Zealand* (Mr J. Thorn) said that his country had a particular interest in the work of the Economic and Social Council. New Zealand was dependent for its prosperity on the conditions of overseas markets and was therefore materially interested

in the rehabilitation of devastated areas, in economic development, and in the establishment and maintenance of prosperity everywhere. He thought that the Economic and Social Council had perhaps attempted too much, but it had done its best in extremely difficult circumstances, and he was confident that if the political situation did not deteriorate the United Nations would be safeguarded and strengthened more by the Economic and Social Council than by any other organ of the United Nations.

Discussion on the Resolutions

At the end of the general debate the Committee considered resolutions submitted on Chapter II of the report of the Economic and Social Council¹. *Australia* and *Poland* jointly moved a motion on world economic conditions and trends, recommending that the Economic and Social Council survey current world conditions and trends annually in the light of its responsibility under Article 55 of the Charter to promote the solution of international economic problems, higher standards of living, full employment, and conditions of economic and social progress and development. The resolution asked for an analysis of the major dislocations of needs and supplies in the world economy and for recommendations as to the appropriate measures to be taken by the General Assembly, the members of the United Nations, and the specialized agencies concerned. It further requested the Secretary-General to assist the Council by providing factual surveys and analyses of world economic conditions and trends. There was substantial unanimity of opinion on the necessity for such reports and analyses, which in the first draft of the resolution were to be made at yearly intervals. At *New Zealand's* suggestion the additional phrase "and at such other intervals as may be considered necessary" was included in the resolution passed. This resolution was supported by *New Zealand* and subsequently adopted by the Assembly.

Next discussed was the *Polish* resolution calling for member States to make use of the machinery of the United Nations in settling fundamental international economic problems, advising member States not to establish for such purposes any machinery outside the United Nations, and recommending that in fulfilment of Article 64 of the Charter the Secretary-General report annually to the Economic and Social Council and that he report to the General Assembly on steps taken by the member Governments to give effect to the recommendations of the Economic and Social Council, as well as to the recommendations on matters falling within its competence made by the General Assembly. The second part of the

¹ Document A/382.

resolution relating to the Secretary-General's reports to the Council was adopted by the Committee, but the first part recommending that machinery not be established outside the United Nations for settling fundamental international economic problems was rejected, *New Zealand* voting with the majority. Part of the reason for this rejection was that many delegations felt that there was room for settlement of international economic problems by agreement among nations without reference to United Nations machinery. Also, though this intention was disavowed by the mover of the resolution, it was felt by a majority of delegates that this part of the resolution implied a condemnation of the Marshall Plan. This resolution was subsequently adopted by the Assembly.

In connection with consideration of the Economic Commission for Asia and the Far East, the *Soviet Union* delegation moved a resolution that the membership of this Economic Commission should include all the other countries of Asia and the Far East which are members of the United Nations and which do not belong to any of the existing regional economic commissions. This would have included Middle Eastern countries, but not Turkey. The Soviet resolution also proposed a revision of the decision of the Economic and Social Council concerning the procedure for inviting non-self-governing territories to work with the Commission. The intention of this was that the Commission, on the basis of the applications lodged directly with the Commission by these territories in Asia and the Far East, could then decide the question of inviting them to take part in the work of the Commission as associate members without the right to vote.

The *United Kingdom* opposed the Soviet resolution as far as the United Kingdom colonies were concerned, on the ground that the constitutional position of non-self-governing territories embodied a consultative procedure between them and the United Kingdom whereby any of their wishes in international affairs could be worked out and transmitted through the Foreign Office or Colonial Office ; and as far as the Charter was concerned there was a doubt whether it allowed the Commission power to decide the question of admitting non-self-governing territories. The *United Kingdom* representative also referred to measures being taken to improve conditions in and the status of colonial territories. It appeared, however, that those in favour of the resolution were concerned more particularly with French and Dutch possessions in the Far East. For example, the *Indian* representative raised the question of Viet Nam and Indonesia. He doubted whether the metropolitan Powers in these respective cases would agree to send on any application to join the Economic Commission for Asia and the Far East, should a constitutional obstacle keep them out.

The *Netherlands* representative maintained that the juridical and constitutional position would prevent Indonesia, for example, from making direct application for admission to any subsidiary organ of the United Nations, but neither the *Netherlands* nor the *French* representative answered the queries raised in regard to Viet Nam or Indonesia.

The *Yugoslav* representative said that as the world was continually in a state of transition we could not base conclusions on the constitutional position alone. He instanced the case of Indonesia, and also the precedent of the United States taking up arms to obtain its independence, despite the legal and constitutional position.

On this resolution several delegations felt sympathetically inclined towards some of the colonial territories at least. The voting on paragraph I of the resolution was 17 for, 24 against, with 14 abstentions, that on paragraph II being 13 for, 19 against, and 14 abstentions. The *Middle Eastern* States voted in each case for the resolution; *New Zealand* voted with the majority.

The question of an Economic Commission for the Middle East led to several days of discussion. The *Egyptian* delegate had moved a resolution noting that the Economic and Social Council, as the result of a resolution moved by New Zealand, was studying the general problems of regional commissions and that, in particular, the Commission for Latin America was being studied. Referring to the fact that collaboration between countries of the Middle East would help to raise the level of their economic activities and standard of living, the motion affirmed that close co-operation between the United Nations and the Arab League would facilitate this. The resolution therefore invited the Economic and Social Council to study the establishment of an Economic Commission for the Middle East.

In the discussion which followed, the Middle Eastern States members of the *Arab League* strongly advanced the view that an Economic Commission for the Middle East should be set up, and suggested that the Arab League itself might be part of the administrative mechanism of such a Commission. However, non-Arab-League Middle Eastern States such as *Ethiopia*, *Iran*, and *Turkey* had strong misgivings about any reference to the Arab League in the discussion. Other delegations, including *New Zealand*, had reservations concerning the establishment of Economic Regional Commissions before the whole question of such Commissions had been thoroughly examined. The United Nations organizations, on the whole, had been established on a functional basis to deal with all the countries of the world, and the setting up of Regional Commissions might cause administrative overlapping and short-sighted

policies. None of the Great Powers was enthusiastic about the idea of a Regional Commission for the Middle East. However, it was evident that the Middle Eastern and Latin American countries formed a majority on this question, and it was also evident that the political position of the Arab League raised difficult questions of voting for the major Powers concerned. Amendments to the Egyptian resolution were presented by the representatives of the *Soviet Union*, *Lebanon*, the *United States*, and *Canada*. The *Egyptian* representative then put forward a substitute resolution covering most of the points in these amendments. Further, this revised resolution included a paragraph referring to the proposal for the establishment of an Economic Commission for Latin America, and stated that this proposal had a favourable reception in the Economic and Social Council.

The representative of the *Soviet Union* questioned the admissibility of this reference to an Economic Commission for Latin America because it was not a matter on the agenda. Several delegations had similar doubts, but the Middle Eastern - Latin American countries, which were working together on this subject, were sufficient to carry the point. The *Soviet Union* delegate therefore said that he could not participate in the vote, because the Committee was dealing with something that was not on its agenda. The representatives of the *Ukraine* and *Byelo-Russia* respectively took up the same position.

The representative of *Turkey* moved that the reference to the Arab League in the resolution be deleted. In the voting Turkey received the support of *Australia*, *Ethiopia*, *Iran*, *New Zealand*, *South Africa*, and *Yugoslavia*. *New Zealand* also voted against that part of the resolution which related to the favourable reception given in the Committee to the proposals to set up an Economic Commission for Latin America. The resolution was finally carried without much difficulty and was subsequently adopted in the Assembly.

Then followed a short discussion on consideration of the applications of Italy and Austria for membership in the International Civil Aviation Organization. The representatives of *Belgium*, *Czechoslovakia*, *France*, the *United Kingdom*, the *United States*, the *Soviet Union*, and *Yugoslavia* supported the application of Italy for membership in ICAO. No objection was raised to this application by any representative and it was approved by 40 votes to none with 3 abstentions, and the resolution was subsequently adopted in the Assembly.

On the question of the admission of Austria, the representatives of the *Soviet Union* and *Yugoslavia* considered that Austria could not become a member of the International Civil Aviation Organization, since the control of aviation in Austria was exercised by the four responsible Allied Powers, and in the draft treaty for Austria under

consideration by these Powers there was a special section dealing with the regulation of civil aviation. In these circumstances it would be politically inappropriate for Austria to be admitted to ICAO. The representatives of the *United Kingdom*, *Belgium*, the *United States*, and *France* thought that the admittance of Austria to ICAO would benefit all countries, since Austria would be bound to observe international standards of safety.

The Committee decided by a vote of 30 in favour and 4 against with 8 abstentions to raise no objection to the application of Austria. *New Zealand* and *Czechoslovakia* were among those countries abstaining. This resolution was subsequently adopted by the Assembly.

The last matter was consideration of relief needs after the termination of UNRRA. The discussion was opened by the *New Zealand* representative (Dr W. B. Sutch), who said that UNRRA's activities had been ended too abruptly. In view of the fact that in several countries UNRRA deliveries had constituted the bulk of their imports, the sudden cessation of these supplies had created a major economic problem not only for the countries concerned, but for Europe as a whole, and had aggravated the European dollar shortage. The crisis could partly have been avoided if the United Nations had had the power to tide over the transition period by providing assistance on a progressively diminishing scale. The principal difficulty confronting nations in the matter of relief assistance was not a question of monetary contributions, but the problem of translating monetary contributions into commodity terms. He suggested that the Committee might consider studying the establishment of a United Nations fund which would comprise monetary contributions and try to work out methods of translating such contributions into the food and other supplies still necessary for relief in several countries. He knew that the problem was extremely difficult, but it was worth exploring. The United States, the United Kingdom, and other countries had done a great deal in granting assistance to nations in need, and several countries were continuing to do this. If it was decided that international relief contributions were to be pooled, then any relief given in assisting nations devastated by the war should be given without regard to race, creed, or political belief.

Though the debate was opened on these general lines, it took on a political tinge with a resolution moved by the representative of *Yugoslavia* which reaffirmed the principles already laid down at the 1946 General Assembly that assistance should be given where and when needed and at no time should be used as a political weapon.

The first part of the resolution, which was passed at the second part of the first session of the Assembly, reads :—

“ THE GENERAL ASSEMBLY,

“ Taking note of the UNRRA Council resolution (No. 100) of 16 August, 1946, and of the related resolution adopted by the Economic and Social Council of 3 October, 1946 ;

“ Recognizing that certain countries will need financial assistance in 1947 to provide for imports of food and other basic essentials of life ;

“ Taking note that this need for assistance may not, in all cases, be entirely met by international institutions and other public and private agencies available for this purpose ;

“ Recognizing that, in some countries, if such assistance is not provided there will be hunger, privation and suffering during the winter, spring and early summer of next year ;

“ Taking note of the urgent necessity of meeting this residual relief need promptly, and of the expressed willingness of members of the United Nations to do their part in attaining this end ;

“ Recognizing the desirability of meeting this need without wasteful duplication of effort ;

“ Considering that one of the purposes of the United Nations is to be a centre for harmonizing the actions of nations in the attainment of their common ends, including international co-operation in solving international problems of an economic and humanitarian character ;

“ Reaffirming the principle that at no time should relief supplies be used as a political weapon, and that no discrimination should be made in the distribution of relief supplies because of race, creed, or political belief ;

“ Establishes a Special Technical Committee whose functions shall be :

“ (a) To study the minimum import requirements of the basic essentials of life, particularly food and supplies for agricultural production of countries which the Committee believes might require assistance in the prevention of suffering or of economic retrogression which threatens the supply of these basic essentials ;

“ (b) To survey the means available to each country concerned to finance such imports ;

“ (c) To report concerning the amount of financial assistance which it believes may be required in the light of (a) and (b) above.”

The *Yugoslav* resolution expressed regret that this principle which had been laid down by the General Assembly had not been carried out in a way which fully accorded with the principles and purposes set forth, and called on all member States to adhere in future to the principles thus reasserted.

The *Yugoslav* representative quoted the report of the Special Technical Committee which had studied the need for relief. This Committee had recognized that among the countries in need of

urgent relief assistance were Poland, Hungary, and Yugoslavia. In spite of that recommendation, the United States and the United Kingdom had refused to consider the Yugoslav requirements, thus by-passing and even disregarding the opinion of the Special Technical Committee. He added that Poland and Hungary had been on the list of countries to receive United States assistance until these countries initiated policies with which the United States would not agree. Accordingly he moved the resolution regretting that the principles laid down by the General Assembly for the administration of relief had not been adhered to. The representative of *Poland* associated himself with the views of the representative of Yugoslavia.

The representative of *Czechoslovakia* also felt that there could have been a smoother transition from the emergency pattern to normal international economic activities, and added that it was clear that some nations in Europe had received relief while others equally in need had not got it.

The representative of *Byelo-Russia*, in supporting the Yugoslav resolution, said that relief was being refused to Eastern Europe for political reasons. In fact, the United States was giving assistance to Turkey, which had not suffered during the war, but had itself, as he alleged, given assistance to Germany. Furthermore, in Greece many of the commodities received from UNRRA had been sold on the black market and had not been distributed without regard to political or religious belief.

The representative of the *Soviet Union* stated that the principles on which UNRRA had been based were being replaced by the Truman doctrine, which was inspired by the desire for expansion on the part of American capital. He gave at some length examples of his point of view.

The representatives of *Greece* and *Turkey* replied briefly to the Byelo-Russian accusations, and the representative of the *United States* gave a detailed account of the part played by the United States in giving relief after the cessation of UNRRA supplies. In his view, the greatest need for relief had existed in Austria, Greece, Italy, and the Trieste area, and he said that supplies granted to these places had been furnished to the Governments concerned without reference to race, creed, or political belief of the recipients. Greece was a special case, because the State was threatened not only by chaotic economic conditions, but also by the activities of a militant minority. The United States Government sought no special privileges, and he felt that there was no basis for the Yugoslav resolution.

When put to the vote, the *Yugoslav* draft resolution was rejected by 24 votes to 6 with 12 abstentions, *New Zealand* voting with the majority.

VII. JOINT MEETINGS OF SECOND AND THIRD COMMITTEES

Chairman : Mr HERNAN SANTA CRUZ (*Chile*) and Dr OSCAR LANGE (*Poland*), Chairmen of the Second and Third Committees respectively, occupied the chair of the Joint Second and Third Committee alternately.

Rapporteur : Mr FINN MOE (*Norway*)

New Zealand Representatives

Mr J. THORN

Mrs I. E. ROBERTS

Dr W. B. SUTCH

Miss H. N. HAMPTON

The Committee had referred to it by the Second and Third Committees the following items :—

1. Chapter I of the report of the Economic and Social Council (which relates to organization of the Council and its subsidiary bodies).

2. Chapter IV of that report, relating to specialized agencies and non-governmental organizations.

3. The proposal of the delegation of Argentina to increase the membership of the Economic and Social Council from eighteen members to twenty-four members.

4. Agreements with specialized agencies—

(a) The World Health Organization.

(b) The International Bank for Reconstruction and Development.

(c) The International Monetary Fund.

(d) The Universal Postal Union.

(e) The International Telecommunications Union.

As soon as the Committee commenced its work it dealt with the question of co-ordination between the United Nations, the Economic and Social Council, and the related specialized agencies. There was

brief preliminary discussion of the general principles of co-ordination and the Charter provision for such co-operation. It was pointed out by the *Australian* representative that the Charter provided not merely for co-operation in a matter of machinery and activities, but also for co-ordination of the functions of the specialized agencies. It seemed that the Council had not concerned itself with the latter and more important point, but had left the policies of the specialized agencies to be formulated by the will of the majority of the members.

Delegates referred to the fact that it was proposed during the year to hold three meetings of the Co-ordination Committee, which might evolve towards a general policy between the United Nations and the specialized agencies, as well as provide for the more detailed machinery of co-operation. The representative of *Australia* also said that, because of the interdependence of specialized agencies, as an example of which he cited the Food and Agriculture Organization and the International Trade Organization, both of which must work for contemporaneous agricultural and industrial efficiency in the interests of world economy, the Council during the year and the General Assembly at its next session should examine the working of the agreements with these agencies. The discussion then shifted to more particular consideration of the draft agreements between the United Nations and the International Monetary Fund and the International Bank for Reconstruction and Development. There was general agreement that the draft agreements with the Bank and the Fund were unsatisfactory. The delegate of *Guatemala* referred to the regrettable position which had arisen where delegates of member States at particular technical conferences had approved the text of the agreements, while representatives at the United Nations followed a different course of action. He considered that Governments should be asked to ensure consistency in their attitude towards such matters.

The representative of *Cuba* declared that only States members of the Bank or the Fund were morally entitled to criticize the agreements. This view was not widely supported in the Committee, and the *New Zealand* representative (Dr Sutch), in speaking on the subject, made plain that the New Zealand Government, though not a member of the Bank or the Fund, spoke as a member of the United Nations, and because of that fact was concerned with the link between the Economic and Social Council and the specialized agencies.

This aspect of the matter came up again at a later stage, when the *Soviet Union* delegation criticized what they considered to be the political bias of the Bank in granting a loan to the Netherlands

Government, which money, the Soviet delegation claimed, supported the economy of the Netherlands while they carried on a war in Indonesia.

In general, speakers in this debate could be divided into three groups: first, those who considered that the agreements were so unsatisfactory that they should be resubmitted to the Economic and Social Council for further consideration or should be rejected altogether. Though it was not especially stated in the debate, the *New Zealand* delegation shared these views, as was indicated by New Zealand's subsequent vote in favour of the resolution referring the agreements back to the Economic and Social Council.

The second group considered that, although the Economic and Social Council was in general entitled and enjoined to negotiate agreements with specialized agencies, which would permit the Council to make recommendations to those agencies, the Bank and the Fund should be free of the obligation of carrying out any recommendations of the Economic and Social Council. Those falling in this group were led by the representative of *Norway*, who, while admitting that the agreements were not as satisfactory as the Council or the Assembly could have hoped for, said they were the product of negotiation between the Council's negotiating committee and the representatives of the Bank and the Fund. Moreover, to delay their acceptance could be serious at the present time in that it might impair the ability of the organizations to take part fully in the reconstruction of devastated areas. To this group it seemed that the best solution would be to accept the agreements tentatively and to defer their final approval until such time as the entire question of co-ordination between specialized agencies and the United Nations could be dealt with fully.

A third and very small group, among which were included the *United Kingdom* and the *United States*, said that no discrepancy existed between the agreements and the Charter, and the agreements should accordingly be approved forthwith.

After a very full discussion on this subject the Committee had placed before it three proposals:—

- (a) The proposal of the representative of *Yugoslavia*¹ for the immediate establishment of a sub-committee to consider objections to the draft agreement.

¹ Document A/C 2 and 3/54.

(b) A proposal submitted by the *Soviet Union* to resubmit the draft agreements to the Economic and Social Council for fresh negotiation.

(c) The resolution of the delegation of *Norway*¹, the effect of which was to approve the agreements, but to instruct the Secretary-General to continue his efforts for co-ordination, for a consolidated budget and for common administrative practices, to request the Economic and Social Council to report on the action taken in pursuance of these agreements so that the Assembly might, if necessary, formulate suitable proposals for improved collaboration, and to explore the possibilities of developing standard agreements for specialized agencies; it also recommended that Governments of member nations take measures to ensure consistent policies between the respective delegations to conferences of specialized agencies and to organs of the United Nations.

The proposal of the *Yugoslav* delegation was voted on first and was rejected by 30 votes to 12 with 5 abstentions, *New Zealand* voting for rejection of the proposal.

The *Soviet Union* proposal was rejected by 29 votes to 15 with 12 abstentions, *New Zealand* voting with the minority.

The Chairman then asked the Committee to vote upon the individual agreements. The draft agreements with the International Bank for Reconstruction and Development and the International Monetary Fund² were approved by 39 votes to 4 with 2 abstentions, *New Zealand* voting against acceptance of the agreements. The draft agreements between the United Nations and the Universal Postal Union³ and the International Telecommunications Union⁴ were approved without discussion or vote.

The Chairman announced that he would confer with the Chairman of Committee Five in order to hold a joint session of the two Committees at which would be discussed the general question of co-ordination between the United Nations and the specialized agencies, particularly matters of budgetary and administrative co-ordination, and at which would be considered the Norwegian resolution and any other resolutions which might be put forward dealing with the general matter of co-ordination.

The next item considered was the *Argentine* proposal to increase the membership of the Economic and Social Council from eighteen to twenty-four. In introducing his resolution the representative of

¹ Document A/C.2 and 3/51.
A/347 and A/347/Add. 1.

² Document A/349.
⁴ Documents A/370 and A/370/Add. 1.

³ Documents

Argentina said that he was merely trying to find out whether members of the United Nations favoured increasing the membership of the Economic and Social Council, which consisted of thirteen States sitting in rotation, plus the five permanent Great Powers. As the membership of the United Nations had increased from fifty-four to fifty-seven members during 1947 and this number might be added to and because the tasks of the Council had increased, therefore its membership should increase. The views put forward by Argentina were supported by the representatives of *India* and *Pakistan*, both of whom said that at present Europe and the South-west Pacific were over-represented, whereas Asia and the Middle East did not have sufficient representation on the Council.

The representative of *India* submitted a proposal¹, the effect of which was a system of definite geographical representation as follows :—

	Seats.
(a) <i>Western Europe</i> (United Kingdom, France, Netherlands, Belgium, Luxembourg, Denmark, Norway, Sweden, and Iceland)	3
(b) <i>Eastern Europe</i> (Soviet Union, Ukraine, Byelo-Russia, Czechoslovakia, Poland, Yugoslavia, and Greece) ...	2
(c) <i>Americas</i> (twenty Latin American countries, United States, and Canada)	7
(d) <i>Middle East and Africa</i> (Egypt, Turkey, Lebanon, Liberia, Yemen, Syria, Iraq, South Africa, and Saudi Arabia) ...	3
(e) <i>Asia</i> (China, India, Pakistan, Siam, Afghanistan, and Iran)	2
(f) <i>Australasia and Far East</i> (Australia, New Zealand, and the Philippines)	1
Total	18

On a point of order raised by several delegates that the Indian resolution was not an amendment to the Argentine proposal, the Chairman ruled that, as the Indian proposal must be regarded as a new agenda item, it would require to be submitted to the President of the Assembly for his acceptance.

The discussion then returned to the *Argentine* proposal, which was opposed by the *United States*, *Poland*, *Bolivia*, *Belgium*, *Czechoslovakia*, *China*, and the *Soviet Union*, on the grounds that it was premature

¹ Document A/C 2 and 3/58.

at this stage to consider any change which would require amendment of Article 61 of the Charter. Moreover, it was stated that to enlarge the Council would increase its cost without necessarily adding anything to its efficiency. Several delegates put forward the view that strengthening the powers of the Council would, more than anything else, improve its working.

At this point, at the suggestion of the representative of *Chile*, the *Argentine* representative withdrew his proposal, but said that if put to a vote his proposal would have been accepted by the Committee, and he intended to present it again in 1948.

Relations with and Co-ordination of Specialized Agencies and Work Programmes of the United Nations and Specialized Agencies

The delegations of *Brazil*, *France*, *Greece*, *Lebanon*, *Norway*, and the *United Kingdom* had introduced proposals which involved the co-ordination of the work of several economic and social agencies. As the consideration of these proposals involved the work of the Fifth Committee, it was decided to consider them in conjunction with that Committee.

The United Nations Charter provides that recommendations for the co-ordination of the policies and activities of the specialized agencies shall be made by the Economic and Social Council and the General Assembly. The Charter gives the Economic and Social Council authority to consult with, obtain reports from, and make recommendations to specialized agencies. The General Assembly also has authority to consider and approve any financial and budgetary arrangements with the specialized agencies and can make recommendations to the agencies concerned after examining their administrative budgets.

In the discussion several delegations expressed concern that overlapping might develop among the organs of the United Nations and among the specialized agencies. This would also have the effect of increasing the financial burden of international activities, if active steps toward co-ordination were not taken. They therefore welcomed the combining of the proposals of the various delegations into one draft resolution covering all matters under discussion. The resolution calls on members to take measures to ensure on the national level a co-ordinated policy for the respective delegations to the United Nations and different specialized agencies, in order that full co-operation may be achieved; members are asked to instruct their representatives on the specialized agencies to ensure that

reports, programmes, and budgetary estimates are transmitted to the Secretary-General before 1 July of the preceding year, in order that the budgetary estimates in particular may be transmitted to the General Assembly in time for its consideration. The resolution also asks the specialized agencies to present reports on their activities, their programmes of operations, and their budgetary estimates. Thus the specialized agencies and member Governments themselves are enjoined to assist, at least in mechanical steps, toward co-ordination of policies.

The resolution further requests the Secretary-General to prepare a report to the Economic and Social Council and the third regular session of the General Assembly on—

(a) Measures for achieving greater uniformity in budget presentation.

(b) A schedule of meetings for the fiscal year of the specialized agencies.

(c) The feasibility of improved budgetary co-ordination for the United Nations and specialized agencies.

Several delegations, including those of *Belgium*, *Egypt*, and the *Soviet Union*, were opposed to any consolidation of budgets or even of consideration of such consolidation. The view of *Norway*, *Brazil*, and other sponsors of the resolution, a view shared by the *New Zealand* delegate, was that every effort should be made at least to examine the possibility of co-ordinating budgets. The *Norwegian* delegate stressed that contributions to international agencies were a drain on foreign exchange, and if any country wanted to save funds it would tend to cut its contributions to the specialized agencies rather than to the United Nations. If, however, the budgets were considered as a whole, then some priorities might be established and any economies that were necessary would then be made most effectively. The *Czechoslovak* delegate said that, as relations with specialized agencies were still in a formative stage, the Committee should not hasten to establish the type of supervision that might be required.

Discussion on this resolution was a most important indication of the desire of the delegates to ensure that all activities of the international agencies were co-ordinated and that overlapping would not develop. The resolution, as revised, was adopted by 43 votes to none with 1 abstention.

All the resolutions proposed by this Committee were in due course approved by the General Assembly.

VIII. THIRD COMMITTEE : SOCIAL, HUMANITARIAN, AND CULTURAL QUESTIONS

Chairman : Dr OSCAR LANGE (*Poland*)

Vice-Chairman : Mr A. D. WILSON (*Liberia*)

Rapporteur : Dr CHARLES MALIK (*Lebanon*)

New Zealand Representatives

Mr J. THORN

Mrs I. E. ROBERTS

Dr W. B. SUTCH

Miss H. N. HAMPTON

The agenda originally allocated to the Third Committee by the Assembly comprised the following items :—

1. Transfer to the United Nations of all functions and powers exercised by the League of Nations under the International Conventions of 30 September, 1921, on Traffic in Women and Children, the Convention of 11 October, 1933, on Traffic in Women of Full Age, and the Convention of 12 September, 1923, on Traffic in Obscene Publications.

2. Trade-union rights (freedom of association).

3. Recommendations to be made with a view to preventing dissemination with regard to foreign States of slanderous reports which are harmful to good relations between States and contrary to the purposes and principles of the United Nations.

4. Report of the Economic and Social Council, Chapter III.

5. Transfer to the World Health Organization of certain assets of the United Nations.

6. Draft agreement with the World Health Organization.

7. International Children's Emergency Fund—

(a) Report of the Economic and Social Council.

(b) Annual audit of accounts of the Fund, submitted by the Secretary-General.

8. Proposal to increase the membership of the Economic and Social Council to twenty-four.

At its first meeting the Committee decided to transfer items 6 and 8 to the Joint Second and Third Committee.

At the suggestion of the United Kingdom delegate the Committee considered first item 4 (Chapter III of the report of the Economic and Social Council), which gave ample opportunity for general discussion.

For example, both the provisional agenda for the Conference on Freedom of Information and the Yugoslav resolution on slanderous information showed the differences of approach on the principles which should govern the press and the objectives of the dissemination of information. These basic differences had already arisen, of course, during meetings of the Sub-Commission on Freedom of Information, and both Committee and plenary sessions of the Economic and Social Council. There was general agreement, however, that it should be the responsibility of the press not to publish deliberate distortions.

