

1947
NEW ZEALAND

THE UNITED NATIONS

REPORT OF THE NEW ZEALAND DELEGATION
ON THE SECOND PART OF THE FIRST REGULAR
SESSION OF THE GENERAL ASSEMBLY HELD
AT NEW YORK 23 OCTOBER - 15 DECEMBER, 1946

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 Parliamentary Library.

Any documents of permanent interest to New Zealand will be published separately by the Department of External Affairs.

OFFICIAL SEAL AND EMBLEM OF THE
UNITED NATIONS



SECOND PART OF THE FIRST REGULAR SESSION OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS

I. LETTER TO PRIME MINISTER FROM CHAIRMAN OF DELEGATION

New Zealand Legation,
Washington, D.C., 7 January, 1947.

SIR,—

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

The Assembly met at Flushing on 23 October, and continued its sessions, in the Assembly at Flushing, and in Committee at Lake Success, until its final meeting on 15 December.

Though the Secretariat had done everything possible to facilitate the transaction of business, conditions were inevitably such as to impose a considerable strain on all delegations. A great deal of time was necessarily wasted in transit, in preparing for transit or awaiting transport, and this was especially the case—amounting to little less than three hours a day—when meetings were held, as the majority were, at Lake Success, some 23 miles from New York City, where all the delegations were housed. It seems probable that similar arrangements will have to be made until the United Nations is located in its permanent site, and this fact should be borne in mind in arranging for future meetings.

One of the earliest actions taken by the Assembly was to elect three members to the Security Council to replace Egypt, Mexico, and the Netherlands. The result was the immediate election of Colombia, Syria, and Belgium by a very large majority, with India and others receiving a few votes.

The ballot for six members of the Economic and Social Council to replace Colombia, the United States of America, Greece, Lebanon, the Ukrainian Soviet Socialist Republic, and Yugoslavia led to the immediate election of three members—the United States (re-elected), Venezuela, and New Zealand—to the early re-election of the Lebanon, to the subsequent election of Byelo-Russia, and to a lengthy and indecisive series of ballots for the last place between Turkey and the Netherlands. The matter was finally settled by the withdrawal from the Economic and Social Council of Belgium (which had already been elected to the Security Council) and by the election of both Turkey and the Netherlands to a seat on the Economic and Social Council.

The fact that New Zealand was elected on the first ballot was most gratifying. It will be remembered that New Zealand had been a

candidate in London for a seat on this Council and had withdrawn in favour of Yugoslavia, which country announced its intention of standing for re-election at this meeting of the Assembly. While we had let it be known that New Zealand was a candidate for election, we did no canvassing whatever, despite the fact that canvassing was very general, and our election on the first ballot with a very heavy vote was due, in my opinion, to three factors :—

(a) A sense of equity, in view of New Zealand's withdrawal in London.

(b) A recognition of the part New Zealand has always played in international gatherings, invariably holding and stating its views with moderation but conviction, and without vacillation ; and

(c) (which I think was the deciding factor), a widespread appreciation of what New Zealand has done and is doing in the social and humanitarian field to point, and to lead, the way to a better life for all.

Pursuant to the approval of seven trusteeship agreements, the General Assembly elected Mexico and Iraq to membership of the Trusteeship Council for three years. The other members of the Trusteeship Council are Australia, Belgium, France, New Zealand, United Kingdom, as States administering trust territories, and China, the Soviet Union, and the United States as permanent members of the Security Council not administering trust territories.

At the beginning of the session a general debate was held in which most delegations participated. Extracts from the speech delivered on behalf of New Zealand appear as an Appendix to this report.

During the course of its eight weeks of deliberation the Assembly considered no fewer than seventy-one separate subjects, and the variety of matters under discussion placed a further strain on all delegations, and particularly on those which were small in number. Indeed, at times it was extremely difficult satisfactorily to man all the various committees, sub-committees, and sub-committees of sub-committees which were sitting, often simultaneously.

The results of this meeting of the Assembly can be described as moderately encouraging. Unquestionably, there was, on the whole, a distinct improvement on the atmosphere that characterized the Paris Peace Conference, and I think it fair to say that there was, throughout the discussions, a reasonable disposition on all sides to take into account the existence and the validity of opposing points of view. The Assembly firmly asserted its authority and its competence as the " town meeting of the World " and made abundantly clear its distaste for the veto power in the Security Council. But it cannot be said that any epoch-making decisions were taken at this meeting—indeed, they could not perhaps be expected at this early stage.

It is generally felt that the most important resolution passed at the Assembly was that relating to disarmament, and that this resolution was important no one can properly doubt. On the other hand, in any

proper evaluation of its effect, one should not ignore the fallacy of what is apparently an unshakeable belief in many quarters that when you have passed a resolution you have done something. While this resolution (correctly described as an "enabling Act"—it is nothing more) undoubtedly marks a real step forward—if a small one—the test of its usefulness to the world will lie entirely in its practical application in the future, and in the actual steps which it is found possible to take to bring about that reduction of armaments which would so materially reduce international tension, and so substantially divert into useful channels that large proportion of human resources which is now directed towards means of destruction. It is clear that disarmament in any complete sense is an illusion unless and until collective security becomes a reality.

I owe a very deep debt of gratitude to my co-delegates, the Hon. David Wilson, Mr J. V. Wilson, and Mrs A. F. R. McIntosh (and, indeed to all members of the New Zealand delegation), on whom a very heavy burden was thrown as a result of circumstances which were not foreseen. My election to the chairmanship of the Third Committee—a post held in London by you, Sir—was a compliment to our country which could not possibly have been declined, but which, in view of the very heavy work involved in that Committee (with the agenda allocated to a joint Second and Third Committee, the Committee's labours extended over some sixty meetings, occupying on an average more than three hours each), and in the General Committee, membership of which was, of course, a corollary, did, in fact, monopolize a very large proportion of my own time. In addition, I felt it necessary to be present at the appropriate sub-committee during the unexpectedly long examination of our draft Trusteeship Agreement for Western Samoa, which occupied a further ten meetings. As a result, I found myself very largely immobilized from other work, of which the burden, and to a considerable extent the responsibility, fell upon, and was willingly and capably accepted by, my co-delegates.

The Hon. David Wilson, with the able assistance of Mr T. O. W. Brebner, Consul-General at New York, carried the main responsibility on all economic and social matters, and to Mr J. V. Wilson fell the heavy burden of the First Committee, which dealt with all the most difficult and important political and security problems. Mrs McIntosh was of the utmost assistance on many committees, and she not only played a useful part on all social and humanitarian questions, particularly those relating to women and children, but earned for herself the respect and affection of the whole Assembly as a most worthy representative of New Zealand womanhood.

I should also like to pay a warm tribute to Messrs McKay and Laking, each of whom most successfully carried a heavy load in the protracted discussions on trusteeship. In this matter, as the proponents of the first trusteeship agreement to be considered, New Zealand had, in fact, to make the case for all the trusteeship agreements and for all

mandatory powers, and the fact that we emerged from this lengthy examination with the respect of all is in very large measure due to these two officers whose knowledge, ability, and, above all, patience were widely acknowledged as outstanding.

The Secretarial work of the delegation was ably handled in most difficult circumstances by Mr C. K. Webster, and all the other members of the delegation laboured ungrudgingly and most competently for long and trying hours.

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* Headquarters Committee, and, for convenience, the decisions of the Assembly on the Committees' recommendations are recorded under the Committee headings.

I have the honour to be,

Sir,

Your obedient servant,

(Sgd) C. A. BERENDSEN

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

II. DELEGATIONS

Delegates to the General Assembly were present from all the fifty-one members of the United Nations. Three new members—Afghanistan, Iceland, and Sweden—were subsequently represented, and a fourth—Siam—was admitted to membership too late for representation at this meeting.

The delegation of New Zealand was composed as follows :—

Delegates—

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

Hon. DAVID WILSON, High Commissioner for New Zealand in Canada.

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

Mrs A. F. R. McINTOSH, New Zealand.

Alternates and Advisers—

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

Mr C. G. R. McKAY, Secretary of Island Territories, Wellington.

Mr G. R. LAKING, Department of External Affairs, Wellington.

III. GENERAL COMMITTEE

The General Committee was composed as follows :—

President of the Assembly : Mr PAUL HENRI SPAAK (*Belgium*).

Vice-Presidents of the Assembly : First Delegates of—

CHINA, FRANCE, UNION OF SOUTH AFRICA, SOVIET UNION,
UNITED KINGDOM, UNITED STATES, VENEZUELA.

- CHAIRMAN OF COMMITTEE 1. Dr D. Z. Manuilsky (*Ukrainian S.S.R.*).
 CHAIRMAN OF COMMITTEE 2. Mr Oscar Lange (*Poland*).
 CHAIRMAN OF COMMITTEE 3. Sir Carl Berendsen (*New Zealand*).
 CHAIRMAN OF COMMITTEE 4. Dr R. E. MacEachen (*Uruguay*).
 CHAIRMAN OF COMMITTEE 5. Mr Faris Al-Khoury (*Syria*).
 CHAIRMAN OF COMMITTEE 6. Mr Roberto Jiminez (*Panama*).

IV. FIRST COMMITTEE: POLITICAL AND SECURITY QUESTIONS

Chairman : Dr D. Z. MANUILSKY (*Ukrainian S.S.R.*)

Vice-Chairman : Mr JOSEPH BECH (*Luxembourg*)

Rapporteur : Dr H. V. LAFRONTE (*Ecuador*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr J. V. WILSON

1. Admission of New Members to the United Nations

The discussion of this item turned round the following three points :—

(i) The Security Council's recommendation of the admission of Afghanistan, Iceland, and Sweden ;

(ii) The Security Council's failure to recommend the admission of any of the five other applicants ;

(iii) A proposal by Australia for the joint preparation by the Security Council and the General Assembly of rules for the admission of new members acceptable to both bodies.

(i) Early in its first meeting the Committee decided by a unanimous vote to recommend to the Assembly to admit Afghanistan, Iceland, and Sweden as members of the United Nations. With the adoption of this resolution, the Chairman ruled that the whole item had been disposed of. He was strongly supported by Mr. Vyshinsky (Soviet Union), but, after equally strong opposition by Senator Connally (United States) and others, allowed discussion to continue on the other parts of the item.

When on the second day of the Committee's work the Rapporteur submitted the draft of a report to the General Assembly on the decision already adopted by the Committee, an amendment, on the face of it quite unimportant, was moved by the delegate of the Argentine, which led to a curious test of strength at the very outset. The amendment was to the effect that the Assembly should take note, in the resolution, of the fact that candidatures had been presented by the three States concerned. This amendment was approved by 19 votes (including New Zealand) to 14, with 16 abstentions.

The Chairman ruled that the amendment had been lost, first, because it had failed to obtain a two-thirds majority, which in his opinion was necessary for decisions on matters of substance ; secondly, because the

abstentions should count as negative votes. The New Zealand representative (Sir Carl Berendsen), followed by many others, pointed out that under the Rules of Procedure decisions in Committees (as distinct from decisions in the General Assembly itself) were to be taken by a "majority (*i.e.*, a bare majority) of the members present and voting."

Also, the phrase "present and voting" meant present and voting for or against the amendment; abstentions should not be counted. The representative of Poland spoke to the same effect. The view of the Chairman was, however, supported by the representative of Byelo-Russia and the representative of the Soviet Union. The Rapporteur proposed a new wording in his report which would add to the form of words proposed by the Argentine delegate an explicit reference to the relevant passages of the Charter and of the Rules of Procedure of the General Assembly. The Chairman agreed to the Rapporteur's revision, which he hoped would render possible a unanimous decision of the Committee. It was, however, obvious that the real point at issue was whether the Argentine amendment had been adopted by the Committee or not.

In the end, and after a very lengthy debate on procedure, a formal appeal was made against the Chairman's ruling and put to a vote. The Committee rejected the Chairman's ruling by 4 votes in favour, 46 against (including New Zealand), and one abstention. The report then went forward to the Plenary Session of the Assembly without any addition other than the amendment proposed by the Argentine delegate. In the Plenary Session, however, the longer formula which had been suggested in Committee by the Rapporteur was unanimously approved. There had been at no time any objection to this formula on its merits, but in the conditions in which it had been presented in the Committee it was felt that to accept it then would be to throw in doubt the validity of the Committee's acceptance of the Argentine amendment.

The interest of this long procedural discussion (which took place on 5 November) lay in the readiness of a number of delegates to detect a treasonable purpose, subversive of the Charter, in the harmless Argentine amendment; also in the firm assertion by the Committee of its rights under the Rules of Procedure.

(ii) Most of the time of the Committee on this matter was devoted to the second point—namely, the situation revealed by the inability of the Security Council to recommend the admission of any of the other States which had applied for membership (Albania, Outer Mongolia, Transjordan, Ireland, and Portugal). The admission of two of these States (Albania and Outer Mongolia) had failed to receive the support of the United Kingdom and certain other members of the Security Council; that of the three others had failed to receive the support of the Soviet Union. In the view of several speakers the veto of the permanent members of the Security Council had been used for reasons extraneous to the Charter; in particular, the declaration of the Soviet Union that it could not support the admission of Ireland and Portugal

because it had no diplomatic relations with these States received adverse comment in the Committee.

Resolutions were introduced by Egypt, the Philippine Republic, and Panama. The gist of these was the same—namely, that the Security Council, in considering applications for membership, should confine itself strictly to the conditions laid down by the Charter. The representative of New Zealand was amongst the speakers who supported the principle contained in these draft resolutions. He also drew attention to the fact that the Security Council's report afforded no evidence that the Security Council had attempted to formulate any general criteria applicable to all candidatures. He admitted that two of the three conditions of membership—namely, that the applicant should be "peace-loving" and that it should be "willing" to carry out its obligations—involved judgments of a highly subjective character, but argued that the third condition—that it should be "able" to carry out its obligations—might admit of some general formulation, and cited the questions submitted to applicants on the occasion of the First Assembly of the League of Nations. The introduction of an objective element of this kind might, he thought, help to relieve the present deadlock.

A sub-committee was appointed to collate the various draft resolutions. In the sub-committee an amendment by the Ukraine representative, to add a reference to the conduct of an applicant in World War II as a circumstance to be taken specially into account, was defeated. The text as finally adopted in the First Committee reads:—

"THE GENERAL ASSEMBLY RECOMMENDS that the Security Council re-examine, in accordance with Article 4 of the Charter, applications for membership in the United Nations of the above-mentioned States strictly on their respective merits as measured by the yardstick of the Charter."

(iii) The Australian delegation tabled a resolution by which the Assembly requested the Security Council to appoint a Committee to confer with a Committee on Procedure of the General Assembly with a view to preparing rules governing the admission of new members which would be acceptable both to the General Assembly and to the Security Council. In a second paragraph of the draft resolution a number of principles were enunciated to which it was proposed that regard should be paid in the preparation of such rules.

The draft resolution was attacked by the delegate of Yugoslavia on the grounds that it was an attempt to revise the Charter and to destroy the unanimity of the Great Powers. The New Zealand representative supported the practical purpose of the resolution—namely, the preparation of new rules as the result of joint consideration by organs of the General Assembly and the Security Council. While rejecting as wholly unfounded the accusation of the Yugoslav delegate that the Australian delegate was seeking to undermine the Charter, he could not, however, altogether agree with the statement of principles, and

suggested that these should not be pressed as part of the resolution. After discussion, the Australian delegate withdrew the second part of the draft. The resolution, as revised, was then put to the vote and carried by 29 votes (including New Zealand) to 9.

The candidature of Siam for membership of the United Nations came before the Assembly at its final meeting, and Siam was formally admitted.

2. Application of Article 27 of the Charter: Amendment of Charter

The Committee decided to discuss together the following three items :—

(i) The application of Article 27 of the Charter, dealing with the method of voting in the Security Council (item proposed by the Government of Australia).

(ii) The calling of a General Conference of members of the United Nations under Article 109 of the Charter in order to eliminate the “ veto ” (item proposed by the Government of Cuba).

(iii) The calling of a General Conference of members of the United Nations under Article 109 of the Charter for the purpose of reviewing the present Charter (item proposed by the Government of Cuba).

The Australian proposal was not concerned with the revision of Article 27, but only with the manner in which that Article had been applied in practice. The Australian draft resolution ran :—

“ The General Assembly, mindful of the purposes and principles of the Charter of the United Nations and having taken notice of the manner in which the power of veto conferred by Article 27 (3) of the Charter has been employed in the proceedings of the Security Council in relation to matters outside Chapter VII of the Charter, considers that in some instances the use and the threatened use of power of veto have not been in keeping either with the general purposes and principles of the Charter or with the understanding of the United Nations Conference on International Organization held at San Francisco, and therefore earnestly requests that the permanent members of the Security Council shall refrain from exercising this power of veto except in cases under Chapter VII of the Charter.”

The two Cuban proposals were, early in the discussion, merged in a single revised proposal calling for the convocation of a General Conference for revision of the Charter and for the setting-up of a Committee of the General Assembly to receive and consider proposals for amendment.

Though the proposal for revision of the “ veto ” clause thus became, in appearance, but one of the various possible amendments which might be examined by a General Conference for the revision of the Charter, the subsequent discussion touched hardly at all upon a general revision, but remained confined to the revision of the “ veto.” The revised proposal ran :—

“ THE ASSEMBLY SHOULD RESOLVE :

“ 1. To convene in conformity with Article 109 of the Charter a General Conference of the Members of the United Nations for the purpose of reviewing the present Charter of the Organization.

“ The said Conference should be held at the same place as the second session of the General Assembly in 1947 and should begin work immediately after the conclusion of the Assembly.

“ 2. To appoint a special committee composed of representatives of all members of the United Nations which, before 1st February, 1947, express their desire to serve on the committee, the said committee to consider and report to the General Assembly what amendments would make the United Nations a more effective instrument to maintain world peace and security, and to invite the organs and agencies of the United Nations and interested official and private organizations to submit to the Committee their observations and proposals.”

It will be observed that neither the word “ veto ” nor the expression “ unanimity of the Great Powers,” which came to be used as fighting slogans in the debate, appears in the text of the Charter. It is clear, however, from the text of Article 27 of the Charter that, with certain limited exceptions, each permanent member of the Security Council does possess the power of holding up decisions by its single dissentient vote or even by refraining from voting—that is, that it has in effect the power of “ veto.” The text of the Article is as follows :—

“ 1. Each member of the Security Council shall have one vote.

“ 2. Decisions of the Security Council on procedural matters shall be made by an affirmative vote of seven members.

“ 3. Decisions of the Security Council on all other matters shall be made by an affirmative vote of seven members, including the concurring votes of the permanent members ; provided that, in decisions under Chapter VI, and under paragraph 3 of Article 52, a party to a dispute shall abstain from voting.”

The debate ranged far and continued long. It was generally felt to concern the central issue before the United Nations : could the Security Council, the body which under the Charter had prime responsibility for the maintenance of international peace and security, be made to work ? The following main attitudes all found clear and effective expression in the discussion :—

(i) The dislike felt by the great majority of members of the United Nations for the “ veto ” clause ;

(ii) The willingness of Cuba and a certain number of other members to press for immediate revision of the Charter with a view, particularly, to revise the “ veto ” clause ;

(iii) The determination of the Soviet Union and its associates to regard any proposal for the revision of the Charter as a threat to the existence of the United Nations ;

(iv) The conviction of a large number of members that the Charter itself had not been applied according to its letter and spirit ;

(v) The implied support afforded by all the Great Powers, except the Soviet Union, to the point of view expressed in (iv) above.

The representative of Australia (Mr Hasluck) opened the debate. The Australian delegation, he explained, considered that measures to

amend the Charter would be premature at this stage and of no practical effect, since the Great Powers, whose consent was necessary, could prevent them from being adopted. The Australian purpose was to attempt to apply the Charter in its present form, and to ensure that the Security Council became an effective instrument for the maintenance of peace.

Mr. Hasluck then reviewed the Security Council's activities since it had been set up, early in 1946, and considered how far the Great Powers had fulfilled their responsibilities and justified the confidence which the smaller Powers had placed in them. He pointed out that during this period the Soviet Union had used the veto ten times, sometimes in matters of secondary importance. The Australian representative dealt in detail with these occasions.

He contended that experience showed, first of all, that the Charter had not been respected. Moreover, the Great Powers, which had signed a declaration at San Francisco concerning the voting-powers of the Security Council, had not even respected the principles laid down in that declaration regarding the exercise of the rule of unanimity in connection with the pacific settlement of disputes.

The second lesson taught by experience was that the use of the unanimity rule hampered the work of the Security Council and undermined the trust which the peoples of the world had placed in it. The threat of the exercise of the veto had always hung over the Security Council to such an extent that instead of trying to find the best possible solution the Council had been concerned with only one thing, to avoid the exercise of the veto.

The third lesson to be learned from the past was that at least one member of the Council, using the unanimity rule as an instrument of national policy, seemed to have lost sight of the principle contained in Article 24 of the Charter—namely, that the Security Council acts on behalf of the United Nations as a whole.

So long as there was no possibility of amending the Charter, the only hope was that the Great Powers would use the unanimity rule with moderation and in the interests of the effective functioning of the Council; that they would consult together more frequently, and that there would be a greater spirit of compromise between them.

In moving his proposals for a revision of the Charter, the representative of Cuba (Mr Belt) said that the United Nations had been created under the pressure of the fear aroused by the Second World War. It might be said that the essential factor had been the desire of Great Britain and the United States to secure the participation of the Soviet Union in the war against Japan. The essential purpose of the United Nations, however, was to form, not a military alliance of States, but a genuine community of nations living in peace. The right of the "veto" had been admitted by the small Powers at San Francisco because of the pressure which had been exercised against them, and Mr Belt deduced from this fact that this provision was, in effect, null and void.

The unanimity rule had been employed to obtain national political advantages and not to further the interests of the United Nations. Those who favoured it on the ground that the Great Powers possessed the real strength in the economic and military fields were upholding the principle that "might is right" against the principle of equality, liberty, and independence of the small States, which alone could guarantee peace. Mr Belt considered on the contrary, that the right of the veto was the last bulwark of isolationism. The opponents of the abolition of the "veto" claimed that its withdrawal would destroy the conception of a united world and favour the formation of antagonistic blocs. On the contrary, in Mr Belt's view, it was the retention of the "veto" that would have this result, for the small Powers would look to the great for the support and protection which might be expected from them by reason of their right of "veto." Thus the small Powers would become the vassals and satellites of the great. The Cuban representative did not favour an attempt to limit the use of the unanimity rule by means of agreement between the Great Powers. The promise they had made at San Francisco had not been kept; they were, therefore, not to be trusted, and the proposed procedure would, in fact, amount to a confirmation of the privileges enjoyed by the Great Powers.