In this discussion there were vehement exchanges between the delegates of the *Soviet Union*, the *Ukraine*, *Poland*, and *Czechoslovakia* on the one hand, and the *United States* and *United Kingdom* on the other. Despite this, however, the Committee ultimately reached agreement on a resolution regarding slanderous information. For this harmony some of the credit is due to Mrs Roosevelt's intervention in the debate to make a plea for the abandonment of mutual criticism so that the Committee might pass a resolution aimed at improving the press of the world; she and all other representatives would freely admit that there was much room for improvement.

The discussion on both the *French* resolution on the exchange of workers and the *Soviet Union* resolution on the prevention of immigration likely to impair good relations between States was also characterized by fundamental differences regarding the ultimate solution of the problem of more than a million displaced persons, many of whom were still in camps throughout Europe. Charges were made that officials in displaced-persons camps were preventing inmates from returning to their own countries. Particular examples as well as the general charges occupied a great deal of the time of the Committee, and it became clear that it was impossible to secure any satisfactory compromise between those who wanted repatriation of displaced persons and those who thought that they should be encouraged to settle in whatever land they chose.

One subject which at first appeared to be merely a matter of transferring the machinery of administration from the League of Nations to the United Nations—namely, the exercise of control functions under the Conventions governing the traffic in women and children and in obscene publications—assumed different proportions when the *Soviet Union* representative introduced a resolution the effect of which was to delete from the Conventions the clause hitherto existing in each under which metropolitan Powers might exclude any of their colonial or similar territories from the operation of these Conventions.

The *Soviet Union* amendment was passed in the Committee and subsequently by the General Assembly.

Argentine Resolution approving Chapter III of the Report of the Economic and Social Council

During discussion on Chapter III of the report of the Economic and Social Council the delegate of *Argentina* submitted a resolution¹ the operative portion of which contained two sections, the substance of which was not related. Whereas the first three paragraphs of the operative section expressed general approval of Chapter III and its recommendations on the principles of general welfare, the fourth requested that members of the United Nations holding regional conferences relating to items covered by Chapter III should report their conclusions to the Economic and Social Council in order that the Council might have an opportunity of considering universal solutions of the problems raised.

After considerable discussion of the resolution, during which speakers stressed the point that the second proposition did not appear to have adequate connection with the first, the *Soviet Union* delegate moved an amendment eliminating the preamble and first four paragraphs of the resolution, and substituting a preamble taking note of Chapter III of the report, and retaining as the sole operative paragraph the section requesting member States to report on any regional conferences held. In this form the resolution was unanimously adopted.

Trade-union Rights (Freedom of Association)

Chapter III of the report of the Economic and Social Council contained a draft resolution on the above subject presented by the Council for confirmation by the Assembly.

Opening the debate, the *French* representative (M. Jouhaux) said that many governments had violated International Labour Conventions and it was therefore necessary that trade-union principles should be written into international law to safeguard them both nationally and internationally. In his view, the best action which could be taken would be the framing of an international Convention to be jointly administered by the International Labour Organization and the United Nations. In addition, the Human Rights Commission might incorporate the principles in their Charter of Fundamental Freedoms.

The delegations of *Argentina*, *Chile*, the *Dominican Republic*, and others submitted varying amendments to the original resolution the effect of which would have been to enlarge its scope to deal with general social and economic liberties. In addition, the *Soviet Union* representative wished the inclusion of principles such as equal pay for equal work, abolition of racial discrimination, and guarantees of full employment.

¹ Document A/C 3/158.

The representative of the *United States* (Mrs Roosevelt) said that all the various objectives put forward were incontestable, but the subject was being unduly extended beyond the principles of freedom of association in the matter of trade-union rights, from which it had originated. If the draft resolution were to be enlarged as suggested by many members, the discussion might as well broaden into a complete debate on human rights and the drawing-up of another human-rights Charter.

These remarks were supported by the *United Kingdom* representative, who, in addition, stated his Government's attitude towards trade-union rights. In his view, many of the amendments, and certainly a great deal of the discussion, seemed to require the imposition by the State of rights for labour. In the United Kingdom, on the other hand, in the sphere of workers' rights no attempt was made by the Government to extend its influence either to the employer or the employee—in other words, trade-union rights in the United Kingdom were gained by bilateral negotiation between employer and employee, rather than by legislation.

The representative of the *Soviet Union* considered that the resolutions were not sufficiently comprehensive in some aspects, particularly those relating to the abolition of economic and social discrimination on grounds of sex or race; the Soviet delegation also disapproved of the procedure which had been adopted in connection with the subject of trade-union rights. The matter had been raised originally by the World Federation of Trade Unions, and at its March, 1946, session the Economic and Social Council had, after very brief consideration, referred the matter to the International Labour Organization for report. During the July-August session the report of the International Labour Organization had been received by the Economic and Social Council, but at no time had it given adequate time to discussion of the substance of the report.

After many delegates had spoken on the subject and many amendments had been submitted, a sub-committee of fifteen, under the chairmanship of Dr Malik, of the Lebanon, was set up to consider the various proposals. By 11 votes to 4 the sub-committee agreed upon a resolution for submission to the full Committee, where the matter was again discussed.

The main point at issue was the suggested inclusion of the World Federation of Trade Unions in the agencies which were to give further consideration to the matter, the majority view of the sub-committee being that the International Labour Organization was the body competent to handle the whole question. When the Committee voted on the proposal, the resolution was carried in much the same form as the sub-committee had drafted it.

This item was further discussed in the General Assembly. The *New Zealand* representative (Mr J. Thorn) referred to the history of legislation on trade-unionism in New Zealand as an indication of the concern of the New Zealand Government for the welfare of the trade-union movement, and indicated that New Zealand would support the proposal of the Committee and vote against an amendment of the representative of *Czechoslovakia* to the effect that the World Federation of Trade Unions be charged with the main work in taking the matter further. The New Zealand representative recalled that the subject had been brought before the Economic and Social Council, the Council had referred the matter to the appropriate specialized agency, which had performed the duty assigned to it according to its lights, and subsequently the Council had further considered the matter. This was a very good instance of co-operation, and he expressed the hope that the example would be followed throughout the United Nations. He referred to the fact that trade-union representatives, including representatives of trade-union bodies affiliated to the World Federation of Trade Unions, were represented at the International Labour Conference, and expressed the appreciation of the New Zealand Government for the service rendered to the working people in many lands by the ILO. The New Zealand delegation was satisfied that if the ILO arrived at a convention on trade-union rights there was more prospect of its general acceptance and conversion into law than if the Governments had to decide on a memorandum prepared by only one of a number of trade-union combinations.

The *Argentine* representative again asked that a long list of trade-union rights be included in the resolution and this was accepted in the form of an annex to the resolution. The *Czechoslovak* amendment was defeated. In each case, *New Zealand* voted with the majority.

Transfer to United Nations of Functions and Powers previously exercised by the League of Nations in connection with the International Conventions on the Suppression of the Traffic in Women and Children and in Obscene Publications

The *Soviet Union* submitted a resolution¹ on the above subject. Originally this resolution contained three clauses, the first two providing that States non-members of the United Nations, but which had signed the original Convention, might become party to the Protocols, and thus to the amendments being introduced in the Conventions, *pari passu* with their transfer to the United Nations. When the resolution came before the Committee, the Soviet representative stated that as these points were covered by Article 3 of the draft Protocols he intended to withdraw from the resolution the

¹ Document A/C 3/165.

first two paragraphs. The effect of the remaining paragraph was to delete the permission previously extended to metropolitan Powers to exclude from the operation of the Conventions any of their colonial territories. The *United Kingdom* representative opposed the Soviet Union amendment, first because the Committee was not competent to examine the substance of the Conventions, and second, because it was constitutionally required, of the United Kingdom at any rate, that dependent Governments and colonies should be consulted on domestic matters before legislation was enacted, and it was therefore impossible for the United Kingdom to make such a contract of compliance with these Conventions on behalf of colonial territories. The representative of the *United States* spoke in support of the points made by the United Kingdom. At the request of the *Yugoslav* delegate a vote by roll call was taken on the Soviet resolution, the result being its adoption by 17 votes to 12 with 18 abstentions, *New Zealand* voting against the adoption of the resolution. The vote on the transfer to the United Nations of the functions and powers previously exercised by the League in connection with these Conventions resulted in the resolution being adopted by 45 votes in favour with 2 abstentions. During the plenary session of the Assembly which considered this matter a *United Kingdom* amendment to restore the permissive clause was defeated by 23 votes to 22 with 10 abstentions, *New Zealand* voting for the amendment. The Protocols were then adopted by the Assembly.

World Health Organization

The *United Kingdom* submitted a resolution¹ drawing attention to the urgent problems of public health and hygiene requiring international action, and urging members of the United Nations which had not accepted the constitution of the World Health Organization to do so at the earliest possible date, thus permitting the constitution of the Organization to come into force.

After brief remarks by a few delegations in support of the resolution it was carried unanimously, and subsequently adopted by the Assembly.

Transfer to the World Health Organization of certain Assets of the League of Nations

The third chapter of the Economic and Social Council report included a resolution recommending the transfer to the World Health Organization of certain publications, archives, and other properties included among the assets of the League of Nations.

¹ Document A/C 3/155.

The *Netherlands* representative said that it seemed, by passing this resolution, that they were running the risk of splitting up the library of the League of Nations, which he considered should be maintained intact. The Secretariat explained that it was proposed to transfer to the World Health Organization, not the library of the League of Nations, but certain publications, pamphlets, &c., which had been the property of the League, both at Geneva and at the Eastern Epidemiological Bureau. Following this explanation, the resolution presented by the Economic and Social Council¹ was adopted unanimously, and later adopted by the Assembly.

Teaching of the Principles of the United Nations

The delegate of *Norway* submitted a resolution urging the teaching in schools of the principles of the United Nations. She stated that member nations, by including in their school curricula courses on the United Nations, could ensure that the coming generations had a full and lively realization of its work. Moreover, for the sake of the people of the world, it was necessary that serious thought be given to the thorough dissemination of knowledge of the work of the United Nations. In many countries all that people read and heard were the clashes of political interest which occurred from time to time, and in many instances they had no knowledge of the real work which had been accomplished during the brief existence of the United Nations.

The representative of *New Zealand* (Mrs I. E. Roberts) spoke of the work which had already been undertaken in New Zealand to foster among school-children and people generally the spreading of knowledge of the work of the United Nations. She described in some detail the means which had been adopted in New Zealand to ensure that both adults and children were more aware of the aims and objectives of the United Nations.

The Committee accepted several amendments to the original Norwegian resolution, the main purport of which was to include the teaching not merely of principles and purposes of the United Nations, but the general background to its creation, to extend the teaching to institutions of higher education, and to give further power to UNESCO, which many delegations felt had not been sufficiently recognized in the original resolution. To this point the Norwegian representative said that many countries were not members of UNESCO, and for the sake of these countries the Secretariat must do the work.

¹ Document A/353.

The *Yugoslav* and *Canadian* delegations referred to the fact that, as the respective education systems in their countries had autonomy in matters such as were involved in the Norwegian resolution, they would be obliged to abstain from voting. The resolution as amended¹ was finally adopted by 32 to none with 5 abstentions, *New Zealand* voting for the resolution. During plenary consideration of this matter the Assembly amended the Committee's resolution by adding a paragraph requesting member States to furnish to the Secretary-General information as to the measures taken to implement the recommendations of the Assembly.

Control of Narcotics

On this subject the representative of *Chile* submitted a resolution² urging States to sign the Protocols regarding the transfer from the League of Nations to the United Nations of the powers and functions concerning the control of narcotic drugs, in order that the Conventions might become operative. It was explained that at the present time only twenty-six nations had indicated their adherence to the Protocols, and a further eight ratifications were required before the transfer became legally possible. The Chilean resolution was adopted unanimously by the Committee and later by the Assembly.

Exchange of Manual Workers

The representative of *France*, in presenting a resolution³ the aim of which was to extend to adult manual workers arrangements already made under the auspices of UNESCO for the exchange of students between various countries, explained that while provision existed in many different ways for professional persons to travel and to study in different countries, similar facilities were not available for manual workers. Such exchanges would enable workers to gain a knowledge not merely of methods and techniques, but also of general conditions in other countries.

The *United Kingdom* representative stated that in his opinion the resolution should cover all workers and not be restricted merely to manual workers. Moreover, if action were required by the United Nations, he considered that it was essential that UNESCO and the ILO should be asked to collaborate. He then submitted an amendment⁴ to the final paragraph of the French resolution the effect of which was to recommend to Governments to arrange for bilateral exchanges of workers rather than have the exchanges arranged through the United Nations, as was contemplated by the French resolution. The United Kingdom amendment was adopted by 29 votes to 14 with 2 abstentions.

¹ Document A/468.

² Document A/C 3/161.

³ Document A/C 3/159.

⁴ Document A/C 3/163.

The *Yugoslav* representative proposed the deletion of the following words in the United Kingdom amendment: "and to study on the spot the economic and social problems confronting their comrades in other countries." On a roll-call vote the proposal to delete the words was rejected by 20 votes to 5 with 13 abstentions, *New Zealand* voting with the majority.

The *French* representative then stated that, although the general principle of the French resolution would undoubtedly be adopted, nevertheless, as the acceptance of the United Kingdom amendment so materially altered the channel through which the recommendations would be given effect, the French representative would refrain from voting, because she considered that in its present form the resolution would lose its practical meaning. The *Soviet Union* representative took up the same position.

The *French* resolution, as amended in its final paragraph by the *United Kingdom* resolution, was adopted by 29 votes to 1 with 13 abstentions. *New Zealand* voted for the resolution, which was later adopted by the Assembly.

Control of Narcotics: Coca-leaf Chewing

The representative of *Peru* submitted a draft resolution requesting the Economic and Social Council to consider as a matter of urgency the establishment of a committee of experts to study the effects on the inhabitants of certain zones in the Andean region of chewing coca-leaves. He explained that the height at which people lived in these regions, as well as widespread undernourishment, had led to the habit of chewing coca-leaves; this had an invigorating effect and at the same time quelled the pangs of hunger. Where the standard of living rose, it had been found that the habit was inclined to disappear.

The only objection raised to this resolution came from the representative of *Byelo-Russia*, who said that no steps should be taken in accordance with this proposal until its financial aspects had been examined by the Fifth Committee.

When it was pointed out that the Economic and Social Council was merely asked to consider the setting-up of the Committee, and in the meantime no expenditure would be involved, the *Byelo-Russian* delegate withdrew his suggestion on condition that no substantial steps were taken by the Economic and Social Council until the financial implications of the proposition had been examined. The resolution was adopted by 42 to nil with 3 abstentions, *New Zealand* voting in favour, and was subsequently adopted by the Assembly.

International Co-operation for the Prevention of Immigration which is likely to disturb Friendly Relations between Countries

The *Soviet Union* submitted a resolution¹ expressing disapproval of the personnel and the conduct of displaced-persons camps in Europe, and recommending to member Governments that administrative officers in these camps be removed and replaced by persons acceptable to the Governments of nationals in those camps, that committees dissuading persons from returning home be disbanded, that the recruiting of displaced persons for settlement in countries other than their own should cease, and that representatives of States having nationals in the camps be given free access to the camps.

In support of this resolution, representatives of the *Soviet Union*, *Poland*, the *Ukraine*, and *Byelo-Russia* referred to the fact that nationals of their own countries were being permitted to resettle in countries other than their own. They expressed their dissatisfaction generally with the conduct of the camps and with the fact that representatives of various countries and of firms within those countries were permitted to enter the camps and to offer employment.

The representatives of *Iraq*, *Egypt*, and the *Lebanon* submitted a joint resolution referring to the role played before 1939 by colonies of unassimilated Germans, to the serious problem created by refugees and displaced persons during the war period, to the fact that population movements were capable of affecting the friendly relations between nations, inviting member States to cease granting aid and protection to individuals or organizations which aimed at promoting and encouraging immigration, and recommending that an international conference be called immediately to expedite a solution of the problem through the agency of the International Refugee Organization.

The delegates speaking to this resolution said that they did not have in their minds solely the problem of Palestine and Jewish immigration, but were concerned with the general problem.

During discussion of these resolutions, charges were laid against the United States of America, Belgium, the United Kingdom, and Brazil that each of these countries had induced displaced persons to leave their own countries and to take up in new countries work which nationals of those countries were unwilling to do. The representatives of each of the Slav countries claimed that nationals of their countries were actually prevented from returning to their homelands, despite a desire to do so. The representative of *Poland* said that the only people who had been returned to her country from these camps were the extremely ill who were incapable of working and the mentally deranged, and she referred to the great need for labour

¹ Document A/C 3/174.

in Eastern Europe, which had suffered so heavily from the European war. Further claims were made by these countries that families were being separated and no endeavours made to reunite those who had been separated during the war.

Each of the countries included in these accusations replied to the charges made. The chief refutation of the criticisms was to the effect that no person was transferred from a displaced-persons camp to any country other than his own unless it was at his express wish, a policy it was intended to maintain.

A Drafting Committee, comprising *India, Lebanon, Panama, the Soviet Union, the United Kingdom, the United States, Yugoslavia, Belgium, Canada, Egypt, Iraq, Poland, and Cuba*, was appointed to draw up a resolution on this subject. The *Indian* delegation submitted a composite resolution for consideration by the sub-committee¹ which, while affirming that the principal objective must be the resettlement of persons in their own countries, recommended that members of the United Nations adopt urgent measures for accepting a fair share of non-repatriable refugees and welcomed all attempts of the International Refugee Organization to consult appropriate inter-governmental organizations in order to find a satisfactory solution of the problem.

After slight alterations in the sub-committee, the resolution² was presented to the Committee. It embodied principles both of repatriation and of resettlement, recognized the jurisdiction of the International Refugee Organization in these matters, and requested the International Refugee Organization to report to the seventh session of the Economic and Social Council.

The resolution, as amended, was adopted by 33 votes to 1 with 12 abstentions. *New Zealand* voted for the resolution, which was subsequently adopted by the Assembly without opposition.

Freedom of Information and the Press

On this subject the representative of the *Soviet Union* submitted a resolution³ which incorporated recommendations previously made by their delegates to the Sub-Commission on Freedom of Information and the Press and to the Economic and Social Council. The resolution contained four principal clauses :—

1. Referring to the Economic and Social Council for reconsideration the suggested provisional agenda for the March, 1948, Conference on Freedom of Information. This clause contained for incorporation in the agenda as principles and objectives of a

¹ Document A/C 3/199.
A/C 3/157.

² Document A/C 3/204.

³ Document

free press and information service such positive directions as the "pursuit of Fascism" and exposure of war-mongers, with provision for penal clauses against those contravening these principles.

2. Granting full voting rights to non-members of the United Nations attending the proposed Conference.

3. Extending an invitation to Outer Mongolia to be represented at the Conference.

4. Stipulating as the date and place of the Conference, — March, 1948, in Geneva.

Most of the discussion on this resolution concerned the first clause. The representatives of *Argentina*, *Bolivia*, and various other countries contended that if the Committee accepted the proposal of the Soviet Union delegation to consider in detail the substance of their resolution, much time would be lost by the Committee, and possibly, in the event of the material being referred back, by the Economic and Social Council and its own Committees. Several speakers also suggested that the content of the Soviet Union proposal be referred directly to the Conference, which body would be in the best position to consider the recommendations. The delegate from *Ecuador* suggested that the principal objection to the Soviet Union resolution was that it listed particular tasks to be accomplished rather than basic principles. This was supported by the *United Kingdom* representative, who pointed out that, whereas the resolution endeavoured to combat Fascism and war-mongering, the agenda approved by the Economic and Social Council was of very much wider scope, in that it provided for consideration by the Conference of the means of overcoming all influences inhibiting democratic principles.

The delegates of *Chile*, *Lebanon*, the *United Kingdom*, and the *United States* also stated that in their belief the General Assembly's Committee should not reconsider the recommendations of the Economic and Social Council. This argument was countered by the *Soviet Union* delegate, who stated that the agenda itself was merely provisional and presumably intended for alteration by some reviewing body other than the Conference in March.

Several delegates referred to the granting of voting rights to non-members of the United Nations invited to attend the Conference on Freedom of Information, the principal speakers in support of the proposition being the representatives of *Byelo-Russia*, the *Soviet Union*, the *Ukraine*, and the *United Kingdom*, who stated his delegation intended maintaining the attitude they had taken during Council sessions—namely, to support the granting of full rights.

In regard to the third proposal in the Soviet Union resolution, the extending of an invitation to Outer Mongolia, representatives of the *United Kingdom* and the *United States* briefly stated that their delegations would not vote for the extension of such an invitation. The three *Soviet* countries outlined what they considered the claims of Outer Mongolia to attend such a Conference, the chief of them being that if harmony were to be achieved throughout the press and information vehicles of the world it was necessary that every possible country should be invited to attend and to participate in the Conference, which would establish machinery for ensuring freedom of information throughout the world. Reference was also made to the part played by Outer Mongolia in the recent war. The representative of *China* said that although the Outer Mongolian Government had, in fact, been recognized by the Chinese Government "in the very special circumstances" of the recent war, the present conduct of the Outer Mongolian Government was obliging the Chinese Government to modify its attitude.

There was complete agreement that the Freedom of Information Conference should, as recommended in the fourth proposition contained in the Soviet Union resolution, be held in Geneva during March–April, 1948.

In replying to the general discussion, the representative of the *Soviet Union* rejected all the grounds put forward for not debating the resolution—namely, the excessive time involved, duplication of discussion previously undertaken in the Economic and Social Council as well as the Sub-Commission, the procedural argument that it was not proper for the Committee to reconsider the recommendations of the Council, and the statement that paragraph 1, subparagraphs 1 to 9, of the Soviet resolution dealt with particular aspects rather than general principles. From the speeches, he stated that it was obvious to him that representatives were reluctant to proceed with the imperative task of fighting Fascism, and it seemed that some delegations, at any rate, were rejecting the Yalta declaration. The Soviet Union representative quoted from books and papers published in the United Kingdom and the United States, and also from speeches by Sir Hartley Shawcross censuring the United Kingdom press.

At this stage of the discussion the representative of *Czechoslovakia* submitted an amendment to the Soviet Union resolution the effect of which was to request the Economic and Social Council, in defining the principles of freedom of information and the press and their objectives, to take account of the nine postulates stated in the original resolution. This amendment omitted the request that the Council should reconsider the suggested provisional agenda.

The delegate of the *United States* said that the amendment presented by the Czechoslovak delegate, if accepted by the Committee and followed up by the Economic and Social Council in any way, would have the effect of depriving the Conference of the right to determine its own agenda, and would also place before it positive objectives for the press, rather than leaving the Conference itself to determine the objectives.

The representative of *Chile* said that the Economic and Social Council had, in fact, already approved the provisional agenda, and if no additional items were submitted the agenda would not again be discussed. Therefore the Committee, and ultimately the Assembly, if it wished the agenda reconsidered by the Council, would be obliged either to submit fresh items for inclusion or to present to the Council a request that the agenda be changed.

The delegation of *India* then submitted a further draft resolution reading as follows :—

“ THE GENERAL ASSEMBLY

“ Having considered that part of Chapter III of the Report of the Economic and Social Council which deals with the convening of a Conference on Freedom of Information,

“ TAKES NOTE of the provisional agenda of the Conference and invites the attention of the Economic and Social Council to the discussion in this respect in the Third Committee of the Assembly.”

There followed a long discussion on the substance of the Soviet Union resolution as compared with that of the Indian resolution, and detailed discussion of procedure to be adopted in voting on the Soviet resolution. Eventually, following defeat of the Chairman's ruling on the subject, the Committee decided to vote paragraph by paragraph on both the Preamble and the operative portions of the *Soviet Union* resolution. The voting resulted as follows :—

The Preamble, which affirms the importance of the press in the struggle for the eradication of the remnants of Fascism, was lost by 7 to 23 with 15 abstentions.

Part I, which recites postulates for consideration in defining the principles of freedom of information and of the press, was lost by 6 to 34 with 8 abstentions.

Part II, recommending that non-members of the United Nations attending the Conference be given the right to vote, was lost by 18 to 20 with 11 abstentions.

Part III, recommending that the Mongolian Peoples Republic be invited to the Conference, was lost by 8 to 27 with 11 abstentions.

Part IV, recommending that the conference be held in Geneva commencing 23 March, 1948, was accepted unanimously.

A vote was then taken on the resolution as a whole, the result being its rejection by 7 to 33 with 11 abstentions. *New Zealand* voted against each of the paragraphs of the resolution except Part IV.

The *Indian* resolution was then put to the Committee and accepted by 27 votes to 4 with 13 abstentions, *New Zealand* voting in favour of the resolution which was subsequently adopted by the Assembly.

Prevention of the Dissemination, to the Detriment of Foreign States, of Slandorous Statements which are harmful to Good Relations between States and in conflict with the Purposes and Principles of the United Nations

The delegation of *Yugoslavia* presented a resolution deploring the publication of information "designed to aggravate" relations between nations, and inviting member States to take legislative and other measures to place on owners of media of information the responsibility for the issue of false reports, and to prevent the dissemination through governmental or semi-governmental bodies of unverified reports.

The representatives of *Yugoslavia*, *Byelo-Russia*, and the *Soviet Union* each spoke in support of this resolution, referring to the mistrust created between nations by biased press reports, and freely quoting from the world press instances of what they considered to be harmful reporting.

Those speaking against the resolution confined their remarks chiefly to pointing out that thorough consideration had already been given, in both Committees One and Three, to the matters raised by the resolution, and that the World Conference on Freedom of Information and of the Press, scheduled to be held in March, 1948, would provide ample opportunity for discussing the entire matter.

The representative of *France* stated that, in view of the important role of media of information and the serious consequences which might flow from distorted reporting, his delegation wished to submit a resolution requesting member Governments to study and to report to the coming World Conference measures which might appropriately be taken to combat the diffusion of false or distorted reports likely to injure friendly relations between States.

The delegations of *Mexico*, *Luxembourg*, and *Belgium* each submitted similar amendments to this resolution the effect of which was to confine "within the limits of constitutional procedures" the measures to combat the diffusion of false reports which Governments were asked to study.

The *French* resolution as amended¹ was adopted by the Committee with only one contrary vote, that of the representative of *Cuba*, who considered it improper for Committee Three to consider an

¹ Document A/C.3.180/Rev. 1.

item already included on the agenda of another Committee. During the plenary consideration of this subject, at the suggestion of the representative of *China*, the title of the resolution "Slandorous Information" was replaced by the title "False or Distorted Reports." The resolution was then adopted unanimously by the Assembly.

Advisory Social Welfare Services following on the termination of UNRRA

The *United Kingdom* representative introduced a resolution¹ the effect of which would be to reduce to \$150,000 the United Nations appropriation for these welfare services. In the view of the United Kingdom delegation the long-term United Nations approach should be not so much direct participation and provision of these services, but to act as a channel through which Governments could be placed in contact with the experts and services required. This view was supported by the *New Zealand* representative (Mrs I. E. Roberts), who stated that her country was very interested in this matter and thought that the role of the United Nations should be to stimulate the provision of the services and experts rather than to make them available directly from a cadre of experts maintained in the Secretariat.

The *Australian* representative said that he was somewhat disturbed by the fact that, although during the last financial year an appropriation of \$650,000 had been available for these services, only \$60,000 had been spent up till the end of August. Sir Raphael Cilento, on behalf of the Secretariat, outlined in detail the services provided under this item, the good which had been done, and the appreciation which had been expressed by recipient countries. This explanation was objected to by the *United Kingdom* representative, who said that the representative of the Secretariat had exceeded any factual survey, and had, in fact, presented a bias in speaking on these matters.

The representatives of *China*, *France*, *Greece*, and the *Latin American* countries each spoke in favour of the full retention of the appropriation and provision for the services, referring to the fact that these were among the few tangible results achieved by the United Nations, and it was therefore important for the services to be maintained.