The representative of New Zealand (Sir Carl Berendsen) had chosen, as indeed did the leaders of the majority of other delegations, to make his principal comments on the question of the veto during the general debate at the opening of the Assembly. This seemed especially desirable in view of the fact that, in the light of the Charter as it exists and of present circumstances, there could be no possibility of any review of the Charter at this stage, and that therefore the utmost that could be achieved at this meeting was to keep the question of the veto alive by a firm but moderate expression of our views on this matter in the widest possible forum—namely, the General Assembly itself. Suitable extracts from Sir Carl Berendsen's address on this matter are attached to this report as an Appendix. It is worth noting at this point that more than three-quarters of the whole membership of the United Nations, including four out of the five Great Powers themselves, expressed dissatisfaction with the existing voting provisions on the Security Council or their application, and the hope that, at some early date, either by agreement amongst the Great Powers or, in due course, by revision of the Charter, it will be found possible to alter provisions which are now generally accepted as unsatisfactory and inadequate.

In the Committee Sir Carl Berendsen spoke early in the discussion. He said that he would not repeat the views expressed on previous occasions by Mr Peter Fraser or by himself in the general debate. He would merely emphasize that New Zealand remained opposed to the veto "root and branch."

Considering the Charter as it actually was, he thought that unless the Security Council could find means by which it could promptly solve

procedural matters and come down to the substance of the items before it, it would remain a reproach and a byword to the peoples of the world. Secondly, it was absurd that the abstention or absence of a permanent member should be equivalent to a veto, as would seem to be the present position.

Thirdly, he could not understand why there should be a veto on any of the processes of peaceful settlement, even if there were to be a veto on enforcement measures. He therefore strongly supported the Australian proposal by which the permanent members were invited not to use the veto for any of the processes of peaceful settlement.

Turning to the Charter not as it was, but as it might be, he said that New Zealand had accepted the Charter under pressure and would abide by it. It had already accepted with regret the principle of an eternal veto on amendments. This last feature of the Charter, which seemed to some to be the quintessence of human wisdom, seemed to very many others to be a monumental piece of human folly. However, it had been accepted, and it was plain that no proposal for a revision could in present circumstances be effective. New Zealand, however, would vote for any proposal tending to amendment of the Charter in this respect, even if there were no prospect of success. Any other course would be a betrayal of the principles which must be inserted in the Charter at the appropriate time if the United Nations was ever to achieve the great and sacred purposes for which it had been established.

The great majority of the speakers concurred with the main thesis of the Australian proposal, that the voting privileges enjoyed by the permanent members of the Security Council had been abused, and appealed to those members to adopt in future a practice which would enable the Security Council to function. A few delegates supported the Cuban proposal for a revision. A number of speakers—especially the Spanish-American countries—expressed resentment of the accusation that, in abstaining from the vote on Article 27 at the San Francisco Conference, and thus permitting that Article to be adopted, they had acted under “pressure.”

The representative of the United States (Senator Connally) summarized his country's position as follows:—

(1) The United States regarded the principle of the unanimity of the Great Powers as essential for the successful functioning of the United Nations. Any Council decision taken against the determined opposition of permanent members would mean war, not peace.

(2) This requirement, however, must not be used to frustrate the functioning of the United Nations; it imposed a special responsibility on the Great Powers to reach agreement on important issues before the Council.

(3) The permanent members should not use their “veto” power wilfully to obstruct the operation of the Council, but only in very rare and exceptional cases.

(4) The permanent members of the Council were members of the United Nations before they were members of the Council. Membership of the Council exempted them from no obligation, but rather

laid upon them, as trustees for all, the "primary responsibility for the maintenance of international peace and security."

(5) The United States did not favour a hasty attempt to amend the Charter. It preferred to build slowly and to test the Charter's potentialities for growth by letting experience be a guide to a better understanding of that instrument.

(6) The Council should endeavour to clarify the voting formula in the light of experience and practical need, as soon as possible. The Council should insert in its rules of procedure as complete a list of procedural decisions (which did not require unanimity) as the Council could agree upon.

(7) The United States considered that the principle that a party to a dispute should not be a judge in its own cause was sufficiently clear in Article 27 and should be firmly maintained.

(8) The problem of enabling a permanent member to abstain from voting without invoking the unanimity rule, deserved careful consideration.

The representative of the Soviet Union (Mr Vyshinsky) attacked both the Cuban and Australian proposals as an attempt to abrogate the Charter. The present voting formula had been devised by President Roosevelt in a successful endeavour to break the deadlock which had been reached in the discussions on the formation of an international organization for security. It reflected a principle, "the unanimity of the permanent members of the Security Council," which was vital to the maintenance of international peace and security.

Both the late President Roosevelt and Generalissimo Stalin had expressed their conviction of the necessity of maintaining unanimity among the Great Powers, which bore the main burden of the war against Hitlerite Germany. Perhaps those countries which attacked the principle of the unanimity rule had not gone through the horrors of Hitlerite occupation, and, therefore, underestimated the danger and tragedy of a new war.

The principle of unanimity was the basis for the solution of the problems confronting the Great Powers. The Australian delegation was the leader in the attack on this principle and had developed a tradition of systematically attacking any proposals put forward by the Soviet Union, both at the Paris Conference and in the United Nations.

Mr Vyshinsky then sought to rebut in detail the accusations made by the Australian delegate against Russia's use of the veto in the Security Council. These accusations, he said, lacked any grounds. The present attacks of certain nations on the use of the unanimity rule were, in fact, tactical manoeuvres in a strategic plan to strike at the unity of the Great Powers and destroy that unity which must, nevertheless, be maintained despite ideological and political differences. Past tragedies, such as the history of the late "League of vices and faults," had taught that only in unity was there strength. Courage must be found to defend the truth that a United Nations Organization of fifty-four nations would be powerful only if the five Great Powers agreed. In spite of any decision which might be taken, the representative of the

Soviet Union would continue to fight for the implementation of the fundamental principle of the unanimity of the Great Powers.

In view of the great emphasis placed by the Russian delegation not only in the "veto" debate, but in other discussions in the Assembly, on the principle of the unity of the Great Powers, it should be explained that no analysis of this conception was furnished. Critics of the voting arrangement under which the Security Council can reach decisions *only through* the unanimity of the Great Powers—that is, the veto principle—were supposed to be criticizing also the *desirability* of the unanimity of the Great Powers. However, most critics of the veto not only professed to desire the unanimity of the Great Powers, but saw in the use made of the veto a striking lack of that unanimity in practice.

The representative of the United Kingdom (Mr Noel Baker) said that he would not vote for any proposal to amend the Charter. His attitude was not based on the merits of the arguments on Article 27. One decisive objection was the unwillingness of the United Kingdom to ride roughshod over the strongly-felt convictions of an ally, the Soviet Union. Secondly, to attempt to change the basic Charter instrument after only ten months' experience was premature. Thirdly, he was not convinced that amendments would ever be required. The task of the Assembly and of the Council was to build peace, establish political, social, and economic justice and co-operation in all spheres of human life. The United Nations institutions must be made to work and to effect decisions, and to that end custom might accomplish what was wanted in a process similar to the adaptation imposed on American and British instruments of government by time and circumstance. Mr Noel-Baker then expressed support for the following specific proposals :—

(1) He approved a suggestion made by the representative of France that nations should first try negotiations on such problems as might come before the Council before taking them up in the Council.

(2) He hoped that, in practice, neither abstention nor absence of a permanent member would be counted as a "veto."

(3) He hoped that agreement could be effected on the definition of a "dispute."

(4) He hoped that agreement could be obtained to set up commissions of inquiry in order to obtain the true facts of a dispute for the Security Council.

(5) He approved the further study of the Rules of Procedure to look into further possible advances.

There was also much support in the Committee for a suggestion by the representative of China that the permanent members should confer with a view to drawing up an agreed line of conduct on the application of Article 27; and for a suggestion by the French delegate that the debate should be adjourned for a few days to enable this to be done.

At the end of the discussion the French proposal was put to the vote and carried, but not before a further uncompromising statement by the representative of the Soviet Union had dissipated any excessive

hopes which might have been entertained as to the outcome of the proposed meeting of the Great Powers. Indeed, after an interval of a few days the problem returned to the Committee, the conversations between the Great Powers not having produced any positive result.

The Australian representative (Mr Hasluck), in opening the renewed debate, said that Chapter VI of the Charter gave the Security Council the duty to apply certain methods for the pacific settlement of disputes which every member of the United Nations, great or small, had pledged itself to use. Australia wished to see that these methods were applied so that every nation could have complete confidence in the Security Council and a reasonable expectation that its case would be handled promptly in accordance with Chapter VI and with the principles of justice and respect for the rights of nations contained in the Charter. Past experience showed that this objective could not be realized unless moderation was shown in the application of the voting procedures laid down in Article 27.

The Cuban delegate (Mr Belt), in defending his twofold proposal for revision and for appointment of a committee to receive proposals for amendments to the Charter, expressed, incidentally, the opinion that when experience showed that a State invoking a just case would obtain a majority, it would not be surprising if the Union of Soviet Socialist Republics asked for abolition of the veto.

The representative of the United Kingdom (Sir Hartley Shawcross) tabled the set of suggestions which the United Kingdom delegation had submitted for consideration in the discussions which had been held between the Great Powers. He said that although, to his regret, no agreement had been reached in these discussions, the United Kingdom intended to act in accordance with the suggestions put forward. It would not, however, vote for any proposal which condemned any of the Great Powers or led to the revision of the Charter, for the fact remained that the "veto" was necessary for the Great Powers lest they be outvoted on a matter vital to their interests. Under an effective system of collective security, machinery would exist to secure the legitimate needs of States, and the "veto" could be abandoned and replaced by a rule of law. In the meantime, its excessive use was a symptom of the suspicion among the Great Powers and their tendency to take sides according to political ideologies.

The representative of the Soviet Union (Mr Vyshinsky) also presented a resolution of a very general character. He considered the revised Australian resolution inadmissible because it condemned the activity and efficiency of the Security Council, and asserted, in his opinion unjustifiably, that the Council had not acted in accordance with the principles and purposes of the Charter. His Government did not believe the Charter could not be improved, but thought the United Nations should accumulate experience rather than alter the Charter now.

The remaining debate showed the usual division of opinion.

The representative of the Philippine Republic (Mr Cuenco) thought that Mr Vyshinsky's speech and his "sonorous but empty motion" were "disillusioning." They constituted a final proof of the need of a conference to revise the Charter. The representatives of the United States and France repeated their former expressions of opinion, the former stating that he could support the Australian proposal except for the paragraph which appeared to reflect on past transactions of the Council.

The Danish representative then proposed the appointment of a sub-committee to try to reconcile the various proposals and arrive at a unanimously acceptable solution. The Australian representative saw little need or possibility of reconciling the Australian and Soviet Union resolutions. These two resolutions, he said, dealt with two different problems. He could have added that other resolutions which had been moved also dealt with different problems, notably the Cuban resolution for a General Conference on revision of the Charter and a Philippine proposal for a specific amendment to the Charter. Believing that the appointment of a sub-committee would be useful only after the committee had expressed its preference by voting on these various proposals, the New Zealand representative voted against the appointment of a sub-committee. The proposal was carried by 33 votes to 8, and the following countries invited to be represented on the sub-committee: Argentina, Australia, China, Cuba, Denmark, France, India, Peru, Philippine Republic, Poland, Soviet Union, United Kingdom, United States, Venezuela.

When, after several days of fruitless argument in sub-committee, the question was again referred to the First Committee, several resolutions had been withdrawn, others slightly modified.

Finally, votes were taken on the following resolutions:—

- (a) Chinese resolution in favour of which the resolution of the Soviet Union was withdrawn¹;
- (b) Australian resolution²;
- (c) Argentine resolution³;
- (d) Cuban resolution (see p. 11 above).

The voting was as follows:—

The Chinese resolution was rejected by 24 votes (including New Zealand) to 13, with 5 abstentions.

The Australian resolution was then voted upon, paragraph by paragraph. All the paragraphs were adopted except the second (criticizing the previous action of the Security Council), which was rejected by 19 votes to 10 (including New Zealand), with 13 abstentions. The remaining paragraphs of the Australian resolution were adopted by majorities varying from 26 to 27 votes in favour (including New Zealand), 5 to 7 votes against, with 9 to 10 abstentions.

¹ Document A/C1/122.

² Document A/C1/121.

³ Document A/C1/57.

The first paragraph of the Argentine resolution, asking for a definition of procedural matters, was rejected by 19 votes to 12 (including New Zealand), with 10 abstentions. The second paragraph, concerning the abstention of parties to a dispute was rejected by 15 votes to 13, with 12 abstentions (including New Zealand).

The Cuban resolution was then voted upon paragraph by paragraph. The first paragraph was rejected by 27 to 8 (including New Zealand), with 8 abstentions. The second paragraph was rejected by 20 votes to 13 (including New Zealand), with 8 abstentions.

The resolution, as finally adopted by the Committee and subsequently by the Assembly, reads :—

“ THE GENERAL ASSEMBLY,

“ MINDFUL of the purposes and principles of the Charter of the United Nations, and having taken notice of the divergencies which have arisen in regard to the application and interpretation of Article 27 of the Charter ;

“ EARNESTLY REQUESTS the permanent members of the Security Council to make every effort, in consultation with one another and with fellow-members of the Security Council, to ensure that the use of the special voting privilege of its permanent members does not impede the Security Council in reaching decisions promptly ;

“ RECOMMENDS to the Security Council the early adoption of practices and procedures, consistent with the Charter, to assist in reducing the difficulties in the application of Article 27 and to ensure the prompt and effective exercise by the Security Council of its functions ; and

“ FUTHER RECOMMENDS THAT, in developing such practices and procedures, the Security Council take into consideration the views expressed by Members of the United Nations during the second part of the first session of the General Assembly.”

This is, of course, a very anæmic resolution, and it casts but a pale shadow of the very widespread dissatisfaction expressed by more than three-quarters of the members of the United Nations and by four of the five Great Powers themselves, with the operation of the existing provision as to voting powers on the Security Council. It was, however, the best that could be obtained from this Assembly, and if any steps are taken—as they may be—to mitigate or regulate the exercise of the veto until it is possible to abolish it altogether, this will be due, not to the resolution, but to the very strong expressions of dissatisfaction with the veto power that were so remarkable a feature of the present Assembly.

3. Information concerning the Strength of Armed Forces

The origin of this discussion was a proposal by the Soviet delegation asking that information be furnished concerning the troops of members of the United Nations stationed in the territory of other members. A similar proposal had been made to the Security Council, but the Council had not agreed to place the matter on its agenda.

In the course of the discussion in the First Committee the scope of the question was widened to include forces of members of the United Nations in ex-enemy territories, and, finally, forces stationed at home.

The representative of the Soviet Union (Mr Molotov), in opening the discussion, said that now that the war was over it might have been expected that troops which during the war had been operating in friendly territory would be recalled, since their tasks had been fulfilled. Yet in some instances allied troops remained in friendly countries in a position to interfere in their internal affairs and exert pressure on their international relations. In addition, widespread air and naval bases had been established far from the national frontiers of certain allied countries. These facts aroused natural uneasiness.

The troops of the Soviet Union which had entered Czechoslovakia, Yugoslavia, and Norway had been withdrawn by the autumn of 1945, and those in the Danish island of Bornholm in April, 1946. The evacuation of Soviet troops from China had been completed on 3 May, 1946, and from Iran by the beginning of May, 1946. Some military units now in Poland, to protect lines of communication in Germany, had caused no misunderstanding with Poland, while the troops in North Korea provided for by a definite agreement between the Soviet Union and the Allied Powers offered no ground for uneasiness.

The continuing presence of troops of the United States of America and the United Kingdom on the territory of friendly members of the United Nations now that the war was over was a different matter. Such troops were located in Europe, South America, Africa, and Asia, while air and naval bases were located in all parts of the globe, including the Atlantic, Pacific, and Indian Oceans. More recently, interest had been shown by military commanders of certain nations in such a remote area as the Arctic. Only the representatives of the United States of America and the United Kingdom could present a comprehensive picture of the whole situation, the political aspect of which, he hoped, was sufficiently clear to the members of the Committee.

In August, Mr Molotov continued, the Government of the Soviet Union had suggested in the Security Council the submission to the Council of data on armed forces and air and naval bases of Member States on the territory of non-enemy states, but this suggestion had not been accepted.

In the General Assembly, the representative of the United States (Senator Austin) had proposed to widen the project so as to include information on allied troops in former enemy States also. The Soviet Union was ready to accept this proposal. Complete information on armed forces abroad could then be obtained. This was essential to the Security Council and the Military Staff Committee, which were facing the problem of maintaining international peace and security, and were studying the question of the armed forces to be made available to the Security Council in implementation of Article 43 of the Charter.

The question of the number of armed forces of each member State within its own territory had no direct relevance to the proposal under discussion, but would arise, and could be agreed upon, when the problem of general reduction of armaments came to be examined. At that time facts concerning all armed forces of all nations, whether stationed abroad or at home, would be essential. However, the problem of the presence of allied troops in friendly countries long after the end of the war should not be drowned in more general problems.

Mr Molotov submitted the following draft resolution, revised in accordance with Senator Austin's suggestion :—

“ The General Assembly recommends to the Security Council to take a decision to the effect that States members of the United Nations should submit the following information to the Secretary-General and to the Security Council within a month :

“ 1. At what points in the territory of members of the United Nations or other States, with the exception of former enemy territories, and in what number are armed forces of other members of the United Nations.

“ 2. At what points in the former enemy States and in what number are armed forces of the Allied Powers and other members of the United Nations.

“ 3. At what points in the above-mentioned territories are air and naval bases, and what is the size of their garrisons belonging to the armed forces of States members of the United Nations.

“ 4. The information to be provided under paragraphs 1, 2, and 3 should refer to the situation as it existed on 1 November, 1946.”

The representative of the United States on the First Committee (Senator Connally) categorically rejected any contention that the presence of American troops endangered international security or justified uneasiness among the peoples of the world. The American troops had been sent into friendly countries to crush the Axis, and to restore the peace of the world, not to grab territory. They were being withdrawn when their tasks had been completed. Of five million men abroad at the end of the war, only eight hundred thousand remained. (At a subsequent meeting, Secretary of State Byrnes stated that the number of American troops at present abroad was five hundred and fifty thousand.) Troops now located beyond United States borders were there with the consent of the Governments concerned.

The United States devotion to the principles of the Charter included absolute opposition to political, economic, or military coercion of any kind.

If the Committee felt the reports envisaged by the Soviet resolution would be valuable, the United States would furnish information on the location of its troops both at home and abroad, in accordance with an appropriately drafted resolution. The United States delegation felt that all the cards should be laid on the table, and accordingly believed the reports should be extended to cover all troops on active service throughout the world.

In the course of the discussion, which lasted several days, Mr Bevin stated the position of the United Kingdom.

He reminded the Committee that when the matter had first been brought up in the Security Council it had been justified on the ground that the presence of troops in foreign territories might constitute a danger to the maintenance of peace. This allegation had not been repeated in the Committee, but the United Kingdom delegation were anxious to know whether it was not in some way embodied in the draft resolution of the Soviet Union. The disarmament problem could not be solved in a hurry. The lessons of the 1919-1939 experiment were not to be forgotten, and there had to be a thorough study before measures could be adopted which would expose the United Kingdom to attack and endanger the lives of her citizens, and of those of the British Commonwealth, unless they could be assured that the instrument forged by the United Nations was going to be effective and would really work.

He thought the question raised by the Soviet draft resolution did not come within the scope of Article 43 of the Charter. The United Kingdom, in common with all other members of the United Nations, would give information on its military forces when the United Nations put into effect the principles laid down in Article 43. In these circumstances the United Kingdom proposed that the Committee should examine this problem not from the narrow viewpoint of the proposal of the Soviet Union, but in relation to the disarmament problem.

The representative of India (Mrs Pandit), referring to the many fields in which Indian troops had fought, said that the vast majority of such troops had been withdrawn. Indian troops would be withdrawn immediately from Indonesia, where they had been used "as an instrument of pressure on Indonesian nationalists struggling for freedom." Mrs Pandit supported the Soviet resolution.

Of the speeches of the smaller delegations, one that aroused attention was that of the representative of Panama (Dr Alfaro), who referred to an agreement concluded between the United States and Panama in 1942 authorizing the establishment of some hundred military bases on the territory of Panama. Almost all of these bases had been handed back to Panama, but a few were still occupied, and there were discussions in progress between the United States and Panama as to the meaning of that part of the agreement which prescribed the time-limit for the evacuation of the bases. Panama had not been subject to any pressure by the United States, but if negotiations were not brought to a conclusion satisfactory to Panama she would certainly appeal to world opinion.

Throughout a long debate the position adopted by the chief powers changed little. The Soviet Union continued to make much of the fact that, out of deference to the wishes of the United States, the original Soviet proposal had been enlarged so that information would now be called for concerning troops stationed not only in territories of members

of the United Nations, but in ex-enemy territories also. They would be prepared to discuss the question of information concerning troops in home territories when the Committee came to consider reduction of armaments, which was a different question.

Both the United States and the United Kingdom, however, insisted that information concerning troops in home territories should be called for at the same time as that concerning troops in foreign territories. Great Britain went further than the United States and demanded that a Commission should be set up by the Security Council for verification of the information received. At one time the United Kingdom moved that the two relevant items on the Committee's agenda—namely, the item concerning troops in foreign territories and the item concerning regulation of armaments—should be taken together in the Committee. Later that suggestion was withdrawn.

There was also disagreement as to the purpose for which the desired information was needed. The Soviet Union related it to the objectives of Article 43 of the Charter, which lays it down that members of the United Nations are to place armed forces at the disposal of the Security Council. The United Kingdom placed the main emphasis on those Articles of the Charter which look to a general regulation and reduction of armaments. Moreover, from time to time, the suggestion appeared that the motive for introducing the proposal was more directly political than these references to the text of the Charter might imply.