The *Soviet Union* representative said that it seemed that some countries had received an undue proportion of the benefits of the services. His and other Soviet countries were themselves undertaking their own programmes, and they were therefore not anxious to provide finance for this item, which would be used for services which other countries should provide themselves.

The *United Kingdom* resolution was then put to the vote and rejected by 35 votes to 11 with 5 abstentions. The *New Zealand* delegate said that, although the majority of representatives on the Committee had

¹ Document A/C 3/152.

felt unable to vote in favour of the United Kingdom resolution, no decision had been taken on the recommendations to be made regarding the nature of the advisory welfare services to be undertaken or the appropriation to be made for their provision. In view of this, and the fact that many delegations undoubtedly considered the time had arrived when a revised attitude to these services should be formulated, she proposed that a small sub-committee should be established to consider the matter.

The representative of the *United States* said that, as the matter had already been considered by the Social Commission and by the Economic and Social Council, they did not consider any further good could be done by a sub-committee being formed. She proposed that the Chairman of the Third Committee should submit a summary of the discussion for the information of members of the Fifth Committee. The *New Zealand* proposal was rejected by 36 votes to 5 with 9 abstentions. The Chairman stated that he would refer the entire substance of the discussion to the Fifth Committee.

International Children's Emergency Fund

The report of the International Children's Emergency Fund, as presented to the Economic and Social Council during its July session, was transmitted to the General Assembly. The Executive Director of the Fund appeared before the Committee to give a brief outline of the Fund's activities, the amount so far subscribed, and the proposed distribution of its resources. Dr Rajchman, Chairman of the Fund, speaking as a member of the *Polish* delegation, gave further details of the work of the Fund.

The representative of *France* proposed a resolution expressing satisfaction with the work of the Fund, drawing the attention of members to the significance of the Fund and its need for adequate finance, and commending to people of all countries the United Nations appeal for children.

This resolution was unanimously adopted by the Committee.

When the report of the Third Committee was being considered by the General Assembly, the representative of *New Zealand* (Mr J. Thorn) announced, amidst applause, that the New Zealand Government was giving £250,000 to the Children's Fund. At a later stage, when the General Assembly were discussing the rapporteur's report on the Children's Fund, the representative of *New Zealand* (Dr W. B. Sutch) said that this was another opportunity to act as "one world," and added that only nine countries had thus far announced a contribution to the Fund. In view of the Fund's woefully inadequate resources and the urgent need of millions of children throughout the world, he appealed for greater consideration by Governments, so that they might contribute to the Fund in time.

IX. FOURTH COMMITTEE: TRUSTEESHIP QUESTIONS

Chairman: Sir Carl BERENDSEN (*New Zealand*)

Vice-Chairman: Mr V. KISELEV (*Byelo-Russian S.S.R.*)

Rapporteur: Mr M. H. DORSINVILLE (*Haiti*)

New Zealand Representatives

SIR CARL BERENDSEN

Mr C. CRAW

Miss I. P. COATES

The Fourth (Trusteeship) Committee began its meetings on 24th September, the following items comprising the agenda:—

- (1) Report of the Trusteeship Council.
- (2) Consideration of proposed Trusteeship Agreements—
 - (a) Question of South-west Africa.
 - (b) Trusteeship agreement for Nauru.
- (3) Trusteeship agreements for non-self-governing territories.
- (4) Information from non-self-governing territories.

(1) Report of the Trusteeship Council

The Fourth Committee began its deliberations with a discussion of the report of the Trusteeship Council covering its first session. This meeting, which was held in March–April, 1947, had naturally been largely devoted to preliminary organizational work. The Council had at that time adopted Rules of Procedure, prepared and adopted a provisional questionnaire on the basis of which annual reports from administering authorities will be drawn up, examined a number of petitions from residents of Tanganyika, and recommended to the General Assembly that regular provision should be made in its budget for periodic visits to trust territories. In addition, the Council had despatched a special mission to Western Samoa, an action which, although of prime importance to New Zealand, was also of special interest to other administering authorities.

During the general discussion of the report a large number of delegations referred to the constructive and co-operative manner in which the Council had set about its task. Several representatives

stressed the importance of the mission to Western Samoa, and stated that they looked forward with great interest to the publication of the report of the mission.

It will be recalled that the Soviet Union, which, as one of the States mentioned by name in Article 23 of the Charter, is a member of the Trusteeship Council, had not taken its seat at the first session of the Council, on the ground of the alleged illegality of the eight trusteeship agreements the approval of which, at the last session of the Assembly, had rendered possible the establishment of the Council. During the Committee discussions this year also the *Soviet Union* and its supporters maintained their insistence that the Trusteeship Council was unconstitutional and its first session irregular, even although an overwhelming majority of the Assembly had approved the trusteeship agreements and the constitution of the Trusteeship Council. The Soviet group made use of the consistency with which they had continued to adhere to their original position by launching an attack upon the Rules of Procedure which had been drawn up by the Trusteeship Council, and offered suggestions for the improvement of these Rules which would, in effect, write into the Rules additional clauses going far beyond the meaning of the relevant provisions of the Charter and aimed at increasing the powers of the Trusteeship Council over and above those conferred upon it by the Charter.

Sir Carl Berendsen, in his capacity as Chairman, pointed out that the Committee could not alter the Rules of Procedure, but could, of course, if it wished to do so, express dissatisfaction with them and transmit its views to the Council through the General Assembly in the form of comments or recommendations.

Accordingly, it was eventually decided that all comments made by members with regard to the report of the Trusteeship Council (pertaining mainly to the Rules of Procedure and the draft questionnaire) should be transmitted to the Council "for consideration in its future work." A draft resolution on these lines was adopted unanimously by the General Assembly when the report of the Fourth Committee on this subject came before the plenary session.

(2) *Proposed Trusteeship Agreements*

(a) *South-west Africa*

The General Assembly, in a resolution adopted during the second part of its first regular session, refused to agree to the desire of the Government of the Union of South Africa for the incorporation of the mandated territory of South-west Africa, and recommended that the Union should submit for the consideration of the General Assembly

a trusteeship agreement for that territory. The South African representative, at the time of the adoption of this resolution, had reserved the position of his Government, but stated that they would consult with the inhabitants of South-west Africa in order to ascertain their reactions to the views of the General Assembly.

The subject came before the Fourth Committee on the basis of two communications from the Union Government. The first contained a summary of the steps that had been taken to inform the inhabitants of South-west Africa of the outcome of the discussions covering the future of the territory at the last session of the General Assembly; the second an outline of the position of the South African Government with regard to the resolution adopted in 1946.

The South African Government had indicated in these documents that they would not proceed with the incorporation of the territory, but could not submit a trusteeship agreement for the territory because the overwhelming majority of the inhabitants continued to be in favour of incorporation. Mr Lawrence, Chairman of the *South African* delegation, in his opening statement, declared on behalf of his Government that South Africa had thus complied with the General Assembly resolution to the extent that they did not propose to proceed with the incorporation of the territory, but that, having failed to implement the wishes of the inhabitants in this regard, they could not further ignore their wishes by placing the territory under trusteeship. Accordingly, the Union would continue to maintain the *status quo* by administering the territory in the spirit of the mandate and would also transmit to the United Nations for its information an annual report on the administration of the territory. When pressed to amplify the position regarding the maintenance of the *status quo* the *South African* representative stated that since the League of Nations was no longer in existence there could, of course, no longer be any right to submit petitions, since such a right carried an implication of supervision, whereas, in fact, the United Nations possessed no such jurisdiction in regard to South-west Africa.

The general debate which ensued revealed a sharp divergence of opinion in the Committee. The majority of delegations, while expressing gratification that South Africa had complied with that part of the resolution adopted by the last session of the Assembly which rejected the solution of incorporation, were, with one exception, all agreed that there was a moral obligation to submit a trusteeship agreement. Many representatives, however, went further, arguing that South Africa was also legally obliged to place the territory under trusteeship since, in their opinion, the provisions of Chapter XII of the Charter were quite specific on the point and admitted of no other solution than immediate independence or

trusteeship in respect of all mandated territories. An almost equally large body of opinion, however, was unable to agree that any such legal obligation existed, and the representatives of several States which had already placed mandated territories under the trusteeship system categorically stated that their Governments had taken such action on an entirely voluntary basis. Lengthy arguments took place on this highly controversial question during the course of several meetings, but although it was proposed that the opinion of the Sixth (Legal) Committee or even of the International Court of Justice should be obtained in an endeavour to clear up the point, the majority of the Committee was reluctant to take such a step, since the question was essentially a political rather than a juridical one. Sir Carl Berendsen, speaking in his capacity as representative of *New Zealand*, referred to the well-known attitude of the New Zealand Government in supporting the international supervision of backward peoples, but stated that in view of the vague wording of the relevant article of Chapter XII of the Charter it seemed to him impossible to maintain that there is any legal obligation on a mandatory Power to place its mandate under the trusteeship system, although such a course was obviously highly desirable.

In view of the general opinion that, irrespective of the question of legal obligation, trusteeship offers the most desirable solution for South-west Africa, and since the Union Government had not complied in full with the Assembly resolution of last year, it was obvious that the Committee would again recommend to the plenary session the adoption of a further resolution on the subject. The question to be decided was therefore the nature of the terms of such a resolution.

Draft resolutions were presented by *India* and *Denmark*. The Indian draft was couched in strong terms, whilst the Danish resolution was more moderate in tone, avoiding the direct time limit for the submission of a trusteeship agreement which was insisted upon by India. These two resolutions were accordingly referred to a special drafting sub-committee with the object of obtaining a compromise resolution acceptable to the majority of the Fourth Committee. This sub-committee was able to produce revised versions of both proposals which were identical in all but one major point: the question of time limit. The Indian proposal still insisted that a trusteeship agreement should be submitted for the consideration of the third session of the Assembly, whilst the Danish draft called upon the Union Government to submit such an agreement "at an early date" and requested the Secretary-General to report to the third session on what steps had been taken by South Africa to implement the Assembly's recommendation. The *Indian* resolution

was eventually adopted on a roll-call vote by 27 to 20 with 4 abstentions. *New Zealand* voted against the Indian resolution, on the ground that it was not calculated to achieve the desired objective in view of the fact that it constituted a virtual ultimatum and would therefore, if anything, only weaken the chance of persuading the South African Government to submit an agreement, especially taking into consideration the state of public opinion in the Union.

When the resolution which had thus been adopted by the full Committee came before the plenary session it was approved, with a slight toning down of the wording of the operative clause, by a vote of 41 to 10 with 4 abstentions. *New Zealand*, having voted against the resolution in the Committee stages, abstained in the plenary session, because the improvement in the text was so slight as not to remove the objections mentioned above.

(b) *Trusteeship Agreement for Nauru*

During the course of the discussion of the eight draft trusteeship agreements which were approved by the second part of the first regular session of the General Assembly, the *Australian* delegation, in reply to a criticism by the delegate of the *Soviet Union* concerning the non-submission of a trusteeship agreement for the mandated Island of Nauru, declared that the three Governments concerned (Australia, New Zealand, and the United Kingdom) would, as soon as possible, present such an agreement in accordance with the declaration which had been made at the London meeting of the General Assembly.

The three Governments therefore later engaged in consultations in order that an agreed draft might be submitted to the General Assembly, and on 27 September, 1947, a draft trusteeship agreement, the terms of which had been agreed upon by all three Governments, was transmitted to the Secretary-General for consideration and approval by the General Assembly. When the draft trusteeship agreement came before the Committee the *Australian* representative, after outlining the history of the Island of Nauru, referred to the desire of Australia, New Zealand, and the United Kingdom that the trusteeship system should be further extended by the placing of this former mandate under trusteeship. General appreciation was expressed by a number of delegates of the action of the three Governments in thus giving further evidence of their support of the system of international trusteeship.

Sir Carl Berendsen, pointing out that he was the representative of *New Zealand*, one of the Governments which had propounded the agreement, expressed his desire to leave the Chair during the discussion of the draft agreement. The Committee unanimously invited

him to resume the Chair, and on doing so Sir Carl Berendsen then made a brief statement associating himself with the remarks of the Australian representative and stating that, in accordance with New Zealand policy towards all dependent territories, the New Zealand Government earnestly wished to see the Nauruans advance along the road to self-government.

With regard to the question of the manner in which the terms of the draft agreement should be examined, it was decided to follow the precedent of last year and establish a sub-committee composed of the members of the Trusteeship Council, with the addition of the representatives of *India* and *Yugoslavia*. In this way it was felt that the provisions of Article 85 of the Charter, which states that the Trusteeship Council should assist the General Assembly in the examination of trusteeship agreements, might be regarded as fulfilled, since if the actual letter of this provision were insisted upon in the case of Nauru the approval of the agreement would be delayed for a year.

Sub-Committee.—The sub-committee set up to discuss the Nauru Trusteeship Agreement held six meetings, during which proposed modifications submitted by the delegations of China and the Soviet Union were discussed. In comparison with the large number of suggested changes which were presented to the eight trusteeship agreements submitted last year, relatively few modifications were proposed to this draft. The members of the sub-committee adopted a helpful attitude and were generally ready to withdraw their suggestions when their points had been met by satisfactory explanations by the *Australian*, *New Zealand*, and *United Kingdom* delegations. It was held by some, for instance, that the terms of the agreement as submitted might allow the administering authority to appoint some member of the United Nations, other than one of the three Governments, to exercise the actual administration of the island, but these doubts were completely removed by the explanation of the delegations concerned. A declaration to the effect that the administering authority did not at present, and would not in future, discriminate between nationals of States members of the United Nations in regard to such matters as rights of entry into the territory was also regarded as satisfactory.

The only intransigent opposition came from the representative of the *Soviet Union* supported by the delegate of *Yugoslavia*, who reiterated the arguments advanced in last year's discussions that this agreement, like those approved last year, violated the Charter, but it was apparent that this was done largely in order that the records of the discussions should reflect the consistency of the Soviet position.

The agreement, with one slight change (a reference to Article 84 of the Charter in the final article of the agreement) which was accepted by the three interested Governments, was eventually approved by the sub-committee by a vote of 9 in favour with 2 against and 1 abstention.

When the agreement was referred back to the Full Committee it was approved by a vote of 41 to 6. In the plenary session the only opposition came from the *Soviet Union* and its supporters, all of whom considered it necessary to reiterate their views that the terms of the agreement were in contradiction to the provisions of the Charter because (i) in their view the States directly concerned had not been defined and consequently their agreement had not been obtained; (ii) the defence provisions were not in accord with the Charter; and (iii) the draft did not sufficiently prescribe the obligations to be undertaken by the administering authority. The draft agreement was finally approved by a vote of 46 to 6 (*Byelo-Russia, Czechoslovakia, Poland, the Ukraine, the Soviet Union and Yugoslavia*) with 1 abstention (*Siam*). A copy of the draft agreement is contained in Appendix II.

(3) *Trusteeship for Non-self-governing Territories*

Article 77 (1) (c) of the Charter provides for the inclusion in the trusteeship system of territories voluntarily placed thereunder by the States responsible for their administration. At the last session of the General Assembly the Indian representative moved a draft resolution (which was ruled out of order) to the effect that an inquiry should be made of States administering non-self-governing territories whether they wished to place any of these territories under the trusteeship system.

The *Indian* delegation returned to this subject in the Fourth Committee at the present session and tabled a resolution which, after stating that the international trusteeship system provides "the surest and quickest means of enabling the peoples of dependent territories to secure self-government or independence," requested administering Powers to place some or all of their non-self-governing territories under trusteeship. The *United Kingdom* representative (Mr Creech Jones), while agreeing generally with the Indian objective of promoting self-government as speedily as possible, opposed the resolution on the grounds that it was an attempt to rewrite the Charter by an Assembly resolution, that there was no evidence to show that the trusteeship system does provide a better system than that provided by Chapter XI, and that any such proposal would be most bitterly resented by the colonial peoples themselves as a retrograde and humiliating step. Other delegates (notably Mr Dulles, of the *United States*) pointed out that the resolution was morally vulnerable because

it omitted any mention of category (b) of Article 77, which provides for the placing under trusteeship of "territories which may be detached from enemy States as a result of the Second World War." It would, in the opinion of the United States representative, have been far more important to request that these territories be brought within the trusteeship system before their future was irrevocably decided by peace treaties.

In spite of the attitude of a considerable number of delegations that the Indian proposal was premature since the trusteeship system was still in an embryo stage and that moral pressure of this nature might indeed have precisely the opposite effect to what was intended, the resolution was, with slight amendments, adopted by the Committee by a vote of 25 to 23 with 3 abstentions.

When the resolution came before the General Assembly it was decided that it was a matter which, within the terms of Article 18 of the Charter, would require a two-thirds majority. The resolution, on being put to the vote, was defeated by a tie vote of 24 to 24 with 1 abstention. *New Zealand* voted against the resolution, on the grounds that, while there could be no objection in principle, New Zealand, indeed, being strongly in favour of an extension of the trusteeship system, the proposal was couched in terms such as would not, in fact, lead to the results desired, but would, on the contrary, be rather calculated to have precisely the opposite effect.

(4) *Information from Non-self-governing Territories*

The fourth item on the agenda of the Trusteeship Committee—information from non-self-governing territories—was in two parts :—

(1) Summary and analysis of information transmitted under Article 73 (e) of the Charter : report of the Secretary-General ; and

(2) Information transmitted under Article 73 (e) of the Charter : report of the *ad hoc* Committee.¹

Under the terms of Chapter XI of the Charter, member States administering non-self-governing territories agree to transmit information relating to the economic, social, and educational conditions in their territories. The General Assembly, by a resolution adopted on 14 December, 1946, requested the Secretary-General to summarize analyse, and classify this information ; it also established an *ad hoc* Committee to examine the Secretary-General's summaries and analyses and to recommend future procedures relating to these matters.

¹ Document A/385.

The *ad hoc* Committee (on which *New Zealand*, as a State administering non-self-governing territories, was automatically entitled to a seat, and of which Sir Carl Berendsen had the honour of being elected Chairman) had met from 28 August to 12 September, and submitted five draft resolutions for the consideration of the General Assembly :—

I. The first resolution, the adoption of which had been recommended to the General Assembly by the *ad hoc* Committee, invited the members transmitting information under Article 73 (e) to undertake all necessary steps to render the information as complete and up to date as possible, and for this purpose invited these States to make use of a standard form to guide them in the preparation of information which they will transmit to the Secretary-General. Certain *Indian* amendments to the standard form designed to obtain information regarding the extent of the participation of the inhabitants in the administrative services and the political institutions of the territories, and to clarify the position regarding the existence of racial discrimination, if any, were adopted by the Committee by substantial majorities, and the resolution, as a whole, was approved without dissent.

II. A lengthy debate occurred over the second draft resolution, which related to the use which the Secretary-General may be authorized to make of official information supplementary to that transmitted under Article 73 (e) of the Charter. The *ad hoc* Committee had, after protracted discussions and as the result of a reasonable compromise, included in the resolution a paragraph permitting the Secretary-General to make comparisons between conditions prevailing in non-self-governing territories and in autonomous countries.

It is obvious that comparisons between non-self-governing territories and sovereign States within a common geographical region would be of great value, but a majority of the Committee, employing considerations of, to say the least, doubtful logical validity, accepted a *Soviet Union* amendment which limited comparisons to those between non-self-governing territories and their metropolitan areas. *New Zealand* voted against the amendment, on the grounds that such limitation was absurd, especially in view of the fact that the original resolution, in any case, permitted the comparisons which the Soviet Union desired.

III. The third draft resolution concerned the voluntary transmission of information regarding the development of self-governing institutions in the non-self-governing territories.

Article 73 (e) of the Charter expressly omits the obligation to transmit information of a political nature, and there can be no doubt that this omission was deliberate. Nevertheless, most of the administering Powers (including New Zealand) voluntarily included certain political information in the information transmitted. The *ad hoc* Committee's resolution noted this fact and stated that such voluntary transmission should be encouraged. The *United Kingdom* and *Belgium* objected to the adoption of such a resolution, which, in their view, was again an attempt to rewrite the Charter by an Assembly resolution and would constitute interference by an international agency in matters concerning only the metropolitan country and its colonial territories. Other members of the Committee, however, while seeing no harm in a resolution which did not state or imply that there was any obligation to transmit information of a political nature, were opposed to a *Soviet Union* amendment (in effect a substitute proposal) which did imply such an obligation and called upon administering Powers to accept it. This amendment was eventually adopted by the Committee by the narrow margin of 1 vote (20 to 19).

IV. The fourth resolution, relating to the collaboration of specialized agencies in the matter of information transmitted under Article 73 (e), was adopted by the Committee without amendment or opposition.

V. The most important recommendation of the *ad hoc* Committee was the proposal that the Assembly should create a Special Committee to carry out regularly the tasks which the *ad hoc* body performed for the second session of the Assembly. This Special Committee, to be constituted by the Fourth (Trusteeship) Committee, was to submit reports for the Assembly's consideration, together with such procedural recommendations as it saw fit. It could likewise make substantive recommendations relating to functional fields generally, but not regarding individual territories.

The *Indian* representative submitted an alternative text which proposed that the Assembly and not the Fourth Committee should create the Special Committee, that the members should be elected for a two-year period, and that the Committee should have wider terms of reference enabling it to make recommendations regarding individual territories.

The *United Kingdom* representative claimed that the aim of the Indian amendment was to create a rival organ to the Trusteeship Council and thereby lessen the difference between Chapter XI and Chapters XII and XIII of the Charter. The amendment was nevertheless adopted by the Committee by a vote of 23 to 19.

Throughout the debates on the above questions in the Fourth Committee the major colonial Powers complained of the tendency on the part of some delegations to achieve a perverse stretching of the terms of the Charter in an endeavour to derive from it a moral claim on the part of the United Nations to intervene in the affairs of all colonial territories. They considered themselves justified, therefore, in resisting the pressure directed towards that end, because evidence was not wanting to indicate that the delegations concerned were interested not so much in the actual conditions of the inhabitants of the non-self-governing territories as in obtaining a majority in the Committee for the approval of speciously framed resolutions which, in effect, implied a moral censure upon the colonial Powers merely with a view to embarrassing the latter.

On the other hand, the narrowness of majorities obtained for these resolutions indicated that there was a growing number of delegations who recognized that the decisions of the *ad hoc* Committee were reasonable compromises representing a real advance and who were unwilling to lend their support to actions motivated by a spirit of destructive criticism rather than by a desire to co-operate in the work of helping dependent peoples along the road to self-government.

When the report of the Fourth Committee came to the plenary session the Assembly had before it three amendments proposed jointly by *Brazil, Denmark, France, Netherlands, Nicaragua, United States, and Uruguay* which were put forward with the object of reversing the decisions of the Fourth Committee and reverting to the texts proposed by the *ad hoc* Committee. Several delegates appealed to the Assembly to display an attitude of common-sense by supporting these amendments.

In view of the illogical manner in which the majority of the Fourth Committee had, while calling for co-operation from administering Powers, themselves refused to co-operate by accepting the wide possibilities of comparison suggested by the *ad hoc* Committee in their second resolution, the *New Zealand* representative (Sir Carl Berendsen) made a statement in the plenary session referring particularly to this point, but also touching upon the question generally. After referring to the fact that the Fourth Committee had carried out its task in a more encouraging and less acrimonious manner than last year, the *New Zealand* representative stated that, unfortunately, the Committee had at times lapsed into irresponsibility. *New Zealand*, he pointed out, had always taken a liberal view on the question of

colonial administration, and had always regarded the welfare of the peoples of its island territories as its sole object in administering these territories. The administration of colonial territories had improved immensely in recent years, in spite of many blemishes in earlier years.

Turning to the resolutions before the Assembly, he said that the information transmitted under Article 73 (e) should clearly not be pigeonholed, but put to the best possible use. One of the best ways of using such information was obviously to compare it with similar information from other comparable territories, notwithstanding the fact that some of them were sovereign States. Yet, although the *ad hoc* Committee, after long and serious discussions, had decided that this method would be of the utmost value, the Fourth Committee had, in an irresponsible manner, changed that decision and decided to limit such comparisons to those between non-self-governing territories and the metropolitan area of the administering Power concerned, a comparison which in most cases would be quite worthless.

When the resolutions and amendments were put to the vote, the Assembly reversed the decisions of the Fourth Committee in each instance, and decided to accept instead the recommendations of the *ad hoc* Committee. The *ad hoc* Committee's text of Resolution II was approved by 30 votes (including *New Zealand*) to 18 with 9 abstentions; that of Resolution III by 44 votes to 2 with 5 abstentions (following upon the rejection of the Fourth Committee's proposal by 25 votes (including *New Zealand*) to 17 with 9 abstentions); and that of Resolution V by 49 to none with 4 abstentions (after the Fourth Committee's text had been rejected by 24 (including *New Zealand*) to 17 with 9 abstentions).

The adoption of Resolution V in the form recommended by the *ad hoc* Committee necessitated a further meeting of Committee Four in order to complete the constitution of the Special Committee, which, under the terms of the resolution, was to consist of representatives of the eight administering Powers (of which *New Zealand* is one) and of eight elected members chosen by the Fourth Committee. Those elected were *China*, *India*, the *Soviet Union*, *Egypt*, *Cuba*, *Sweden*, and *Nicaragua*.

In addition, the Committee had to decide the date of meeting of the Special Committee. A proposal that the Special Committee should meet at a date to be fixed by the Secretary-General, not less than two weeks before the opening of the next regular session of the General Assembly, was adopted without opposition.

X. FIFTH COMMITTEE: ADMINISTRATIVE AND BUDGETARY QUESTIONS

Chairman: Justice Sir FAZL ALI (*India*)

Vice-Chairman: Dr JOZA VILFAN (*Yugoslavia*)

Rapporteur: Mr GOSTA BAGGE (*Sweden*)

New Zealand Representatives

Mr J. THORN

Mr J. V. WILSON

Mr C. K. WEBSTER

The principal item on the agenda of the Fifth Committee was the budget of the United Nations organization (including the International Court of Justice). The estimates for the financial year 1948, as first submitted by the Secretary-General¹, amounted to \$39,403,792. The Advisory Committee on Administrative and Budgetary Questions submitted a detailed report on the estimates², and recommended, *inter alia*, that a sum of \$35,295,694 would be sufficient to meet the expenses of the organization. Revised estimates amounting to \$34,499,762 were submitted by the Secretary-General, who stated that the original estimates had been prepared before the receipt of the reports of the Management Survey, a body of experts established by the Secretary-General as the result of criticisms of the administration voiced by the delegations at the second part of the first Assembly and on the recommendation of the Advisory Committee.

At the outset a motion was introduced by the delegation of the *United Kingdom* to place a ceiling figure of \$30,000,000 on the estimates for 1948. The motion was eventually defeated by 27 votes to 21, *New Zealand* voting with the majority. The *New Zealand* delegate (Mr. J. V. Wilson) submitted that any important reduction in expenditure must proceed from policy decisions by the General Assembly and it was not thought to be a correct method to name a figure and demand of those who have no authority to decide a policy for the United Nations to keep within that figure.

In the general debate the *New Zealand* representative stressed the importance of establishing priorities between activities, and stressed that measures connected with peace and security and urgent measures of economic reconstruction are clearly at the top of the list.

¹ Document A/318.

² Document A/426.

Some other projects—economic, social, or legal—may be less urgent, and in some cases, quite apart from the question of economy, a period of delay would be in the interests of the proper execution of the projects themselves.

One of the Departments of the Secretariat which received the special attention of the Fifth Committee was the Department of Public Information, whose budget, together with the provision for information and correspondent centres, exceeded \$4,500,000 in the final approval. The functions of this Department, as defined by the General Assembly at the first part of its first session, are extremely wide and the amounts that could be expended in keeping the peoples of the world fully informed of the aims and activities of the United Nations are practically limitless. The *New Zealand* representative stressed that, whilst the importance of the Department was fully realized, perhaps some of the activities scheduled for 1948 could be curtailed or spread over a longer period. It was observed, however, in the course of the Committee's discussions, that when any motion to decrease expenditure was introduced, voting by roll call was insisted on and there appeared to be a certain tendency towards bloc voting to prevent reductions.