Thus more than once the United Kingdom delegate reminded the Committee that the ground on which the Soviet Union had moved the same proposal in the Security Council was not Article 43 of the Charter, but Article 39, which deals with matters likely to endanger world peace. Mr Molotov's assertion that the presence of British troops in Greece, for instance, caused uneasiness and brought pressure to bear on the internal situation reinforced the impression that something more than Article 43 was at stake.

Final voting took place on a series of amendments presented by the United Kingdom delegation which incorporated the original Soviet proposals, but added points to which the United Kingdom and, to some extent, the United States attached special importance. These amendments were adopted, with certain changes, of which the most important was one introduced by the United States which had the effect of removing the reference to a Committee of Verification.

The New Zealand representative voted for all the United Kingdom amendments, including the rejected proposal concerning verification.

In the course of the voting Mr Molotov moved two important amendments to the United Kingdom amendment. The first asked for information to be supplied concerning armaments as well as armed forces; the second proposed that the information should be submitted to the Security Council not on the fixed date mentioned, but when the Secretary-General should "consider the general reduction of armaments."

Both amendments were defeated, the New Zealand representative voting against them. The proposal, as finally adopted by the First Committee, was as follows :—

“ THE GENERAL ASSEMBLY,

“ CONSIDERING that the items on its agenda regarding “ the presence of troops of the United Nations on non-enemy territories ” and “ the proposal on the general reduction of armaments ” are concerned with two aspects of the same question—namely, the reduction and regulation of armaments ;

“ RECOMMENDS, as the first step in a study of this question and to assist in the implementation of Article 43 ;

“ That all members of the United Nations furnish the following information to the Secretary-General for communication to the Security Council and to other members of the United Nations, and for publication :

“ 1. At what points in the territory of members of the United Nations or other States, with the exception of former enemy territories, and in what number, there are armed forces of other members of the United Nations, including military type organizations.

“ 2. At what points in the former States, and in what number, there are armed forces of the Allied Powers and other members of the United Nations, including military type organizations.

“ 3. At what points in the above-mentioned territories there are air and naval bases, and what is the size of their garrisons, belonging to the armed forces of States members of the United Nations.

“ 4. What is the total number of their uniformed personnel on the active list, wherever stationed, at home as well as abroad, including military type organizations.

“ This information should be descriptive of the situation existing on 15th December, 1946, and should be supplied to the Secretary-General by 1st January, 1947.”

When the question came before the Plenary meeting, the delegate of the United Kingdom presented an amendment calling for the verification of information, and the delegate of the Soviet Union an amendment adding “ armaments ” to “ armed forces,” both of which had been rejected in Committee. Replying to a “ challenge ” of the delegate of the Soviet Union, the delegate of the United Kingdom produced a new amendment linking armed forces, armaments, verification, and inspection in one comprehensive whole. In the result all these amendments were referred back to the Committee to be considered by the sub-committee then engaged upon the drafting of the resolution on Regulation and Reduction of Armaments. Since this latter text included a paragraph calling for the withdrawal of forces stationed abroad, it was proposed that the existing resolution concerning information on armed forces should be replaced by the following resolution :—

“ THE GENERAL ASSEMBLY,

“ desirous of implementing, as soon as possible, the Resolution of the 14th December, 1946 on the Principles Governing the Regulation and Reduction of Armaments,

“CALLS UPON the Security Council to determine, as soon as possible, the information which the States Members should be called upon to furnish, in order to give effect to this Resolution.”

This text was, in due course, adopted in sub-committee, first committee, and Plenary Session, by large majorities, against the opposition of the Soviet Union and associated delegations.

4. Regulation and Reduction of Armaments

Once again the initiative came from the Soviet delegation, which presented the following resolution to the Assembly :—

“1. With a view to strengthening peace and international security in conformity with the aims and principles of the United Nations, the General Assembly recognizes the necessity of a general reduction of armaments.

“The implementing of the decision concerning the reduction of armaments should include as primary object the prohibition to produce and use atomic energy for military purposes.

“3. The General Assembly recommends that the Security Council should ensure the effective implementing of the principles laid down in paragraphs 1 and 2 above.

“4. The General Assembly appeals to the Governments of all the States to give to the Security Council all the assistance necessary to enable it to discharge its responsibilities arising out of this task, the achievement of which lies within the scope of its mission to establish an enduring peace and maintain international security. This task is also in the interest of the peoples who would be released from the heavy economic burden caused by the excessive expenditure on armaments which do not correspond to peaceful post-war conditions.”

In introducing the subject in the First Committee Mr Molotov said that the Soviet Union had built up a great army to defend itself and its many peoples from aggression, but, since this aggression had been crushed, now raised the question of disarmament. It would be well if those nations that were most powerful in the air and on the sea would follow this lead. Not only armed personnel, but military techniques and the technical means of war must be considered in the problem of disarmament.

The problem of atomic energy was particularly significant, and a prohibition of its production and use for military purposes was included in the Soviet proposal. All would agree that strict international control of atomic energy was necessary. With this object in view the delegation of the Soviet Union introduced the following supplementary proposal :—

“To ensure the adoption of measures for the reduction of armaments and prohibition of the use of atomic energy for military purposes, there shall be established within the framework of the Security Council, which has the responsibility for international peace and security, international control operating on the basis of a special provision which should provide for the establishment of special organs of inspection for which purpose there shall be formed :

“(a) A Commission for the control of the execution of the decision regarding the reduction of armaments ;

“(b) A Commission for the control of the execution of the decision regarding the prohibition of the use of atomic energy for military purposes.”

The representative of France (Mr Parodi) intervened to emphasize, in his capacity as Chairman of the Atomic Energy Commission, that the general discussion on disarmament should not complicate or interfere with the work of that Commission which was being carried out in accordance with the decision of the Assembly.

The representative of Canada (Mr Wilgress) thought that the Soviet proposal did not go far enough. It stated the objectives of disarmament in general terms, but did not point the way to their attainment. Progress could be made only if practical measures could be agreed upon which would offer collective security, as effective as national forces and international safeguards, to ensure that nations which had disarmed would not be struck down by those violating their pledges. The Canadian delegation also felt that the Military Staff Committee should go full speed ahead in concluding agreements for the provision of military forces to be at the disposal of the Security Council under Article 43 of the Charter.

The representative of the United Kingdom (Sir Hartley Shawcross) said that his country was not prepared for any unilateral disarmament. His Government insisted on an effective system of collective security whose operation could not be prevented by any aggressive State and which could furnish aid to any State subject to attack. Also, there must be adequate control to assure that States were actually disarming and carrying out limitation agreements. There would be no point in cutting down a State's military air force if its civil aviation were expanded in a manner adaptable to military use. A present lack of rocket arms was no guarantee of security if machinery were set up for their swift production. The United Kingdom was ready to open all doors to an international system of control. Only under such a system of control, free from any veto, could the Soviet resolution be lifted out of the realm of propaganda and become a real hope for the world.

The representative of the United States (Senator Connally) said that proposals had been submitted to the Atomic Energy Commission by the representatives of the United States and the Union of Soviet Socialist Republics. The Soviet proposal was for an agreement to outlaw atomic weapons, prohibit their manufacture, and destroy the present stocks of atomic bombs. As Mr Baruch had explained, this was also part of the original United States proposal, which provided that when an adequate system for control, including the renunciation of the bomb, had been agreed upon and put into effective operation, with punishments set up for violation of the rules, manufacture of bombs should stop, existing bombs be disposed of pursuant to the terms of the treaty, and the authority to be set up should be placed in possession of full information on the production of atomic energy.

Mr Connally hoped that, in the light of the recent statements by Marshal Stalin and Mr Molotov on the necessity of strict international control, including inspection, the Atomic Energy Commission could end its stalemate of recent months. It was not enough to outlaw the atomic bomb; the freedom to violate pledges could not remain in the hands of individual nations.

Moreover, the removal of the atomic bomb would not stop troops, aeroplanes, rockets, or any other kind of weapon. The question of the number and training of reserves also arose. The United States desired real disarmament, as was demonstrated by its rapid demobilization since the war. It would not, however, again make the mistake of disarming unilaterally. Disarmament must be international and multilateral in character and go hand in hand with collective security.

Finally, not only agreement in the Assembly on the guiding principles of disarmament, but a settlement of the major issues that remain between the Allies as a result of the war, was necessary to accomplish disarmament. Permanent peace must be based on mutual confidence arising from a settlement of these issues in accordance with the purposes and principles of the United Nations Charter.

The representative of France (Mr Parodi) said that there were three indispensable needs. First, it must be recognized that disarmament is impossible without security organized along parallel lines. Secondly, security meant control of both information furnished and engagements undertaken. The character of modern war meant that this control of disarmament measures would compel inspection to an extent as yet undetermined in the domain of industry as well as possible inspection of inventions. Thirdly, all the various types of war potential, not only armaments but also industrial activities, should be taken into consideration. One step could be taken at a time without awaiting the result of the inevitably complex discussions needed to achieve a solution of the whole problem.

In this connection it would be appropriate for the Security Council to study preliminary measures to relieve current international tension. It would be paradoxical to plan for general disarmament at a time when, as at present, armies and bases were being maintained and scientific research for war pursued.

The representative of New Zealand (Mr J. V. Wilson) spoke in the debate first to emphasize, on behalf of the New Zealand Government, their desire for the successful outcome of the task on which the United Nations was now embarking; and, secondly, to comment on the relations between the proposed organ of control and the United Nations. He agreed that the proposed organ of control must be autonomous within its own sphere, free to proceed to measures of inspection, to the publishing of its findings, and to the execution of any other measures within its competence. It must not be merely advisory to the Security Council or so related to that body that its actions would be subject to review. Its freedom of action could be exercised effectively only if it

took decisions by a majority vote. To duplicate in the control organ the voting arrangements of the Council, would render the control organ impotent.

There seemed, however, to be a suggestion that the control organ should stand apart from the United Nations on a footing of complete equality and independence in relation to it. That was not the view of his delegation. On the contrary, there should be a close relationship—to be specified in the convention setting up the control organ—between the control organ and the Security Council. Likewise, the General Assembly would properly be concerned with the work of such an organ in so far as it related to the beneficial purposes to which atomic energy might be put. If in the future the Security Council should show itself capable of reaching positive decisions, the representative of New Zealand saw no reason of principle why its authority should necessarily be wholly excluded from the field of control of atomic energy or disarmament. The control experts, military and scientific, must have a wide field of independent action in which they would have not only the right, but the duty, of making decisions. But they would require the support, and perhaps the guidance, of those organs of the United Nations concerned with the general political interest of mankind.

Some concern was expressed in the debate that the Soviet Union seemed exclusively interested in the suppression of atomic weapons. The necessity of including also other weapons of mass destruction was emphasized, especially by the representatives of the United Kingdom and the United States. The representative of the Soviet Union sought to reassure them on this point.

The earlier stages of the debate were conducted in a somewhat sceptical atmosphere because it was felt that the phrase in the Soviet resolution “within the framework of the Security Council” implied that the veto would apply within the control organ itself. The following additional statement by Mr Molotov was therefore received with very great interest. To dispel any misunderstanding about the application of the unanimity rule, Mr Molotov stated that the Security Council would take a decision on the reduction of armaments, including the prohibition of atomic weapons and the creation of control commissions, only when there existed unanimity among the permanent members of the Security Council. All its members were interested in achieving that unanimity. After the Security Council had taken its decision, the control commissions would work in conformity with the rules specified by the Security Council. The rule of unanimity in the Security Council had nothing to do with the work of the control commissions. Therefore, it was incorrect to say that a permanent member, with its “veto,” could prevent the implementation of a control system. Any attempt to prevent an inspection would constitute a violation of the Security Council’s decision.

This statement offered some hope that a sub-committee might be formed with a real prospect of drawing up an agreed resolution, and not,

as too often in the United Nations, with a view to reconciling the irreconcilable, or merely in the hope that something might turn up. The United Kingdom delegation suggested that any final resolution should be based on the following four fundamentals :—

(1) The Assembly resolution must not disturb the Atomic Energy Commission while that commission continued to formulate its plans for atomic energy control ;

(2) Any plan for the control of atomic energy, including the prohibition of atomic bombs, must be put into operation simultaneously with other plans, not so difficult to work out, for the prohibition of other weapons adaptable to mass destruction. Otherwise, agreement on prohibition of the atomic bomb might be followed by disagreement on the prohibition of another possibly more dangerous weapon in the possession of some State ;

(3) Any disarmament plan must provide for an effective system of control. The publication of full information on all armaments should coincide with the inauguration of a control system ;

(4) The International control body must not be subject to any “ veto ” in its control of atomic or other weapons of mass destruction, which exist now or might be developed in the future.

The representative of the United States (Senator Connally) spoke on much the same lines.

A sub-committee was then appointed, comprising all members of the Security Council for 1946 and 1947, together with all members of the Atomic Energy Commission, and, in addition, Argentina and the Ukraine. The members therefore were : Argentine, Australia, Belgium, Brazil, Canada, China, Colombia, Czechoslovakia, Egypt, France, India, Mexico, Netherlands, Norway, Poland, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom, and United States of America.

Its work resulted in a notable success. A unanimous resolution was adopted, which was afterwards confirmed by the first committee and the General Assembly. It was as follows :—

“ 1. In pursuance of Article 11 of the Charter and with a view to strengthening international peace and security in conformity with the Purposes and Principles of the United Nations,

“ THE GENERAL ASSEMBLY,

“ RECOGNIZES the necessity of an early general regulation and reduction of armaments and armed forces.

“ 2. Accordingly,

“ THE GENERAL ASSEMBLY

“ RECOMMENDS that the Security Council give prompt consideration to formulating the practical measures, according to their priority, which are essential to provide for the general regulation and reduction of armaments and armed forces and to assure that such regulation and reduction of armaments and armed forces will be generally observed by all participants and not unilaterally by only some of the participants. The plans formulated by the Security Council shall

be submitted by the Secretary-General to the Members of the United Nations for consideration at a special session of the General Assembly. The treaties or conventions approved by the General Assembly shall be submitted to the signatory States for ratification in accordance with Article 26 of the Charter.

“ 3. As an essential step towards the urgent objective of eliminating from national armaments atomic, and all other major weapons adaptable to mass destruction, and the early establishment of international control of atomic energy and other modern scientific discoveries and technical developments to ensure their use only for peaceful purposes.

“ THE GENERAL ASSEMBLY

“ URGES the expeditious fulfilment by the Atomic Energy Commission of its terms of reference as set forth in Section 5 of the General Assembly Resolution of 24th January, 1946.

“ 4. In order to ensure that the general prohibition, regulation and reduction of armaments are directed towards the major weapons of modern warfare and not merely towards the minor weapons,

“ THE GENERAL ASSEMBLY

“ RECOMMENDS that the Security Council expedite consideration of the reports which the Atomic Energy Commission will make to the Security Council and that it facilitate the work of that Commission, and also that the Security Council expedite consideration of a draft convention or conventions for the creation of an international system of control and inspection, these conventions to include the prohibition of atomic and all other major weapons adaptable now or in the future to mass destruction and the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes.

“ 5. THE GENERAL ASSEMBLY

“ FURTHER RECOGNIZES that essential to the general regulation and reduction of armaments is the provision of practical and effective safeguards by way of inspection and other means to protect complying States against the hazards of violations and evasions.

“ Accordingly, THE GENERAL ASSEMBLY RECOMMENDS to the Security Council that it give prompt consideration to the working out of proposals to provide such practical and effective safeguards in connection with the control of atomic energy and other limitation or regulation of armaments.

“ 6. To ensure the adoption of measures for the early general regulation and reduction of armaments and armed forces, for the prohibition of the use of atomic energy for military purposes and the elimination from national armaments of atomic and all other major weapons adaptable now or in the future to mass destruction, and for the control of atomic energy to the extent necessary to ensure its use only for peaceful purposes,

“ THERE SHALL BE ESTABLISHED within the framework of the Security Council, which bears the primary responsibility for the maintenance of international peace and security, an international system, as mentioned in paragraph 4, operating through special organs, which organs shall derive their powers and status from the convention or conventions under which they are established.

“ 7. THE GENERAL ASSEMBLY

“ regarding the problem of security as closely connected with that of disarmament,

“ RECOMMENDS the Security Council to accelerate as much as possible the placing at its disposal of the armed forces mentioned in Article 43 of the Charter.

“ IT RECOMMENDS the members to undertake the progressive and balanced withdrawal, taking account of the needs of occupation, of their armed forces stationed in ex-enemy territories, and the withdrawal without delay of armed forces stationed in the territories of members without their consent freely and publicly expressed in treaties or agreements consistent with the Charter and not contradicting international agreements.

“ IT FURTHER RECOMMENDS a corresponding reduction of national armed forces, and a general progressive and balanced reduction of national armed forces.

“ 8. Nothing herein contained shall alter or limit the resolution of the General Assembly passed on 24 January 1946, creating the Atomic Energy Commission.

“ 9. THE GENERAL ASSEMBLY

“ CALLS upon all members of the United Nations to render every possible assistance to the Security Council and the Atomic Energy Commission in order to promote the establishment and maintenance of international peace and collective security with the least diversion for armaments of the world's human and economic resources.”

5. Spain

The chief antecedents to the United Nations discussion of the Spanish problem were: (i) a resolution adopted at the Potsdam meeting of the United States, the United Kingdom, and the Soviet Union; (ii) a resolution adopted at the United Nations Conference at San Francisco; (iii) a resolution adopted at the London Assembly of the United Nations. The last of the three resumes the earlier decisions and may be quoted for reference :—

“ 1. The Assembly recalls that the San Francisco Conference adopted a resolution according to which paragraph 2 of Article 4 of Chapter II of the United Nations Charter ‘cannot apply to States whose regimes have been installed with the help of armed forces of countries which have fought against the United Nations so long as these regimes are in power.’

“ 2. The Assembly recalls that at the Potsdam Conference the Governments of the United Kingdom, the United States of America, and the Soviet Union stated that they would not support a request for admission to the United Nations of the present Spanish Government ‘which, having been founded with the support of the Axis Powers, in view of its origins, its nature, its records, and its close association with the aggressor States, does not possess the necessary qualifications to justify its admission.’

“ 3. The Assembly, in endorsing these two statements, recommends that the members of the United Nations should act in accordance with the letter and the spirit of these statements in the conduct of their future relations with Spain.”

Also, before the session of the Assembly, the question had been considered by the Security Council, a sub-committee of which had found :—

“ Although the activities of the Franco regime do not at present constitute an existing threat to the peace within the meaning of Article 39 of the Charter and therefore the Security Council has no jurisdiction to direct or to authorize enforcement measures under Article 40 or 42, nevertheless such activities do constitute a situation which is a potential menace to international peace and security and which therefore is a situation ‘ likely to endanger the maintenance of international peace and security ’ within the meaning of Article 34 of the Charter.”

The Security Council did not, however, agree on further steps, and at an early stage in the New York Session of the General Assembly the Council removed the Spanish question from its agenda, in order that the General Assembly might be free—as, under Article 10 of the Charter, it would not otherwise have been—to make recommendations on the subject.

There was, in fact, no lack of sponsors for the introduction of the subject to the General Assembly. Taking an initiative, which was much remarked and which may be an important precedent, the Secretary-General had himself proposed that the General Assembly should take action ; and the subject was incorporated in the agenda on the motion of Belgium and a number of other countries.

The First Committee had before it several draft resolutions, of which the following were to have the chief effect on its proceedings :—

(1) A Polish resolution calling for the severance of diplomatic relations with Spain ;

(2) A Byelo-Russian resolution calling for severance of economic relations with Spain ;

(3) A United States resolution condemning the “ Franco Fascist regime,” recommending the exclusion of the Franco Government from specialized agencies of the United Nations, and calling on Franco to make way for a democratic Government ;

(4) A Colombian resolution proposing that the Latin-American Governments should lend their good offices to the Franco Government and the people of Spain with a view to bringing about an acceptable change in the regime, and that the United Nations should defer any other decisions for a year.

In the Committee discussion only one delegate, the representative of El Salvador (Dr Castro) made what might be called a defence of Franco ; or, rather, he took absolute objection to the United Nations passing any judgment, let alone proceeding to any action, to the detriment of the Franco regime. His main concern, he said, was the Spanish people and the avoidance of renewed civil war. The institution of the Franco regime had been an event of internal Spanish politics, the aid furnished by Italy and Germany being purely incidental and secondary. Franco

had, moreover, furnished considerable assistance to the Allies in the war. The representative of El Salvador cited Carlton Hayes' "War Mission in Spain" in defence of this thesis.

It undoubtedly placed a strain on a number of delegates to listen to this speech. The Chairman of the Committee (Dr Manuilsky, the representative of the Ukraine) contented himself with inquiring whether the ventilation system was not out of order "as the atmosphere had become most oppressive." At a later meeting the representative of Byelo-Russia said that the Chairman should not have allowed Dr Castro's speech to be delivered. In the course of the subsequent debate the representative of El Salvador found himself in the necessity of making a number of speeches in reply to criticisms, and at one time he had to appeal to the Committee to support him in his claim to obtain a hearing. This support was accorded by a handsome majority. This evidence that there is at present an assured, though by no means unchallenged, freedom of speech for the expression of unpopular views in the United Nations is perhaps not the least significant feature of the debate on the Spanish problem.

The following were the main points of view expressed in the Committee :—

Firstly, there was general detestation of the Franco regime and a renewal of the determination that Spain could not be associated with the United Nations while that regime continued to hold power, with a corresponding desire that Spain should be admitted to the United Nations so soon as an acceptable regime was in office.

It was agreed that the United Nations had no right to interfere in the purely internal affairs of any State, but there was strong disagreement as to whether action in respect of the Franco regime constituted such intervention. A number of Latin-American countries—El Salvador, Cuba, Costa Rica, Peru—held that any positive action, such as breaking off diplomatic relations, not to speak of stronger measures, did constitute such intervention, and this, on the whole, was the position of the United States and the United Kingdom.

On the other hand, a number of delegates contended that the Franco regime was itself a product of Axis intervention and that steps taken with a view to enabling the Spanish people to rid themselves of the regime could not be called intervention.

There was, in consequence, a sharp difference of opinion as to the practical steps which were legitimate or, if legitimate, opportune. The United States, supported by the United Kingdom and others, wished to rely on the renewed condemnation of the Franco Government as fascist, the exclusion of the Franco Government not only from the United Nations, but also from specialized agencies connected with the United Nations, and an appeal to the Spanish people to rid themselves of Franco by peaceful means.

To these arguments the answer was made that it was useless for the United Nations to continue to pass verbal condemnations of Franco, and that if the Spanish people were to be encouraged to rid themselves of the regime, its general condemnation should be made manifest through the severance of diplomatic relations. Mexico, and a number of Central American States, took the view that, quite apart from the possible value of the severance of diplomatic relations as a means of pressure upon the Franco Government, such severance was merely the logical completion by the members of the United Nations, in their individual relations with Spain, of the action which they had taken collectively through the condemnation expressed at San Francisco and London.

Opponents of the severance of diplomatic relations included not only those who objected on principle to the application of any means of pressure, but also those who thought that the result would be harmful in that useful contacts with Spain would be lost.

It was generally agreed by most delegates that there was little point in discussing proposals for breaking economic relations unless the Powers on whom it would chiefly lie to make such a break effective themselves concurred.

Finally, a sub-committee was set up consisting of the authors of resolutions or amendments to resolutions, and the permanent members of the Security Council—namely, Belgium, Byelo-Russia, Chile, China, Colombia, Cuba, France, Guatemala, Mexico, Netherlands, Norway, Panama, Poland, the Union of Soviet Socialist Republics, the United Kingdom, the United States, Venezuela, Yugoslavia.

The sub-committee reported back to the Committee the following draft resolution :—

“ The peoples of the United Nations, at San Francisco, Potsdam, and London, condemned the Franco regime in Spain and decided that, as long as that regime remains, Spain may not be admitted to the United Nations.

“ The General Assembly in its resolution of 9 February, 1946, recommended that the members of the United Nations should act in accordance with the letter and the spirit of the declarations of San Francisco and Potsdam.

“ The people of the United Nations assure the Spanish people of their enduring sympathy and of the cordial welcome awaiting them when circumstances enable them to be admitted to the United Nations.

“ The General Assembly recalls that in May and June, 1946, the Security Council conducted an investigation of the possible further action to be taken by the United Nations. The sub-committee of the Security Council charged with the investigation found unanimously :—

“ ‘ (a) In origin, nature, structure, and general conduct, the Franco regime is a Fascist regime patterned on, and established largely as a result of aid received from Hitler’s Nazi Germany and Mussolini’s Fascist Italy.

“ ‘ (b) During the long struggle of the United Nations against Hitler and Mussolini, Franco, despite continued Allied protests, gave very substantial aid to the enemy Powers. First, for example,

from 1941 to 1945 the Blue Infantry Division, the Spanish Legion of Volunteers, and the Salvador Air Squadron fought against Soviet Russia on the Eastern Front. Second, in the summer of 1940 Spain seized Tangier in breach of international statute, and as a result of Spain maintaining a large army in Spanish Morocco large numbers of Allied troops were immobilized in North Africa.

“(c) Incontrovertible documentary evidence establishes that Franco was a guilty party, with Hitler and Mussolini, in the conspiracy to wage war against those countries which eventually in the course of the world war became banded together as the United Nations. It was part of the conspiracy that Franco’s full belligerency should be postponed until a time to be mutually agreed upon.”

“THE GENERAL ASSEMBLY,

“convinced that the Franco Fascist Government of Spain which was imposed by force upon the Spanish people with the aid of the Axis Powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control of Spain is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs ;

“RECOMMENDS that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conference or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable government is formed in Spain.

“THE GENERAL ASSEMBLY FURTHER,

“desiring to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations, and inasmuch as the United Nations, by the action they took in San Francisco, in Potsdam, in London, and more recently in Lake Success, have in fact collectively refused to maintain relations with the Franco regime, DOES HEREBY RECOMMEND that the members of the United Nations take individually the same attitude they have taken collectively and refuse to maintain diplomatic relations with the present Spanish regime.

“The Assembly FURTHER RECOMMENDS that the States members of the Organization report to the Secretary-General and to the next Assembly what action they have taken in accordance with this recommendation.”

Before the resolution was put to the vote, a vote was taken on the Colombian resolution. This resolution was voted on paragraph by paragraph, and rejected (New Zealand voting against).

The text proposed by the sub-committee was then voted upon. The preamble and the first recommendation relative to the exclusion of the Franco Government from international agencies was adopted (New Zealand voting affirmatively). The United States representative (Senator Connally) then moved that the following paragraph be substituted for the penultimate paragraph of the Committee’s draft :—

“Recognizing that it is for the Spanish people to settle the form of their Government ; places on record its profound conviction that in the interest of Spain and of world co-operation the people of Spain should give proof to the world that they have a Government which

derives its authority from the consent of the governed ; and that to achieve that end General Franco should surrender the powers of Government to a provisional Government broadly representative of the Spanish people, committed to respect freedom of speech, religion, and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will.

“ And invites the Spanish people to establish the eligibility of Spain for admission to the United Nations.”

The voting on the United States amendment was as follows—for 22, against 22, abstentions 6 (including New Zealand). The amendment was thus rejected owing to equality of votes.

The penultimate paragraph of the sub-committee's draft was then put to the vote. The voting was as follows—for 20, against 20, abstentions 10 (including New Zealand). The sub-committee paragraph was thus rejected owing to equality of votes.

The Belgian delegate then moved an amendment as follows :—

“ Recommends that, if within a reasonable time there is not established in Spain a provisional Government broadly representative of the Spanish people and committed to the prompt holding of an election, the Security Council consider the adequate measures to be taken in order to remedy the situation ;

“ And recommends that all members of the United Nations immediately recall from Madrid, by way of warning, their Ambassadors and Ministers Plenipotentiary accredited there.”

On the first paragraph the voting was as follows—for 27, against 8, abstentions 16 (including New Zealand). The paragraph was adopted.

Before the second paragraph was put to the vote the Belgian representative withdrew the words “ by way of warning ” at the request of the representative of the United Kingdom (Sir Hartley Shawcross), who said that his Government was not willing to be a party to any threats, but would support the amendment if the words in question were deleted. The text, as amended, was then voted upon—for 27 (including New Zealand), against 7, abstentions 16. The paragraph was adopted.

The resolution, as amended, was then put to the vote—for 23 (including New Zealand), against 4, abstentions 20. The resolution was adopted.

The Committee then considered a resolution which had been presented by the sub-committee in the following terms :—

“ THE GENERAL ASSEMBLY RECOGNIZES :

“ 1. That the majority of the Spanish people are in a situation of hardship because they are seriously deprived of food necessary to their existence.

“ 2. That the Franco regime exports considerable quantities of foodstuffs which are essential for the feeding of the impoverished Spanish people.

“ 3. That the Franco Regime uses foreign exchange obtained from such exports to reinforce the political organization that has been repeatedly condemned by the United Nations.

“ THEREFORE

“ THE GENERAL ASSEMBLY RECOMMENDS

“ That the members of the United Nations should forthwith put an end to all imports from Spain of foodstuffs and their products until the United Nations is assured that these products are no longer an immediate necessity for the food requirements of the Spanish people.”

The representative of the United Kingdom (Sir Hartley Shawcross) objected to the resolution. In the first place, he doubted whether it was calculated to achieve the object of the proceedings—namely, to undermine the Franco regime. Secondly, the question involved was of practical importance to Britain, which now depended almost entirely on Spain for fresh fruit. He was not prepared to deprive English children of their oranges.

After the discussion, in which the motion was defended by the representative of France (M. Jouhaux), it was put to the vote and rejected by a big majority on a show of hands (New Zealand voting against).

In the Plenary Session the United Kingdom delegation asked for a separate vote on the deletion of the paragraph beginning “ recommends that if within a reasonable time,” which they said they could not support. The voting was as follows—for 8, against 29, abstentions 11 (including New Zealand).

The whole resolution was then adopted—for 34 (including New Zealand), against 6, abstentions 13.

The text of the resolution follows :—

“ THE GENERAL ASSEMBLY,

“ convinced that the Franco Fascist Government of Spain, which was imposed by force upon the Spanish people with the aid of the Axis Powers and which gave material assistance to the Axis Powers in the war, does not represent the Spanish people, and by its continued control is making impossible the participation of the Spanish people with the peoples of the United Nations in international affairs ;

“ RECOMMENDS that the Franco Government of Spain be debarred from membership in international agencies established by or brought into relationship with the United Nations, and from participation in conference or other activities which may be arranged by the United Nations or by these agencies, until a new and acceptable Government is formed in Spain.

“ FURTHER DESIRING to secure the participation of all peace-loving peoples, including the people of Spain, in the community of nations,

“ RECOMMENDS THAT, if within a reasonable time, there is not established a Government which derives its authority from the consent of the governed, committed to respect freedom of speech, religion, and assembly and to the prompt holding of an election in which the Spanish people, free from force and intimidation and regardless of party, may express their will, the Security Council consider the adequate measures to be taken in order to remedy the situation ;

“RECOMMENDS that all members of the United Nations immediately recall from Madrid their Ambassadors and Ministers Plenipotentiary accredited there.

“THE GENERAL ASSEMBLY FURTHER RECOMMENDS that the States members of the Organization report to the Secretary-General and to the next session of the Assembly what action they have taken in accordance with this recommendation.”

6. Draft Declaration on the Rights and Duties of States

A draft declaration on the rights and duties of States was submitted to the Assembly by the delegate of Panama and referred to the First Committee.

After discussion, the following resolution was adopted in Committee and Assembly :—

“THE GENERAL ASSEMBLY RESOLVES

“1. To request the Secretary-General to transmit immediately to all member States of the United Nations and to national and international bodies concerned with international law the text of the Draft Declaration of the Rights and Duties of States presented by Panama, with the request that they submit their comments and observations to the Secretary-General before 1 June, 1947 ;

“2. To refer the said Declaration to the Committee established by the General Assembly this session to study the methods of codification of international law and to request the Secretary-General to transmit to this Committee the comments and observations as they are received from the Governments and institutions referred to in the preceding paragraph ;

“3. To request this Committee to report thereon to the second regular session of the General Assembly ;

“4. To include this matter in the Agenda of the second regular session of the General Assembly.”

7. Draft Declaration of Fundamental Human Rights and Freedoms

This question had been introduced to the Assembly by a declaration of Panama and referred to the First and Third Committees.

The Third Committee had adopted a resolution in the following terms :—

“WHEREAS

“The Economic and Social Council has established a Commission on Human Rights and resolved that the work of the Commission shall be directed towards submitting proposals, recommendations, and reports to the Council concerning an international bill of rights,

“THE GENERAL ASSEMBLY

“RESOLVES, therefore, to refer the draft declaration on fundamental Human Rights and Freedoms to the Economic and Social Council for reference to the Commission on Human Rights for consideration by the Commission in its preparation of an international bill of rights.”

After discussion, in which the representative of Panama (Dr Alfaro) expressed the desire that the declaration should be treated according to procedure similar to that adopted in the case of the declaration on the rights and duties of States, the First Committee adopted a resolution identical with that of the Third Committee, with the addition of the following sentence :—

“ The First Committee expressed the hope that the question should be referred back to the Committee for inclusion in the agenda of the Second Session of the Assembly.”

This resolution was adopted by the Assembly.

8. Resolution on Prosecution and Discrimination

A resolution on prosecution and discrimination was proposed by the delegation of Egypt, as follows ;

“ The General Assembly of the United Nations declares that it is in the higher interests of Humanity to put an immediate end to religious and so-called racial persecutions and discrimination, and calls on the Governments and responsible authorities to conform both to the letter and to the spirit of the Charter of the United Nations, and to take the most prompt and energetic steps to that end.”

This resolution was adopted unanimously by the Assembly.

V. MEETINGS OF JOINT FIRST AND SIXTH COMMITTEE

Chairmen Dr D. Z. MANUILSKY (*Ukrainian S.S.R.*)

Dr ROBERTO JIMINEZ (*Panama*)

Rapporteurs Dr H. V. LAFRONTE (*Ecuador*)

Professor K. H. BAILEY (*Australia*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr J. V. WILSON

Treatment of Indians in South Africa

The question of the treatment of Indians in the territory of the Union of South Africa gave rise to an animated discussion in the General Committee at the beginning of the Session. The representative of South Africa (Field Marshal Smuts), claiming that the matter belonged to the domestic jurisdiction of South Africa, contested the right of the Assembly to inscribe the item on its agenda. He did not, however, press the objection at that stage, and the matter was placed on the agenda, and referred to a joint committee of the First (Political and Security) and Sixth (Legal) Committees.

Mrs Pandit stated India's case in the Joint Committee. The first Indians, she said, had come into the British colony of Natal as labourers in 1860, in response to an appeal by the European colonists and in

virtue of an agreement between the Government of India and the British Government, by which they were not to be subjected to any special laws different from those in force for Europeans.

Some of these workers afterwards emigrated to the Transvaal. After about twenty years discriminatory measures were passed restricting their right to trade and to own property. Mr Gandhi was then in South Africa, and his resistance to these measures ended in the Smuts-Gandhi agreement of 1913, which remedied the Indians' grievances and stopped immigration.

After the first World War anti-Asiatic agitation reappeared with a demand for the segregation of Indians. The Smuts-Gandhi agreement was then abandoned by the Government of South Africa, and an agreement, known as the Capetown Agreement, was concluded in 1927 and renewed in 1932. It has not been abrogated. Nevertheless, agitation continued, and in 1943 the Province of Natal passed the Pegging Act, which, for the first time, imposed statutory prohibitions and restrictions in respect of the right of Asiatics to possess land.

In 1946 the Government of the Union had precipitated events by passing a law (Asiatic Land Tenure and Indian Representation Act) with regard to the landed property of Asiatics and the representation of Indians, the result of which was the complete segregation of Asiatics as regards both trade and residence. It was what had been called the "ghetto" law. The Indian Government had then broken off relations with the Union of South Africa and had recalled its High Commissioner.

The Government of India did not deny that the Indians in question were South African nationals. However, the Indian Government was concerned because it had been responsible for the departure of the first immigrants to South Africa on the understanding that they and their descendants would enjoy the same rights as the other citizens of South Africa. The Act of 1946 extended the legal incapacity of Indians to a new territory, Natal, and restored discrimination against them. The position which had thus arisen was in violation of the Preamble of the Charter which affirmed faith in "human rights," and the matter was fully within the competence of the Assembly.

The representative of South Africa (Field Marshal Smuts) stressed the fact that the exploitation of domestic issues by foreign States as a political weapon would determine, to a large extent, the future issues of peace and war.

Article 2, paragraph 7, of the Charter recognized that, within the domain of its domestic affairs, a State is not subject to control or interference, and its action could not be called into question by another State. There would be an exception to this rule if a treaty obligation were established. But the so-called Capetown Agreement of 1927 between the Government of India and the Government of the Union, and the joint communique issued by those Governments in 1932, were not instruments giving rise to treaty obligations. South Africa had fully accorded to all its citizens human rights and fundamental freedoms,

such as the right to exist, the right to freedom of conscience, and freedom of speech, and the right of free access to the Courts. Up to the present, however, there did not exist any internationally recognized formulation of such rights, and the Charter itself did not define them.

Without admitting the right of the United Nations to intervene in the matter, he had no objection to the case being freely discussed. In view of the fact that the present case would form a precedent for the future he gave notice of his intention to move that the General Assembly should seek an advisory opinion from the International Court of Justice on the question whether the matters set forth by the Government of India and replied to by the Government of the Union were, under Article 2, paragraph 7, of the Charter, essentially within the domestic jurisdiction of South Africa.

In the debate which followed, and which lasted for several days, very strong support was immediately forthcoming for the Indian case. The representatives of the Slav countries spoke emphatically in its favour. The representatives of China and Iran considered that questions of Asiatic solidarity were involved because discrimination had been exercised against Asiatics. The representatives of Egypt and Ethiopia also supported India, as did the representatives of a number of Latin-American States.

The following were the principal issues raised :—

The Fact of Discrimination.—There was no denial of the fact of difference of treatment accorded to the Indian and the white community in South Africa. Apart from the question of land tenure, which was the immediate cause of the appeal, there was the difference of treatment in regard to political rights, such as the franchise, and educational opportunities. Different places were reserved for white and non-white communities in public conveyances. These differences were denounced in the committee as violations of the Charter, which expressly provides for the granting of human rights without difference of race.

The Polish delegate spoke as a representative of a country the population of which had been subject to similar discriminatory treatment under the Hitlerite regime, though he exonerated South Africa from intending excesses such as those practised in Poland.

The South African representative (Mr Heaton Nicholls) admitted difference of treatment, but contended that this had to be understood against the historical and social background of South Africa, with its large majority of primitive peoples, and the necessity of maintaining Western civilization and Western standards of living in the Union. South Africans were proud of the advances which had been made through a policy of slow evolution, and if difference of treatment were to be classified as discrimination, then not only most of the provisions of the Trusteeship Agreements, but essential measures of South African legislation taken in the interests of the non-white population—such as the reservation of land for the Natives—were discriminatory ; but

without such protection Native land would be bought up by Europeans or Indians. He denied that the Asiatic Land Tenure and Indian Representation Act, which was the occasion of the present complaint, was discriminatory. It did not place any restrictions on Indians which it did not also place on Europeans. The South African representative exhibited maps of Durban to the Committee which showed how large and how widely spread were Indian holdings in Durban. It was in such circumstances nonsense to talk of a "ghetto."

Human Rights and Fundamental Freedoms.—Many speakers pointed out that South Africa was committed by the Charter of the United Nations to maintain fundamental human rights and fundamental freedoms. What was now happening was the denial of such rights and freedoms. Discriminatory measures introduced since South Africa signed the Charter were a particularly gross violation of them.

The South African representative replied that the Charter guaranteed only fundamental rights and did not even define these. Political rights were not necessarily fundamental rights. Indeed, it was only by withholding political rights that it was fully possible to guarantee in a country with the special social composition of South Africa full enjoyment of the fundamental rights.

The Status of International Agreements.—According to the critics of South Africa the Capetown Agreement of 1927, which had been reaffirmed in 1932, had been plainly violated in its provisions for the "up-lift" of the Indian population. It was in the full sense an international agreement.

The South African representative replied that the Capetown Agreement was not a treaty, but a mere statement of good intentions; moreover, India herself had violated one essential part of that agreement which prescribed measures for the repatriation of Indians from South Africa to India. This provision had been frustrated.

Domestic Jurisdiction.—The supporters of India contended that it was impossible for South Africa to shelter behind Article 2, paragraph 7, of the Charter. It was evident that the matter was not one essentially of domestic jurisdiction. The Assembly had full competence to pass judgment on the case, and should do so. The South Africans, while maintaining that the matter was one of essentially domestic jurisdiction, asked not that the Assembly should agree with that proposition, but that the disputed point should be referred to the International Court of Justice for judicial determination.

Reference to the International Court of Justice.—The proposal for reference to the International Court of Justice for an advisory opinion on the South African submission that the matter was of domestic jurisdiction thus became the principal practical issue before the Committee. It was argued that such reference was unnecessary because the jurisdiction of the United Nations was evident, that it would cause

delay, that it emphasized the legal element at the expense of the far more important political element in the case, and, finally, that it would impair the prestige of the International Court of Justice if it found itself divided in its opinion.

The supporters of reference to the Court rested on the fact that there were grave and serious doubts as to the competence of the General Assembly in the matter and that before the United Nations should proceed these doubts must be resolved. This position was strongly argued by the representatives of the United Kingdom and of the United States.

The representative of New Zealand (Mr J. V. Wilson), in supporting reference to the Court, said that he would not express an opinion on the merits or take part in a vote which passed judgment on the merits. This attitude was not due to any indifference to the grave issues raised. New Zealand, a country with two races but singularly free from racial discrimination, attached the utmost importance to the effective fulfilment of the Charter obligations in regard to human rights and fundamental freedoms.

He suggested that, even if the question in debate had not involved contested legal points, it would have been proper for the Committee to show due deliberation before coming to a judgment on a matter so deeply affecting the interests of two members of the United Nations.

However, an important legal issue had arisen—namely, whether the United Nations possesses jurisdiction. Clearly this point must be decided before any substantive resolution was adopted. Some members of the Committee were prepared to affirm forthwith that the matter was *not* one of domestic jurisdiction. South Africa was prepared to affirm that it *was*. The New Zealand delegation thought the point sufficiently disputable to justify the proposed reference to the Court. Such a procedure was the least likely to prejudice the position of any member of the United Nations and the best calculated to ensure that any resolutions which the Assembly might ultimately be entitled to take would be solidly based.

A certain delay would admittedly result from this procedure, but the United Nations would not be washing its hands of the matter; on the contrary, the Court, which would be dealing with it, was one of the principal organs of the United Nations. After the Court had given its opinion the matter would return to the General Assembly, which would then be fully instructed as to the nature of its competence.

The representative of the United States emphasized that even though the General Assembly were to invite the Court to submit an advisory opinion the Assembly itself still remained the sole judge as to what action should be taken in the light of that opinion.

The matter finally came to a vote in Committee on the basis of two resolutions, one resolution presented by France and Mexico, in favour of which the Indian delegation withdrew a more strongly condemnatory resolution which it had put forward at an earlier stage. The second

resolution was presented by the United States, the United Kingdom, and Sweden, in favour of which the South African delegation withdrew a resolution which it had put forward. The text of these two resolutions was as follows :—

Franco-Mexican Resolution :—

“ THE GENERAL ASSEMBLY,

“ Having taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa, and having considered the matter :

“ 1. STATES that, because of that treatment, friendly relations between the two member States have been impaired, and unless a satisfactory settlement is reached, these relations are likely to be further impaired ;

“ 2. IS OF THE OPINION that the treatment of Indians in the Union should be in conformity with the international obligations under the agreements concluded between the two Governments and the relevant provisions of the Charter ;

“ 3. THEREFORE REQUESTS the two Governments to report at the next session of the General Assembly the measures adopted to this effect ”

United States, United Kingdom, and Swedish Resolution :—

“ THE GENERAL ASSEMBLY,

“ HAVING taken note of the application made by the Government of India regarding the treatment of Indians in the Union of South Africa, and having considered the matter, is of opinion that, since the jurisdiction of the General Assembly to deal with the matter is in doubt and since the questions involved are consequently of a legal as well as of a factual nature, a decision based on authoritatively declared juridical foundations is the one most likely to promote realization of those purposes of the Charter to the fulfilment of which all members of the United Nations are pledged as well as to secure a lasting and mutually acceptable solution of the complaints which have been made

“ THE ASSEMBLY THEREFORE RESOLVES THAT

“ The International Court of Justice is requested to give an advisory opinion on the question whether the matters referred to in the Indian application are, under Article 2, paragraph 7, of the Charter, essentially within the domestic jurisdiction of the Union.”