The revised estimates, \$34,499,762, were reduced through recommendations of the Fifth Committee to \$32,529,500, but supplementary estimates amounting to \$2,295,695 were approved. The supplementary estimates included provision for additional expenses of holding the third regular session of the General Assembly in Europe, \$1,047,875; expenses of the Interim Committee of the General Assembly, \$169,500; Temporary Commission on Korea, \$533,280; and Special Committee on the Greek question, \$538,600.

The estimates for 1948, \$34,825,195, were approved by the General Assembly, the voting being 37 for (including *New Zealand*), none against, with 10 abstentions. The budget of the United Nations organization, including the International Court of Justice for 1948, is as follows:—

A. The United Nations

Part I: Sessions of the General Assembly, the Councils, Commissions, and Committees	\$ 2,900,596
Part II: Special conferences, investigations, and inquiries	1,154,758
Part III: The Secretariat	24,782,146
Part IV: Common services	2,303,298
Part V: Capital expenses	743,200
Part VI: Economic Commissions, administration of the Free Territory of Trieste, and advisory social welfare functions	2,250,186

<i>B. International Court of Justice</i>		\$
Part VII : The International Court of Justice...	...	691,011
		<hr/>
		\$34,825,195
		<hr/>

Casual revenue for 1948 is estimated at \$761,727, and member nations will therefore be required to find \$34,063,468, in accordance with the scale of contributions.

Supplementary Estimates for the Financial Year 1947

Supplementary estimates amounting to \$876,568 were approved, and the total amount thus appropriated for the financial year 1947 totalled \$28,616,568. The major part of the supplementary estimates was to meet expenditure which had arisen out of directives by the Councils and the special session of the General Assembly.

Contributions to meet Expenditures of the United Nations Organization

The General Assembly, at the second part of its first session, modified the scale of contributions presented by the Committee on Contributions, when the main consideration taken into account by the Committee had been capacity to pay. The Committee on Contributions, in presenting its report on the apportionment of the expenditure of the United Nations organization for 1948¹, had borne in mind the considerations which had led the General Assembly in December, 1947, to fix the contribution of the United States at a proportion substantially lower than capacity to pay.

The delegation of the *United States* agreed to accept the same assessment (39.89 per cent.), but stated that the delegation had not abandoned its position with regard to a ceiling figure for contributions. The concept of the sovereign equality of members was the most pertinent factor next to capacity to pay, and the General Assembly should recognize the need to establish a maximum and minimum limit for contributions. The Fifth Committee decided to postpone consideration of a draft amendment to the Provisional Rules of Procedure, which would give effect to the *United States* contention, to the third regular session of the General Assembly.

¹ Document A/462.

The scale of contributions to the budget and the Working Capital Fund for 1948 is as follows :—

	Per Cent.		Per Cent.
Afghanistan ...	0.05	Lebanon ...	0.06
Argentina ...	1.85	Liberia ...	0.04
Australia ...	1.97	Luxembourg ...	0.05
Belgium ...	1.35	Mexico ...	0.63
Bolivia ...	0.08	Netherlands ...	1.40
Brazil ...	1.85	New Zealand... ..	0.50
Byelo - Russian Soviet Socialist Republics ...	0.22	Nicaragua ...	0.04
Canada ...	3.20	Norway ...	0.50
Chile ...	0.45	Panama ...	0.05
China ...	6.00	Paraguay ...	0.04
Colombia ...	0.37	Peru ...	0.20
Costa Rica ...	0.04	Philippines ...	0.29
Cuba ...	0.29	Poland ...	0.95
Czechoslovakia ...	0.90	Saudi Arabia ...	0.08
Denmark ...	0.79	Siam ...	0.27
Dominican Republic ...	0.05	Sweden ...	2.04
Ecuador ...	0.05	Syria ...	0.12
Egypt ...	0.79	Turkey ...	0.91
El Salvador ...	0.05	Ukrainian Soviet Social- ist Republic ...	0.84
Ethiopia ...	0.08	Union of South Africa ...	1.12
France ...	6.00	Union of Soviet Socialist Republics ...	6.34
Greece ...	0.17	United Kingdom ...	11.48
Guatemala ...	0.05	United States of America	39.89
Haiti ...	0.04	Uruguay ...	0.18
Honduras ...	0.04	Venezuela ...	0.27
Iceland ...	0.04	Yemen ...	0.04
India and Pakistan ...	3.95	Yugoslavia ...	0.33
Iran ...	0.45		
Iraq ...	0.17		

A statement submitted by the Secretary-General indicated that as at 30 September, 1947, 99.96 per cent. of advances to the Working Capital Fund, 99.35 per cent. of contributions to the 1946 budget, and 88.48 per cent. of contributions to the 1947 budget had been received.

A special provision was made to the effect that the Secretary-General may, for the year 1948, accept, after consultation with the Committee on Contributions, a proportion of a member State's contribution in a currency other than United States dollars.

Estimated Costs of holding the Third Regular Session of the General Assembly in Europe

The Secretary-General advised that the additional costs involved in holding the 1948 regular session of the General Assembly in Geneva would be \$1,336,344, and at a site in Europe other than Geneva, \$1,482,562. It was considered that if the conferences services were to be kept on the same level as those obtaining at the Headquarters a staff of some 1,149 persons would have to be in attendance. Six hundred and seven persons would be transferred from Headquarters, and the balance would be available from the Geneva office or recruited locally.

The Advisory Committee on Administrative and Budgetary Questions considered that it would be possible to reduce the estimate for the additional costs of a session in Geneva to \$901,875, and the additional costs for holding a session at a site in Europe other than Geneva would amount to \$1,047,875.

It was decided to include the additional amount of \$1,047,875 in the budget for 1948 and to authorize the Secretary-General to withdraw from the Working Capital Fund any difference between this figure and the actual cost should the actual cost prove to be higher.

During the debate in the General Assembly the *New Zealand* delegate (Mr Thorn) spoke strongly against the proposal (which had been presented by the delegations of *France* and *Sweden*) to hold the next regular session of the General Assembly in Europe, and he drew attention to the already very considerable costs of international organizations. He added that there would be many administrative difficulties, both to member nations, many of which had already established offices in New York for their permanent delegations to the Councils of the United Nations, and to the Secretariat of the United Nations organization. Should the next General Assembly be held in Geneva, most member nations would find the Swiss currency position to be almost as difficult as that of the United States dollar. After the President had ruled that it would not be necessary to secure a two-thirds majority of the General Assembly on the question of location, but that such a majority would be essential when the financial implications were being considered, a vote was taken and the proposal was carried by 32 for, 17 against (including *New Zealand*), and 5 abstentions.

As mentioned above, the additional expenses were included in the estimates for 1948, and the question of a two-thirds majority for this particular item was not further debated.

The Secretary-General will be assisted by a Committee consisting of the representatives of nine member nations in deciding the site in Europe at which the third regular session of the General Assembly will be held.

Permanent Headquarters of the United Nations

The *ad hoc* Committee on Headquarters reported¹ that the total estimated costs of construction of the permanent Headquarters, including furnishings and equipment, would be \$65,000,000. The Government of the *United States* advised that it would be prepared to enter into negotiations with the Secretary-General with a view to concluding a loan agreement whereby an interest-free United States Government loan would be made available for the purpose of financing all or part of the cost of constructing the United Nations Headquarters.

The Secretary-General was authorized to negotiate and conclude a loan agreement with the Government of the United States for an interest-free loan in an amount not to exceed \$65,000,000 and for a term of not less than thirty years. The loan would be repayable in annual instalments from the ordinary budget of the United Nations, beginning in 1951.

It was hoped that a major part of the building would be completed and ready for use at the time of the fourth regular session of the General Assembly (September, 1949). To assist the Secretary-General in carrying out his responsibilities in connection with the permanent Headquarters an Advisory Committee consisting of representatives of sixteen member States was appointed.

Advisory Committee on Administrative and Budgetary Questions

The above-mentioned Standing Committee of the General Assembly, whose functions were described in the report of the New Zealand delegation on the first part of the first regular session of the General Assembly, has proved of great assistance, both to the Fifth Committee in its deliberations, and to the Secretary-General.

As was inevitable in the immense task entrusted to the Secretary-General of the immediate formation of a Secretariat, establishment of a temporary Headquarters, and the prompt undertaking of widely diversified duties, many decisions were arrived at as a temporary expedient. Now, however, that the activities of the organization have become a little more settled, the Advisory Committee have reviewed much of the administrative machinery, with advantageous results both to the member States and to the United Nations organization.

¹ Document A/485.

Taxation Equalization

In accordance with a request from the Advisory Committee on Administrative and Budgetary Questions, the Secretary-General presented a report on the action taken by member States under the first part of Resolution 78 (1) adopted by the General Assembly during the second part of its first session. Resolution 78 (1) reads :—

“ In order to achieve full application of the principle of equity among members and equality among personnel of the United Nations, members which have not yet completely exempted from taxation, salaries and allowances paid out of the budget of the organization are requested to take early action in the matter.”

The report of the Secretary-General disclosed that as at 1 October, 1947, only fourteen members had advised that the request contained in Resolution 78 (1) had been complied with. The sum of \$500,000 was therefore included in the estimates for 1948 to provide reimbursement for national taxation for staff members whose Governments had not exempted them from taxation. This amount was, for the most part, required to meet the costs of reimbursing income-tax paid by nationals of the United Nations whose Governments have not as yet provided immunity from taxation for those of its citizens who are employed by the United Nations organization.

Considerable criticism was levelled at the Government of the United States, and a resolution was submitted by the delegation of *Belgium* which proposed, *inter alia*, that a sum equivalent to the reimbursement to the officials for income-taxes they have to pay should be added to the sum of the contribution to the United Nations budget due from members whose nationals in the service of the organization have been obliged to pay income-taxes on the salaries and indemnities paid by the United Nations. The voting on this resolution was as follows : 29 for, 12 against (including *New Zealand*), with 6 abstentions. Considerable discussion then ensued concerning the legality of such a resolution, and several members who had supported it contended that they did not realize the consequences involved. It was eventually decided to reopen consideration of the whole matter.

The Rapporteur introduced a resolution which requested all member States to exempt their nationals employed by the United Nations from national income-taxes, required the Secretary-General to prepare and submit to the next session of the General Assembly a staff contributions plan, and authorized the Secretary-General to reimburse staff members for national taxes paid on salaries and allowances received from the United Nations during the years 1946, 1947, and 1948. This resolution was approved by 25 for (including *New Zealand*), 1 against, with 8 abstentions.

International Meetings

The greatest concern was expressed by practically all delegations at the large number of international meetings, which tax severely the dollar resources of most countries and, in addition, present representation problems to the smaller member nations. Particular attention was directed to the Economic and Social Council, which had established, in conformity with Chapters IX and X of the Charter and upon the specific instructions of the General Assembly, several commissions and sub-commissions, many of which were scheduled to meet in 1948.

Various views were expressed concerning the propriety or authority of the Fifth Committee to propose a limitation upon the number of meetings already agreed upon by the Councils of the United Nations. It was decided, however, to direct the attention of the Economic and Social Council in particular to the whole matter by the very practical method of refusing to recommend the grant of credits for certain proposed conferences in 1948. Towards the conclusion of its deliberations, however, the Fifth Committee relented somewhat in its attitude and accepted a proposal that a global figure be adopted for meetings of the Councils and their commissions, and the Councils were requested to revise their programmes for 1948 to come within these financial limits.

It was not considered necessary or desirable that new machinery be created for the purpose of programme planning and establishing work priorities for the United Nations. The Advisory Committee on Administrative and Budgetary Questions was therefore instructed to study the whole problem and, after consultation with the Interim Committee on Programmes of Meetings, a body established by the Economic and Social Council to co-ordinate the work of the Council and its commissions and that of the specialized agencies, to report to the third regular session of the General Assembly.

As an indication of the costs of Committees of inquiry, two examples are given:—

Special Committee on Palestine.—This Committee, which visited Palestine, was assisted by a staff of 76, and the estimated costs to 31 December, 1947, are \$358,486.

Special Committee on the Greek Question.—The above Special Committee was established to observe the compliance by the Greek, Albanian, Bulgarian, and Yugoslav Governments of certain good-neighbour recommendations of the General Assembly. The estimated costs to 31 December, 1948, amount to \$514,840.

Miscellaneous

The delegation of the *Philippines* submitted a proposal for the adoption of Spanish as one of the working languages of the General Assembly. The Advisory Committee on Administrative and Budgetary Questions reported that the adoption of this proposal would entail an addition to the United Nations budget of approximately \$2,000,000 per annum, as well as giving rise to administrative, political, and legal difficulties. The Secretary-General was therefore requested to study all aspects of the proposal and to report to the next regular session of the General Assembly.

A proposal, submitted by the delegation of *Argentina*, for the organization of a United Nations postal service was referred to the Secretary-General with instructions to make such further inquiries on all the implications as would enable him to make definite proposals to the General Assembly at its third regular session.

Considerable discussion took place on the best means of attaining a balanced geographical distribution in the composition of the Secretariat and at the same time maintaining the paramount consideration in the employment of staff, as laid down in Article 101 (3) of the Charter—namely, the necessity of securing the highest standard of efficiency, competence, and integrity. It was eventually decided to request the Secretary-General to examine the recruitment policy that has been followed, review the qualification, background, and experience of the present members of the staff, to take all practicable steps to secure the improvement of the present geographical distribution of staff, and to report on action taken to the next regular session of the General Assembly.

The Secretary-General was authorized to advance from the Working Capital Fund, upon request from the Governor and Provisional Council of Government of the Free Territory of Trieste and after approval of the Security Council, such amounts not exceeding in total \$5,000,000 as may be required in 1948 for emergency assistance to the Free Territory of Trieste.

The Secretary-General was authorized to withdraw from the Working Capital Fund such amounts, not exceeding in total \$2,000,000, as may be necessary to meet expenditures made on behalf of the United Nations Palestine Commission.

The General Assembly approved of the Fifth Committee's recommendation to maintain the Working Capital Fund at \$20,000,000 for 1948. All of the recommendations of the Fifth Committee were approved by the General Assembly.

XI. SIXTH COMMITTEE: LEGAL QUESTIONS

Chairman: Mr FARIS EL-KHOURI (*Syria*)

Vice-Chairman: Mr HENRIQUEZ-URENA (*Dominican Republic*)

Rapporteur: Mr M. G. KAECKENBEECK (*Belgium*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr T. O. W. BREBNER

The agenda of the Sixth Committee consisted originally of twelve items, and at the first meeting there was a general debate on the organization of the work of the Committee. It was decided that certain items, including the agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations and the co-ordination of the privileges and immunities of the United Nations and of the specialized agencies, should be at once sent to a sub-committee consisting of the representatives of *Argentina, Canada, Czechoslovakia, Cuba, Egypt, India, Norway, the United Kingdom, the Soviet Union, and the United States.*

Progressive Development of International Law and its Codification

The General Assembly at the second part of the first regular session established a Committee of sixteen members to study the methods by which the progressive development of international law and its codification could be encouraged. In the discussion of this Committee's report¹ by the Sixth Committee the *United States* representative expressed himself in favour of the establishment of an International Law Commission composed of persons of competence in the field of international law who should not be subject to political influence.

¹ Document A/331.

He thought that in the main the Special Committee's recommendations were acceptable, but suggested the following changes in organization :—

- (1) The International Law Commission should be composed of a small number of persons, preferably seven or nine ;
- (2) The nominations should be limited to four ;
- (3) Election should be by the General Assembly alone ;
- (4) The Commission should be on a part-time basis ; and
- (5) A group of specialists in international law should be developed within the Secretariat of the United Nations under the functional supervision of the Commission itself.

He thought that the term of office of members of the Commission should be three years and that the Commission should have power to determine its own organization and procedures.

The *United Kingdom* representative said that whereas much could be done towards the clarification and codification of existing rules of international law, little advancement could be expected in extending the rule of law into new fields because of the tension which existed at present in international relations and because history showed that law always follows order and does not precede it. He agreed with the United States representative regarding the development of a group of specialists within the Secretariat. He thought that the election of members of the International Law Commission should, for practical considerations, be postponed to the next session of the General Assembly. He pointed out that the General Assembly must first decide when the Commission should be established and whether it is to be full-time or part-time before member Governments could approach persons of recognized competence in their respective countries to ask whether they would accept nomination to the Commission. It was obviously impossible to choose, say, ten members from approximately two hundred nominations before the conclusion of the present session.

The representative of the *Soviet Union* agreed that an International Law Commission would be desirable eventually, but thought that the Commission should work only on the instructions of the General Assembly and should not enter into consultation with Governments or have the services of outside rapporteurs and sub-committee members. He disapproved of the suggestion that the International Law Commission should study improvement in the technique of multipartite instruments, and rejected the idea of securing the co-operation of the several organs of the United Nations on the ground

that that would not be in accordance with the provisions of the Charter of the United Nations, which stated that the General Assembly only might make recommendations for the development of international law. He suggested that the Special Committee on the Progressive Development of International Law and its Codification might continue its studies and make a further report to the third session of the General Assembly in 1948.

The tenor of the debate indicated that the majority of the Sixth Committee were in favour of setting up an International Law Commission, but there were many contrary views regarding the methods to be followed and the relative emphasis to be placed on the legislative and the codifying aspects. It was decided to establish a sub-committee composed of the representatives of *Australia, Brazil, China, Colombia, Dominican Republic, France, Greece, Netherlands, Poland, Sweden, the United Kingdom, the Soviet Union, the United States, and Yugoslavia* to draft a resolution which might meet the views of the Sixth Committee.

The sub-committee in its report recognized that it was desirable to establish a Commission consisting of members of competence in international law who would represent as a whole the chief forms of civilization and the basic legal systems of the world.

The Committee accordingly adopted a resolution recommending the establishment of an International Law Commission of fifteen members to be elected at the third regular session of the General Assembly and approving a statute under the provision of which the Commission should be constituted and exercise its functions.

Taking into account the fact that the election of members of the International Law Commission would not take place until the third session of the General Assembly, the Sixth Committee adopted a resolution instructing the Secretary-General to carry out the preparatory work in the interim. The Committee also considered and adopted a resolution presented by the representative of Bolivia requesting Governments to take measures to extend the teaching of international law in universities and high educational institutions. This resolution was later adopted by the Assembly.

The Crime of Genocide

In pursuance of the resolution of the General Assembly at the second part of its first session, the Economic and Social Council, by resolution of 6 August, 1947, had requested, *inter alia*, that the Secretary-General transmit to the General Assembly its draft convention on the crime of genocide, together with any comments

thereon which had been received from member Governments. This draft convention¹ had been circulated on 25 August, 1947, and was considered by the Committee.

During the course of the discussion the representative of the *United States* recalled that the resolution of the Economic and Social Council was divided into three parts :—

(1) That there should be consultation with the Committee on the Progressive Development of International Law and its Eventual Codification ;

(2) That there should be consultation, if possible, with the Commission on Human Rights ; and

(3) That all member Governments should be asked for their comments.

The Economic and Social Council meeting in August, 1947, had adopted a resolution stating that its programme had not been completed ; the Commission on Human Rights could not meet before December, 1947 ; the Committee on the Progressive Development of International Law and its Eventual Codification was authorized only to discuss method and not substance ; no comments by member Governments had been received. The General Assembly had now referred the whole question for study in the Sixth Committee. The Government of the *United States* condemned genocide and was ready to assist in the preparation of the convention which would implement the resolution of the General Assembly. He thought, however, that if the Committee desired to work on the draft convention at the present time either a new sub-committee for the purpose should be set up or the matter referred to the existing Sub-committee 1.

The *United Kingdom* representative thought the matter was properly the concern of the International Law Commission. He felt that it was conceivable that, if the convention was drawn up, all States would not adhere to it, and that would cast doubts on an already established matter—namely, that genocide is quite clearly a crime. He thought that the draft convention was “utterly unrealistic” and that emotions were being allowed to run away with reason. The real sanction against genocide was, he said, a state of war. It was clear from the absence of comment by a number of member Governments that such Governments were unable to commit themselves to the proposed convention. The *United Kingdom* delegation favoured passing a

¹ Document A/362.

resolution asserting again that genocide was a crime, and referring the draft convention of the Secretariat to the International Law Commission in order that it might consider whether such a draft convention was desirable or necessary.

After a long debate the Rapporteur summed up the position as follows :—

“The condemnation of genocide as an international crime had been the subject of General Assembly Resolution 96 (1). Therefore, it would be unnecessary to adopt a resolution at each subsequent session of the General Assembly. The resolution had disposed of the substantive matter. The problem for immediate consideration was the action to be taken. The draft convention was prepared by the Secretariat together with three experts, and thereafter was transmitted to Governments with the request that they send to the Secretary-General their comments and observations. Whereas he agreed that the absence of comment need not prevent the Assembly from taking action at any time, it rendered all hasty action inopportune. It was unnecessary to appoint a sub-committee to discuss the matter until the comments of Governments had been received. Governments should be reminded that it was imperative that they transmit their comments as soon as possible in order to allow a committee or commission to co-ordinate such comments and submit a report to the next session of the General Assembly. There was divergency of opinion as to the composition of the body which would deal with the problem. His delegation (*Belgium*) favoured a commission composed of jurists.”

The Committee decided by a vote of 26 (including *New Zealand*) to 10 to refer consideration of the matter of genocide to Sub-committee 2. The *United Kingdom* representative thought that Sub-committee 2 should be instructed regarding its task, which should include the co-ordination of the various proposals submitted dealing with the procedure to be followed, but that it should not be asked to prepare a draft convention. The representatives of *Panama* and the *United States* were of opinion that the sub-committee should deal with the substantive as well as the procedural aspects of the problem without, however, attempting to frame a draft convention. This proposal was lost, and the sub-committee was therefore left with the work of examining and reporting on the procedure to be followed in dealing with genocide without considering the substance of the matter.

The sub-committee recommended that the Economic and Social Council be requested to continue studying the measures of combating genocide and, if the conclusion of a separate convention was deemed necessary, to submit a report on the matter to the third regular session of the General Assembly.

The Committee adopted a resolution in these terms, but the General Assembly carried certain amendments. By its final resolution the General Assembly emphasized, *inter alia*, the importance of

combating the crime of genocide, taking into account that the International Law Commission has been charged with the formulation of the principles recognized in the Charter of the Nurnberg Tribunal as well as the preparation of a draft code of offences against peace and security, and requested the Economic and Social Council to continue the work it has begun, including the study of the draft convention of the Secretariat, and to proceed with the completion of a convention without waiting for the receipt of observations by all members.

United Nations Day

The Committee decided to recommend to the General Assembly that 24 October in each year be officially known as "United Nations Day." This date, which was selected in preference to 26 June, is the anniversary of the coming into force of the United Nations Charter. The Secretary-General had suggested that both days be observed, to be known as United Nations Peace Day and Charter Day respectively, but the majority of the Committee was not in favour of recommending two holidays. The Committee's recommendation was subsequently adopted by the Assembly.

United Nations Flag

The Committee adopted a draft resolution by the Secretary-General authorizing the use of a distinctive flag by the United Nations, the flag to be the official emblem adopted by the General Assembly centred on a light blue ground, of size and proportions to be determined by the Secretary-General. This resolution was later adopted by the Assembly.

Surrender of War Criminals, Traitors, and Quislings to the States where their Crimes were committed

This matter came before the Committee in the form of a resolution submitted by *Yugoslavia*¹, which implied that certain Governments had not carried out the General Assembly resolution of 13 February, 1946.

The representative of Yugoslavia asserted that neither the Moscow Declaration nor the General Assembly resolution had been carried out owing to lack of co-operation on the part of control authorities in occupied territories. He named a number of specific instances, and charged generally that control authorities of the United States, the United Kingdom, and France had handed over very few war criminals

¹ Document A/C 6/163.

for trial in Yugoslavia. He alleged that in many cases war criminals were at this time holding official positions under the Allied military authorities. His country and others which had been the victims of war crimes during enemy occupation felt it imperative that war criminals should be brought to justice without further delay.

The *United States* representative said all the world joined Yugoslavia in condemning war crimes, but his delegation opposed the resolution because it alleged non-compliance by certain countries. The United States had all along taken the initiative and leadership in the punishment of war criminals. At the same time, the United States would not hand over a person to another nation for trial unless that nation presented a *prima facie* case. His Government would not act on mere allegations.

The *United Kingdom* representative agreed with the view expressed by the United States representative and affirmed his Government's intention to hand over any person against whom a *prima facie* case existed.

The Yugoslav resolution was defeated by 35 votes to 7, *New Zealand* voting against the resolution.

A long discussion ended when the Committee adopted a *United Kingdom* resolution¹ "noting what has so far been done in the extradition and punishment, after due trial, of many of the war criminals referred to in its resolution adopted on 13 February, 1946," and recommending that members of the United Nations continue with unabated energy to carry out their responsibilities for the surrender of war criminals. This resolution was later adopted by the Assembly.

Need for Greater Use by the United Nations and its Organs of the International Court of Justice

The Committee devoted considerable time to discussing this question, which came before it in the form of three draft resolutions. The first of these, introduced by the delegation of *Australia*², recognized that it was the responsibility of the United Nations to encourage the progressive development of international law and that it was of paramount importance that the interpretation of the Charter of the United Nations and the constitution of the specialized agencies should be based on recognized principles of international law; that the International Court of Justice was the principal judicial organ of the United Nations and that it was of paramount importance that the Court should be utilized to the greatest practicable extent in the progressive development of international law, both in regard to legal

¹ Document A/C 6/171.

² Document A/C 6/165.

issues between States and in regard to constitutional interpretation. It recommended, therefore, that organs of the United Nations and the specialized agencies should from time to time review the difficult and important points of law within the jurisdiction of the International Court of Justice which had arisen in the course of their activities and involve questions of principle which it was desirable to have settled, including points of law relating to the interpretation of the Charter of the United Nations or the constitution of the specialized agencies, and, if duly authorized according to Article 96, paragraph 2, of the Charter, to refer them to the International Court of Justice for advisory opinion.

The Committee decided by 39 votes (including *New Zealand*) to 7 to recommend the resolution to the General Assembly, and it was later adopted by the Assembly.

A second resolution, based on a joint *Franco-Iranian* proposal¹, considered that, by virtue of Article I of the Charter of the United Nations, international disputes should be settled in conformity with the principles of justice and international law; that the International Court of Justice could settle or assist in settling such disputes if, by the full application of the provisions of the Charter and of the statute of the Court, more frequent use was made of its services. Therefore it drew the attention of the States who had not yet accepted the compulsory jurisdiction of the Court in accordance with its statute, Article 36, paragraphs 2 and 5, to the desirability of the greatest possible number of States accepting this jurisdiction with as few reservations as possible, and drew the attention of member States to the advantage of inserting in conventions and treaties arbitration clauses providing, without prejudice to Article 95 of the Charter, for the submission of disputes which might arise from the interpretation or application of such conventions or treaties, preferably and as far as possible, to the International Court of Justice. The resolution finally recommended that States should submit their legal disputes to the International Court of Justice.

The Committee decided by 37 votes (including *New Zealand*) to 5 to recommend the resolution to the General Assembly, which later adopted it.

A third resolution, which the Committee adopted by 38 votes to none, authorized the Trusteeship Council to request advisory opinions of the International Court of Justice on legal questions arising within the scope of the activities of the Council. This resolution was also approved when it came before the Assembly.

¹ Document A/C 6/164.

Registration and Publication of Treaties and International Agreements

The Committee considered a report by the Secretary-General dated 4 September, 1947, and unanimously decided to recommend the following resolution to the General Assembly :—

“ The General Assembly takes note of the report of the Secretary-General, Document A/380, on the Registration and Publication of Treaties, and calls the attention of the Member States to the obligation in Article 102 of the Charter.”

This resolution was adopted by the Assembly.