Though the United States - United Kingdom - Swedish motion was put forward as an amendment to the main resolution, the Chairman of the Committee insisted on submitting the Franco-Mexican resolution to the vote first. The New Zealand representative, and other supporters of the reference to the Court, were thus deprived of the opportunity of voting on the text, which they would have supported. Having previously declared that he would abstain in Committee on any vote on a substantive resolution, the New Zealand representative abstained from voting on the Franco-Mexican resolution, which was passed by 24 votes to 19, with 6 abstentions.

When the matter came before the Plenary Session of the Assembly another long debate ensued, in which the familiar positions were restated. The South African delegation moved an amendment to the resolution of the Committee slightly differing from the United States and United Kingdom - Swedish amendment, which has already been cited above.

In the course of the meeting the representative of New Zealand (Sir Carl Berendsen) said that the dispute concerned two countries with each of which New Zealand was on terms of friendship, respect, and regard. No country in the world paid a higher regard to human rights or had done more within its capacity to establish, preserve, and further those rights than New Zealand. In voting as he proposed to vote he would not be expressing any opinion whatever on the merits of the case.

New Zealand had often drawn attention to the imperfections of the United Nations Charter. Nevertheless, every member of the United Nations had accepted the Charter. The organization operated under the Charter, and was limited by the Charter.

In the present case there were serious doubts under the Charter as to the competency of the Assembly to deal with the points of substance involved in the question under consideration. It was the belief of New Zealand that the Assembly should possess the widest possible powers. But, having regard to the doubts which admittedly existed, the New Zealand representative felt that it would be unwise and improper of the Assembly to record a decision on the substance of the matter until every proper step had been taken to resolve those doubts. What better way of resolving them was there than to refer them to the International Court of Justice, created as it was for this purpose? For that reason, and for none other, the New Zealand representative would vote against the resolution of the Committee and in favour of the proposed amendment.

Before the voting took place the President consulted the Assembly on the point whether a two-thirds majority was necessary. After considerable discussion it was agreed that this was the case.

The South African amendment was then put to the vote; 21 delegations (including New Zealand) voted for the amendment; 31 against; and there were 2 abstentions. The amendment was thus rejected.

A vote was then taken on the resolution of the Committee; 32 delegations voted for the resolution; 15 delegations (including New Zealand) voted against; 7 abstained. A two-thirds majority was 32, and the resolution was therefore adopted.

The declaration of this result gave rise to tumultuous acclaim of the Indian delegation's success and brought to an end a debate which had throughout displayed much of an emotional and even a passionate nature.

VI. SECOND COMMITTEE : ECONOMIC AND FINANCIAL QUESTIONS

Chairman Dr OSCAR LANGE (*Poland*)

Vice-Chairman Mr PEDRO C. HERNAEZ (*Philippine Republic*)

Rapporteur Mr ERNESTO SANJINES (*Bolivia*)

New Zealand Representatives

Hon. D. WILSON

Mr T. O. W. BREBNER

At its first meeting the Second Committee found itself without a Chairman or a Vice-Chairman owing to the illness of Mr Waclaw Konderski (Poland) and to the fact that Mr Pedro Lopez (Philippine Republic) was not a member of his country's delegation. On the motion of Mr D. Wilson (New Zealand), Mr Pedro C. Hernaez was unanimously elected Vice-Chairman, and he took the chair from M. P. H. Spaak (President of the General Assembly), who had presided temporarily. Subsequently the Chairman resigned, and Dr Oscar Lange (Poland) was unanimously elected to the position of Chairman.

The first item considered by the Second Committee was a report of the Secretary-General on action taken to implement the resolution of the General Assembly on the world shortage of cereals, which was adopted in London on 14 February, 1946. The Committee considered the matter mainly from the short-term aspect since the long-term problem was being discussed by the Preparatory Commission on World Food Proposals sitting at Washington and by the Preparatory Committee of the International Trade and Employment Conference being held in London. The Committee had before it a report of Sir John Boyd Orr, Director-General of FAO, in which he warned all countries that the food problem was still critical and that there was still an acute shortage, especially of grains and fats. He reported that grave danger existed of a crisis next spring unless the 1946 harvest was carefully husbanded and maximum production in the 1947 harvest was secured. In addition to Sir John Orr's report, the Second Committee heard statements by Mr F. L. McDougall, Counsellor of FAO, and Dr D. A. Fitzgerald, Secretary-General of the International Emergency Food Council (IEFC), which had replaced the Combined Food Board. Mr McDougall gave a detailed account of the work FAO had done in combating the world shortage of food, while Dr Fitzgerald's address was, in the main, a review of the world food situation. Dealing with cereals for use as food (wheat, rice, and rye), Dr Fitzgerald pointed out that for the year commencing June, 1945, the total production was 340,000,000 short tons, to which had to be added 15,000,000 tons carried over from previous stocks in the exporting countries. Production for the year ending June, 1947, was expected to be 380,000,000 tons, compared with 410,000,000 tons in pre-war years. The requirements of importing countries were 35,000,000 tons, 10,000,000 tons in excess of the supplies expected to be available. The estimated

production of fats and oils for the year ending June, 1947, would be 5 to 10 per cent. above the previous year, but 15 per cent. under pre-war totals. The position in respect of fertilizers was fairly satisfactory as far as phosphates and potash were concerned, but nitrogen was in very short supply.

Following these statements a long general discussion took place, during which a number of draft resolutions were put forward by Canada, Argentina, the Soviet Union, Greece, Saudi Arabia, and China. A drafting Committee was then set up with a view to incorporating the various proposals into one text. A resolution making specific recommendations on the action necessary to improve production and distribution was adopted by the Committee and approved by the General Assembly.¹

Perhaps the most important item on the agenda of the Second Committee was that of framing a resolution on UNRRA, and a great deal of time was spent in debating this question. Mr F. H. La Guardia, Director-General of UNRRA, appeared before the Committee by invitation, and advocated that UNRRA should be succeeded by an international authority under the control of the United Nations. Assuming that the International Bank for Reconstruction would assist the needs of industrialists and in part agriculturalists, Mr La Guardia proposed that a United Nations Food Emergency Fund be established and said that the Food Fund would require \$400,000,000 to enable it to operate. He stressed that what was proposed was not another organization having the world-wide machinery of UNRRA, but "a small tight agency" with power to determine the countries having a shortage of any food and to make allocation of goods or funds to help them. He urged immediate action to bridge the gap when UNRRA ended, and insisted that the new agency must be an international authority under the United Nations rather than a group of wealthy nations banded together to give assistance where they thought fit.

In the course of the lengthy debate which followed it soon became evident that the proposal of Mr La Guardia did not find favour with the countries which had been the largest contributors to UNRRA. The delegate of the United States, after paying tribute to the achievements of UNRRA, said that as a result there had been considerable improvements in receiving countries. His delegation felt that the present problem was essentially a short-term one; a new international organization would take too long to operate efficiently in the emergency of the moment. A better method of dealing with the problem was by means of informal and direct consultations between Governments able and willing to assist. The United Kingdom delegation thought that the work of UNRRA should be merged in the United Nations.

After a number of compromise proposals had been submitted, a resolution proposed by the delegations of the United States, United

¹ Document A/213.

Kingdom, and Brazil, with amendments proposed by Canada, Cuba, and Norway, was adopted.¹ This resolution recommended that a Special Technical Committee be established to study the problem of relief generally and to report to the Secretary-General not later than 15 January, 1947. The Committee was to consist of not more than ten experts in the field of finance and foreign trade to be designated by the Governments of Argentina, Brazil, Canada, China, Denmark, United Kingdom, United States, Poland, France, and the Union of Soviet Socialist Republics.

The Committee devoted considerable time to discussing a resolution of the Economic and Social Council on the Economic Reconstruction of Devastated Areas. This resolution requested study of the needs of devastated countries for short-term and long-term financing to facilitate reconstruction. The resolution² finally adopted recommended, *inter alia*, that the Economic and Social Council at its next session give consideration to the setting-up of an Economic Commission for Europe and a similar Commission for Asia and the Far East.

VII. JOINT MEETINGS OF SECOND AND THIRD COMMITTEE

Chairman Sir CARL BERENDSEN (*New Zealand*)

Dr OSCAR LANGE (*Poland*)

Rapporteur Dr P. C. CHANG (*China*)

New Zealand Representatives

Hon. D. WILSON

Mr T. O. W. BREBNER

Eleven meetings of this Committee were held. The matters considered were—

1. Report of the Economic and Social Council.
2. Relations between the United Nations and the specialized agencies.
3. Approval of agreements concluded with specialized agencies.
4. Secretary-General's report on the transfer of other functions and activities of the League of Nations.
5. Summoning of Preparatory Conference of Technical Experts on the problem of Housing and Town-planning.
6. Creation by the United Nations of Advisory Boards.

There was considerable criticism of the work of the Economic and Social Council. The majority, however, were of the opinion that the Council had made a very good beginning, and a resolution moved by New Zealand in which it was noted "with satisfaction that the Economic and Social Council has made substantial progress towards its organization for the effective fulfilment of its functions and responsibilities" and commending "the efforts which the Council is making to solve the

¹ Document A/237.

² Document A/232.

many and difficult Economic and Social problems with which the world is confronted " was carried by 33 votes (including New Zealand) to 3.

During the discussion on the Council's report considerable time was given to a request made by the World Federation of Trade Unions (WFTU) : (a) that they be granted the right to submit items intended for inclusion in the provisional agenda of the Economic and Social Council, and (b) that they be allowed to make oral statements at any time before the Council on all matters of interest to the Federation.

The delegations of the United Kingdom, Canada, Australia, the United States, and others opposed any extension of privileges, and, in general, supported the New Zealand contention that the agreement freely concluded on 21 June, 1946, between the Economic and Social Council and the WFTU had not been given sufficient trial and that no steps should be taken to amend the agreement before the next session of the General Assembly, when New Zealand would support an extension of the privileges accorded the WFTU if such was shown by experience to be necessary.

The agreement referred to provided that " the WFTU be placed in category (a) of non-governmental organizations," and this entitled the organization to send observers to all public meetings of the Council, to have its written communications issued as official documents of the Council, and to consult, on the invitation of the Council, with a Standing Committee on Arrangements for Consultation with Non-governmental Organizations appointed for the purpose. On the recommendation of the Standing Committee, the WFTU, as a category (a) organization—may appear before the Council.

It was pointed out that under these arrangements there are three possible methods by which the WFTU may recommend items for inclusion in the provisional agenda—through a member of the United Nations ; by a recommendation to the President of the Council, or to the Secretary-General ; or by a request to the Council's Standing Committee.

The WFTU requests were supported by the delegations of the Soviet Union, Yugoslavia, Poland, India, and others, and eventually, by 22 votes to 15, the first request (a) was approved, but the second request (b) was rejected by 24 votes to 14.

At a later stage a United States proposal was adopted which granted similar rights to all organizations in category (a), the present members of which are the American Federation of Labour, the International Chambers of Commerce, and the International Co-operative Alliance. This proposal was opposed by New Zealand on the grounds that it would unduly weaken the authority of the WFTU and its influence in the Councils of the United Nations. The Argentine delegation moved that the arrangements made with WFTU and other organizations in category (a) be extended to the Labour Federation of the American Republics, but this was defeated by 27 votes to 9, New Zealand speaking

and voting against on the ground that consultation with national Labour organizations is already adequately provided for in Article 71 of the charter.

Another matter under Item 3 upon which there was considerable discussion was the fact that Spain was a member of the Provisional International Civil Aviation Organization, and the general feeling was that the Constitution and agreement with the proposed International Civil Aviation Organization (ICAO) should not be approved unless amended to provide for the exclusion of Spain from membership. Eventually item 3 was approved subject to the proviso that the ICAO should comply with any decision of the General Assembly regarding Spain.

The transfer to the United Nations of certain non-political functions and activities of the League of Nations, other than those pursuant to International Agreements (Item 4), was approved.

After consideration of Item 5, it was decided, in view of the magnitude and gravity of housing problems throughout the world and the advisability of providing for an exchange of views and constant liaison between the technical experts of the various nations, to recommend the Economic and Social Council to instruct the appropriate Commissions to expedite their study of housing problems and town-planning questions with a view to the holding of an international conference of experts to advise on the need for establishing an international mechanism to collate such information, lay down guiding principles for new technical research on materials, methods of use and prefabrication, and design standards capable of general application.

The Joint Committee also approved of a resolution under Item 6 to refer to the Economic and Social Council for study the question of providing effective ways and means for furnishing, in co-operation with the specialized agencies, expert advice in the economic, social, and cultural fields to member nations who desire their assistance.

All the resolutions were subsequently approved by the General Assembly.

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

Chairman Sir CARL BERENDSEN (*New Zealand*)

Vice-Chairman Mr FRANCISCO DE PAULA GUTIERROZ (*Costa Rica*)

Rapporteur Mrs AASE LIONEES (*Norway*)

New Zealand Representatives

Hon. D. WILSON

Mrs A. F. R. McINTOSH

At the first meeting Sir Carl Berendsen was unanimously elected Chairman in the absence of the Right Honourable P. Fraser, who held that office at the first part of the session in London. Many complimentary references were made to Mr Fraser.

The Committee had before it a heavy agenda, the most controversial item of which was the draft constitution of the proposed International Refugee Organization. This occupied thirty meetings. Agreement on other items was, however, reached without the appearance of such fundamentally divergent views, although debate was often unduly prolonged.

The first of these was a resolution by the Economic and Social Council to the General Assembly on the assumption of functions and powers previously exercised by the League of Nations under various international conventions on narcotic drugs. Discussion centred mainly around the question of the special provision in the resolution providing for the exclusion of Spain from the United Nations system of narcotics control, but the resolution¹ was finally endorsed as presented.

The Committee endorsed a further resolution of the Economic and Social Council which recommended that the General Assembly draw the attention of members to the special importance of promoting the establishment and co-operation of voluntary National Red Cross and Red Crescent organizations, of respecting at all times the independent and voluntary nature of such organizations provided they are recognized by their Governments and carry on their work according to the principles of the Geneva and Hague Conventions, and of taking the necessary steps to ensure that in all circumstances contact may be maintained between the societies of all countries to enable them to carry out their humanitarian task.

Amendments were introduced to the effect, firstly, that the Economic and Social Council should take steps to improve the Hague and Geneva Conventions (proposed by France), and, secondly, that these societies should also have some relationship with the World Health Organization (proposed by the United Kingdom). The United Kingdom resolution found little support, but many felt that the French proposal had some merit. The New Zealand viewpoint, expressed by Mrs A. F. R. McIntosh, was that, while improvements in the conventions had been shown to be necessary during the present war, the improvements could well be left to the societies themselves, particularly as the whole debate had been an expression of support for any such action that might be taken. As regards the United Kingdom amendment, no good purpose could be served by such a liaison. The original resolution stressed the necessity for the Red Cross and Red Crescent Societies to preserve their independent and voluntary character, and although the peacetime activities of such societies were similar to those of the World Health Organization and might overlap them, the wartime work of the societies was of such tremendous importance, and their position, power, and opportunities in the field of war so unique and of such value, that not even the skirts of such societies should touch any organization which might at any time, rightly or wrongly, be said to have political bias. This view was well supported, and both amendments were withdrawn

¹ Document A/194

on the understanding that the substance of them might be put forward again at a more appropriate time. The original resolution¹ was then carried unanimously.

A matter in which the New Zealand delegation took particular interest was that of the political rights of women. The Danish delegation submitted a draft resolution recommending all member States which had not already done so to adopt measures necessary to fulfil the purposes and ends of the Charter by granting women the same political rights as men, and recommending also that the Security Council and the General Assembly, in dealing with applications for membership, give consideration to the political rights of women in the applicant States. For the purposes of discussion the resolution was divided into two parts. In a prolonged debate on the first part nearly every delegation, many represented by women, pressed for the adoption of the resolution to open the doors to action by women themselves to increase their political rights. Early in the debate Mrs McIntosh, for New Zealand, warmly supported the resolution. She emphasized that equality of status meant full citizenship for women as well as men. Good citizens were a national asset, and New Zealand's experience showed that all objections to the political equality of men and women were without foundation since political equality in New Zealand had resulted in no ill effect on persons, homelife, or the State. New Zealand women were happy in fulfilling responsibility, and New Zealand was interested in the development of a consciousness of the responsibilities of women as citizens on the part of all peoples of the world. Mrs McIntosh expressed the hope that women would not be forced, in country after country, to fight the same long and bitter battle to secure equal rights.

There was no disagreement in principle to this part of the resolution, but two major reservations were made. The United States representative, Mrs Roosevelt, while not opposing the resolution, expressed the view that it was a restatement of principles already contained in the Charter. Members of the United Nations had therefore already been urged to grant political equality to women, yet not all of them had done so. Passing the resolution might therefore be an empty gesture. She suggested reference to the Economic and Social Council, which might be able to take some effective action in the matter, and in this was supported by the Australian, Chinese, Nicaraguan, Philippine, and United Kingdom delegates, though none put forward a formal motion.

The second major reservation was made by Mrs Pandit, of India, who objected to the restrictive wording of the resolution. She thought it wrong to speak of the rights of women apart from the rights of human beings as a whole. If it was necessary to single out the rights of women, she believed that all rights should be cited. She pointed out that Indian women already possess political rights, but do not have the right to inherit property. No formal amendments were moved, but the

¹ Document A/192.

representatives of France, Panama, and the Soviet Union all suggested that the word "political" might be removed.

The Committee eventually adopted the first part of the resolution¹ unanimously, but the second part was withdrawn as the Political and Security Committee had by then completed its discussions on the question of the admission of new members and it was felt that the Danish proposal might lead to duplication of that discussion. It may well have been that, had the discussion not been so prolonged, the second part would also have been adopted.

Unanimous support was given to a Philippine resolution instructing the Economic and Social Council to undertake the convocation of a conference to formulate views concerning the rights, obligations, and practices which should be included in the concept of freedom of information in view of the fact that understanding and co-operation among nations is impossible without an alert and sound world opinion, which is in turn wholly dependent on freedom of information. It is specified in the resolution² as adopted that delegations to the Conference should include persons actually engaged or experienced in media for the dissemination of information and that the Conference shall be held before the end of 1947 to enable the Council to report to the next regular session of the Assembly.

This resolution was a revision of one which had been submitted by the Philippine delegation to the first half of the session at London, and deferred. At that time it was limited to freedom of the press. Those who took part in the debate on the new proposal were mainly concerned with suggestions as to what such a conference should do, and who should be represented there. It was generally recognized that the present obstacles to freedom of information are chiefly of a political and economic nature, which only the United Nations is competent to solve. The Indian delegation felt that it would be more practical for the General Assembly to decide the matter, but moved no amendment, and others were content that the United Nations should act through the Economic and Social Council.

A special sub-committee, on which New Zealand was represented, was formed to consider—

(i) The report and recommendations of the Secretary-General on the assumption by the United Nations of the advisory social welfare functions of UNRRA ; and

(ii) The Secretary-General's draft resolution on the establishment of an International Children's Emergency Fund to be used for the benefit of children and adolescents of countries which were the victims of aggression.

On the first matter the general debate showed the sub-committee to be in complete agreement that these activities (including child welfare, training of welfare personnel, rehabilitation of the physically

¹ Document A/220.

² Document A/229.

handicapped, and co-ordination of the activities of voluntary organizations, all of which are undertaken only on request) should be taken over. A vote taken on the general principle was carried unanimously. The sub-committee then discussed various amendments, and some criticism of the budget was voiced. However, it was agreed that decisions on finance were not within the competency of the sub-committee and that the Rapporteur's report should state that, in recommending that the Secretary-General be authorized to include in the estimates for 1947 the necessary funds for the performance of the programme, the sub-committee did not feel competent to vote on the estimates, believing that the Assembly could only act on financial matters on the advice of the Fifth Committee. The Secretary-General assured the sub-committee that he intended to present and justify his estimates before the Fifth Committee. Among the other amendments made to the original recommendation, it is worth noting that one provides that special emphasis shall be given to the needs of children. The report¹ as amended was adopted by the full Committee.

There was an awareness that more than ever before the future of the world depends on how the children of to-day grow up with so many of the adults to-day broken and hardened and unfitted to rebuild it ; and this was demonstrated when the sub-committee, and later the full Committee, approved with some amendment a draft resolution prepared by the Secretary-General at the instigation of the Economic and Social Council and the Director-General of UNRRA on the establishment of a Children's Fund. The sub-committee heard from the Rapporteur, Dr Rajchman, of Poland, a very complete and moving account of the needs of the children in devastated countries and of the work so envisaged. As the fund is to be a voluntary one, the New Zealand delegate, Mrs McIntosh, asked for Dr Rajchman's speech to be printed and circulated. This fund, she said, could only succeed through the informed and practical sympathy of Governments, voluntary agencies, and the men and women of the world, and this brief but pithy account of things as they are could be used by those interested in evoking and keeping public sympathy in their various countries. This request was acceded to. In the course of the general debate which followed it became apparent that striking work along the lines contemplated has been, and is being, done by the Governments of the liberated countries for their own children and for the children of other countries. All delegates from such countries gave particulars of the conditions they are facing and spoke feelingly of the assistance given by neighbours, by New Zealand and other countries, by their own organizations and Governments, and by UNRRA. The New Zealand delegate put on formal record that "the Economic and Social Council might well keep the UNRRA situation as a whole under review, and recommend measures for assistance wherever possible, might indeed inherit and apply something

¹ Document A/255.

of the spirit of UNRRA, something of its constructiveness, of its practical outlook and its sense of urgency."

A noticeable feature of the whole debate on the constitution of the Fund was the co-operative attitude adopted by all delegations in reconciling opposing points of view. There was a real striving for unanimity, and consequently the draft,¹ when finally approved, was approved unanimously. The fund is to be administered by an Executive Board consisting of twenty-five Governments, including New Zealand, which will operate in accordance with principles laid down by the Economic and Social Council. The effective operation of the Fund does, however, depend on the financial resources which are put at its disposal. An encouraging start has already been made. The day after the Committee's recommendations were approved by the General Assembly, the Chairman, Sir Carl Berendsen, visited Washington to receive on behalf of Committee III the sum of 550,000 dollars as a gift from the American Famine Emergency Relief Fund. It is understood that on the termination of UNRRA's activities any funds outstanding may also be made available to the fund. The first (informal) meeting of the Executive Board, at which New Zealand was represented by Mr T. O. W. Brebner, was held at Lake Success on 19 December, 1946.