Procedures and Organization of the General Assembly

Report of Sub-committee 3 on Part III of the report of the Committee on Procedures and Organization. The Committee recommended the General Assembly to adopt a new set of Rules and Procedure on the basis of the Sub-committee's report, and the Assembly approved this recommendation.

Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations

By its resolution adopted on 14 December, 1946, the General Assembly, in view of its decision that the permanent Headquarters of the United Nations should be situated in the City of New York, recognized that the draft agreement regarding the Headquarters which had resulted from discussions between the Secretary-General and the United States of America required to be adapted to the circumstances of the new site. Sub-committee 1 of the Sixth Committee presented its report on the Headquarters Agreement, which was unanimously adopted after certain minor amendments proposed by the *Soviet Union* and *Poland* had been agreed to. Speaking for his Government after the adoption of the report, the *United States* representative said that the Headquarters Agreement was unique in international relations. It had been executed by the Secretary of State of the United States and the Secretary-General of the United Nations on 26 June, 1947, and approved unanimously thirty days later by both Houses of the United States Congress. By Congressional resolution the President had been authorized to bring the resolution into effect. The United States delegation joined with the other fifty-six members of the organization and, as the other party to the agreement, expressed their deep gratitude to those who had participated in this work. There now remained only the ratification of the agreement by the General Assembly, and its approval by the Sixth Committee foreshadowed like action by the General Assembly. He hoped that this important step would contribute to the stabilization of the functions of the United Nations in the country of their permanent site. The Agreement was duly adopted by the General Assembly.

Co-ordination of the Privileges and Immunities of the United Nations and of the Specialized Agencies

The question of the co-ordination of the privileges and immunities of the United Nations and of the specialized agencies was referred by the Sixth Committee to its Sub-committee on Privileges and Immunities. The Sub-committee drew up three draft resolutions and a draft convention which the Sixth Committee approved¹, and which was later approved by the Assembly.

Plans for the Formulation of the Principles of the Nurnberg Charter and Judgment

The General Assembly referred to the Sixth Committee the report on plans for the formulation of the principles recognized in the Charter of the Nurnberg Tribunal and in the judgment of the Tribunal which had been submitted by the Committee on the Progressive Development of International Law and its Codification². The Committee, following a general discussion of the question, referred the matter to its Sub-committee 2. This sub-committee decided, as had been proposed by the Committee on the Progressive Development of International Law, to recommend that the question be referred to the International Law Commission which will be elected at the next regular session of the General Assembly. After a discussion, during which several delegations expressed the view that the question should be deferred until the trials of war criminals were further advanced, the Committee decided by 27 votes (including *New Zealand*) to 6 to adopt the sub-committee's recommendation that the matter be referred to the International Law Commission for the purpose of formulating the principles of international law recognized in the Charter of the Nurnberg Tribunal and in the judgment of the Tribunal and of preparing a draft code of offences against the peace and security of mankind. The recommendation was later adopted by the Assembly.

Draft Declaration on the Rights and Duties of States

The Committee considered a report by the Committee on the Progressive Development of International Law and its Codification³ concerning a draft declaration on the rights and duties of States which had been presented by Panama⁴.

The Committee decided that it would be appropriate to entrust further study of this matter to the International Law Commission, and approved a resolution instructing that body to prepare a draft declaration on the rights and duties of States. This resolution was later approved by the General Assembly.

¹ Document A/503.

² Document A/505.

³ Document A/508.

⁴ Documents A/285 and A/285/Corr. 1.

XII. *AD HOC* COMMITTEE ON THE PALESTINIAN QUESTION

Chairman : Dr H. V. EVATT (*Australia*)

Vice-Chairman : H.S.H. Prince SUBHA SVASTI SVASTIVAT (*Siam*)

Rapporteur : Mr THOR THORS (*Iceland*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr J. V. WILSON

Mr C. CRAW

Miss I. P. COATES

In view of the pressure on the First (Political) Committee, the General Assembly decided to set up an “*Ad Hoc* Committee on the Palestinian Question,” composed, like the other main Committees, of representatives of all the members of the United Nations. To the *Ad Hoc* Committee were referred the following three questions :—

1. The question of Palestine : Item proposed by the *United Kingdom*.
2. Report of the *Special Committee on Palestine*.
3. Termination of the mandate over Palestine and the recognition of its independence as one State : Item proposed by *Saudi Arabia* and by *Iraq*.

The “item proposed by the United Kingdom” mentioned as the first point of the agenda refers to a letter of 2 April, 1947, in which the Government of the United Kingdom had asked the General Assembly “to make recommendations, under Article 10 of the Charter, concerning the future Government of Palestine,” and had proposed that as a preparatory step a special session of the General Assembly should be held. The special session met in New York from 28 April to 15 May, 1947, and a Committee of eleven members was sent to Palestine, the report¹ of which (referred to in the second item of the First Committee’s agenda) constituted the principal document before the First Committee.

The report contained a number of recommendations adopted unanimously by the *Special Committee*, including recommendations for the early termination of the mandate and the granting of independence to Palestine. As regards the future government of Palestine, the *Special Committee* was divided, the majority favouring

¹ United Nations Special Committee on Palestine : Report to the General Assembly. (Documents A/364, A/364/Add. 1, and A/364/Add. 2.)

the partition of Palestine into an Arab State and a Jewish State with economic union, and the minority favouring a single Federal State. Both reports provided, though in different ways, for an international regime for the control of the holy places.

At its first meeting the *Ad Hoc* Committee invited the Arab Higher Committee and the Jewish Agency for Palestine to "be represented at the deliberations of the Committee to supply such information or render such assistance as the Committee may require." These invitations were accepted, and both the Jewish Agency and the Arab Higher Committee were represented throughout the Committee's proceedings. Both were invited to make statements towards the beginning and also at the end of the general debate in the Committee.

This debate began with two declarations, one by Mr Creech Jones, Colonial Secretary, on behalf of the Government of the *United Kingdom* as mandatory Power, the other by Mr Sandstrom, Chairman of the *Special Committee*, briefly summarizing the conclusions of that Committee. An extract from the former statement is reproduced below. The statement was of decisive importance for the discussion, in that it reminded the Committee that its task was to consider not only what was the best solution, but how any solution recommended was to be implemented:—

"The United Kingdom Government are ready to assume the responsibility for giving effect to any plan on which agreement is reached between the Arabs and the Jews. They are not themselves prepared to undertake the task of imposing a policy in Palestine by force of arms. In considering any proposal to the effect that they should participate with others in the enforcement of a settlement they must take into account both the inherent justice of the settlement and the extent to which force would be required to give effect to it.

"If the Assembly should recommend a policy which is not acceptable to the Jews and Arabs the United Kingdom would not feel able to implement it. Then it would be necessary to provide for some alternative authority to implement it.

"I have intervened in the discussion to-day because the Committee has before it a proposal involving certain assumptions concerning the future attitude of my Government and the Committee is therefore entitled to know how far those assumptions are justified.

"As I have already said, His Majesty's Government have determined to base their policy on the assumption that they must lay down the mandate, under which they have sought for twenty-five years to discharge their obligations to facilitate the growth of the Jewish National Home and to protect the interests of the Arab population.

"In conclusion, and in order that there may be no misunderstanding of our attitude and policy, I have been instructed by His Majesty's Government to announce with all solemnity that they have consequently decided that in the absence of a settlement, they must plan for an early withdrawal of British force and of the British administration from Palestine."

The long debate which ensued may perhaps most conveniently be summarized in two parts :—

(a) The main arguments used in support of the Arab and Jewish cases respectively ; and

(b) A brief account of the positions taken in the debate, especially by the larger delegations, whose views on enforcement were naturally the most important.

As regards (a), it will be realized that the Arab representatives had a distinct dialectical advantage, in that the statements of the Arab Higher Committee were reinforced by many extremely able speeches by the Arab members of the Committee—though the most impressive statement on the Arab side was made by the delegate of *Pakistan*. The Jewish Agency was not aided by a corresponding team of sympathizers on the Committee, as Dr Chaim Weizman, who made the final statement on behalf of the Jewish Agency, did not fail to point out. However, in some other respects—*e.g.*, in regard to the attitude of the New York press—the advantage was with the Jews.

(a) The following main contentions were advanced in support of the Arab case for a unitary independent State :—

(1) That certain British pledges were made during World War I for Arab independence in return for Arab help in defeating the Turks. It was argued that during the negotiations at that time, Palestine was not excluded from the scope of the pledges.

(2) That the Jews have no historical claim to Palestine, either on ethnic grounds or in the face of Arab occupation for the last fourteen centuries :

(3) That the Balfour declaration and the mandate in which it was subsequently incorporated were invalid ; that, in any case, these instruments promised a national home for the Jews only in so far as was compatible with the rights of the existing population. This could not be interpreted in any way as a promise of a Jewish State, nor were the British Government and members of the League subscribing to the mandate in a position so to dispose of a territory not belonging to them :

(4) That during World War I and since, and particularly in the terms of the Charter of the United Nations, the right of peoples to self-determination had been firmly established. In the terms of the Charter, also, there could be no discrimination in favour of Judaism, whether it is regarded as a race or as a religion.

(5) That a mere desire on the part of a large number of people to go to a country could not constitute a legal claim to that country or any part of it.

(6) That while Judaism might be regarded as a race or a religion, Zionism was a political and aggressive movement, supported by the United States because of the existence of pressure groups within the United States, where the Jewish vote was a matter of prime importance in internal politics. Such an aggressive movement, backed by powerful economic interests, would drive a wedge into the Arab-controlled Middle East.

(7) That persecution of the Jews in the last decade had become unwarrantably linked with the future of Palestine. Humanitarian sympathy should have its practical expression in the provision of homes for the Jews all over the world. Palestine had a limited area and resources and could not support unlimited immigration, except at the expense of the existing inhabitants.

(8) That the proposed partition gave scope for expansion only in the Jewish State, which would comprise 65 per cent. of the area of Palestine. In addition, the Jewish State would include with 498,000 Jews as many as 407,000 Arabs and 90,000 Bedouins, as against the 10,000 Jews which would be included with 725,000 Arabs in the Arab State. Owing to Jewish land ownership and employment policies this large group of Arabs in the Jewish State would become landless labourers who would eventually be driven out.

(9) That under Zionist influence the spiritual home of the largest and most widespread religions in the world, which had preserved its character as the Holy Land for centuries under Arab influence, would become irreligious, atheistic, and immoral.

(10) That the establishment of a Jewish State would lead to an upsurge of anti-semitism all over the world.

In support of the Jewish case for an independent Jewish State the following main arguments were advanced :—

(1) That whereas the Arabs of Palestine are not a people in themselves, but a fraction of a much larger unit, Palestine is the only country where the Jewish people can hope to attain a secure home and a national status on an equal footing with other nations.

(2) That the issue was faced after World War I when the two main trends of Middle Eastern settlement were synthesized. The opening of a prospect for a Jewish Commonwealth in Palestine and the paving of the way for Arab independence in other liberated areas of the Ottoman Empire were aspects of the same war settlement.

(3) That the agreement between the Arab ruler and the Zionist leader in 1919 (the Feisal-Weizman Agreement) provided for stimulation of Jewish immigration into Palestine. It was admitted that Feisal had stipulated at the time that he would consider the agreement binding only if his claims outside Palestine were fully met, but the presence of six Arab nations as members of the United Nations was adequate testimony to the fact that those claims had been met.

(4) That documents relating to British pledges to the Arabs were published twenty-two years later at a time when the British Government was seeking documentary material to justify its change of policy by way of *post factum* rationalization. The Palestine mandate, on the other hand, was "an open covenant, openly arrived at" between fifty-two members of the League of Nations and publicly endorsed by the United States. It recognized the historic connection of the Jewish people with Palestine, it provided for the reconstitution there of the Jewish national home, and it guaranteed to the Jewish people special facilities for immigration and settlement throughout Palestine, subject only to the limitation of not worsening the lot of the existing inhabitants.

(5) That under Article 80 of the Charter, the mandate is part of the law of the United Nations so long as it has not been replaced by any other instrument.

(6) That if Palestine were not Great Britain's promise to the Jews, no more were Syria and Iraq, and yet promises in their regard were regarded as binding.

(7) That the Charter could equally be invoked in the Jewish cause, particularly the Preamble and the principle of equal rights and self-determination. The Jews claim to be a people, and as such are entitled to self-determination. They were, however, prepared to adjust that right to the right of others, provided the adjustment was mutual.

(8) That, on ethnic grounds, the Jews had a rightful claim to Palestine, which had given birth to no other race. Discussion on racial origins was nevertheless irrelevant; it would be absurd, for example, to inquire into the racial origin of Arab delegates so long as they were conscious of being Arab and acted as such.

(9) That there was no distinction between Judaism and Zionism. The latter was nothing but the Jewish people organized in a struggle for a better future.

(10) That the total employment of Arabs had risen as a result of Jewish enterprise in Palestine and there had even been an influx of Arab labour from neighbouring countries. Both the number of Arab farmers and their average economic level had risen. Nor had the acquisition of land by the Jews dispossessed the Arabs, as most of the land acquired was originally uncultivated and now represented a net addition to the country's agricultural resources. There was more stagnant land to be brought into cultivation and there was no prospect of free immigration causing saturation, particularly if technical skills were developed on the Swiss model.

(11) That through the defection of the mandatory Power in the white-paper of 1939 and the apparent absence of a practicable alternative to the mandatory regime which would render possible the continuation of large-scale immigration in an undivided Palestine, the Jewish Agency had been forced to seek a short cut to independence by the acceptance of a limited area of Palestine.

In presenting these claims, spokesmen of the Jewish Agency implied that underground organizations in Palestine would be in a position to give assistance by force in implementing partition in the face of Arab resistance and might even be able to defend a Jewish State unaided.

(b) All speakers in the general debate endorsed, either directly or by implication, the unanimous recommendations of the Special Committee calling for an early termination of the mandate and the granting of independence at the earliest practicable date. Broadly, four courses of action were proposed :—

(1) *Partition with Economic Union on the Basis of the Majority Report of the Special Committee*

While no delegation supported all the details of the proposed plan, it was supported in principle by the *United States*, the *Soviet Union*, *Poland*, *Czechoslovakia*, *Panama*, *Sweden*, *Uruguay*, *Guatemala*, *Peru*, *Haiti*, *Canada*, *South Africa*, *Norway*, and *New Zealand*. Few of these countries concerned themselves in the debate with the historical and legal arguments advanced by Jewish and Arab representatives. The question presented itself rather as a matter of political expediency—*i.e.*, that a reasonable and workable solution must be found and that the degree of tension between the two parties had become too great to be reconciled within the bounds of a unitary State.

The attitude of the United States and the Soviet Union was, of course, of exceptional importance in the reaching of a solution, and many delegations were reluctant to take a stand until the views of these two Powers were expressed. The *United States'* statement was made by Herschel V. Johnson, and the following principal points in his speech are quoted in full:—

On Partition—

“The United States delegation supports the basic principles of the unanimous recommendations and the majority plan which provides for partition and immigration. It is of the opinion, however, that certain amendments and modifications would have to be made in the majority plan.”

Amendments suggested—

“My delegation believes that certain geographical modifications must be made. For example, Jaffa should be included in the Arab State because it is predominantly an Arab city.

“My delegation suggests that the General Assembly may wish to provide that all the inhabitants of Palestine, regardless of citizenship or place of residence, be guaranteed access to ports and to water and power facilities on a non-discriminatory basis; that constitutional guarantees, including guarantees regarding equal economic opportunity, be provided for Arabs and Jews alike, and that the powers of the Joint Economic Board be strengthened.”

On Implementation—

“The General Assembly did not, by admitting this item to its agenda, undertake to assume responsibility for the administration of Palestine during the process of transition to independence. Responsibility for the government of Palestine now rests with the mandatory Power. The General Assembly, however, would not fully discharge its obligations if it did not take carefully into account the problem of implementation.

“The United States is willing to participate in a United Nations programme to assist the parties involved in the establishment of a workable political settlement in Palestine. We refer to assistance through the United Nations in meeting economic and financial problems and the problem of internal law and order during the transition period. The latter problem might require the establishment of a special constabulary or police force recruited on a volunteer basis by the United Nations. We do not refer to the possibility of violations by any member of its obligations to refrain in its international relations from the threat or use of force. We assume that there will be Charter observance.

“Acts of violence against constituted authority and against rival elements of the local population have appeared in Palestine over a period of many years and have greatly increased the difficulties of finding a workable solution to this complex problem. Certain elements have resorted to force and terror to obtain their own particular aims. Obviously, this violence must cease if independence is to be more than an empty phrase in the Holy Land.”

For the *Soviet Union*, Mr Semen Tsarapkin made the following statements on these three major points :—

On Partition—

“Under the present circumstances, the relations between Arabs and Jews, already worsened, have reached such a degree of tension that a conciliation of their points of view on the question how the Palestine problem should be solved has become impossible, and the proposal of the minority cannot apparently be put into practice. Because of this we have to turn to the plan proposed by the majority of the Committee—that is, the plan which provides for the partition of Palestine into two independent States, one Arab and one Jewish—as this plan is, under the present circumstances, the one which could be better put into practice.”

Amendments suggested—

“Supporting in principle the recommendations submitted by the majority of the Special Committee, it is necessary, however, to point out that they contain a number of proposals and evaluations which cannot be accepted by us without a thorough analysis and without introducing corresponding amendments. Such serious questions as the question of the frontier line between the two States or of the measures during the transition period after the termination of the British-Palestine mandate, as well as of the status of the City of Jerusalem, and a number of other more or less important questions on which I do not consider it necessary to dwell at present, call for further and thorough consideration. It is necessary to note that the question of frontiers between the two States, in the opinion of the Soviet delegation, possibly because of lack of time, could not be completely worked out by the Special Committee, as the Committee’s proposal for the partition of Palestine in a number of separate regions, connected in certain points by way of narrow corridors, cannot be considered a satisfactory solution to the question.

“The Soviet delegation considers that further work on a concrete plan for the delimitation of frontiers and on national separation of Palestine should be undertaken by the Special Committee so as to eliminate, as far as possible, the existing defects.”

On Implementation—

“The Soviet delegation considers that, simultaneously with the termination of the mandate, it is necessary to take a decision on the authority which will govern during the transition period and be responsible to the United Nations and to work out in connection with this the necessary measures.”

It will be noticed that the *United States* statement, though not the *Soviet Union*, placed the responsibility for implementation on the British Government, regardless of the opening statement made by

Mr Creech Jones on behalf of the *United Kingdom*. To remove any doubts, the latter therefore made a further statement which included the following passage :—

“It seems to us essential that in determining the nature of a settlement the Assembly should also determine the measures to implement it. It would be unreasonable to ask His Majesty’s Government to carry the sole and full responsibility for the administration of Palestine and for enforcing changes which the United Nations regard as necessary. It has been suggested, as I understand it, that the United Kingdom should carry such responsibility throughout an indefinite transition period until independence is attained, acting under the supervision of the United Nations to enforce United Nations policy and being assisted by a programme of aid as mentioned by the distinguished delegate of the United States, including the possible assistance of a voluntarily recruited international police force. My Government desire that it should be clear beyond all doubt and ambiguity that not only is it our decision to wind up the mandate, but that within a limited period we shall withdraw. They made only two qualifications. First, that in the event of a settlement between Jews and Arabs they would, if so desired, continue the administration of Palestine through the limited period of the transfer of independence. Second, that they would consider an invitation to participate in giving effect to a settlement in partnership with other members of the United Nations. In short, His Majesty’s Government will not accept in any case either an isolated responsibility in enforcement nor the major role.”

The other speeches in support of the principle of partition were no less cautious in their approach than those of the two major Powers. The *Canadian* delegate, for example, announced his Government’s support, “with reluctance.” The *New Zealand* delegate, Sir Carl Berendsen, said that the Assembly was called upon to consider the future in the light of the situation as it exists to-day :—

“From that point of view,” he said, “the Government of New Zealand has come to the conclusion that in present circumstances there is no acceptable alternative to the principle of partition, and while the New Zealand delegation will reserve to itself the right, at the appropriate time, to discuss in detail the implications of such a policy, the boundaries involved, and all subsidiary questions such as those relating to economics and immigration, it will be on the basis of support for the principle of partition that the New Zealand delegation will address itself to the consideration of this subject. And in considering the proposals of the Special Committee on Palestine or any other proposals concerning partition this Committee and the Assembly must—and I repeat the word ‘must’—equally and at the same time concern itself with the question of how partition is to be brought about . . . Each member of the United Nations must take its full and proportionate share not only of the responsibility for the decision that will be reached, but for its proper and orderly implementation.”

(2) *The Establishment of a Federal State as proposed by the Minority
Report of the Special Committee*

Yugoslavia alone supported this as a practicable solution.

(3) *The Creation of an Independent, United Palestine*

This solution—rule by the majority with adequate protection of minorities—was, of course, the one strongly supported by representatives of the Arab members of the United Nations, *Iraq, Lebanon, Syria, Egypt, Saudi Arabia*, and *Yemen*, whose speeches to the Committee contained open threats that partition would be forcibly resisted. This solution was also supported by the three Mohammedan States, *Pakistan, Iran*, and *Afghanistan*, and by *India, Argentina*, and *Cuba*. The two latter States based their views on the lack of provision in the Charter for territorial adjustments against the will of the inhabitants.

(4) *An Appeal to Jews and Arabs to meet together and work out a Mutually
Satisfactory Solution*

This course was supported by *China* and *El Salvador*. Other delegations did, of course, regard this as the most desirable solution, and would no doubt have supported it had it been felt that there was any real likelihood of such a course achieving success within the time limit imposed by the announcement of the early withdrawal of the British from Palestine.

The general debate indicated that the unanimous recommendation of the Special Committee regarding the 250,000 Jews in European displaced-persons camps would be a live and bitter issue. The Special Committee had recommended that the General Assembly undertake immediately the initiation and execution of an international arrangement whereby the problem of these persons would be dealt with as a matter of extreme urgency for the alleviation of their plight and of the Palestine problem. This question and that of Jewish immigration generally had, of course, been one of the major irritants in the relations between Jews and Arabs, and between both these groups and the mandatory Power. The Jews were anxious that the displaced persons should be considered as part of the Palestine problem generally, whereas the Arabs, as already noted, contended that the problem was essentially a humanitarian one, the solution of which lay with members of the United Nations generally and individually, and certainly not with the Arabs of Palestine solely.

Many delegations, including those of *Uruguay, Guatemala, Colombia, Poland*, and *Yugoslavia*, urged immediate immigration of the displaced persons into Palestine independently of the final solution, although

some agreed that there should also be parallel action by members of the United Nations. Several resolutions were submitted to the Committee in this regard :—

(1) A *Yugoslav* proposal that there should be immediate immigration into Palestine of refugees in the camps of Cyprus.

(2) A *Uruguayan* proposal that there should be immediate and free entry into Palestine of the 30,000 Jewish children in European camps and a special immigration quota for their parents and for pregnant Jewish women.

(3) A *United Kingdom* proposal that each member should adopt urgent measures for settling a fair share of refugees in its own country and co-operate with international bodies such as the International Refugee Organization in this regard.

(4) A *Colombian* proposal to appoint a sub-committee to determine the manner in which members could contribute most effectively to the solution of the problem of Jewish displaced persons on the basis of the report of the Special Committee.

The Committee also had before it several draft resolutions on the substance of the problem. The first broad group included—

(1) A joint *United States - Swedish* motion that the Committee accept the basic principles of the unanimous recommendations and the majority plans of the Special Committee as the basis for recommendations concerning the future government of Palestine.

(2) A *Uruguayan* proposal that the Committee adopt the majority report of the Special Committee as a basis for discussion.

(3) A *United States* proposal that a sub-committee be established to draw up detailed plans for the future government of Palestine in accordance with the majority plan of the Special Committee. A *Canadian* amendment proposed that the terms of reference of such a sub-committee be extended to include consideration also of the exercise of administrative responsibility in the transitional period and the methods by which recommendations should be put into effect.

(4) A *Netherlands* proposal that the Committee should proceed to draft—

(a) Proposals for a solution, as far as possible, acceptable to both parties.

(b) Recommendations for adequate and effective implementation.

(c) Recommendations for the early solution of the problem of displaced persons.

The second broad group of resolutions submitted provided for reference of various questions to the International Court of Justice. This group comprised—

(1) A *Syrian* proposal to refer—

(a) The question of whether the terms of the mandate are consistent with the right of peoples to self-determination.

(b) Whether a forcible plan of partition is consistent with the objectives of the mandate and the principles of the Charter.

(c) Whether the adoption of partition and its possible execution fall within the jurisdiction of the General Assembly.

(2) An *Egyptian* proposal to refer the question—

(a) Whether it is within the competence of the General Assembly to recommend any of the two solutions proposed by the majority or by the minority of the Special Committee.

(b) Whether it lies within the rights of any member State or group of member States to implement any of the proposed solutions without the consent of the people of Palestine.

(3) An *Iraqi* proposal to refer the question of whether pledges relating to independence given by Great Britain to the Arabs during World War I included Palestine and its inhabitants.

A third group of resolutions referred to circumstances aggravating the problem, and comprised—

(1) A *Lebanese* resolution calling on members of the United Nations to prohibit their nationals from giving assistance to any form of illegal immigration into Palestine.

(2) A *Colombian* resolution calling on the people of Palestine to co-operate in an effort to devise an equitable and workable solution, and to this end to make every effort to end acts of violence.

(3) A resolution submitted by *El Salvador* that a sub-committee be appointed which would seek to promote conciliation between opposing views in order to reduce the scope of disagreement between the two communities in Palestine.

Finally, a *Syrian* resolution was submitted, in accordance with the item on the agenda proposed by Saudi Arabia and Iraq, setting out the procedure for the establishment of an independent sovereign State for the whole of Palestine.

At the conclusion of the general debate the Chairman proposed that, as the vast majority of speakers had declared themselves in favour either of the principles of the majority report of the Special Committee or of a unitary State, the Committee should appoint a sub-committee, in line with the two United States proposals as clarified by the Canadian amendment, to reconcile the views of those who supported the former view and to prepare detailed plans, a second sub-committee to fulfil similar functions in relation to the agenda item proposed by Saudi Arabia and Iraq and the Syrian resolution, and a conciliation group on the basis of the proposal of El Salvador.

There was some discussion of this procedure, on two main grounds. Firstly, the *Soviet Union* took the lead in urging that the full Committee should take a vote on the principles on which the final solution would be based and should then appoint one sub-committee to work out detailed plans ; and secondly, it was held by several delegations that until the issue raised by Egypt regarding the competence of the General Assembly was settled it would not be possible to discuss detailed plans. The Chairman, however, maintained that no decisions on substance should be taken before the Committee had before it concrete proposals, and that the question of legal competence and all other questions raised in the proposed resolutions might depend to a substantial extent on the proposals made in sub-committee, and should therefore await the sub-committee reports.

It was therefore agreed that the Chairman's proposals be adopted ; but there was some further difficulty over the composition of the sub-committees. The *Soviet Union* proposed that the first sub-committee should consist of the eleven members of the Security Council as well as certain other members in favour of partition. It was pointed out, however, that not all members of the Security Council had declared themselves, whereas the United Kingdom delegation had stated that it would not be prepared to serve on either sub-committee, although it would be available for consultation with both. The Soviet proposal was therefore defeated, and it was agreed that the Chairman be given authority to establish both sub-committees according to the number of countries wishing to serve and taking into account the views expressed during the general debate. It was also agreed that the conciliation group should consist of the Chairman, the Vice-Chairman, and the Rapporteur, who would have power to co-opt further assistance from the full Committee if that appeared desirable.

In accordance with this procedure, the following countries were appointed to sub-committee 1: *Canada, Czechoslovakia, Guatemala, Poland, South Africa, the United States, the Soviet Union, Uruguay, and Venezuela*. The sub-committee was given the following terms of reference :—

1. To draw up a detailed plan for the future government of Palestine in accordance with the basic principles of the unanimous recommendations and the majority plan of the Special Committee on Palestine ;

2. To incorporate this plan in the form of recommendations ;

3. To consider the exercise of administrative responsibility in Palestine during the transitional period, including the possibility of the application of Chapter XII of the Charter ; and

4. To consider methods by which recommendations of the *Ad Hoc* Committee on the Palestinian question under paragraph 1 above would be put into effect.

Sub-committee 2 comprised *Afghanistan, Egypt, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, and Yemen*, and had the following terms of reference :—

1. To draw up a detailed plan for the future government of Palestine in accordance with the basic principles expressed in the proposals submitted to the General Assembly by the delegations of Saudi Arabia and Iraq and the proposal submitted to the *Ad Hoc* Committee by the delegation of Syria ; and

2. To incorporate this plan in the form of recommendations.

The two sub-committees held their first meetings on 23 October, but were unable to report to the full Committee until the 19 November, at a time when the General Assembly was just completing the remainder of its business.

The Chairman of the Committee (Dr Evatt), speaking on behalf of the conciliation group, reported that their efforts had not been fruitful. Both parties had seemed confident of the success of their case before the Assembly and there appeared little hope of conciliation, at least at that time.

The *report of sub-committee 2*¹ dealt with the problem in three sections :—

- (a) The legal issue ;

- (b) The problem of Jewish refugees and displaced persons ;
and

- (c) The constitution and government of Palestine as an independent, unitary State.

¹ Document A/AC 14/32.

The conclusions of the sub-committee on these three points were embodied in three draft resolutions which were submitted to the *Ad Hoc* Committee.

(a) The sub-committee found eight points connected with the mandate for Palestine and the proposal for partition to be legally invalid, and it was proposed, therefore, in Draft Resolution I, that these questions should be referred to the International Court of Justice for an advisory opinion before the United Nations undertook to recommend a solution to the Palestinian problem—

(i) Whether the indigenous population of Palestine had not the right to determine its future government.

(ii) Whether the pledges made to the Arabs during the First World War concerning the independence of Arab countries at the end of the war did not include Palestine.

(iii) Whether the Balfour declaration, which was made without the knowledge or consent of the indigenous population of Palestine, was valid and binding on the people of Palestine or consistent with the earlier and subsequent pledges given to the Arabs.

(iv) Whether the provisions of the mandate regarding the establishment of a Jewish national home in Palestine were in conformity with the objectives and provisions of the Covenant of the League of Nations, particularly Article 22, and the provisions relating to the development of self-government and the preservation of the rights and position of the Arabs of Palestine.

(v) Whether the legal basis for the mandate had not disappeared with the dissolution of the League and whether it was not the duty of the mandatory Power to hand over administration to a Government representing the rightful people of Palestine.

(vi) Whether a plan to partition Palestine without the consent of the majority was consistent with the objectives of the Covenant of the League of Nations and with the provisions of the mandate.

(vii) Whether the United Nations was competent to recommend either of the two plans of the majority or minority of the United Nations Special Commission on Palestine or any other solution involving partition, or a permanent trusteeship over any part of Palestine, without the consent of the majority.

(viii) Whether the United Nations or any of its member States was competent to enforce or recommend the enforcement of any proposal concerning the future government of Palestine; in particular, any plan of partition which was contrary to the wishes, or adopted without the consent, of the inhabitants of Palestine.

(b) On the question of Jewish refugees and displaced persons, the sub-committee agreed that the whole question of refugees and displaced persons was international in scope and indivisible in character as regards its possible solution. It was held that Palestine, despite a small area and limited resources, had absorbed a disproportionately large number of Jewish immigrants and could take no more without serious injury to the economy of the country and the rights and position of the indigenous population ; that, as the General Assembly had, in December, 1946, called for the creation of an International Refugee Organization with a view to the solution of the problem through the combined efforts of the United Nations, the Assembly should therefore recommend that countries of origin should be requested to take back Jewish refugees and displaced persons belonging to them and render them all possible assistance to resettle ; that those who could not be repatriated should be absorbed in the territories of members of the United Nations in proportion to their area, economic resources, *per capita* income, population, and other relevant factors ; and that a Special Committee of the General Assembly should be set up to recommend a scheme of quotas, as far as possible in consultation with the International Refugee Organization. These views were embodied in Draft Resolution II.

(c) For the constitution and future government of Palestine the sub-committee recommended, in Draft Resolution III, that a Provisional Government, representative of all important sections of the citizenry in proportion to their numerical strength, should be set up in Palestine as soon as possible. The withdrawal of the mandatory Power should be completed within one year. As soon as practicable, the Provisional Government should enact an electoral law for the establishment of a Constituent Assembly. The task of framing a Constitution should be left to the Constituent Assembly, but certain basic principles should be strictly adhered to. The more important of these principles were : that the Constitution should have an elected Legislature and an Executive responsible to it ; that it should provide guarantees for the sanctity of the holy places ; that it should guarantee respect for human rights and fundamental freedoms ; that it should ensure adequate representation in the Legislature for all important sections of the citizenry in proportion to their numerical strength ; that it should provide for adequate reflection in the Executive and Administration of the distribution of representation in the Legislature ; that it should provide for the setting-up of a Supreme Court with power to pronounce upon the constitutional validity of all legislation at the request of any aggrieved party ; that it should authorize the Legislature to invest local authorities with wide discretion in matters connected with education, health, and other social services ;

and that the guarantees contained in the Constitution concerning the rights and safeguards of the minorities should not be subject to amendment or modification without the consent of the minority.

The *report of sub-committee 1*¹ contained a draft resolution for adoption by the General Assembly together with a plan for partition with economic union based on the majority report of the United Nations Special Commission on Palestine. When first presented to the *Ad Hoc* Committee the provisions of the plan relating to the termination of the mandate and preparations for independence envisaged close consultation between the mandatory Power and the Security Council in the first instance, and secondly, the transfer of administrative authority direct from the mandatory Power to Provisional Councils of Government in the two proposed States. When, however, the United Kingdom representative objected to the first provision on the grounds that it might delay the withdrawal of the mandatory Power, and to the second because it placed the responsibility for implementation, in effect, on the United Kingdom, the plan was modified by the sub-committee. The provisions of the plan as finally submitted may be very briefly summarized as follows :—

The General Assembly would appoint a Commission representing Guatemala, Iceland, Norway, Poland, and Uruguay which would act in conformity with the recommendations of the General Assembly under the guidance of the Security Council. On arrival in Palestine, the Commission would take steps to establish the frontiers of the two States and the City of Jerusalem as specified in the plan, making necessary modifications to avoid dividing village areas whenever possible. In consultation with democratic parties and other public organizations of the Arab and Jewish States, the Commission would select and establish in each State not later than 1 April, 1948, a Provisional Council of Government, the activities of which would be carried out under the general direction of the Commission. Acting under the Commission, the Councils would have full authority in the areas transferred to their control, including authority over immigration and land regulation, and they would also establish administrative organs of government and recruit an armed militia in each State. The mandatory Power would use its best endeavours to ensure that a seaport and hinterland in the Jewish State adequate to provide facilities for substantial immigration would be evacuated not later than 1 February, 1948.

The mandate would be terminated as soon as possible and the armed forces of the mandatory Power would be withdrawn not later than 1 August, 1948. The mandatory Power would retain full authority in the areas from which its forces had not been withdrawn, but would

¹ Document A/AC 14/34.

progressively transfer administration to the Commission as areas were evacuated. The Commission would, in turn, transfer powers of administration to the Provisional Councils. Not later than two months after the withdrawal of the mandatory Power, the Provisional Councils would hold elections on democratic lines for Constituent Assemblies in the respective States. The Assembly in each State would draw up a constitution embodying as fundamental laws certain provisions relating to the peaceful settlement of disputes, human rights, and fundamental freedoms and freedom of transit contained in a declaration which would be made by each State to the United Nations. In addition, each Constituent Assembly would choose a Provisional Government to replace the Provisional Council of Government. The two independent States would come into existence not later than 1 October, 1948.

The plan also provided for the setting-up of a preparatory Commission to make arrangements for the Economic Union and a Joint Economic Board. Each Provisional Council of Government would be required to enter into an undertaking regarding the Economic Union by 1 April, 1948. The Joint Economic Board would consist of three representatives of each of the States and three foreign members appointed by the Economic and Social Council of the United Nations as individuals and not as representatives of States.

The City of Jerusalem would be established as a *corpus separatum* under a Special International Regime administered by the United Nations through the Trusteeship Council.

The operative part of the draft resolution recommending adoption of the plan by the mandatory Power and the member States read as follows :—

“ THE GENERAL ASSEMBLY . . .

“ RECOMMENDS

“ To the United Kingdom, as the Mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation with regard to the future government of Palestine, of the Plan of Partition with Economic Union set out below ;

“ REQUESTS

“ (a) The Security Council to take the necessary measures as provided for in the plan for its implementation ;

“ (b) That the Trusteeship Council be informed of the responsibilities envisaged for it in this plan ;

“ CALLS UPON the inhabitants of Palestine to take such steps as may be necessary on their part to put this Plan into effect ; and

“ APPEALS to all Governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations . . . ”

In the course of the general debate that followed receipt of the two reports, reference was made to nearly every point raised therein. There were, however, two matters that commanded particular attention :—

- (a) The legal aspects of the proposed solution by partition ; and
- (b) The practicability of the provisions for implementation and enforcement contained in the plan for partition.

(a) The members of sub-committee 2 were most insistent in pressing for some reply from the members of sub-committee 1 to the legal questions raised in their first draft resolution. It was argued that partition itself was contrary to the principles of the Charter, and the proponents of partition were asked to specify which Articles of the Charter conferred upon the General Assembly and the Security Council the power to exercise the authority which the report of sub-committee 1 assumed for these organs, and, further, from what basis the proposed United Nations Commission would derive its authority to exercise legislative, executive, and administrative functions.

The Chairman of sub-committee 1, Mr Pruszyński, of *Poland*, made the most detailed reply to these questions. The Assembly, he said, had broad powers of recommendation, and if a recommendation for partition was the most practicable solution, then the Assembly could make such a recommendation to the mandatory Power and to the members of the United Nations. Such a recommendation would be an adjustment of a situation in conformity with the principles of justice and international law and it would conform to the principle of equal rights and self-determination of peoples. Palestine at present was not a State under international law and there could therefore be no question of violating the principles of the sovereign equality of States and of respect for the territorial integrity and political independence of States. Under Article 10 of the Charter the Assembly was empowered to discuss any matter within the scope of the Charter except matters under discussion by the Security Council, and with the same exception Article 14 enabled the Assembly to recommend measures for the peaceful adjustment of any situation, regardless of origin, which it deemed likely to impair the general welfare or friendly relations among nations. Should one of the parties in Palestine refuse to co-operate in implementing the plan for partition, the powers of the Security Council would derive from Article 34, which empowers the Council to investigate any dispute

or situation which might lead to international friction and give rise to a dispute. The rights of the Council to give instructions to the proposed Commission would derive from the recommendation of the Assembly.

Representatives of the *United States* and the *Soviet Union* endorsed these arguments, and contended further that the legal objections were purely formal in character and inspired by political motives. It was the duty of the United Nations to find a practicable solution. The representative of *France* also spoke against reference to the International Court of Justice of the legal questions raised, as they were, in his view, primarily political and not susceptible of a direct ruling.

(b) In explaining the provisions of the partition plan relating to implementation and enforcement, Mr L. B. Pearson, of *Canada*, said that the success of the plan rested on three suppositions: that the mandatory Power would co-operate with the proposed Commission; that the plan would have the support of the permanent members of the Security Council; and that the plan would be accepted by all the members of the United Nations if it obtained the required two-thirds majority in the General Assembly. Several delegations were, however, doubtful as to the effectiveness of the plan in view of the repeated warnings of the Arab group that violence would ensue if the plan were adopted. The representative of *Egypt* had warned, for example, that a move to establish a Jewish State would jeopardize the safety of the million Jews living in Moslem countries of the Middle East and that once bloodshed had commenced "no force on earth can confine it to the borders of Palestine itself." The delegate for *Iraq* spoke on similar lines, and emphasized that if the majority considered the partition plan legally, morally, or humanly justifiable, then it should prepare for an army to back it up, because the Arabs would be bound to fight against it. The partition proposals were, in his view, meaningless without a plan for enforcement.

These doubts as to the effectiveness of the plan were shared by the *New Zealand* delegation. In a statement to the Committee, Sir Carl Berendsen said:—

"I regret to say that, in our opinion, the proposals now before us ignore the problems of implementation to an extent that is deplorable. It may well be, as no doubt members of the sub-committee hoped, that it could conceivably be found possible to establish an Arab and a Jewish State in Palestine without disorder, though such a view involves an immediate rejection of the plain and vehement statements to the contrary made at this Assembly by those who oppose partition . . .

"Immediately on the publication of these proposals I reported them to my Government and asked for instructions in the light of those proposals. I have this morning received those instructions. They are that the New Zealand delegation should continue to give its support to the principle of partition as offering the best prospects of settlement of the Palestine problem as it now exists, but that we cannot vote for the whole of the partition plan unless it also provides for implementation. It is our view that the mandatory Power, the United Kingdom, cannot, during the transitional period, with any degree of justice, be charged with the sole responsibility for implementing any proposal for partition. If the United Nations assumes the responsibility of deciding upon the partition of Palestine, then the United Nations must similarly assume the responsibility of implementing that decision and that responsibility must lie with all the United Nations as a whole. There must be a means of enforcement—of policing the country and of maintaining public services, especially law and order—and that means of enforcement should be provided by every member of the United Nations according to the proportionate strength of that member . . .

"I am instructed to urge that even at this late hour the proposals should be amended to make adequate provision for the orderly implementation of partition and to protect the population of Palestine, Arab and Jew alike, from the possibility—if it is no more—of widespread disorder and distress. And may I conclude by emphasizing the extreme unwisdom of endeavouring to decide, under the pressure of the dying hours of the Assembly, a matter of such grave importance and of such infinite complexity. I most earnestly suggest that this Committee take time thoroughly to canvass and to discuss in detail not only the proposals that have emanated from each of the sub-committees, but the necessary implications that are involved . . . I urge either that the Assembly remain in session for such length of time as is necessary to enable this Committee to give proper consideration to the proposals before it, or, alternatively, if it is considered necessary that the Assembly should close within a day or two, then that this Committee should continue and be authorized in due time to constitute itself a special meeting of the General Assembly."

In reply, the *United States* delegate, Mr Johnson, denied that the mandatory Power was being given the responsibility for implementation. It was that consideration, he said, which sub-committee 1 had endeavoured to avoid and had avoided, although the declarations of the mandatory Power had been one of the principal difficulties the sub-committee had had to face. The United Nations had been forced to undertake responsibility for Palestine owing to the unilateral declaration of the United Kingdom, and the latter had made no suggestions for a solution. He thought, also, that there must be some misunderstanding of the language of the partition plan. The Commission would not physically administer Palestine. It would assume the responsibility for administration as the mandatory Power withdrew, but this would be transferred immediately to the Provisional Councils of Government. The gap, if any, would be

a formal gap only. There were many possibilities for failure in this plan or any other, but it could work if it had the loyal co-operation of all concerned. The plan was not perfect, but it was the best practical solution that could be found.

The attitude of the United Kingdom was also criticized by the *Soviet Union* representative, who said that the United Kingdom's refusal to carry out a solution unacceptable to both parties deprived of all meaning its original appeal to the United Nations for a solution. The *British* representative pointed out that his delegation had not been consulted when proposals for implementation were under discussion, and he felt that under the proposals there was a gap in the plan and that a risk was being taken. If the plan was adopted, his Government would be bound to co-operate, but he pointed out that if there should be fighting as a result of the Assembly's recommendation the soldiers in Palestine would be British and the widows would be in Britain.

A reply to the New Zealand statement was also made by the *Canadian* delegate, who said that the plan was not so feeble as some had accused. It did impose some responsibility on the Security Council, and he would welcome a declaration from the permanent members of the Council that they should stand behind the plan. He admitted that a risk would be taken, but it was, he said, a calculated risk. The plan of sub-committee 2, on the other hand, though quite legal, had no practical strength and would be neither workable nor effective.

In the course of the debate several representatives announced their intention to abstain from voting: the *Belgian* delegate because he felt the boundaries unsatisfactory and economic union unworkable; the *Yugoslav* delegate because no compromise had been found on the lines of a federal solution, which he considered the only solution likely to bring peace to Palestine; the representative of *El Salvador* because he felt that the people of Palestine had not really been consulted and he was not satisfied with the attempts at conciliation; the *Colombian* delegate because he felt the legal issues needed clarification; the *Mexican* delegate because he considered neither plan really efficient and because he was doubtful of the legal aspects. Immediately prior to the vote the *New Zealand* representative also announced his intention to abstain:—

“ . . . We wish,” he said, “to vote for partition and we most solemnly and earnestly urge that the woefully weak provisions relating to enforcement and implementation be strengthened to the utmost extent that is now possible. It would, in particular, greatly help us in our very earnest consideration of this matter if we could have some understanding, some undertaking, some pledge from all the members

of the Security Council, that if that contingency which we fear but which we most fervently hope will not arise—namely, disorder and bloodshed in Palestine—should in fact occur, then all will join at once in a united and concerted effort to suppress violence and implement the plan for partition by means of an international force to which all members of the United Nations will contribute in proportion to their strength Such an undertaking would go a long way towards removing the doubts which we entertain. We hope that this appeal will not be ignored by the Great Powers especially and that they may be able to make some statement on the matter at the meeting of the Assembly.

“In the meantime, my course in the Committee decision is clear, and in the vote on the partition proposals put forward by the First Subcommittee I shall abstain from voting—without prejudice to the vote I shall cast on the matter when it finally comes before the Assembly.”

The three resolutions submitted by sub-committee 2 were put to the vote first. Resolution I, proposing reference of eight legal points to the International Court, was voted in two parts, a separate vote being taken on the eighth point—*i.e.*, whether the United Nations or any of its member States is competent to enforce or recommend the enforcement of any proposal concerning the future government of Palestine, in particular, any plan of partition which is contrary to the wishes, or adopted without the consent, of the inhabitants of Palestine. This part of the resolution was defeated by 21 votes to 20 with 13 abstentions, and the rest of the resolution by 25 votes to 18 with 11 abstentions. Resolution II, relating to Jewish refugees and displaced persons, was voted in paragraphs, some of which were adopted and some rejected. The vote on the truncated version, which did no more than recommend that these persons be absorbed in the territories of member States, was 16 in favour, 16 against, with 23 abstentions. The proposal did not therefore go forward to the Assembly. Resolution III, regarding the constitution and future government of Palestine as a unitary and sovereign State, was defeated by 29 votes to 12 with 14 abstentions. Afghanistan, Cuba, Iran, Liberia, Pakistan, and Turkey voted with the six Arab delegations in support of the resolution. *New Zealand* voted against all the resolutions, on the grounds that the first and second were attempts to distract the Committee from reaching a decision on the Palestine problem and that the third was wholly unacceptable.

Before coming to the vote, the partition proposals were amended in several respects, two of which are worthy of particular note. Firstly, it was agreed that the Assembly should not necessarily accept the composition of the Commission as prescribed by the sub-committee, but that it should elect the members on as broad a basis, geographically and otherwise, as possible. In the second place, a

Danish amendment to the draft resolution quoted above, which defined the responsibilities of the Security Council more clearly, was adopted. The resolution in its final form then read :—

“ THE GENERAL ASSEMBLY,

“ HAVING MET in special session at the request of the Mandatory Power to constitute and instruct a Special Committee to prepare for the consideration of the question of the future government of Palestine at the second regular session ;

“ HAVING CONSTITUTED a Special Committee and instructed it to investigate all questions and issues relevant to the problem of Palestine, and to prepare proposals for the solution of the problem ; and

“ HAVING RECEIVED AND EXAMINED the report of the Special Committee (document A/364) including a number of unanimous recommendations and a plan of partition with economic union approved by the majority of the Special Committee ;

“ CONSIDERS that the present situation in Palestine is one which is likely to impair the general welfare and friendly relations among nations ;

“ TAKES NOTE of the declaration by the Mandatory Power that it plans to complete its evacuation of Palestine by 1 August, 1948 ;

“ RECOMMENDS to the United Kingdom, as the Mandatory Power for Palestine, and to all other Members of the United Nations the adoption and implementation, with regard to the future government of Palestine, of the Plan of Partition with Economic Union set out below ;

“ REQUESTS that

“ (a) The Security Council take the necessary measures as provided for in the plan for its implementation ;

“ (b) The Security Council consider if circumstances during the transitional period require such consideration, whether the situation in Palestine constitutes a threat to the peace. If it decides that such a threat exists, and in order to maintain international peace and security, the Security Council should supplement the authorization of the General Assembly by taking measures, under Articles 39 and 41 of the Charter, to empower the United Nations Commission, as provided in this resolution, to exercise in Palestine the functions which are assigned to it by this resolution ;

“ (c) The Security Council determine as a threat to the peace, breach of the peace or act of aggression, in accordance with Article 39 of the Charter, any attempt to alter by force the settlement envisaged by this resolution ;

“ (d) The Trusteeship Council be informed of the responsibilities envisaged for it in this Plan :

“ CALLS UPON the inhabitants of Palestine to take such steps as may be necessary on their part to put this Plan into effect ;

“ APPEALS to all Governments and all peoples to refrain from taking any action which might hamper or delay the carrying out of these recommendations ; and

“ AUTHORIZES the Secretary-General to reimburse travel and subsistence expenses of the members of the Commission referred to in Part I, Section B paragraph 1 below on such basis and in such form as he may determine most appropriate in the circumstances, and to provide to the Commission the necessary staff to assist in carrying out the functions assigned to the Commission by the General Assembly.”

The resolution was adopted by the *Ad Hoc* Committee by 25 votes to 13 with 17 abstentions, as follows :—

In favour : Australia, Bolivia, Brazil, Byelo-Russia, Canada, Chile, Costa Rica, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, Guatemala, Iceland, Nicaragua, Norway, Panama, Peru, Poland, Sweden, the Ukraine, the Union of South Africa, the Soviet Union, the United States of America, Uruguay, and Venezuela.

Against : Afghanistan, Cuba, Egypt, India, Iran, Iraq, the Lebanon, Pakistan, Saudi Arabia, Siam, Syria, Turkey, and Yemen.

Abstentions : Argentina, Belgium, China, Colombia, El Salvador, Ethiopia, France, Greece, Haiti, Honduras, Liberia, Luxembourg, Mexico, the Netherlands, New Zealand, the United Kingdom, and Yugoslavia.

Absent : Paraguay and the Philippines.

This majority, though adequate to approve the resolution in Committee, was one vote short of the two-thirds majority that would be required for its adoption in the General Assembly and the final issue was therefore impossible to forecast at that stage.

The debate before the Full Assembly began on 26 November. In the course of the day several statements were made which placed the issue in even greater doubt. The representative of the *Philippines*, who had been absent from the Committee vote, announced that he could not support the plan ; the representatives of *Greece* and *Haiti*, who had abstained in the Committee, announced that they would vote against it. On the other hand, the representatives of *Belgium*, the *Netherlands*, and *New Zealand* announced that they would vote affirmatively.

As soon as it was clear that there was no response—and there was none—to his appeal in the Committee for assurances as to implementation and enforcement, Sir Carl Berendsen, in explaining the *New Zealand* vote, said :—

“ . . . I have said, and I say again, that if the United Nations assumes—as in our opinion it should—the responsibility for the partition of Palestine, it should unquestionably assume, at the same time, the duty of protecting the population of that country against any disturbance that might result, and should prepare itself accordingly. Throughout the whole course of the discussions we have never altered that view,

and to the utmost that lay in our power, and to this last moment, we have endeavoured to strengthen those provisions of the proposals which relate to enforcement and implementation . . .

“ If we must choose, and now we must, between, on the one hand, a considered plan for partition with which in general we agree, but which falls far short in respect of enforcement of the necessities as we see them, and on the other, the only alternative that is now possible—namely, the termination of the mandate and its replacement by nothing but chaos and confusion and probable disorder and conflict—the New Zealand Government chooses the proposal now before the Assembly.”

On the same day the *United Kingdom* representative, Sir Alexander Cadogan, announced that his Government would not obstruct the proposed Commission. He said, also, that his Government had emphasized from the start that a grave situation might arise when the mandatory Power withdrew, and he felt that the statements made had not been fully accepted by the *Ad Hoc* Committee. The mandate, however, did not require the United Kingdom to set up either a Jewish or an Arab State by force, nor did the United Kingdom feel a responsibility to enforce unaided a solution devised by some one else.

At the close of the afternoon session it was agreed, despite the opposition of the Arab delegations, to adjourn the debate until 28 November. Upon resumption, the *Colombian* delegate submitted a resolution whereby the *Ad Hoc* Committee would be given the character of an interim subsidiary organ of the Assembly in order to carry on the discussion of the Palestinian question with a view to finding a satisfactory solution to the problem. The general debate was then concluded with several more speeches from Arab delegations. The *French* delegate, M. Parodi, however, proposed that the vote be postponed for twenty-four hours to give time for any *bona fide* conciliation proposals to be brought forward, and this course was accepted, despite the opposition of the *Soviet Union*, the *United States*, and other proponents of the partition plan.

On the following day, the Chairman of the *Lebanese* delegation, M. Chamoun, announced to the Assembly that the Arab delegations would be prepared to hear any conciliatory formula based on the principle of a federated independent State organized on a cantonal basis. The Rapporteur of the *Ad Hoc* Committee then pointed out that if there had been any genuine desire for conciliation it would have appeared before this. He recalled that the Arab Higher Committee had boycotted the hearings of the United Nations Special Committee on Palestine in Palestine and had maintained an intransigent attitude throughout the deliberations of the *Ad Hoc* Committee.

The representative of *Iran*, however, submitted a further resolution, the effect of which would have been to invite the *Ad Hoc* Committee to renew its discussions, taking into account the Lebanese proposals. The Chairman took the view that both the Iranian and Colombian proposals were not motions for adjournment but new resolutions and that the partition proposal should therefore be voted first.

The partition proposal was then put to the vote and carried by 33 votes to 13 with 10 abstentions, as follows :—

In favour : Australia, Belgium, Bolivia, Brazil, Byelo-Russia, Canada, Costa Rica, Czechoslovakia, Denmark, the Dominican Republic, Ecuador, France, Guatemala, Haiti, Iceland, Liberia, Luxembourg, the Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, the Philippines, Poland, Sweden, the Ukraine, South Africa, the Soviet Union, the United States, Uruguay, and Venezuela.

Against : Afghanistan, Cuba, Egypt, Greece, India, Iran, Iraq, Lebanon, Pakistan, Saudi Arabia, Syria, Turkey, and Yemen.

Abstentions : Argentina, Chile, China, Colombia, El Salvador, Ethiopia, Honduras, Mexico, the United Kingdom, and Yugoslavia.

Absent : Siam.

The issue had remained in serious doubt until the actual taking of the vote, and though the majority in favour of partition was, in fact, substantially in excess of the necessary two-thirds majority, this was the result only of a last-minute reversal of policy by the *Philippines*, *Liberia*, and *Haiti*, and an affirmative vote by more than one delegation which had been expected to abstain.

Following the vote, representatives of *Saudi Arabia*, *Iraq*, *Syria*, and *Yemen* charged that the result was due to pressure by the Great Powers. They declared, also, that they could not admit the validity of the decision and would not consider themselves bound by it.

Bolivia, *Czechoslovakia*, *Denmark*, *Panama*, and the *Philippines* were unanimously elected to the *United Nations Commission* provided for in the plan of partition, the full text of which is contained in Appendix III.

APPENDIX I

Speech delivered by Sir Carl Berendsen, Chairman of the New Zealand Delegation, at the Plenary Meeting of the Assembly held on 20 September, 1947

This General Assembly meets in the shadow of grave and widespread disillusionment. There can be no doubt whatever—and it is clearly necessary that the members of this organization should recognize and appreciate this fact—that the activities of the United Nations up to this point have fallen short, far short, of the high hopes of mankind which were so abundantly evident at the time of its formation. This meeting may well prove to be a turning-point in the history of this attempt, the latest in a long series of attempts, to preserve the world from the horrors of armed conflict. Upon the deliberations of this Assembly may, indeed, turn the future usefulness of this great and noble enterprise. Upon them may, indeed, turn the fate of mankind.