At the first half of this session of the Assembly in London the delegation of Panama presented a statement of Essential Human Rights for the approval of the Assembly. This statement contains articles embracing freedom of religion, opinion, speech, assembly; freedom to form associations; freedom from wrongful interference; fair trial; freedom from arbitrary detention; retroactive laws; property rights; the right to work and to reasonable conditions of work, to adequate food and housing, to social security, to participation in Government, to protection against arbitrary discrimination, and the limitations which there must necessarily be to the exercise of all these rights and freedoms. Consideration of the statement was deferred until the second half of the session to enable thorough study of it by all member Governments, and the General Assembly then referred it to Committee III, and thence to Committee I. As a Commission on Human Rights had been established as a Commission of the Economic and Social Council, subsequent to the London meeting, it was suggested by the Chairman that the Committee decide whether the draft submitted by Panama should be referred to that Commission or to a special sub-committee. On the motion of the representative of the United States, the former alternative was adopted by 27 votes to 10. A resolution to this effect then went before Committee I, where a sentence was added containing a provision for report to be made to the next regular session of the Assembly. Committee III then adopted the additional sentence in order that both resolutions to the Assembly should be identical.

¹ Document A/230.

The Committee also had before it a draft resolution of the Economic and Social Council for the establishment of a World Health Organization, following on the work of the International Health Conference held in New York in July, 1946, when an Interim Commission was established. The debate on this draft resolution revealed that, while all delegations were in favour of the establishment of the Organization, there were doubts about the financial provisions. It was provided in the draft resolution that the United Nations should approve "a grant or loan" of 300,000 dollars to finance the activities of the Interim Commission of the Health Organization to the end of the financial year 1946, and to approve "the inclusion of one million dollars in the United Nations Budget for the financial year 1947 for the purpose of financing the activities of the Interim Commission in that year by a further 'grant or loan.'"

The representative of China moved that funds should be allotted in the form of grants and not as a loan, and was supported in this by the delegation of Brazil. The Ukrainian representative, however, pointed out that the Organization should draw its funds from the contributions normally made by the Governments represented in the organization. Members of the United Nations could, in fact, be represented in any specialized agencies whose activities interested them specially. Nevertheless, if the financial provisions were adopted, a regrettable precedent would be established in that all members would be forced to contribute to the financing of a specialized agency. It was understood that capital advanced by the United Nations would subsequently be refunded by the World Health Organization when regular contributions were received, and he therefore moved that the resolution be approved with the reservation that references to "grants" should be deleted. This view was supported in debate by the representatives of the United States, Canada, India, Australia, Yugoslavia, France, and Saudi Arabia, and in the interests of unanimity the Chinese delegate withdrew his motion. The Ukrainian motion was then unanimously adopted.¹

The General Committee referred to Committee III a Lebanese draft resolution that the question of undertaking the translation and publication of the classics on a universal scale be referred to the Economic and Social Council for study in consultation with UNESCO and for recommendation to the next session of the Assembly. The resolution takes regard of the fact that the translation of the classics is of great significance for the promotion of international cultural co-operation, that certain nations do not have sufficient facilities for the authentic translation of numerous classics into their languages, and that such translation is really conducive to their cultural development. It is also recognized that the definition of classics should not be limited by reference to any particular culture, but should include products of all nations or cultures which are deemed by the highest authorities to have universal significance and permanent value. The proposal was

¹ Document A/216.

supported in debate by representatives of Chile, Syria, France, the United States, Saudi Arabia, Poland, the Ukrainian S.S.R., and India, some of them, however, laying emphasis on the part to be played by UNESCO in the undertaking of such studies. On the motion of the United States, it was therefore unanimously agreed that the question should be referred to the Economic and Social Council for reference to UNESCO and suitable action.

The most difficult item on the Committee's agenda was the draft constitution of the International Refugee Organization, which was submitted by the Economic and Social Council. It was agreed at the first part of this session of the Assembly at London to refer the problem of refugees and displaced persons to the Economic and Social Council for report. Accordingly, the Economic and Social Council established a Special Committee on Refugees and Displaced Persons, which met in London from 8 April to 1 June, 1946. This Committee agreed to the establishment of an international body which should be a specialized agency of a non-permanent character, and submitted suggestions for a draft constitution. After considering this report the Economic and Social Council at its second session requested the Secretary-General to forward the draft constitution as revised by the Council to Governments for their comments. The Council also established a Committee on the finances of the International Refugee Organization to prepare a provisional operational budget for the first financial year of the organization and scales of contributions from members. The report of this Committee on Finances was also circulated to Governments for their comments. At the third session of the Council the constitution was still further amended in the light of comments received and an *ad hoc* Committee was established to revise the administrative budget. The constitution was then approved for transmission to the General Assembly, together with a resolution relating to interim arrangements and to the report of the *ad hoc* Committee on Finances. In referring the draft constitution to Committee III the General Committee ruled that those articles of the constitution dealing with finances, the budget of the International Refugee Organization, and the provisional scales of contributions should be referred to Committee 5.

Thirty delegates spoke in the general discussion on the constitution, and the debate was largely a reiteration of the arguments presented at London, at the Special Committee and in the sessions of the Economic and Social Council. As at these previous discussions representatives of the Soviet Union and delegates from other countries whose nationals form a large proportion of those in the refugee camps emphasized that the main concern of the Organization should be repatriation, that resettlement is for the unrepatrable, and that not only war criminals, quislings, and traitors, but persons who voluntarily assisted enemy forces, whether for so-called humanitarian reasons or not, should not be the concern of the International Refugee Organization. Mr Vyshinsky, for the Soviet Union, contended that those who refused to

return to their native countries should also be placed in a similar category. He said, too, that the administration of camps should be designated under the control of the United Nations in agreement with the Governments of the countries whose nationals represent the majority of persons in a particular camp. He insisted that such camps should be closed to any propaganda discouraging repatriation. The political result of such propaganda had been that those who were opposed to repatriation had had every opportunity for unbridled action, while those who wished to return to their homes were kept in ignorance of the true facts. Nor had the Governments whose nationals were in those camps been permitted to check up on those who were there. Mr Vyshinsky also spoke extensively about the military and para-military formations which had operated on the side of Hitlerite Germany and had not yet been disbanded and which were, at the present time, enjoying the protection of Allied Military Governments. This speech was the most extreme expression of this viewpoint, but many of the points were supported by the delegates of other countries whose nationals are in refugee camps, such as Yugoslavia, the Ukraine, and Poland. The Polish delegate, however, stated that his Government did not exclude the possibility of resettlement in certain exceptional cases such as that of the Spanish Republican refugees. The French delegate, M. Jouhaux, supported the Soviet views regarding the danger of anti-repatriation propaganda and agreed that members of military formations should not become the concern of the International Refugee Organization. He thought that the Governments who gave shelter to such units should also be responsible for them. M. Jouhaux emphatically differed from the Soviet, however, on the point that persons not wishing to return to their countries of origin should not receive assistance—political dissidents must, he said, be assisted to resettle in other countries. This was the major cleavage of opinion in the Committee. The United States delegate, Mrs Eleanor Roosevelt, spoke very strongly against compulsory repatriation, and received support from representatives of countries such as Belgium and members of the British Commonwealth.

The United Kingdom representative, who also supported resettlement as well as repatriation, emphasized that eleven million of the twelve million refugees and displaced persons had been returned to their countries of origin. He agreed with the Soviet that nothing should be neglected in encouraging repatriation, and he felt that to this end the propaganda of representatives of the countries of origin might be made more attractive. He dealt also with the allegations made by Mr Vyshinsky concerning military units which have not been disbanded, and said that, as far as the Poles in General Anders' Army were concerned, they were among the first to fight for us, and the United Kingdom was proud to be able to repay its debt to them. He said, too, that they would not come within the scope of the International Refugee Organization. Although New Zealand did not take part in the general

discussion, the New Zealand representatives, Mr David Wilson and Mrs A. F. R. McIntosh, mentioned later during discussion on the amendments submitted the complete concurrence of the New Zealand Government with the United Kingdom view on General Anders' Army, and also emphasized the concern of the New Zealand Government that the Polish children in New Zealand should return only by agreement. The subject of the children had been treated by both New Zealand and Poland with sympathetic understanding.

The Committee then proceeded to discuss and vote on the sixty-five amendments that were submitted. Of these, twenty-two were adopted, thirty-nine rejected, and four withdrawn. It was recognized by the Third Committee that the draft constitution, which was the result of months of discussion, was far from perfect. It was an attempt, however, to reconcile two conflicting points of view. The humanitarian aspect of the problem was emphasized by all. The view was expressed by various delegates that while the constitution would serve as a framework for the work of the International Refugee Organization the spirit in which this work would be carried out was more important than the framework itself. In the course of the discussions the countries of origin had drawn up a clear picture of many of the vital problems with which the International Refugee Organization would be faced, and their views could not be overlooked.

In voting on the draft constitution¹ delegates made it clear that they were voting for the purpose of recommending the adoption of the draft constitution to the General Assembly, and that they reserved the position of their Governments in regard to membership of the International Refugee Organization.

All resolutions proposed by the Third Committee were subsequently approved by the Assembly.

IX. COMMITTEE IV: TRUSTEESHIP

Chairman Dr R. E. MACEachen (*Uruguay*)

Vice-Chairman Mr B. E. T. MEDHEN (*Ethiopia*)

Rapporteur Mr K. LISICKY (*Czechoslovakia*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr C. G. R. MCKAY

Mr G. R. LAKING

The New Zealand and Australian Governments agreed at Canberra in January, 1944 (and confirmed that Agreement at Wellington in November, 1944), that the principle of trusteeship should govern the administration of dependent territories, and that the paramount consideration should be the political, economic, social, and educational advancement of their inhabitants.

¹ Document A/265.

At the San Francisco Conference the principal delegate for New Zealand (the Rt Hon. P. Fraser) was the Chairman of the Committee responsible for drafting that portion of the Charter of the United Nations which concerns itself with Trusteeship (Chapters XI, XII, and XIII).

The Charter provides that among those territories which may be placed under the international trusteeship system are territories held under mandate, and at the first part of the first session of the United Nations General Assembly, held in London, the Prime Minister of New Zealand made a declaration on behalf of the Government that New Zealand was ready to apply the trusteeship provisions of the Charter to the former Mandated Territory of Western Samoa.

Article 79 of the Charter reads as follows :—

“The terms of trusteeship for each territory to be placed under the trusteeship system, including any alteration or amendment, shall be agreed upon by the states directly concerned, including the mandatory power in the case of territories held under mandate by a member of the United Nations, and shall be approved as provided for in Articles 83 and 85.”

It will be observed that it is a condition precedent to the conclusion of a trusteeship agreement that the terms of trusteeship must be agreed upon by the “States directly concerned.” Each “State directly concerned,” therefore, has, in effect, a power of veto on any trusteeship agreement in which its concern is recognized. Unfortunately, however, the Charter does not define or give any guidance as to which States are to be regarded as “directly concerned” in any instance, and this situation gave rise to one of the most vexatious difficulties faced by the Assembly in its consideration of the draft agreements presented to the New York session.

Following the Prime Minister's declaration in London, draft terms of trusteeship for Western Samoa were prepared and communicated to the Governments of Australia, France, the United Kingdom, and the United States, with an intimation that, without prejudice to any ultimate interpretation of the phrase, the New Zealand Government were prepared to regard those Governments as “States directly concerned,” and accordingly invited their comments. Receipt of these comments marked the commencement of a series of negotiations which had not been concluded when the Assembly opened in New York.

The question of time was of great importance, because, unless sufficient draft trusteeship agreements were approved at this meeting of the Assembly—the approval being conditional upon the prior agreement of the “States directly concerned” in each case—it would not be possible to establish the Trusteeship Council, on which the operation of the trusteeship system hinged, until the next meeting of the Assembly, probably not before the lapse of another year.

When the Assembly opened, draft trusteeship agreements had already been submitted to the United Nations by France in respect

of Togoland and the Cameroons ; by Australia in respect of New Guinea ; by the United Kingdom in respect of Tanganyika and those parts of Togoland and the Cameroons formerly under mandate to Great Britain ; and by Belgium in respect of Ruanda-Urundi.

After further consultations in New York the draft agreement for Western Samoa was submitted to the Secretary-General of the United Nations on 28 October. In his speech in the opening general debate at the Assembly, Sir Carl Berendsen referred to New Zealand's responsibility for the administration of Western Samoa for the past thirty-two years, which had been marked by considerable political development, and particularly by a very rapid increase in the Samoan population. He pledged New Zealand to co-operate with the Trusteeship Council in such a spirit as to seek wider benefits than could be yielded even from the best written agreement, and he made it plain that, in the view of New Zealand, the trusteeship system was not devised in the interests of the administering authority or of the other members of the United Nations, but that the welfare of the inhabitants should be the principal concern.

Meetings of the Fourth (Trusteeship) Committee of the Assembly commenced on 1 November. Its agenda comprised the following items :—

1. Trusteeship, and particularly the trusteeship agreements (of which eight had now been submitted for approval).
2. Non-self-governing territories generally (as distinct from trust territories).
3. A submission by South Africa of the result of consultations with the people of the mandated territories of South-west Africa on the question of the future status of that territory.
4. A proposal by the Philippines for convening a conference of non-self-governing peoples.

After a general debate these items were allocated between two sub-committees—the first was responsible for the examination of the draft trusteeship agreements and also for consideration of the interpretation of the phrase “ States directly concerned,” and the second for consideration of the remaining three items.

Sir Carl Berendsen took the opportunity afforded by this debate to supplement his statement to the Assembly concerning the New Zealand attitude to trusteeship. He said that no government of dependent people could be so good that supervision and examination could not improve it, and this the New Zealand Government welcomed and desired. He repeated that the interests of the inhabitants must be the paramount consideration of every administering authority and that the trusteeship agreement should be regarded as, in effect, a Charter of Human Rights for the inhabitants. He explained shortly something of the Samoan way of life, and the particular problems of the territory,

which, he pointed out, had under New Zealand administration already made much political and financial progress, and had increased in population by no less than 80 per cent. Finally, he affirmed that New Zealand had no ambitions, either national or financial, with regard to the territory.

The delegate of the United States announced the intention of submitting a draft trusteeship agreement for the former Japanese mandated islands to be administered by the United States. The terms of the proposed agreement were not announced in the Committee, but were communicated to the four other permanent members of the Security Council and to the Governments of the Philippines and of New Zealand and also published in the press. As it was proposed that the whole of these islands be designated a strategic area, approval of this draft agreement was to rest not with the General Assembly, but with the Security Council.

In reply to comment by the representative of the Soviet Union that trusteeship agreements had not been proposed for certain of the former mandates—viz., Palestine, Nauru, and South-west Africa—the delegate of Australia affirmed the declaration made in London that a trusteeship agreement for Nauru would in due course be presented to the Assembly, but pointed out that the restoration of the island after enemy occupation, and consultation between the three Governments who shared the mandate (United Kingdom, Australia, and New Zealand), had naturally to receive first attention.

SUB-COMMITTEE I: TRUSTEESHIP

The examination of the eight draft agreements by this sub-committee occupied twenty-nine meetings between 15 November and 11 December. The sub-committee comprised the five Governments which had submitted the agreements, together with Canada, China, Czechoslovakia, India, Iraq, Mexico, the Netherlands, South Africa, the Soviet Union, the United States, Uruguay, and Yugoslavia. Dr MacEachen (Uruguay) was appointed Chairman.

The Chairman proposed that the agreements be considered one at a time, commencing either with the draft concerning Ruanda-Urundi or the draft relating to Western Samoa. The Belgian delegate advanced the alternative suggestion that there might be good reason for taking together those clauses more or less common to all agreements. When it appeared that this course did not find general favour, the New Zealand delegate (Mr C. G. R. McKay) indicated that if the Committee should wish to take the Western Samoan draft first the New Zealand delegation would not demur. It was clear that the favourable reaction already created by the contents of the draft agreement for Western Samoa was strengthened by this co-operative gesture. It may be doubted, however, whether, if it had been fully realized all that was involved in this well-meant offer, it would ever have been made. Though the result was, in

the end, entirely satisfactory, it did have the effect of putting a very heavy strain indeed upon the New Zealand delegation by reason of the fact that the draft agreement for Western Samoa, as the first draft agreement to be considered, was, speaking generally, made the focal point for the discussion and criticism of all agreements, as is sufficiently indicated by the following analysis of the twenty-nine meetings of this particular sub-committee. Five and a half meetings were occupied with procedural questions; ten and a half with the draft agreement for Western Samoa; ten and a half on all the other seven agreements; and two and a half on the problem of "States directly concerned." There were thirty-four proposals for amendment of the draft agreement for Western Samoa which, when similar amendments were combined, were reduced to twenty-one separate proposals. In respect of the other seven agreements the corresponding figures were exceedingly large, and in a number of proposals for modifications of the other draft agreements the Western Samoan agreement was quoted as a model.

Throughout the whole course of the very lengthy and detailed examination of the draft agreement for Western Samoa, even those who were most critical agreed at once and repeatedly—that New Zealand's record in Western Samoa had been good, that nobody doubted New Zealand's intentions or integrity of purpose, and that the draft agreement for Western Samoa was unquestionably, in the opinion of the sub-committee, the best that was laid before it.

It would be quite impossible here to endeavour to summarize in any detail the course of the discussions, even on this draft agreement, and the net effect can be sufficiently illustrated by a comparison of the text of the draft agreement as presented (contained in Assembly Document A/160), with the text of the agreement as finally approved (contained in Assembly Document A/258¹). In short, the agreement was approved by the Assembly substantially as it had been submitted to the Secretary-General by New Zealand.

"States directly concerned"

The sub-committee, having disposed of the draft agreements, then turned its attention to the vitally important, and, indeed, primary and fundamental question of the "States directly concerned." By tacit consent the question had been deferred until the eight draft trusteeship agreements had first been examined in all other respects. The New Zealand delegation took an early opportunity to emphasize that, whatever the formal importance of this matter, it was, in actual fact and in principle, the least important aspect in the conclusion of trusteeship agreements, and particularly so if, as the Charter stipulated, the interests of the inhabitants were regarded as the paramount concern.

The representative of the Soviet Union insisted that a definition first be found and then applied in practice to each territory; it was stated,

¹ The final text of the agreement, with an explanatory note, is published separately.

also, that the Soviet delegation "deems it paramount to reach an agreement that each of the Powers which is a permanent member of the Security Council and of the Trusteeship Council has a right to state that it is a State directly concerned as regards trust territories. However, this does not necessarily mean that each of these Powers actually will make such a statement with regard to all trust territories."

After much fruitless discussion the Chairman of the sub-committee, on his own responsibility, requested the delegations of the United States and the Soviet Union informally to consult on this question, they being free to consult with such other members of the sub-committee as they might consider necessary. This course was followed, but was reported back to the sub-committee as having found no result.

A Soviet proposal to set up a drafting sub-committee was rejected at this stage.

Mr John Foster Dulles, leader of the United States delegation in trusteeship matters, then introduced a proposal for inclusion in the report of the Rapporteur and adoption by the General Assembly, in the following terms :—

"Approval of any terms of trusteeship by this session of the General Assembly should be on the following understanding with respect to 'States directly concerned' :

"All members of the United Nations have had an opportunity to present their views with reference to the terms of trusteeship now proposed to the General Assembly for approval. There has, however, been no specification by the General Assembly of 'States directly concerned' in relation to the proposed trust territories. Accordingly, the General Assembly in approving the terms of trusteeship does not prejudge the question of what States are or are not 'directly concerned' within the meaning of Article 79. It recognizes that no State has waived or prejudiced its right hereafter to claim to be such a 'State directly concerned' in relation to approval of subsequently proposed trusteeship agreements, and any alteration or amendment of those now approved, and that the procedure to be followed in the future with reference to such matters may be subject to later determination."

Mr Dulles gave it as his opinion that this formula would not exclude any claims ; that no vote of the General Assembly could do so ; but that it would encourage States (including the United States) to vote for the agreements at present under discussion because it would assure them that their future rights would not be prejudiced.

On this assumption the delegations of the United Kingdom and of New Zealand volunteered to have removed from the preambles of their agreements words that would be obviously inconsistent with the draft resolution given above. The Australian agreement for New Guinea had been drafted in such a way that the question did not arise. The delegations of France and Belgium were unwilling of their own volition to make similar changes, but placed the preambles of their agreements in the hands of the sub-committee.

The Soviet Union delegation took the opportunity to declare its view that in the conclusion of the trusteeship agreements under consideration the provisions of Article 79 of the Charter would not be complied with.

India had claimed to be a State directly concerned in respect of Tanganyika, but upon production of the formula proposed by Mr Dulles and the removal from the British West African agreements of the assertion in the preambles that the "requirements of Article 79 of the Charter have been complied with" India withdrew its objection to the agreement without prejudice to its claim, while the United Kingdom made it clear that its acceptance of this proposal implied neither repudiation nor recognition of that claim.

The New Zealand delegation considered it desirable to make a definite statement of its own position. This was to the effect that there was no change in the basic situation or the basic facts relating to "States directly concerned" (even though no one had been able to discover those facts) whether the reference to Article 79 remained in the preambles or not. As a relevant fact, it was stated that the New Zealand Government had consulted those States which, by any criteria, seemed to be directly concerned in a trusteeship agreement for Western Samoa. The delegations of those States in the sub-committee had already voted approval of the trusteeship agreement for Western Samoa. At the same time it had been expressly stipulated that everything done was without prejudice to any final determination or definition of "States directly concerned." The intention of the New Zealand Government to apply trusteeship to Western Samoa had been declared in London on 18 January, 1946. The situation would rest on those facts. At the same time it was again urged on the sub-committee that it spend the least possible time on a subject that was not treating trusteeship on its highest level.

The Chairman of the sub-committee then suggested that each agreement be taken in turn as to whether the agreement of the "States directly concerned" had been obtained, but the Soviet delegation rejected this proposal.

Mr Dulles thereupon made a helpful practical analysis of the situation as affecting the eight agreements under discussion. He recalled that invitations had been extended to all fifty-four members of the United Nations to attend the sub-committee on any matters in which they were particularly concerned. None of those who were not members of the sub-committee had attended in order to claim to be a "State directly concerned," and all but three countries members of the sub-committee, with two others abstaining, had voted approval of the agreements. Of those who abstained, India had claimed to be directly concerned only with regard to Tanganyika. He understood that Iraq was concerned to be recognized in respect of future agreements rather than of those now under consideration. Of the remaining countries it was most improbable that by any criteria Czechoslovakia or Yugoslavia could be directly concerned in the eight territories in question, and this would leave no claim to be made other than by the

Soviet Union, which had said that it might not claim at all. The question was put twice to the Soviet delegation as to whether the Soviet Union claimed to be a "State directly concerned" in respect of any of the eight territories, but produced no direct reply.

When considering the Rapporteur's report on this question several of the Arab delegations declared their claim to be regarded as "States directly concerned" in the event of promotion of a trusteeship agreement for any Arab country or for countries in which there were Arab inhabitants or communities which might be placed under trusteeship. Finally, the United States formula was approved by the sub-committee by 13 votes in favour, 3 against (Soviet Union, Czechoslovakia, and Yugoslavia), with India abstaining, and the draft agreement for Western Samoa was formally approved by the sub-committee by a vote of 12 in favour, 3 against (Soviet Union, Czechoslovakia, and Yugoslavia), with 2 abstentions (India and Iraq). The other draft agreements were approved by similar votes, except that China abstained in respect of New Guinea.

Full Committee

When the draft agreements were reported back to the full Committee three proposals for modification that had already been rejected in sub-committee were revived and, on this occasion, received the support of the majority. None of these proposals was acceptable to the sponsoring Powers, however, and when that had been made plain each of the draft agreements was put to the vote and approved without these proposed amendments. The delegations responsible for the promotion of the trusteeship agreements explained in each case the reasons why these modifications would not be acceptable. In the case of Western Samoa, to which only two of the proposals applied, the representative of New Zealand pointed out that they were not, in fact, suited to conditions in the territory. The Samoan people, anxious for early self-government, would not receive favourably an agreement providing, for example, that the trusteeship agreement should remain in force for ten years. Indeed, as the sub-committee had already been informed, the reaction of the Samoans to the draft agreement was that they desired self-government immediately, and it would no doubt be one of the first duties of the Trusteeship Council, when established, to consider a petition from the Samoans to that effect. A proposal that the agreement require that the territory be surrendered free of financial encumbrance and with the sovereignty of the peoples intact could only be regarded as an imputation of bad faith on the part of New Zealand.

When the agreements were put to the vote in the Committee several members took advantage of the opportunity then afforded to explain their votes. A number of them regarded the agreements as not entirely satisfactory, but indicated that they would, nevertheless, vote to approve them in order that the Trusteeship Council might come into

operation. Eight agreements were thereupon submitted in final form as presented by the administering Governments, and each in turn was approved by 35 votes in favour and 8 against (Byelo-Russia, Chile, Czechoslovakia, India, Poland, Ukraine, Soviet Union, Yugoslavia). There were no abstentions, but eleven of the members of the Committee were absent.

General Assembly

The report of the Rapporteur on the Fourth Committee on trusteeship agreements was brought before the General Assembly on the evening of 13 December. The delegations of the United Kingdom and France spoke generally on the subject, and the representative of Chile explained that the negative vote of his delegation in Committee would be changed into a favourable vote on approval of the agreements in order to support the establishment of the trusteeship system. A speech at some length was then made on behalf of the Soviet delegation introducing a motion as follows :—

“ The General Assembly considers that the following trusteeship agreements submitted for its consideration by :

The United Kingdom—for Tanganyika, Togoland, and the Cameroons ;

France—for Togoland and the Cameroons ;

Belgium—for Ruanda-Urundi ;

Australia—for New Guinea, and

New Zealand—for Western Samoa,

have been drafted contrary to fundamental requirements of the United Nations Charter regarding the Trusteeship system, *i.e.*

First : The proposed draft trusteeship agreements for the above-mentioned territories cannot be considered as trusteeship agreements since Article 79 of the Charter provides that the terms of trusteeship shall be agreed upon by the States directly concerned, whereas so far it has not been determined which countries are directly concerned.

Second : The draft agreements include the provision whereby the territory in trust shall be administered as an integral part of those States which are administering authorities, which in fact amounts to annexation of the territories in trust by the said States, whereas Article 76 of the Charter provides that the trusteeship system shall promote the progressive development of the trust territories towards self-government or independence.

Third : The proposed draft agreements provided as one of the terms the establishment in trust territories of military, naval, and air bases without the Security Council's consent, which is contrary to Article 83 of the Charter, which requires the consent of the Security Council for the establishment of military, naval, and air bases in trust territories.

The General Assembly therefore resolves :

1. To reject draft agreements for the above-mentioned territories under mandate as being inconsistent with the Charter.

2. To recommend to the Governments of the United Kingdom, France, Belgium, Australia, and New Zealand to submit for the consideration of the General Assembly new draft trusteeship agreements for the above-mentioned territories under mandate, drawn up in conformity with the Charter."

The motion was rejected by a vote of 6 in favour, 34 against (including New Zealand), with 11 abstentions. The votes in favour were Byelo-Russia, Czechoslovakia, the Ukraine, the Soviet Union, Yugoslavia, and Poland; those who abstained were Colombia, Ecuador, Egypt, Ethiopia, Guatemala, India, Iran, Iraq, Liberia, the Philippines, and Saudi Arabia.

The President then called for separate votes on the question of approval of the agreements, the vote on the French and Belgian texts to be taken as incorporating the preamble for them suggested by the Trusteeship Committee. The agreements were each approved by a substantial majority—41 votes in favour, 6 against (Byelo-Russia, Liberia, Poland, Ukraine, Soviet Union, Yugoslavia), with 5 abstentions (Colombia, Czechoslovakia, Ecuador, India, and Venezuela). The one exception was that, in respect of the agreements submitted by France, the negative vote of Poland was changed to an abstention. Afghanistan and Haiti were not represented when the votes were taken.

Consultation with the People of Western Samoa

Simultaneously with the submission of the draft agreement to the Secretary-General of the United Nations, the Government arranged for the Administrator of Western Samoa to place it before the Fautua (High Chiefs who are Advisers to the Administrator) and the Legislative Council in Western Samoa.

There is no obligation under the Charter to consult the inhabitants of the prospective trust territories regarding the substance of the trust agreement, but this was a course which the New Zealand Government obviously wished to adopt, while being under the necessity of first reaching some measure of agreement with the other "States directly concerned."

The delegation subsequently received advice from New Zealand that, at the request of the Fautua and Legislative Council, the draft was discussed by the Administrator with a conference of all Samoans.

At the conclusion of the conference this gathering addressed a communication to the Administrator, in which it was stated that, while the Samoans recognized that the trusteeship agreement represented an advance on the mandate, and while they were appreciative of the progress in social services and the sympathetic treatment accorded to the inhabitants of Western Samoa by the Government, and wished to express their sincere gratitude for the efforts made on behalf of the small nations by the Prime Minister before the Councils of the United Nations, they nevertheless felt that acceptance of the agreement would bring them no

nearer their ultimate aim of self-government, and they therefore asked that Samoa be granted immediate self-government.

With this was associated a request that New Zealand should continue to act as protector and adviser to Western Samoa. The gathering desired that the communication be submitted, on their behalf, to the United Nations.

The New Zealand delegate informed the appropriate Committee of the General Assembly of these developments, and indicated that probably one of the first matters for consideration by the Trusteeship Council when established would be a request from the Samoans in the sense of the above communication.

SUB-COMMITTEE II : NON-SELF-GOVERNING TERRITORIES

This sub-committee comprised representatives of Argentine, Australia, Belgium, Brazil, China, Cuba, Denmark, Egypt, France, India, Netherlands, New Zealand, Norway, Philippines, Poland, Soviet Union, Union of South Africa, United Kingdom, and the United States of America. It will be observed that amongst these are eight States administering non-self-governing territories. When the decisions of the sub-committee were brought before the full Committee this fact was given some prominence by those States represented on the sub-committee whose proposals had been rejected. It became apparent that the larger membership of the full Committee contained a proportionately greater number of representatives who favoured a full expression of their own aspirations for non-self-governing peoples, even to the extent of treating the Charter with some elasticity and of incurring the possibility that established constitutional processes would be ignored. The result was that all three of the decisions made by the sub-committee were reversed by the full Committee. Two of the full Committee's resolutions relating respectively to South-west Africa and the supply of information regarding non-self-governing territories were confirmed by the General Assembly, the third relating to the Philippine proposal for a conference of non-self-governing peoples was the subject of a compromise in the General Assembly after a long debate.

Non-self-governing Territories

The provisions of the Charter relating to trusteeship are contained in Chapters XII and XIII. The preceding Chapter (Chapter XI) contains a set of principles applicable to the administration of all non-self-governing territories (as distinct from the limited category of trusteeship territories). Apart from the general obligation to apply these principles to the administration of non-self-governing territories under their control, the only duty imposed on members of the United Nations by this Chapter is that of communicating to the Secretary-General, for information purposes, statistical and other information of a technical nature relating

to the economic, social, and educational conditions in the territories concerned (other than trust territories).

The First Part of the General Assembly in London had adopted a resolution on non-self-governing territories which included a direction to the Secretary-General that information received in respect of such territories should be summarized and presented to the next meeting of the Assembly.

Prior to the New York meeting, the Secretary-General had circularized all States administering territories which might be regarded as non-self-governing, inquiring what factors should, in their opinion, be taken into account in defining the term "non-self-government" and whether there were any such territories under their control in respect of which they proposed to submit information.

The reply transmitted by the Government of New Zealand expressed the opinion that an attempt to define non-self-governing territories raised problems of such a nature that it would be extremely difficult to arrive at any satisfactory formal definition. The New Zealand Government proposed in any event that it would regard the Tokelau Islands as coming within the category of non-self-governing territories. Moreover, believing that the fullest possible information about economic and social conditions would be valuable to the United Nations, the Government were willing, without prejudice to any interpretation which might be placed on the term "non-self-governing territories," to submit data in respect of the Cook Islands which are constitutionally an integral part of New Zealand.¹

The sub-committee was confronted with two main issues—first, to consider in the light of the replies received from member Governments whether it was necessary or desirable that the term "non-self-governing territories" be defined, and secondly, to recommend what action, if any, should be taken by the Assembly on the summaries prepared by the Secretary-General.

On the first issue it was apparent from the various replies and from the debate in the sub-committee that a definition of the term which would be generally accepted would be extremely difficult to settle, and would, it seemed, serve little purpose. The Governments concerned had interpreted it very liberally in relation to their own territories, thus indicating a desire to co-operate to the fullest extent with the General Assembly in supplying the information desired. It was quite apparent that the immediate result of any attempt to force a definition might well be to discourage some States from continuing to send information.

The discussion on the second issue revealed fundamental differences of opinion in the sub-committee as to the implications of Chapter XI. Several delegations were of the opinion that the proper body to consider the information was the Trusteeship Council, their view being based

¹ Information concerning Western Samoa, which is a trust territory, is sent annually to the Trusteeship Council.

on the general argument that there is little difference in scope or purpose between the provisions of Chapter XI and those of Chapters XII and XIII, and that the Charter envisages all non-self-governing territories as coming eventually under the trusteeship system. This view was not accepted by the majority of the sub-committee. It was argued that while the basic objectives are the same in both cases, Chapter XI imports a unilateral obligation as opposed to the system of international supervision established by Chapters XII and XIII. Moreover, the functions of the Trusteeship Council are clearly laid down in Chapter XIII and are limited to matters relating to trust agreements. Indeed, a number of delegates questioned the competence of the Assembly to take any action on the summaries, having regard to the terms of the Charter, which state that the data submitted under Chapter XI is for information purposes. On this latter ground, the delegations concerned were opposed to a middle course suggested in a Secretariat working paper which proposed the establishment of an *ad hoc* Committee of experts (with which would be associated representatives of the interested specialized agencies such as FAO, ILO, UNESCO, &c.) to study the information.

The United Kingdom, and other countries immediately interested, favoured entrusting the consideration of the information to the Secretariat at least for the next year, leaving it to the 1947 session of the General Assembly to determine, in the light of experience, whether anything further was required. They questioned the usefulness of a special examination of the information, pointing out that the economic and social problems with which non-self-governing territories are faced do not spring from the fact that they are non-self-governing (which is a purely political consideration), but are due to geographical and other factors. Such problems ought properly to be examined as a whole—not sectionally.

These views found expression in various conflicting resolutions and amendments. The sub-committee eventually agreed that it would be sufficient if the Secretary-General were to analyse and classify the information, but the full Committee set this aside and adopted instead a text based on an amendment introduced by Cuba inviting the convocation, some weeks before the opening of the second session of the General Assembly, of an *ad hoc* Committee comprising equal numbers of administering and non-administering Governments in order to examine the analysis of information to be made by the Secretary-General, and to make “recommendations to the General Assembly regarding the procedure to be followed in the future and the means of ensuring that the advice, expert knowledge, and experience of the specialized agencies are used to best advantage.”

Several delegations emphasized their hope that the information would be dealt with in such a way as to foster the advancement of the peoples concerned towards self-government or independence.

The resolution also covered the question of the intervals at which the information should be required. The Charter provides for it to be transmitted regularly, but owing to the difficulty of fixing upon a specific date or period which would meet the convenience of all the interested States, it was decided merely that States should be invited to submit, by 30 June each year, the most recent information at their disposal.

In the General Assembly the two sections of the resolution were voted separately. That relating to the time of transmission of the information was adopted by a vote of 41 for, 10 against, and 4 abstentions, New Zealand voting with the majority.

The second portion also was adopted, by a vote of 28 for, 5 against, and 7 abstentions. After several of the administering Powers, particularly France and the United Kingdom, had expressed their strong conviction that the establishment of an *ad hoc* Committee to consider this information was quite unconstitutional. New Zealand having supported in the sub-committee and full Committee the proposal that the examination should be carried out, in the first instance at least, by the Secretariat, recorded an abstention in the Assembly. The same attitude was taken when the resolution as a whole was put to the vote, and adopted by 27 for, 7 against, and 13 abstentions.

The Committee subsequently appointed by the General Assembly comprises the following States :—

(a) States administering non-self-governing territories—

Australia.	Netherlands.
Belgium.	New Zealand.
Denmark.	United Kingdom.
France.	United States of America.

(b) States not administering such territories—

Brazil.	India.
China.	Philippine Republic.
Cuba.	Uruguay.
Egypt.	Soviet Union.

South-west Africa

At the first part of the first session of the General Assembly held in London, declarations of intention to place territories under trusteeship were made in respect of all the former mandated territories except Palestine (including Transjordan), the Japanese mandates in the North Pacific, and South-west Africa. In the case of the last-mentioned, Field Marshal Smuts had indicated that it was the desire of the inhabitants of South-west Africa to be incorporated with the Union. He was pressed, notably by the leader of the New Zealand delegation (Rt Hon. P. Fraser), to bring the territory under the trusteeship system so that if

incorporation took place it could do so under the ægis of the United Nations. The South African delegation, while not agreeing to this course, nevertheless indicated their intention of recognizing the interest and concern of the United Nations by bringing the matter of incorporation before the second part of the General Assembly. This they did in the form of a statement of the result of their consultations with the inhabitants of South-west Africa on the question of the future status of the territory, which indicated that the European population desire incorporation, while, of a total Native population of some 300,000, 209,000 were in favour of incorporation, 33,000 were against, and the balance of 57,000 could not be consulted because of the scattered distribution of the population.

The debate in the Trusteeship Committee revealed that, with one exception, there was no delegation unreservedly in favour of incorporation on the basis of the data submitted to the Assembly ; many delegations, in fact, expressed themselves strongly against what they regarded as annexation, even though at that stage the data had not been examined in detail, and even though the South African Government pointed out that they were not asking for annexation, but were submitting a statement of the views of the inhabitants of the territory.

The issue which confronted the sub-committee, therefore, was not one of discovering what the verdict of the General Assembly would be but in what terms it would be expressed. The most active opponents of incorporation were the delegations of India and the Soviet Union. The first-mentioned submitted a short resolution which merely called upon South Africa to submit a trusteeship agreement in respect of the territory. The Soviet Union proposed a resolution which rejected outright the possibility of incorporation, advanced the theory that, owing to the backward state of the inhabitants, they were incapable of knowing their minds on the question, and stipulated that it was obligatory on South Africa to submit a trusteeship agreement for the territory. A similar resolution was put forward by Cuba. These were balanced by a resolution proposed by the United States which asked the General Assembly to state that the evidence available was not considered sufficient to justify action in favour of incorporation, expressed the hope that satisfactory arrangements in regard to the future of the territory would be made by the South African Government in consultation with the United Nations, and invited attention again to the possibility of a trusteeship agreement being submitted. The Indian delegation subsequently withdrew their resolution in favour of a joint resolution with Cuba, very similar in its terms to the Soviet draft.

All the resolutions aimed, in effect, at the one result—namely, to ask the South African Government to consider again the question of trusteeship—but a number of delegations found the Soviet and joint Cuban-Indian resolutions unacceptable on grounds which were first expressed by the delegate of the United States—namely, that they did not consider there was no other solution to the future of mandated

territories than trusteeship. The United States pointed to the case of Transjordan which had become independent, and contended also that the principle of self-determination would allow incorporation with another State as a means of securing self-government, or independence, if the United Nations were satisfied that the inhabitants desired it. In the second place, it served no purpose, in the view of the United States delegation, that resolutions should be couched in discourteous terms when they could equally well, and with advantage to the organization, be couched in courteous language.

The New Zealand delegate (Mr G. R. Laking) stated that, while the New Zealand delegation did not wish to express an opinion on the merits of the case for incorporation, they nevertheless favoured the United States resolution on the second ground advanced by the United States delegation—namely, that the prestige of the United Nations would not be enhanced by provocative resolutions which could not contribute in practice to a solution of the problem. New Zealand also found unacceptable the contention that consultations with Native peoples could not be effective unless they were conducted by means appropriate to a community capable of self-government. New Zealand had always understood the reference in the Charter to the “freely-expressed wishes of the peoples concerned” to involve consultation with them at every point in their development.

The Soviet resolution was rejected by the sub-committee by 2 votes to 12, with 5 abstentions, and the joint Indian-Cuban resolution by 6 votes to 11, with 2 abstentions. New Zealand voted against in each case.

The United States resolution was adopted by 12 votes to 6 with 1 abstention. New Zealand voted with the majority.

In this instance again the recommendation of the sub-committee was unacceptable to the full Committee. By 17 votes to 15 it adopted in its place a draft resolution introduced by India in much the same terms as the original Soviet proposal. The Indian resolution, while commending the Union Government for presenting the matter to the United Nations, held that the incorporation of territories is not provided for by the Charter, and that the Native inhabitants of South-west Africa have not sufficiently progressed politically to be able to express their considered opinion on such an important question, rejected any solution involving incorporation in the Union, and recommended that the Government of South Africa be requested to submit to the General Assembly a trusteeship agreement for the territory. New Zealand voted against this change on the grounds advanced in the sub-committee.

When the report of the Committee came before the General Assembly a new resolution, sponsored by Denmark, India, and the United States, was proposed by way of an amendment to the Rapporteur's report. Beyond a few modifications of the text in the direction of removing some of the provocative language, this new proposal did not differ in substance from the Indian resolution approved by the Committee. Before it was

voted upon the South African representative referred again to the difficult situation in which his Government would be placed in having to report back to the inhabitants of the territory that the United Nations did not consider them able to form an opinion on the question of their future status. He indicated further that while his Government would report the outcome of the Assembly's deliberations to the inhabitants, they would for the rest necessarily reserve their position.

The resolution was treated as an important matter requiring a two-thirds majority, and was adopted by a vote of 37 for, none against, and 9 abstentions. New Zealand recorded an abstention.

Philippine Proposal for Conference of Non-self-governing Peoples

The Philippine proposal for a conference of non-self-governing peoples (as distinct from the Governments of non-self-governing territories) was referred simultaneously to the Fourth (Trusteeship) and Sixth (Legal) Committees. Reference to the Sixth Committee was based on the views held by a number of delegations that it would not be in conformity with the Charter for the United Nations to call such a Conference, and that if it were, the Philippine proposal that this should be done by the Economic and Social Council went beyond the functions of the Council.

The sub-committee rejected a proposal for a joint meeting with Committee VI and decided to defer consideration of the general policy involved in the resolution until the findings of the latter Committee on the legal issues were available.

In the course of the discussion in Committee VI the Philippines withdrew their original proposal and substituted a modified resolution, which merely drew attention to the development of regional commissions, particularly the Caribbean Commission, as a means of assisting non-self-governing peoples to realize the objectives of the Charter. This was returned from the Legal Committee with a statement that there was nothing in the modified text contrary to the terms of the Charter.

Several of the delegates in the sub-committee were obviously disappointed at the material changes which had been made in the resolution, and the debate tended to centre round the original proposal rather than that which was actually before the sub-committee. A number of amendments, some of which were designed to bring the text back to the original proposal and others merely to improve the wording of the substituted text, were suggested, but in the result none was adopted. Both in the Legal Committee and in the sub-committee of Committee IV the delegate of France expressed strong objection to what he regarded as the unconstitutional way in which the matter had been handled. In the Legal Committee he based his objection on two grounds—(1) that the Philippine proposal was not on the original agenda for the session, and, not being of an urgent nature, should not have been included after the session commenced; (2) that the original proposal had been referred to the Legal Committee because of strong doubts as to whether it was in

accordance with the Charter, and that the substituted text was not properly before either the Legal or the Trusteeship Committee.

The New Zealand delegate (Mr G. R. Laking) stated that the general object of the Philippine proposal—namely, to foster the development of non-self-governing peoples—was one with which New Zealand had every sympathy, and the value of regional commissions as one means of attaining this objective was recognized. The New Zealand Government had associated themselves with the Government of Australia in the calling of a Conference to establish just such a commission in the South Pacific. He drew attention to a certain confusion which appeared to exist in the minds of delegates as to the exact nature and purpose of these commissions, pointing out that, although they should serve a very useful purpose in promoting the development of non-self-governing peoples by enabling them through their constitutional bodies to associate together, the Commissions were not directly concerned with political matters, but rather with social, economic, and educational development. He said that New Zealand proposed to vote in favour of the substituted Philippine proposal, which was eventually adopted by the sub-committee by a vote of 9 for, 3 against, with 6 abstentions.