The high and onerous responsibility lies upon each and every representative soberly and earnestly to approach the difficulties, many of them created by the terms of the Charter on the insistence of the Great Powers and against the considered judgment of the great majority of the nations represented at San Francisco, which have beset the path of the United Nations in the fervent trust that this great organization, carrying the highest hopes of mankind, may, given time and honesty and patience, achieve the object for which it was established.

Having said this, it is obviously necessary to call to the attention of the Assembly that the tale of the United Nations achievements is not entirely or, indeed, primarily one of failure. It is one organ of the United Nations—the Security Council—that has so far failed, and there is much that is encouraging and much that is inspiring—and never let us forget those facts—in the success of other organs in the important work they are attempting and, indeed, in the results they have achieved.

This body, the General Assembly itself, has unquestionably strengthened its position. It has proved itself entirely worthy of the wide and fundamental tasks entrusted to it. It has shown itself competent to discuss the affairs of the world in an atmosphere of international co-operation. It has, indeed, become the town meeting of the world. It does offer a forum for the expression of the views, the apprehensions, and the aspirations of all sections of mankind. It has asserted itself to be what, in fact, it is: the supreme organ of the United Nations.

Men of good will throughout the world can justly be confident that in this Assembly they have an organ of international discussion and co-operation which is effective, and may confidently be expected to continue so to think.

The Economic and Social Council is initiating widespread activities towards the amelioration and the betterment of conditions of human life throughout the globe, and much may be expected from this great experiment in human relations. The Economic and Social Council may indeed prove, in the course of time, to be one of the most effective instruments that history has devised for laying the foundation for a free and generous life

for all, irrespective of race, colour, or creed, and for providing an equitable distribution of the good things of life which this world can so abundantly provide.

However, if it were necessary, and I believe it is, to sound one note of caution and of warning in this connection, it would be that care must be taken in the throng and the press of desirable enterprises to take first things first and not to undertake simultaneously more than can be dealt with successfully at one time. There is, I believe, a serious risk that, by splitting activities too widely, we should be jeopardizing the ultimate success of all our work. There are both physical and financial limitations to what can be done at once. If too many international meetings, however high their object, are undertaken at one and the same time, it may well be found that the immediate costs, especially in dollars, may be prohibitive. It may well be found impossible to adequately man more than a certain number of concurrent international conferences, the proliferation of which has become such a marked feature of international life to-day. In other words, I submit it would be wise to establish an effective system of priority, while never losing sight of the desirability and the inevitability of dealing with second things only when it is abundantly clear that their consideration is within the immediate resources of the United Nations.

Another organ of the United Nations which offers great promise of good and lasting achievement is the International Court of Justice. However, it is the view of the New Zealand Government that insufficient use has been made so far of this Court. As a conspicuous example, and only as an example, there have been from time to time a number of subjects discussed in this Assembly which have raised difficult questions of legal construction, including some fundamental questions, as to the effect of the Charter. My delegation feels strongly that it would be proper and prudent for the Assembly to see to it that all doubts as to such legal aspects should be clarified without delay by reference to the International Court of Justice before any decision of substance is taken by the Assembly.

Another organ of the United Nations is the Trusteeship Council. It has made an inspiring beginning with its work. As a member of that body I can bear personal witness that the tone, the atmosphere, the earnestness, and the responsibility of the deliberations of this Council are of the very highest order. I have no shadow of doubt whatever that this Council will do great and lasting work on behalf of the peoples of the trust territories and in supervising their steady and orderly progress towards self-government.

All these things are good. We must never forget them. All these things are extremely good, and they offer and will continue to offer high hopes to all right-thinking people. But they are not good enough.

It is only when the world looks at the activities of the Security Council that the tale is one of substantial failure. But I must remind the representatives that the Security Council is the very centre and arch of the structure of the United Nations, the primary purpose of which is—and it is stated in the Charter—the preservation and, if necessary, the enforcement of peace.

If the organization that we have established for that purpose should fail in that purpose, then all its other activities must go for nought. Indeed, if the world cannot preserve peace, then nothing that has been attempted will be of any avail. If we cannot preserve the peace, we shall see the destruction of all that man has attempted to do for man's good throughout

the ages. We may see, indeed, the end of civilization as we know it to-day. We may see the disintegration of mankind and, perhaps, of the world. If we do not solve that problem, we can in the long-run solve no problem.

It is in this, the most vital, fundamental of all the objectives of the United Nations that the record up to this point has indeed been one of substantial failure. Why? Obviously, because of the veto. I have no intention though I am sorely tempted, of repeating at this time what I said in this connection from this rostrum at the last regular meeting of the General Assembly, though I would wish to make it clear that I have not one word to retract, not one word to alter.

It is the duty of all right-thinking people to consider and to consider with anxious and earnest care the situation in which we find ourselves to-day and its causes. I agreed once that what was achieved at San Francisco, inadequate as many of us believed and believe it to be, was, in fact, the best that could have been achieved at that time in the circumstances as they existed. It may well be that this, unhappily, may prove to be the best that can be achieved now. I have no suggestions to make at present as to how to overcome the stultification which has arisen as the result of the provisions of the Charter prescribing the voting powers in the Security Council. It was, in fact, at San Francisco, and it appears to be a fact now, that certain of the Five Great Powers, and not only one of them, insist on their right to veto. They are clearly within their rights, if they choose to exercise them, in insisting upon maintaining the arrangements that were agreed to—agreed to because nothing better could be achieved at San Francisco.

But while the Great Powers, or any of them, continue to insist upon their power of veto—and the General Assembly has already heard with deep appreciation the offer of one Great Power to forgo at least a portion of that right—there is little that can be done to better the unhappy position in which the Security Council finds itself to-day.

To the Great Powers I say that in insisting upon the right to veto, and so long as they continue so to insist, they are rendering it completely impossible for the world to achieve its highest objective—namely, an effective system of collective security against war.

Now, I must not be misunderstood. Clearly no charter, even in the most perfect form, can, of itself, create an effective system of preventing war. That must depend in the final result upon determination to do the right and to unitedly defeat the wrong. It is a matter of spirit. But the negative is true—that the Charter presently operating does, in effect, prohibit any such possibility. There can be no effective system of collective security while each of the Five Great Powers retains the right of vetoing any action. The utmost the world can expect from an organization so afflicted is, on the one hand, a mechanism for suppressing small uprisings against the peace, for which purpose an organization such as this would, of course, be unnecessary if the only contingency upon which the United Nations can under any circumstances operate the Charter is that the Five Great Powers are in unanimous agreement. On the other hand, a means of discussing situations as they arise and of endeavouring, by the use of reason and discussion, to prevent the outbreak of conflict. Such a means we certainly have—if not in the Security Council, then, at any rate, in this body. And those who believe that such limited measures are adequate to prevent war will no doubt consider them sufficient. But I assert that those who believe in the adequacy of words and words alone to prevent war are hiding

their heads in the sand—they are flying in the face of history—and of recent history at that—history that has been and, God forbid, may again be. Indeed, let us not lose sight of the fact that those people were not among the authors of the Charter. The Charter is based on the completely impregnable principle that we cannot permanently ensure the peace of the world unless and until we are unitedly prepared to enforce it. That is the principle upon which the Charter is built. And the veto power is destructive of that principle. Again I say, the Great Powers cannot have their cake and eat it too. They cannot retain their right to take their own course in all circumstances against the public conscience of mankind and at the same time expect the United Nations as presently established to be competent to enforce peace. The two propositions are mutually exclusive. The Great Powers or the Small Powers cannot obtain insurance against war. No Power, great or small, can obtain insurance against war without paying the inescapable premium. That premium is submission in the last resort to the combined judgment and conscience of the world. I will agree at once that the Great Powers who played such a predominant part in winning the war must be allowed, indeed assisted and encouraged, to play a predominant part in winning the peace. There must be some means established of giving to those Great Powers their proportionate voice in the great and age-long struggle of mankind.

But the veto, which is—and has proved itself to be—completely stultifying, is not the way. Many means of achieving this desirable objective have been suggested. A system of weighted voting, though difficult to devise is not impossible, and it might be worthy of consideration. A workable compromise in the meantime might well be a veto for any two, not any one, of the Great Powers. My country would agree at once to eliminate the veto altogether in respect of matters of peaceful settlement. This would obviously be a most useful advance.

It is necessary, in this connection, to consider with the utmost care the very welcome suggestion to this effect made in the course of the debate by the representative of the United States. The New Zealand delegation most warmly welcomes this proposal, but the proposal would unhappily leave the veto in full operation in respect of matters of enforcement. This would fail to remove the principal bar of the veto on action for the formation of an effective—and a fully effective—system of international security.

Nevertheless, if that proposal could be achieved, it would mark a magnificent step forward. All will recognize, of course, that if it is proposed to obtain this objective by means of an amendment to the Charter, then any one of the Great Powers, by the simple provision which was inserted in San Francisco requiring their ratification of all amendments, can indeed effect the elimination of the veto. An amendment to the effect suggested can obviously be achieved only if the Five Great Powers agree. If, alternatively, it is proposed to obtain this end within the present terms of the Charter by means of a gentlemen's agreement, then clearly such an agreement can be arrived at only if the gentlemen will agree and continue to agree.

Whatever the difficulties are in the way of taking this great step forward, the fact that the United States has found it possible to make such a suggestion is of the greatest import to the world. The New Zealand delegation will support the proposal in every way possible. Of course, if in any case

the Security Council has found itself unable to fulfill its high functions, then it is clearly not only the right, but the bounden duty, of the Assembly to take that case under consideration.

What is the alternative? If, in any case, for reasons good or bad, the Security Council is unable to solve a dispute or resolve a situation, is it suggested, and can it be suggested, that those members of this organization who do not possess seats on the Security Council—and they are the great majority of the members of this body—are to stand by idly twiddling their thumbs? Nonsense. A second proposal made by the representative of the United States might well prove of material assistance in this connection.

If the use of the veto is bad—and I assert it is—the abuse is worse. That there has been such abuse seems unquestionably to be a fact. My country will gladly support any proposal which is calculated to eliminate or reduce the possibility of abuse. And surely no sensible person in the world over can defend a contention that any one member of the United Nations, however great, however powerful, should be able to veto the admission of a proposed new member on grounds other than those specifically prescribed in the Charter.

Let no one imagine that the present situation can continue indefinitely. The United Nations must get better or it will get worse. What then can be done now? Obviously, having accepted the Charter as we all did, we must honestly operate it until we can improve it. We must make the best of what we have until we can make it better. We must nourish and sustain, pay for and pray for, this organization that we have established, whatever its defects. But at the same time we must patiently and consistently pay due and earnest regard to the weaknesses that exist to-day. We must endeavour, as best we may, to alter or remove those provisions which have had such a stultifying effect. We must take each opportunity as it arises to improve both the constitution under which we operate and the practice and procedure that we have established.

The views of my small country on this matter have never altered. They were expressed by my Prime Minister at San Francisco. They have been expressed from time to time at the meetings of this great body, and they will continue to be expressed in the future. Realizing, as we do, most fully and most regretfully, all the difficulties that must be faced and overcome before we can hope to achieve any mitigation of this crippling veto power, we shall nevertheless feel compelled to vote as we have voted in the past, with that moderation and understanding of the problems of others which is, I hope, characteristic of New Zealand, and to support any proposal which tends toward the moderation or the elimination of the veto power, a privilege to five of the nations of the fifty-five members of the United Nations, which, however necessary they may feel it to be for their own purposes—whatever their position in the world—is nevertheless completely inconsistent with any possibility of establishing that permanently effective system of collective security without which mankind can never be free from the nightmare of war.

There is little that the lesser Powers can do to solve this problem. The problem was created by the Great Powers, and its solution lies with the Great Powers and the Great Powers alone. That problem, that issue, is squarely before them.

APPENDIX II

Trusteeship Agreement for the Mandated Territory of Nauru, submitted by the Governments of Australia, New Zealand, and the United Kingdom

In pursuance of a mandate conferred upon His Britannic Majesty, the Territory of Nauru has been administered in accordance with Article 22 of the Covenant of the League of Nations by the Government of Australia on the joint behalf of the Governments of Australia, New Zealand, and the United Kingdom of Great Britain and Northern Ireland.

The Charter of the United Nations, signed at San Francisco on 26 June, 1945, provides by Article 75 for the establishment of an international trusteeship system for the administration and supervision of such territories as may be placed thereunder by subsequent individual agreements.

His Majesty desires to place the territory of Nauru under the trusteeship system, and the Governments of Australia, New Zealand, and the United Kingdom undertake to administer it on the terms set forth in the present trusteeship agreement :—

“ THEREFORE THE GENERAL ASSEMBLY OF THE UNITED NATIONS acting in pursuance of Article 85 of the Charter

“ APPROVES the following terms of Trusteeship for the Territory of Nauru in substitution for the terms of the Mandate under which the Territory has been administered.

“ ARTICLE 1

“ The Territory to which this Trusteeship Agreement applies (hereinafter called ‘ the Territory ’) consists of the island of Nauru (Pleasant Island) situated approximately 167° Longitude East and approximately 0° 25′, Latitude South, being the Territory administered under the Mandate above referred to.

“ ARTICLE 2

“ The Governments of Australia, New Zealand and the United Kingdom (hereinafter called ‘ the Administering Authority ’) are hereby designated as the joint authority which will exercise the administration of the Territory.

“ ARTICLE 3

“ The Administering Authority undertakes to administer the Territory in accordance with the provisions of the Charter and in such a manner as to achieve in the Territory the basic objectives of the International Trusteeship System, which are set forth in Article 76 of the Charter.

“ARTICLE 4

“The Administering Authority will be responsible for the peace, order, good government and defence of the Territory, and for this purpose, in pursuance of an agreement made by the Governments of Australia, New Zealand and the United Kingdom, the Government of Australia will on behalf of the Administering Authority and except and until otherwise agreed by the Governments of Australia, New Zealand and the United Kingdom continue to exercise full powers of legislation administration and jurisdiction in and over the Territory.

“ARTICLE 5

“The Administering Authority undertakes that in the discharge of its obligations under Article 3 of this Agreement :—

“1. It will co-operate with the Trusteeship Council in the discharge of all the Council's functions under Articles 87 and 88 of the Charter ;

“2. It will, in accordance with its established policy :

“(a) Take into consideration the customs and usages of the inhabitants of Nauru and respect the rights and safeguard the interests both present and future of the indigenous inhabitants of the Territory ; and in particular ensure that no rights over native land in favour of any person not an indigenous inhabitant of Nauru may be created or transferred except with the consent of the competent public authority ;

“(b) Promote, as may be appropriate to the circumstances of the Territory, the economic, social, educational and cultural advancement of the inhabitants ;

“(c) Assure to the inhabitants of the Territory, as may be appropriate to the particular circumstances of the Territory and its peoples a progressively increasing share in the administrative and other services of the Territory and take all appropriate measures with a view to the political advancement of the inhabitants in accordance with Article 76 (b) of the Charter ;

“(d) Guarantee to the inhabitants of the Territory, subject only to the requirements of public order, freedom of speech, of the press, of Assembly and of petition, freedom of conscience and worship and freedom of religious teaching.

“ARTICLE 6

“The Administering Authority further undertakes to apply in the Territory the provisions of such international agreements and such recommendations of the specialized agencies referred to in Article 57 of the Charter as are, in the opinion of the Administering Authority, suited to the needs and conditions of the Territory and conducive to the achievement of the basic objectives of the Trusteeship System.

“ARTICLE 7

“In order to discharge its duties under Article 84 of the Charter and Article 4 of the present agreement, the Administering Authority may take all measures in the Territory which it considers desirable to provide for the defence of the Territory and for the maintenance of international peace and security.”

APPENDIX III

*Future Government of Palestine: Plan of Partition with Economic Union
approved by the General Assembly by Resolution of 29 November, 1947*

PART I.—FUTURE CONSTITUTION AND GOVERNMENT OF PALESTINE

A. TERMINATION OF MANDATE, PARTITION, AND INDEPENDENCE

1. The mandate for Palestine shall terminate as soon as possible, but in any case not later than 1 August, 1948.

2. The armed forces of the mandatory Power shall be progressively withdrawn from Palestine, the withdrawal to be completed as soon as possible, but in any case not later than 1 August, 1948.

The mandatory Power shall advise the Commission, as far in advance as possible, of its intention to terminate the mandate and to evacuate each area.

The mandatory Power shall use its best endeavours to ensure that an area situated in the territory of the Jewish State, including a seaport and hinterland adequate to provide facilities for a substantial immigration, shall be evacuated at the earliest possible date and in any event not later than 1 February, 1948.

3. Independent Arab and Jewish States and the Special International Regime for the City of Jerusalem, set forth in Part III of this plan, shall come into existence in Palestine two months after the evacuation of the armed forces of the mandatory Power has been completed, but in any case not later than 1 October, 1948. The boundaries of the Arab State, the Jewish State, and the City of Jerusalem shall be as described in Parts II and III below.

4. The period between the adoption by the General Assembly of its recommendation on the question of Palestine and the establishment of the independence of the Arab and Jewish States shall be a transitional period.

B. STEPS PREPARATORY TO INDEPENDENCE

1. A Commission shall be set up consisting of one representative of each of five member States. The members represented on the Commission shall be elected by the General Assembly on as broad a basis, geographically and otherwise, as possible.

2. The administration of Palestine shall, as the mandatory Power withdraws its armed forces, be progressively turned over to the Commission, which shall act in conformity with the recommendations of the General Assembly, under the guidance of the Security Council. The mandatory Power shall to the fullest possible extent co-ordinate its plans for withdrawal with the plans of the Commission to take over and administer areas which have been evacuated.

In the discharge of this administrative responsibility the Commission shall have authority to issue necessary regulations and take other measures as required.

The mandatory Power shall not take any action to prevent, obstruct, or delay the implementation by the Commission of the measures recommended by the General Assembly.

3. On its arrival in Palestine the Commission shall proceed to carry out measures for the establishment of the frontiers of the Arab and Jewish States and the City of Jerusalem in accordance with the general lines of the recommendations of the General Assembly on the partition of Palestine. Nevertheless, the boundaries as described in Part II of this plan are to be modified in such a way that village areas, as a rule, will not be divided by State boundaries unless pressing reasons make that necessary.

4. The Commission, after consultation with the democratic parties and other public organizations of the Arab and Jewish States, shall select and establish in each State as rapidly as possible a Provisional Council of Government. The activities of both the Arab and Jewish Provisional Councils of Government shall be carried out under the general direction of the Commission.

If by 1 April, 1948, a Provisional Council of Government cannot be selected for either of the States, or, if selected, cannot carry out its functions, the Commission shall communicate that fact to the Security Council for such action with respect to that State as the Security Council may deem proper, and to the Secretary-General for communication to the members of the United Nations.

5. Subject to the provisions of these recommendations, during the transitional period the Provisional Councils of Government, acting under the Commission, shall have full authority in the areas under their control, including authority over matters of immigration and land regulation.

6. The Provisional Council of Government of each State, acting under the Commission, shall progressively receive from the Commission full responsibility for the administration of that State in the period between the termination of the mandate and the establishment of the States' independence.

7. The Commission shall instruct the Provisional Councils of Government of both the Arab and Jewish States, after their formation, to proceed to the establishment of administrative organs of government, central and local.

8. The Provisional Council of Government of each State shall, within the shortest time possible, recruit an armed militia from the residents of that State sufficient in number to maintain internal order and to prevent frontier clashes.

This armed militia in each State shall, for operational purposes, be under the command of Jewish or Arab officers resident in that State, but general political and military control, including the choice of the militia's High Command, shall be exercised by the Commission.

9. The Provisional Council of Government of each State shall, not later than two months after the withdrawal of the armed forces of the mandatory Power, hold elections to the Constituent Assembly which shall be conducted on democratic lines.

The election regulations in each State shall be drawn up by the Provisional Council of Government and approved by the Commission. Qualified voters for each State for this election shall be persons over eighteen years of age who are (a) Palestinian citizens residing in that State, and (b) Arabs and Jews residing in the State, although not Palestinian citizens, who, before voting, have signed a notice of intention to become citizens of such State.

Arabs and Jews residing in the City of Jerusalem who have signed a notice of intention to become citizens, the Arabs of the Arab State and the Jews of the Jewish State, shall be entitled to vote in the Arab and Jewish States respectively.

Women may vote and be elected to the Constituent Assemblies.

During the transitional period no Jew shall be permitted to establish residence in the area of the proposed Arab State, and no Arab shall be permitted to establish residence in the area of the proposed Jewish State, except by special leave of the Commission.

10. The Constituent Assembly of each State shall draft a democratic Constitution for its State and choose a Provisional Government to succeed the Provisional Council of Government appointed by the Commission. The Constitutions of the States shall embody Chapters 1 and 2 of the declaration provided for in Section C below and include, *inter alia*, provisions for—

(a) Establishing in each State a legislative body elected by universal suffrage and by secret ballot on the basis of proportional representation, and an executive body responsible to the Legislature.

(b) Settling all international disputes in which the State may be involved by peaceful means in such a manner that international peace and security, and justice, are not endangered.

(c) Accepting the obligation of the State to refrain in its international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

(d) Guaranteeing to all persons equal and non-discriminatory rights in civil, political, economic, and religious matters and the enjoyment of human rights and fundamental freedoms, including freedom of religion, language, speech and publication, education, assembly, and association.

(e) Preserving freedom of transit and visit for all residents and citizens of the other State in Palestine and the City of Jerusalem, subject to considerations of national security: Provided that each State shall control residence within its border.

11. The Commission shall appoint a Preparatory Economic Commission of three members to make whatever arrangements are possible for economic co-operation, with a view to establishing, as soon as practicable, the Economic Union and the Joint Economic Board, as provided in Section D below.

12. During the period between the adoption of the recommendations on the question of Palestine by the General Assembly and the termination of the mandate, the mandatory Power in Palestine shall maintain full

responsibility for administration in areas from which it has not withdrawn its armed forces. The Commission shall assist the mandatory Power in the carrying-out of these functions. Similarly, the mandatory Power shall co-operate with the Commission in the execution of its functions.

13. With a view to ensuring that there shall be continuity in the functioning of administrative services and that, on the withdrawal of the armed forces of the mandatory Power, the whole administration shall be in the charge of the Provisional Councils and the Joint Economic Board respectively, acting under the Commission, there shall be a progressive transfer, from the mandatory Power to the Commission, of responsibility for all the functions of government, including that of maintaining law and order, in the areas from which the forces of the mandatory Power have been withdrawn.

14. The Commission shall be guided in its activities by the recommendations of the General Assembly and by such instructions as the Security Council may consider necessary to issue.

The measures taken by the Commission, within the recommendations of the General Assembly, shall become immediately effective, unless the Commission has previously received contrary instructions from the Security Council.

The Commission shall render periodic monthly progress reports, or more frequently if desirable, to the Security Council.

15. The Commission shall make its final report to the next regular session of the General Assembly and to the Security Council simultaneously.

C. DECLARATION

1. A declaration shall be made to the United Nations by the Provisional Government of each proposed State before independence. It shall contain, *inter alia*, the following clauses:—

General Provision

The stipulations contained in the Declaration are recognized as fundamental laws of the State, and no law, regulation, or official action shall conflict or interfere with these stipulations, nor shall any law, regulation, or official action prevail over them.

Chapter 1.—Holy Places, Religious Buildings, and Sites

1. Existing rights in respect of holy places and religious buildings or sites shall not be denied or impaired.

2. In so far as holy places are concerned, the liberty of access, visit, and transit shall be guaranteed, in conformity with existing rights, to all residents and citizens of the other State and of the City of Jerusalem, as well as to aliens, without distinction as to nationality, subject to requirements of national security, public order, and decorum.

Similarly, freedom of worship shall be guaranteed in conformity with existing rights, subject to the maintenance of public order and decorum.

3. Holy places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Government that any particular holy place, religious building, or site is in need of urgent repair, the Government may call upon the community or communities concerned to carry out such repair. The Government may carry it out itself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any holy place, religious building, or site which was exempt from taxation on the date of the creation of the State.

No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of holy places, religious buildings, or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

5. The Governor of the City of Jerusalem shall have the right to determine whether the provisions of the Constitution of the State in relation to holy places, religious buildings, and sites within the borders of the State and the religious rights appertaining thereto are being properly applied and respected, and to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community with respect to such places, buildings, and sites. He shall receive full co-operation and such privileges and immunities as are necessary for the exercise of his functions in the State.

Chapter 2.—Religious and Minority Rights

1. Freedom of conscience and the free exercise of all forms of worship, subject only to the maintenance of public order and morals, shall be ensured to all.

2. No discrimination of any kind shall be made between the inhabitants on the ground of race, religion, language, or sex.

3. All persons within the jurisdiction of the State shall be entitled to equal protection of the laws.

4. The family law and personal status of the various minorities and their religious interests, including endowments, shall be respected.

5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The State shall ensure adequate primary and secondary education for the Arab and Jewish minority respectively in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the State may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any citizen of the State of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.¹

8. No expropriation of land owned by an Arab in the Jewish State (by a Jew in the Arab State)² shall be allowed except for public purposes. In all cases of expropriation, full compensation as fixed by the Supreme Court shall be paid previous to dispossession.

Chapter 3.—Citizenship, International Conventions, and Financial Obligations

Citizenship

1. Palestinian citizens residing in Palestine outside the City of Jerusalem, as well as Arabs and Jews who, not holding Palestinian citizenship, reside in Palestine outside the City of Jerusalem, shall, upon the recognition of independence, become citizens of the State in which they are resident and enjoy full civil and political rights. Persons over the age of eighteen years may opt, within one year from the date of recognition of independence of the State in which they reside, for citizenship of the other State: Providing that no Arab residing in the area of the proposed Arab State shall have the right to opt for citizenship in the proposed Jewish State and no Jew residing in the proposed Jewish State shall have the right to opt for citizenship in the proposed Arab State. The exercise of this right of option will be taken to include the wives and children under eighteen years of age of persons so opting.

Arabs residing in the area of the proposed Jewish State and Jews residing in the area of the proposed Arab State who have signed a notice of intention to opt for citizenship of the other State shall be eligible to vote in the elections to the Constituent Assembly of that State, but not in the elections to the Constituent Assembly of the State in which they reside.

International Conventions

2. (a) The State shall be bound by all the international agreements and conventions, both general and special, to which Palestine has become a party. Subject to any right of denunciation provided for therein, such agreements and conventions shall be respected by the State throughout the period for which they were concluded.

(b) Any dispute about the applicability and continued validity of international conventions or treaties signed or adhered to by the mandatory Power on behalf of Palestine shall be referred to the International Court of Justice in accordance with the provisions of the Statute of the Court.

Financial Obligations

3. (a) The State shall respect and fulfil all financial obligations of whatever nature assumed on behalf of Palestine by the mandatory Power during the exercise of the mandate and recognized by the State. This provision includes the right of public servants to pensions, compensation, or gratuities.

¹ The following stipulation shall be added to the Declaration concerning the Jewish State: "In the Jewish State adequate facilities shall be given to Arabic-speaking citizens for the use of their language, either orally or in writing, in the Legislature, before the Courts, and in the administration."

² In the Declaration concerning the Arab State, the words "by an Arab in the Jewish State" should be replaced by the words "by a Jew in the Arab State."

(b) These obligations shall be fulfilled through participation in the Joint Economic Board in respect of those obligations applicable to Palestine as a whole, and individually in respect of those applicable to, and fairly apportionable between, the States.

(c) A Court of Claims, affiliated with the Joint Economic Board, and composed of one member appointed by the United Nations, one representative of the United Kingdom, and one representative of the State concerned, should be established. Any dispute between the United Kingdom and the State respecting claims not recognized by the latter should be referred to that Court.

(d) Commercial concessions granted in respect of any part of Palestine prior to the adoption of the resolution by the General Assembly shall continue to be valid according to their terms, unless modified by agreement between the concession-holder and the State.

Chapter 4.—Miscellaneous Provisions

1. The provisions of Chapters 1 and 2 of the declaration shall be under the guarantee of the United Nations, and no modifications shall be made in them without the assent of the General Assembly of the United Nations. Any member of the United Nations shall have the right to bring to the attention of the General Assembly any infraction or danger of infraction of any of these stipulations, and the General Assembly may thereupon make such recommendations as it may deem proper in the circumstances.

2. Any dispute relating to the application or the interpretation of this declaration shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

D. ECONOMIC UNION AND TRANSIT

1. The Provisional Council of Government of each State shall enter into an undertaking with respect to economic union and transit. This undertaking shall be drafted by the Commission provided for in Section B, paragraph 1, utilizing to the greatest possible extent the advice and co-operation of representative organizations and bodies from each of the proposed States. It shall contain provisions to establish the Economic Union of Palestine and provide for other matters of common interest. If by 1 April, 1948, the Provisional Councils of Government have not entered into the undertaking, the undertaking shall be put into force by the Commission.

The Economic Union of Palestine

2. The objectives of the Economic Union of Palestine shall be—

(a) A Customs union.

(b) A joint currency system providing for a single foreign exchange rate.

(c) Operation in the common interest on a non-discriminatory basis of railways, inter-State highways, postal, telephone, and telegraphic services, and ports and airports involved in international trade and commerce.

(d) Joint economic development, especially in respect of irrigation, land reclamation, and soil conservation.

(e) Access for both States and for the City of Jerusalem on a non-discriminatory basis to water and power facilities.

3. There shall be established a Joint Economic Board, which shall consist of three representatives of each of the two States and three foreign members appointed by the Economic and Social Council of the United Nations. The foreign members shall be appointed in the first instance for a term of three years; they shall serve as individuals and not as representatives of States.

4. The functions of the Joint Economic Board shall be to implement either directly or by delegation the measures necessary to realize the objectives of the Economic Union. It shall have all powers of organization and administration necessary to fulfil its functions.

5. The States shall bind themselves to put into effect the decisions of the Joint Economic Board. The Board's decisions shall be taken by a majority vote.

6. In the event of failure of a State to take the necessary action, the Board may, by a vote of six members, decide to withhold an appropriate portion of that part of the Customs revenue to which the State in question is entitled under the economic union. Should the State persist in its failure to co-operate, the Board may decide by a simple majority vote upon such further sanctions, including disposition of funds which it has withheld, as it may deem appropriate.

7. In relation to economic development, the functions of the Board shall be the planning, investigation, and encouragement of joint development projects, but it shall not undertake such projects except with the assent of both States and the City of Jerusalem, in the event that Jerusalem is directly involved in the development project.

8. In regard to the joint currency system, the currencies circulating in the two States and the City of Jerusalem shall be issued under the authority of the Joint Economic Board, which shall be the sole issuing authority and which shall determine the reserves to be held against such currencies.

9. So far as is consistent with 2 (b) above, each State may operate its own central bank, control its own fiscal and credit policy, its foreign exchange receipts and expenditures, the grant of import licences, and may conduct international financial operations on its own faith and credit. During the first two years after the termination of the mandate, the Joint Economic Board shall have the authority to take such measures as may be necessary to ensure that, to the extent that the total foreign exchange revenues of the two States from the export of goods and services permit, and provided that each State takes appropriate measures to conserve its own foreign exchange resources, each State shall have available, in any twelve months' period, foreign exchange sufficient to assure the supply of quantities of imported goods and services for consumption in its territory equivalent to the quantities of such goods and services consumed in that territory in the twelve months' period ending 31 December, 1947.

10. All economic authority not specifically vested in the Joint Economic Board is reserved to each State.

11. There shall be a common Customs tariff with complete freedom of trade between the States, and between the States and the City of Jerusalem.

12. The tariff schedules shall be drawn up by a Tariff Commission, consisting of representatives of each of the States in equal numbers, and shall be submitted to the Joint Economic Board for approval by a majority vote. In case of disagreement in the Tariff Commission, the Joint Economic Board shall arbitrate the points of difference. In the event that the Tariff Commission fails to draw up any schedule by a date to be fixed, the Joint Economic Board shall determine the tariff schedule.

13. The following items shall be a first charge on the Customs and other common revenue of the Joint Economic Board :—

(a) The expenses of the Customs services and of the operation of the joint services.

(b) The administrative expenses of the Joint Economic Board.

(c) The financial obligations of the Administration of Palestine, consisting of—

(i) The service of the outstanding public debt :

(ii) The cost of superannuation benefits, now being paid or falling due in the future, in accordance with the rules and to the extent established by paragraph 3 of Chapter 3 above.

14. After these obligations have been met in full, the surplus revenue from the Customs and other common services shall be divided in the following manner : not less than 5 per cent. and not more than 10 per cent. to the City of Jerusalem ; the residue shall be allocated to each State by the Joint Economic Board equitably, with the objective of maintaining a sufficient and equitable level of government and social services in each State, except that the share of either State shall not exceed the amount of that State's contribution to the revenue of the Economic Union by more than approximately £4,000,000 in any year. The amount granted may be adjusted by the Board according to the price level in relation to the prices prevailing at the time of the establishment of the Union. After five years, the principles of the distribution of the joint revenues may be revised by the Joint Economic Board on a basis of equity.

15. All international conventions and treaties affecting Customs tariffs rates and those communications services under the jurisdiction of the Joint Economic Board shall be entered into by both States. In these matters the two States shall be bound to act in accordance with the majority vote of the Joint Economic Board.

16. The Joint Economic Board shall endeavour to secure for Palestine's exports fair and equal access to world markets.

17. All enterprises operated by the Joint Economic Board shall pay fair wages on a uniform basis.

Freedom of Transit and Visit

18. The undertaking shall contain provisions preserving freedom of transit and visit for all residents or citizens of both States and of the City of Jerusalem, subject to security considerations : Provided that each State and the City shall control residence within their borders.

Termination, Modification, and Interpretation of the Undertaking

19. The undertaking and any treaty issuing therefrom shall remain in force for a period of ten years. It shall continue in force until notice of termination, to take effect two years thereafter, is given by either of the parties.

20. During the initial ten-year period the undertaking and any treaty issuing therefrom may not be modified except by consent of both parties and with the general approval of the General Assembly.

21. Any dispute relating to the application or the interpretation of the undertaking and any treaty issuing therefrom shall be referred, at the request of either party, to the International Court of Justice, unless the parties agree to another mode of settlement.

E. ASSETS

1. The movable assets of the Administration of Palestine shall be allocated to the Arab and Jewish States and the City of Jerusalem on an equitable basis. Allocations should be made by the United Nations Commission referred to in Section B, paragraph 1, above. Immovable assets shall become the property of the Government of the territory in which they are situated.

2. During the period between the appointment of the United Nations Commission and the termination of the mandate the mandatory Power shall, except in respect of ordinary operations, consult with the Commission on any measure which it may contemplate involving the liquidation, disposal, or encumbering of the assets of the Palestine Government, such as the accumulated treasury surplus, the proceeds of Government bond issues, State lands, or any other assets.

F. ADMISSION TO MEMBERSHIP IN THE UNITED NATIONS

When the independence of either the Arab or the Jewish State as envisaged in this plan has become effective and the declaration and undertaking, as envisaged in this plan, have been signed by either of them, sympathetic consideration should be given to its application for admission to membership in the United Nations in accordance with Article 4 of the Charter of the United Nations.

PART II.—BOUNDARIES¹

THE ARAB STATE

The area of the Arab State in Western Galilee is bounded on the west by the Mediterranean and on the north by the frontier of the Lebanon from Ras en Naqura to a point north of Saliha. From there the boundary proceeds southwards, leaving the built-up area of Saliha, in the Arab State, to join the southernmost point of this village. Thence it follows the western boundary-line of the villages of 'Alma, Rihaniya, and Teitaba, thence

¹ The boundary-lines described in Part II are indicated in Annex A. The base map used in marking and describing this boundary is "Palestine 1: 250,000" published by the Survey of Palestine, 1946.

following the northern boundary-line of Meirun village to join the Acre-Safad sub-district boundary-line. It follows this line to a point west of Es Sammu'i village and joins it again at the northernmost point of Farradiya. Thence it follows the sub-district boundary-line to the Acre-Safad main road. From here it follows the western boundary of Kafr P'nān village until it reaches the Tiberias-Acre sub-district boundary-line, passing to the west of the junction of the Acre-Safad and Lubiya-Kafr P'nān roads. From the south-west corner of Kafr P'nān village the boundary-line follows the western boundary of the Tiberias sub-district to a point close to the boundary-line between the villages of Maghar and Eilabun, thence bulging out to the west to include as much of the eastern part of the plain of Battuf as is necessary for the reservoir proposed by the Jewish Agency for the irrigation of lands to the south and east.

The boundary rejoins the Tiberias sub-district boundary at a point on the Nazareth-Tiberias road south-east of the built-up area of Tur'an; thence it runs southwards, at first following the sub-district boundary and then passing between the Kadoorie Agricultural School and Mount Tabor, to a point due south at the base of Mount Tabor. From here it runs due west, parallel to the horizontal grid line 230, to the north-east corner of the village lands of Tel Adashim. It then runs to the north-west corner of these lands, whence it turns south and west so as to include in the Arab State the sources of the Nazareth water-supply in Yafa village. On reaching Ginneiger it follows the eastern, northern, and western boundaries of the lands of this village to their south-west corner, whence it proceeds in a straight line to a point on the Haifa-Afula railway on the boundary between the villages of Sarid and El Mujeidil. This is the point of intersection.

The south-western boundary of the area of the Arab State in Galilee takes a line from this point, passing northwards along the eastern boundaries of Sarid and Gevat to the north-eastern corner of Nahalal, proceeding thence across the land of Kefar ha Horesh to a central point on the southern boundary of the village of 'Ilut, thence westwards along that village boundary to the eastern boundary of Beit Lahm, thence northwards and north-eastwards along its western boundary to the north-eastern corner of Waldheim, and thence north-westwards across the village lands of Shafa 'Amr to the south-eastern corner of Ramat Yohanan. From here it runs due north-north-east to a point on the Shafa 'Amr-Haifa road, west of its junction with the road to I'Billin. From there it proceeds north-east to a point on the southern boundary of I'Billin situated to the west of the I'Billin-Birwa Road, thence along that boundary to its westernmost point, whence it turns to the north, follows across the village land of Tamra to the north-westernmost corner, and along the western boundary of Julis until it reaches the Acre-Safad road. It then runs westwards along the southern side of the Safad-Acre road to the Galilee-Haifa district boundary, from which point it follows that boundary to the sea.

The boundary of the hill country of Samaria and Judea starts on the Jordan River at the Wadi Malih south-east of Beisan and runs due west to meet the Beisan-Jericho road and then follows the western side of that road in a north-westerly direction to the junction of the boundaries of the sub-districts of Beisan, Nablus, and Jenin. From that point it follows the Nablus-Jenin sub-district boundary westwards for a distance of about 3 kilometres and then turns north-westwards, passing to the east of the built-up areas of the villages of Jalbun and Faqu'a to the boundary of the sub-districts of Jenin and Beisan at a point north-east of Nuris. Thence it

proceeds first north-westwards to a point due north of the built-up area of Zir'in and then westwards to the Afula-Jenin railway, thence north-westwards along the district boundary-line to a point of intersection on the Hejaz railway. From here the boundary runs south-westwards, including the built-up area and some of the land of the village of Kh. Lid, in the Arab State, to cross the Haifa-Jenin road at a point on the district boundary between Haifa and Samaria west of El Mansi. It follows this boundary to the southernmost point of the village of El Buteimat. From here it follows the northern and eastern boundaries of the village of Ar'ara, rejoining the Haifa-Samaria district boundary at Wadi'Arara, and thence proceeding south-south-westwards in an approximately straight line, joining up with the western boundary of Qaqun to a point east of the railway-line on the eastern boundary of Qaqun village. From here it runs along the railway-line some distance to the east of it to a point just east of the Tulkarm railway-station. Thence the boundary follows a line half-way between the railway and the Tulkarm-Qalqiliya-Jaljulua and Ras El Ein road to a point just east of Ras el Ein station, whence it proceeds along the railway some distance to the east of it to the point on the railway-line south of the junction of the Haifa-Lydd and Beit Nabala lines, whence it proceeds along the southern border of Lydda airport to its south-west corner, thence in a south-westerly direction to a point just west of the built-up area of Sarafand el 'Amar, whence it turns south, passing just to the west of the built-up area of Abu el Fadil, to the north-east corner of the lands of Beer Ya'Aqov. (The boundary-line should be so demarcated as to allow direct access from the Arab State to the airport.) Thence the boundary-line follows the western and southern boundaries of Ramle village to the north-east corner of El Na'ana village, thence in a straight line to the southernmost point of El Barriya, along the eastern boundary of that village and the southern boundary of 'Innaba village. Thence it turns north to follow the southern side of the Jaffa-Jerusalem road until El Qubab, whence it follows the road to the boundary of Abu Shusha. It runs along the eastern boundaries of Abu Shusha, Seidun, Hulda to the southernmost point of Hulda, thence westwards in a straight line to the north-eastern corner of Umm Kalkha, thence following the northern boundaries of Umm Kalkha, Qazaza, and the northern and western boundaries of Mukhezim to the Gaza district boundary, and thence runs across the village lands of El Mismiya El Kabira and Yasur to the southern point of intersection, which is midway between the built-up areas of Yasur and Batani Sharqi.

From the southern point of intersection the boundary-lines run north-westwards between the villages of Gan Yavne and Barqa to the sea at a point half-way between Nabi Yunis and Minat el Qila, and south-eastwards to a point west of Qastina, whence it turns in a south-westerly direction, passing to the east of the built-up areas of Es Sawafir Esh Sharqiya and Ibdis. From the south-east corner of Ibdis village it runs to a point south-west of the built-up area of Beit 'Affa, crossing the Hebron-El Majdal road just to the west of the built-up area of Iraq Suweidan. Thence it proceeds southwards along the western village boundary of El Faluja to the Beersheba sub-district boundary. It then runs across the tribal lands of 'Arab el Jubarat to a point on the boundary between the sub-districts of Beersheba and Hebron north of Khuweilifa, whence it proceeds in a south-westerly direction to a point on the Beersheba-Gaza main road 2 kilometres to the north-west of the town. It then turns south-eastwards to reach Wadi Sab' at a point situated 1 kilometre to the west of it. From

here it turns north-eastwards and proceeds along Wadi Sab' and along the Beersheba-Hebron road for a distance of 1 kilometre, whence it turns eastwards and runs in a straight line to Kh. Kuseifa to join the Beersheba-Hebron sub-district boundary. It then follows the Hebron-Beersheba boundary eastwards to a point north of Ras Ez Zuweira, only departing from it so as to cut across the base of the indentation between vertical grid lines 150 and 160.

About 5 kilometres north-east of Ras Ez Zuweira it turns north, excluding from the Arab State a strip along the coast of the Dead Sea not more than 7 kilometres in depth, as far as Ein Geddi, whence it turns due east to join the Trans-Jordan frontier in the Dead Sea.

The northern boundary of the Arab section of the coastal plain runs from a point between Minat el Qila and Nabi Yunis, passing between the built-up areas of Gan Yavne and Barqa to the point of intersection. From here it turns south-westwards, running across the lands of Batani Sharqi, along the eastern boundary of the lands of Beit Daras and across the lands of Julis, leaving the built-up areas of Batani Sharqi and Julis to the westwards, as far as the north-west corner of the lands of Beit Tima. Thence it runs east of El Jiya across the village lands of El Barbara along the eastern boundaries of the villages of Beit Jirja, Deir Suneid, and Dimra. From the south-east corner of Dimra the boundary passes across the lands of Beit Hanun, leaving the Jewish lands of Nir-Am to the eastwards. From the south-east corner of Beit Hanun the line runs south-west to a point south of the parallel grid line 100, then turns north-west for 2 kilometres, turning again in a south-westerly direction and continuing in an almost straight line to the north-west corner of the village lands of Kirbet Ikhza'a. From there it follows the boundary-line of this village to its southernmost point. It then runs in a southerly direction along the vertical grid line 90 to its junction with the horizontal grid line 70. It then turns south-eastwards to Kh. El Ruheiba, and then proceeds in a southerly direction to a point known as El Baha, beyond which it crosses the Beersheba - El'Auja main road to the west of Kh. el Mushrifa. From there it joins Wadi El Zaiyatin just to the west of El Subeita. From there it turns to the north-east and then to the south-east following this wadi and passes to the east of 'Abda to join Wadi Nafkh. It then bulges to the south-west along Wadi Nafkh, Wadi Ajrim, and Wadi Lassan to the point where Wadi Lassan crosses the Egyptian frontier.

The area of the Arab enclave of Jaffa consists of that part of the town-planning area of Jaffa which lies to the west of the Jewish quarters lying south of Tel-Aviv, to the west of the continuation of Herzl Street up to its junction with the Jaffa-Jerusalem road, to the south-west of the section of the Jaffa-Jerusalem road lying south-east of that junction, to the west of Miqve Yisrael lands, to the north-west of Holon Local Council, to the north of the line linking up the north-west corner of Holon with the north-east corner of Bat Yam Local Council area, and to the north of Bat Yam Local Council area. The question of Karton quarter will be decided by the Boundary Commission, bearing in mind, among other considerations, the desirability of including the smallest possible number of its Arab inhabitants and the largest possible number of its Jewish inhabitants in the Jewish State.

THE JEWISH STATE

The north-eastern sector of the Jewish State (Eastern Galilee) is bounded on the north and west by the Lebanese frontier and on the east by the frontiers of Syria and Trans-Jordan. It includes the whole of the Huleh Basin, Lake Tiberias, the whole of the Beisan sub-district, the boundary-line being extended to the crest of the Gilboa mountains and the Wadi Malih. From there the Jewish State extends north-west following the boundary described in respect of the Arab State.

The Beersheba area comprises the whole of the Beersheba sub-district, including the Negev and the eastern part of the Gaza sub-district, but excluding the town of Beersheba and those areas described in respect of the Arab State. It includes also a strip of land along the Dead Sea stretching from the Hebron-Beersheba sub-district boundary-line to Ein Geddi, as described in respect of the Arab State.

The Jewish section of the coastal plain extends from a point between Minat et Qila and Nabi Yunis in the Gaza sub-district and includes the towns of Haifa and Tel-Aviv, leaving Jaffa as an enclave of the Arab State. The eastern frontier of the Jewish State follows the boundary described in respect of the Arab State.

THE CITY OF JERUSALEM

The boundaries of the City of Jerusalem are as defined in the recommendations on the City of Jerusalem.

PART III.—CITY OF JERUSALEM

A

The City of Jerusalem shall be established as a *corpus separatum* under a Special International Regime and shall be administered by the United Nations. The Trusteeship Council shall be designated to discharge the responsibilities of the administering authority on behalf of the United Nations.

B

The City of Jerusalem shall include the present municipality of Jerusalem plus the surrounding villages and towns, the most eastern of which shall be Abu Dis, the most southern Bethlehem, the most western Ein Karim (including also the built-up area of Motsa), and the most northern Shu'fat, as indicated on the attached sketch-map.

C

The Trusteeship Council shall, within five months from the approval of the present plan, elaborate and approve a detailed statute of the city which shall contain, *inter alia*, the substance of the following provisions :—

1. Government Machinery : *Special Objectives*

The administering authority in discharging its administrative obligations shall pursue the following special objectives :—

(a) To protect and to preserve the unique spiritual and religious interests located in the city of the three great monotheistic faiths throughout the world, Christian, Jewish, and Moslem ; to this end to ensure that order and peace, and especially religious peace, reign in Jerusalem.

(b) To foster co-operation among all the inhabitants of the city in their own interests as well as in order to encourage and support the peaceful development of the mutual relations between the two Palestinian peoples throughout the Holy Land; to promote the security, well-being, and any constructive measures of development of the residents, having regard to the special circumstances and customs of the various peoples and communities.

2. Governor and Administrative Staff

A Governor of the City of Jerusalem shall be appointed by the Trusteeship Council and shall be responsible to it. He shall be selected on the basis of special qualifications and without regard to nationality. He shall not, however, be a citizen of either State in Palestine.

The Governor shall represent the United Nations in the city and shall exercise on their behalf all powers of administration, including the conduct of external affairs. He shall be assisted by an administrative staff classed as international officers in the meaning of Article 100 of the Charter and chosen, whenever practicable, from the residents of the city and of the rest of Palestine on a non-discriminatory basis. A detailed plan for the organization of the administration of the city shall be submitted by the Governor to the Trusteeship Council and duly approved by it.

3. Local Autonomy

(a) The existing local autonomous units in the territory of the city (villages, townships, and municipalities) shall enjoy wide powers of local government and administration.

(b) The Governor shall study and submit for the consideration and decision of the Trusteeship Council a plan for the establishment of special town units consisting, respectively, of the Jewish and Arab sections of new Jerusalem. The new town units shall continue to form part of the present municipality of Jerusalem.

4. Security Measures

(a) The City of Jerusalem shall be demilitarized, its neutrality shall be declared and preserved, and no para-military formations, exercises, or activities shall be permitted within its borders.

(b) Should the administration of the City of Jerusalem be seriously obstructed or prevented by the non-co-operation or interference of one or more sections of the population, the Governor shall have authority to take such measures as may be necessary to restore the effective functioning of the administration.

(c) To assist in the maintenance of internal law and order and especially for the protection of the holy places and religious buildings and sites in the city, the Governor shall organize a special police force of adequate strength, the members of which shall be recruited outside of Palestine. The Governor shall be empowered to direct such budgetary provision as may be necessary for the maintenance of this force.

5. Legislative Organization

A Legislative Council, elected by adult residents of the city, irrespective of nationality, on the basis of universal and secret suffrage and proportional representation, shall have powers of legislation and taxation. No legislative measures shall, however, conflict or interfere with the provisions which will be set forth in the statute of the city, nor shall any law, regulation, or official action prevail over them. The statute shall grant to the Governor a right of vetoing the Bills inconsistent with the provisions referred to in the preceding sentence. It shall also empower him to promulgate temporary Ordinances in case the Council fails to adopt in time a Bill deemed essential to the normal functioning of the Administration.

6. Administration of Justice

The statute shall provide for the establishment of an independent judiciary system including a Court of Appeal. All the inhabitants of the city shall be subject to it.

7. Economic Union and Economic Regime

The City of Jerusalem shall be included in the Economic Union of Palestine and be bound by all stipulations of the undertaking and of any treaties issued therefrom, as well as by the decisions of the Joint Economic Board. The headquarters of the Economic Board shall be established in the territory of the city.

The statute shall provide for the regulation of economic matters not falling within the regime of the Economic Union, on the basis of equal treatment and non-discrimination for all members of the United Nations and their nationals.

8. Freedom of Transit and Visit ; Control of Residents

Subject to considerations of security, and of economic welfare as determined by the Governor under the directions of the Trusteeship Council, freedom of entry into, and residence within, the borders of the city shall be guaranteed for the residents or citizens of the Arab and Jewish States. Immigration into, and residence within, the borders of the city for nationals of other States shall be controlled by the Governor under the directions of the Trusteeship Council.

9. Relations with the Arab and Jewish States

Representatives of the Arab and Jewish States shall be accredited to the Governor of the city and charged with the protection of the interests of their States and nationals in connection with the international administration of the city.

10. Official Languages

Arabic and Hebrew shall be the official languages of the city. This will not preclude the adoption of one or more additional working languages, as may be required.

11. *Citizenship*

All the residents shall become *ipso facto* citizens of the City of Jerusalem, unless they opt for citizenship of the State of which they have been citizens or, if Arabs or Jews, have filed the notice of intention to become citizens of the Arab or Jewish State respectively, according to Part I, Section B, paragraph 9, of this plan.

The Trusteeship Council shall make arrangements for Consular protection of the citizens of the city outside its territory.

12. *Freedoms of Citizens*

1. Subject only to the requirements of public order and morals, the inhabitants of the city shall be ensured that the enjoyment of human rights and fundamental freedoms, including freedom of conscience, religion and worship, language, education, speech and press, assembly and association, and petition.

2. No discrimination of any kind shall be made between the inhabitants on the grounds of race, religion, language, or sex.

3. All persons within the city shall be entitled to equal protection of the laws.

4. The family law and personal status of the various persons and communities and their religious interests, including endowments, shall be respected.

5. Except as may be required for the maintenance of public order and good government, no measure shall be taken to obstruct or interfere with the enterprise of religious or charitable bodies of all faiths or to discriminate against any representative or member of these bodies on the ground of his religion or nationality.

6. The city shall ensure adequate primary and secondary education for the Arab and Jewish community respectively in its own language and its cultural traditions.

The right of each community to maintain its own schools for the education of its own members in its own language, while conforming to such educational requirements of a general nature as the city may impose, shall not be denied or impaired. Foreign educational establishments shall continue their activity on the basis of their existing rights.

7. No restriction shall be imposed on the free use by any inhabitant of the city of any language in private intercourse, in commerce, in religion, in the press or in publications of any kind, or at public meetings.

13. *Holy Places*

1. Existing rights in respect of holy places and religious buildings or sites shall not be denied or impaired.

2. Free access to the holy places and religious buildings or sites and the free exercise of worship shall be secured in conformity with the existing rights and subject to the requirements of public order and decorum.

3. Holy places and religious buildings or sites shall be preserved. No act shall be permitted which may in any way impair their sacred character. If at any time it appears to the Governor that any particular holy place, religious building, or site is in need of urgent repair, the Governor may call upon the community or communities concerned to carry out such repair. The Governor may carry it out himself at the expense of the community or communities concerned if no action is taken within a reasonable time.

4. No taxation shall be levied in respect of any holy places, religious buildings, or site which was exempt from taxation on the date of the creation of the city. No change in the incidence of such taxation shall be made which would either discriminate between the owners or occupiers of holy places, religious buildings, or sites, or would place such owners or occupiers in a position less favourable in relation to the general incidence of taxation than existed at the time of the adoption of the Assembly's recommendations.

14. Special Powers of the Governor in respect of the Holy Places, Religious Buildings, and Sites in the City and in any Part of Palestine

1. The protection of the holy places, religious buildings, and sites located in the City of Jerusalem shall be a special concern of the Governor.

2. With relation to such places, buildings, and sites in Palestine outside the city, the Governor shall determine, on the ground of powers granted to him by the Constitutions of both States, whether the provisions of the Constitutions of the Arab and Jewish States in Palestine dealing therewith and the religious rights appertaining thereto are being properly applied and respected.

3. The Governor shall also be empowered to make decisions on the basis of existing rights in cases of disputes which may arise between the different religious communities or the rites of a religious community in respect of the holy places, religious buildings, and sites in any part of Palestine.

In this task he may be assisted by a consultative Council of Representatives of different denominations acting in an advisory capacity.

D. DURATION OF THE SPECIAL REGIME

The statute elaborated by the Trusteeship Council on the aforementioned principles shall come into force not later than 1 October, 1948. It shall remain in force in the first instance for a period of ten years, unless the Trusteeship Council finds it necessary to undertake a re-examination of these provisions at an earlier date. After the expiration of this period the whole scheme shall be subject to re-examination by the Trusteeship Council

in the light of the experience acquired with its functioning. The residents of the city shall be then free to express, by means of a referendum, their wishes as to possible modifications of the regime of the city.

PART IV.—CAPITULATIONS

States whose nationals have in the past enjoyed in Palestine the privileges and immunities of foreigners, including the benefits of Consular jurisdiction and protection as formerly enjoyed by capitulation or usage in the Ottoman Empire, are invited to renounce any right pertaining to them to the re-establishment of such privileges and immunities in the proposed Arab and Jewish States and the City of Jerusalem.

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