For the third time the full Committee rejected a recommendation of the sub-committee. On the motion of a text introduced by the Soviet delegation, and by a vote of 16 to 12 (New Zealand voting with the minority), the Committee deleted a proposed reference to the good work done by the Caribbean Commission on the ground that the Commission was “not known” to the United Nations, and inserted a new paragraph recommending that the Economic and Social Council “together with the administering authorities” should organize the convening of a Regional Conference of representatives of such territories. Though the reference was to territories as such there was no doubt that a number of delegates were ignorant of the very considerable extent of legislative representation which already exists constitutionally in almost all of these territories, and that they hoped for conferences of individual people from the territories. In view of the plain inference that a constitutional Government should surrender some degree of control of its own affairs, the New Zealand delegation found it necessary to vote against the amended proposal. The representatives of the United States, United Kingdom, Australia, New Zealand, South Africa, Belgium, France, Denmark, and the Netherlands (all of whom had voted against the proposal) made declarations following the vote that no resolution can be accepted as affecting the sovereign rights of the administering States.

The report of the Fourth Committee on this subject provoked a long debate in the General Assembly. On the one side there were strong pleas by the delegates of India, the Philippines, and others that the fundamental rights of non-self-governing peoples, including their right to express their desires and aspirations on political matters, should be given full recognition. On the other hand, the administering States, all of which subscribed whole-heartedly to this principle, nevertheless saw in

the proposed resolution a very great danger that the United Nations was being asked to foster the attainment of these aims by unconstitutional rather than constitutional means.

The delegates of the United States pointed out that the chapters of the Charter relating to non-self-governing territories placed such territories for the purpose of the United Nations into two distinct categories. The first included territories under trusteeship in respect of which the United Nations had a duty of supervision. The second comprised all other non-self-governing territories in respect of which States members of the United Nations had accepted a unilateral obligation to apply certain principles of administration, but without ascribing any supervisory function to the United Nations. The provisions of the Charter in this regard depend in the last resort for their effectiveness upon the co-operation of participating Governments, who have not undertaken to share their authority with the General Assembly.

In due course it was recognized that there was no dissent on the part of any delegation from the general purport of the resolution. The issue was to find a proper means of giving expression to it.

Several amendments to the Committee's proposal were put forward from the floor of the Assembly. That which was eventually put to the vote and adopted was an amendment which had been suggested in Committee by the Cuban delegation. It provided for the deletion of the proposal that the Economic and Social Council should organize a conference, in favour of a recommendation to "members having or assuming responsibilities for the administration of non-self-governing territories" that they should "convene conferences of representatives of non-self-governing peoples chosen or preferably elected in such a way that the representation of the people will be ensured to the extent that the particular conditions of the territory concerned permit, in order that the letter and spirit of Chapter XI of the Charter may be accomplished and that the wishes and aspirations of the non-self-governing peoples may be expressed." This amendment was adopted by a vote of 23 for, 14 against, 17 abstentions, New Zealand voting with the majority.

The resolution as a whole was then put and adopted by a vote of 31 for, 1 against, 21 abstentions, New Zealand voting again with the majority.

General observations

There was at this Assembly a noticeable tendency on the part of a number of delegations whose Governments are not responsible for the administration of dependent territories to regard such administration as necessarily suspect, and to call for early and immediate changes, and the approach of many delegations to the whole question seemed to be more on a basis of very natural, but rather superficial, emotion than of the actual circumstances of the territories under discussion. There was a

marked, indeed a remarkable, absence of any acknowledgment that both in former mandated territories and in other non-self-governing areas there is a considerable, and rapidly expanding, measure of local self-government already existing, or any recognition of the work, much of it admirable, that has been and is being done by those countries which have accepted, and often at considerable cost to themselves, the heavy task of assisting a backward people towards independence. While the administration of trust territories will have to justify itself, and properly so, before the Trusteeship Council, the Council, which carries such a heavy responsibility, will also have to justify itself, and particularly so in the trust territories themselves. Much will depend not only upon the devotion of the Council to its task, but upon the sense of responsibility with which it approaches the fundamental and intricate problems of human relations with which it will be concerned.

X. FIFTH COMMITTEE : ADMINISTRATIVE AND BUDGETARY QUESTIONS

Chairman M. FARIS AL-KHOURY (Syria)

Vice-Chairman Dr ALES BEBLER (Yugoslavia)

Rapporteur Mr THANASSIS AGHNIDES (Greece)

New Zealand Representatives

Mr J. V. WILSON

Mr C. G. R. MCKAY

Mr C. K. WEBSTER

Date of the Regular Annual Session of the General Assembly

A compromise proposal to amend Rule 1 of the Provisional Rules of Procedure was adopted to the effect that the General Assembly shall meet every year in regular session commencing on the third Tuesday in September.

Simultaneous Interpretation System

In general, agreement was reached that, during general debate, simultaneous interpretation permits a great economy of time, but when the deliberations enter the phase of drafting and precise decisions the successive interpretation method is preferable. It was therefore decided that the present system of telephonic simultaneous interpretation should be continued in certain committee and sub-committee rooms, and that the Advisory Committee on Administrative and Budgetary Questions should also consider the advisability from a budgetary point of view of installing a wireless system of simultaneous interpretation in preference to the present equipment.

Taxation Equalization

After review of the decisions and recommendations taken by the General Assembly at the first part of its first session and extensive discussion of the principles involved in immunity from taxation, the Committee agreed to recommend the adoption by the General Assembly of a resolution urging that members take early action in exempting from taxation salaries and allowances paid out of the budget of the United Nations.

Consideration was also given to the suggestion that the Secretariat should be subject to some form of contribution in lieu of taxation by members, and that the provision of such a plan would facilitate the approval by many national Governments of tax immunity for their nationals serving on the United Nations staff. It was decided that the question of a staff contributions plan be referred to the Advisory Committee, which may request the Secretary-General to submit new proposals to the next regular session of the General Assembly.

The delegation of the United States of America asked that it be recorded that the United States had abstained from all votes on these questions feeling that it had no right to participate until the United States Congress had decided whether it would accept the principle of tax-exemption. It was expected that the question would be raised in the Senate in the next few months. The New Zealand delegation also abstained from voting.

In order, however, to achieve, so far as practicable, the equality among personnel expressly desired by the General Assembly, the Secretary-General, as authorized at the first part of the first session in London, will continue to reimburse staff members who are required to pay taxation on salaries and wages received from the Organization.

Expenses of Members of Commissions of the Economic and Social Council

The Fifth Committee considered it important to equalize the opportunities of members of the United Nations to participate in the work and activities of the Commissions of the Economic and Social Council and to ensure the most effective co-operation of the members in the fulfilment of the aims of the United Nations. A resolution, adopted later by the Assembly, was therefore passed as follows :—

“ The actual travelling-expenses of members of Commissions and sub-commissions of the Economic and Social Council to and from meetings of the Commissions or sub-commissions and actual expenses for travel on business of the Commissions or sub-commissions shall be borne by the budget of the United Nations. The maximum travelling-allowances to and from meetings of each Commission or sub-commission shall be restricted to the equivalent of first-class accommodation by recognized public transport via the approved route from the capital city of each member to the place where the Commission or sub-commission is meeting, and shall not include the

payment of subsistence except where this is included as an integral part of the regular posted schedule for first-class accommodation for recognized public transport. Actual travelling-expenses shall be reimbursed to each member by means of an adjustment in the member's annual contribution."

Transfer of the Assets of the League of Nations to the United Nations

The "Common Plan" for the transfer of assets of the League of Nations, approved by the General Assembly of the United Nations on 12 February, 1946, and by the Assembly of the League of Nations on 18 April, 1946, provided, *inter alia*, for the transfer to the United Nations of the buildings and properties of the League of Nations in Geneva.

Several delegations, in particular those of the Soviet Union, Brazil, and Chile, submitted representations that their Governments were entitled to participation in the total credit accruing from the transfer of the assets of the League of Nations to the United Nations. The Committee considered these representations in relation to the scheme drawn up for the distribution of this credit pursuant to the resolution of the General Assembly approving the Common Plan. It was eventually decided, after considerable discussion whether the matter was *ultra vires* the Fifth Committee, to include the following in the Rapporteur's report :—

"Those member States who are former members of the League of Nations and are entitled under the Common Plan to share in the credit, should, when their share has been established, consult together to consider an arrangement under which all former members of the League of Nations non-members of the United Nations could be allocated a share in the credit on a basis comparable with that applicable to members of the League of Nations entitled to share in the credit of the present League of Nations scheme of distribution. The Committee took note of the intention to arrange for such discussion before the General Assembly has to take decisions under paragraph 1 (b) of the Common Plan."

Appointment of External Auditors

The General Assembly approved of a decision to appoint the Auditors-General of the Ukrainian Soviet Socialist Republic, Sweden, and Canada as external auditors of the accounts of the United Nations and of the International Court of Justice. These Auditors, whose terms of appointment vary from one to three years, shall constitute the Board of Auditors and may engage commercial public auditors of international repute to conduct the audit in such manner as it thinks fit.

Appointments to Committees

On the proposal of the Fifth Committee, the Assembly declared the following persons to be elected as members of the Advisory Committee on Administrative and Budgetary Questions :—

Mr THANASSIS AGHNIDES (*Greece*).

Mr ANDRE GANEM (*France*).

Mr C. L. HSIA (*China*).

Mr VALENTIN KABUSHKO (*Union of Soviet Socialist Republics*).

Mr S. K. KIRPALANI (*India*).

Mr OLYNTHO MACHADO (*Brazil*).

Mr G. MARTINEZ CABANAS (*Mexico*).

Sir WILLIAM MATTHEWS (*United Kingdom*).

Mr DONALD C. STONE (*United States of America*).

Of these nine persons, Mr O. Machado, Sir William Matthews, and Mr D. C. Stone were elected for a three-year term ; Mr Thanassis Agnides, Mr C. L. Hsia, and Mr Valentin Kabushko were elected for a two-year term, and the remainder for a one-year term.

On the proposal of the Fifth Committee, the Assembly elected the following persons, for a three-year term, to fill vacancies in the Committee on Contributions :—

Mr K. V. DZUNG (*China*).

Mr JAN PAPANEK (*Czechoslovakia*).

Mr. JAMES E. WEBB (*U.S.A.*).

Working Capital Fund

At the first part of the first regular session the General Assembly established a Working Capital Fund of \$25,000,000 to meet expenditures of the provisional budget for 1946 and to provide adequate cash reserves against the receipt of contributions of members who may be unable to remit their contributions when requested owing to legislative delays or other financial impediments.

At the second part of the first session it was agreed that a Working Capital Fund is essential to provide for the delay in receipt of contributions, and, after discussion of the amount necessary, a compromise figure of \$20,000,000 was approved. It was further decided that the advances to the Working Capital Fund should be in accordance with the scale adopted by the General Assembly for contributions of members to the second annual budget. New Zealand's proportion, which had been provisionally assessed in London at 0.994 per cent., is thus fixed at 0.50 per cent. (\$100,000).

Budgets for 1946 and 1947

The Budgets for 1946 and 1947 were finally approved at the figures of \$19,390,000 and \$27,740,000 respectively. The principal increases in the 1947 figures are expenses of personnel services, \$7,500,000 ; contributions

to provisional staff retirement fund, \$2,300,000; and expenses of common services, \$1,600,000, mainly owing to provision not having to be made for a complete year's salaries and the cost of allied activities in 1946. The greatest concern was expressed that some members may not be able, as the result of financial stringency, to continue membership, and it was stressed by the United States representative that the question of finance was no less important from the point of view of unanimity amongst members than that of the veto or other such controversial subjects. "The United Nations must not become a Rich Men's Club," said Senator Vandenburg. Every effort was accordingly made to see where economies could be effected, and the New Zealand representative supported various motions for a reduction of the estimates.

Typical, however, of the difficulties encountered in reduction of the estimates is the item Personnel Services, which accounts for approximately 50 per cent. of the total budget. Most members, including New Zealand, protested that insufficient representation had been accorded to their nationals in the Secretariat, and as a result of the decision to adjust national distribution in the future large amounts are necessary to meet travelling allowances and expenses, as well as location allowances to meet the high cost of living in the United States.

Committee on Contributions

At the meeting of the General Assembly held in London a Committee was constituted to prepare a detailed scale of the apportionment of expenses for consideration at the second part of the first regular session, and the principle was established that the expenses of the United Nations were to be apportioned broadly according to capacity to pay. In its report the Committee proposed that the United States Government's proportion should be 49·89 per cent. (New Zealand, 0·45 per cent.). The United States representative protested against this assessment as wrong in itself and as inimical to any effective application of the theory of sovereign equality. He proposed a ceiling of, perhaps, 25 per cent., which, owing to temporary post-war conditions, might be raised to 33½ per cent.

The United States Government eventually agreed to an assessment of 39·89 per cent. of the budgets for 1946 and 1947, with the reservation that "under no circumstances do we consent that, under normal conditions, any one nation should pay more than 33½ per cent. in an organization of sovereign equals."

New Zealand's proportionate share of the budgets for 1946 and 1947 has been assessed at 0·52 per cent. and 0·50 per cent. respectively: (\$100,828 and \$138,700).

The General Assembly decided that the scale of assessments should be reviewed by the Committee on Contributions in 1947, and that a report should be submitted by the Committee for the consideration of the General Assembly at the session to be held in September, 1947.

Budgetary and Financial Relationships with Specialized Agencies

The New Zealand representative spoke strongly in favour of the desirability of the budgets of the specialized agencies being submitted to the General Assembly for the purpose of common fiscal control.

The Secretary-General was requested, in consultation with the Advisory Committee, to continue to explore with the specialized agencies the question of presenting the several budgets to the General Assembly for approval.

The provisional administrative and operational budgets proposed by the Committee on the Finances of the proposed International Refugee Organization were also approved. The provisional budget for the first financial year amounts to \$4,800,000 for administrative expenses, \$151,060,500 for operational expenses (except for large-scale resettlement expenses), and \$5,000,000 for large-scale resettlement expenses.

Membership of the International Refugee Organization is voluntary, but a provisional scale of contributions has been assessed on the assumption that all the members of the United Nations will become members. It would appear, however, to be improbable that all members of the United Nations will join the organization. New Zealand's provisional assessment is: administrative budget, 0.50 per cent. (\$24,000); operational budget (except for large-scale resettlement expenses), 0.44 per cent. (\$664,666). Contribution to the budget for large-scale resettlement is on a voluntary basis. The New Zealand representative abstained from voting on the provisional contributions assessment, which was approved by 9 votes to 7.

Organization of the Secretariat

On 15 October, 1946, the Secretariat numbered 2,992, of whom 1,611 were of United States nationality; New Zealand had 2 officers, and 12 member nations had no representation. Criticism was made that insufficient attention had been accorded to paragraph 3 of Article 101 of the Charter—viz., "Due regard shall be paid to the importance of recruiting the staff on as wide a geographical basis as possible."

The Secretary-General explained that the over-riding necessity was to get a working Secretariat which could operate at once and service the Councils and Commissions which started to function as soon as the United Nations moved to New York. Sufficient permanent appointments had deliberately been kept in hand to enable adjustment over the next two years of those factors to which it had not been possible to pay sufficient attention at the outset—*e.g.*, geographical distribution, age-distribution, competitive recruitment.

Branch Offices

It is proposed to establish at least two offices away from headquarters to serve as centres for distribution of information about United Nations activities, and to assist in arranging for and conducting conferences in those areas. The offices may also be used in the recruitment of personnel for the Secretariat. One of the offices will be at Geneva and another will be located, at a place to be later decided, in the Pacific Area.

XI. SIXTH COMMITTEE: LEGAL QUESTIONS

Chairman Dr ROBERTO JIMENEZ (*Panama*)

Vice-Chairman Hon. Mr PER FEDERSPIEL (*Denmark*)

Rapporteur Professor K. H. BAILEY (*Australia*)

New Zealand Representatives

Sir CARL BERENDSEN

Mr T. O. W. BREBNER

Mr G. R. LAKING

Mr C. K. WEBSTER

The Committee was confronted initially with an agenda of eighteen items. Ten, of varying degrees of importance and interest, were for consideration in all their aspects by Committee VI alone. Subsequently, the General Assembly added to this category a draft resolution proposing a study by the Economic and Social Council of the Crime of Genocide.

Of the remaining items, two, relating respectively to the administration of the International Court of Justice and the use of the Peace Palace at the Hague, were referred to a Joint Fifth and Sixth Committee. One, relating to the treatment of Indians in South Africa, was referred to a Joint First and Sixth Committee and is dealt with under the heading of Committee I; the remaining five were primarily for consideration by other Committees, Committee VI being asked to examine their legal aspects only. It has been found convenient to deal with these last five items under the headings of the Committees particularly concerned, viz. :—

Joint Second and Third Committee

Consideration and approval of agreements concluded with specialized agencies.

Report of the Economic and Social Council, and report of the Secretary-General on the transfer of certain functions and activities of the League of Nations.

Committee III

Report of the Economic and Social Council on the assumption of functions and powers previously exercised by the League of Nations under various International Conventions on Narcotic Drugs.

Committee V

Report of the Secretary-General on the Organization and Administration of the Secretariat.

Amendment to the provisional Rules of Procedure to change the date of the regular annual session of the General Assembly.

During the course of the session yet another item was referred to the Sixth Committee simultaneously with the Fourth Committee—viz., a resolution submitted by the Philippine delegation proposing that the Economic and Social Council should convene a Conference of non-self-governing peoples. This is covered by the report of Committee IV.

Official Emblem

The General Assembly unanimously adopted a resolution proposed by Committee VI approving the design of an official seal and emblem¹ and recommending that member Governments should take action as soon as possible to prevent the use without authorization by the Secretary-General of the United Nations, and in particular for commercial purposes, of the emblem, official seal, and name of the United Nations.

Progressive Codification of International Law

On the recommendation of the Legal Committee the General Assembly resolved to establish a Committee of sixteen members of the United Nations for the purpose of studying the methods by which the General Assembly should encourage the progressive development of international law and its eventual codification. The Committee was of opinion that a study of method was necessary before the General Assembly attempted to formulate any definite plan for the progressive development and codification of international law. Experience gained in past efforts indicates that a fresh approach to the problem may be necessary.

In considering this question the Committee took into account a proposal by the United States delegation that priority should be given to plans for the formulation of the principles of the Charter of the Nuremberg Tribunal and the judgment of that Tribunal in the context of a general codification of offences against the peace or security of mankind or of an international criminal code.

¹ Reproduced on page 3.

The General Assembly accordingly adopted a subsidiary resolution taking note of the agreement for the establishment of an International Military Tribunal for the prosecution and punishment of the major war criminals of the European Axis signed in London on 8 August, 1945, and of the Charter annexed thereto, and of the fact that similar principles have been adopted in the Charter of the International Military Tribunal for the trial of major war criminals in the Far East proclaimed at Tokyo on 19 January, 1946. The resolution further affirms the principles of International law recognized by the Charter of the Nuremberg Tribunal and the judgment of the Tribunal, and directs the Committee on the Codification of International Law in the manner desired by the Legal Committee.

The Crime of Genocide

A draft resolution, submitted by the delegations of Cuba, India, and Panama, drawing attention of the Economic and Social Council to the crime of genocide and inviting the Council to study this problem with a view to declaring genocide an "international crime," was examined by the Committee.

The resolution proposed by the Committee for adoption by the General Assembly defines the crime of genocide as a "denial of the right of existence of entire human groups, as homicide is the denial of the right to live of individual human beings ; such denial of the right of existence shocks the conscience of mankind, results in great loss to humanity in the form of cultural and other contributions represented by those human groups, and is contrary to moral law and to the spirit and aims of the United Nations."

The resolution further affirms that genocide is a crime under international law which the civilized world condemns, invites member States to enact the necessary legislation for the prevention and punishment of this crime, and requests the Economic and Social Council to undertake the necessary studies with a view to drawing up a draft convention on the crime of genocide to be submitted to the next regular session of the General Assembly.

Other Matters

Decisions were also taken on the following matters :—

1. The granting of appropriate immunities and privileges to judges and staff officials, &c., of the International Court of Justice.
2. The establishment of regulations to give effect to Article 102 of the Charter regarding registration of treaties.
3. Authorization of the Economic and Social Council to request advisory opinions of the International Court of Justice.

4. Approval of interim arrangements on privileges and immunities of the United Nations concluded with the Swiss Federal Government.

5. Provision for the conclusion of arrangements required as a result of the establishment of the seat of the United Nations in the United States of America.

6. Determination of conditions on which Switzerland, which is not a member of the United Nations, may become a party to the Statute of the International Court of Justice.

7. An invitation to member Governments to accede as early as possible to the Convention on Privileges and Immunities of the United Nations.

8. Terms of office of members of Councils.

9. Interpretation of Articles XI and XII of Statute of International Court of Justice.

All recommendations made by the Sixth Committee were approved by the General Assembly.

XII. PERMANENT HEADQUARTERS COMMITTEE

Chairman Dr EDUARDO ZULETA ANGEL (*Colombia*)

Vice-Chairman Mr L. D. WILGRESS (*Canada*)

Rapporteur Mr NASROLLAH ENTEZAM (*Iran*)

New Zealand Representative

Hon. D. WILSON

Consideration of the site for the Permanent Headquarters of the United Nations was involved and confused. In view of the decision that the site was to be located in the United States, the views of the United States delegation as to its exact location in this country were obviously of primary importance. Generally speaking, all delegations were anxious to assist the United States in this matter, but the fact that the views in this connection expressed by the United States delegation varied from time to time, with the additional complications of new and pressing claims in various quarters and shortage of time, made the task of this Committee both complicated and difficult.

At the first meeting on 7 November consideration was given to the report of the Headquarters Commission which recommended three sites in the New York area, and a film was shown which gave actual views of the sites and, by means of graphs, gave explanations of the various factors that had to be taken into consideration. The delegation

of the United States, which up to this point had maintained strict neutrality, proposed that a sub-committee be set up to study all aspects of establishment of the headquarters not only at the sites reported upon, but also other New York sites and San Francisco. This resolution, as subsequently amended to include other sites at Boston and Philadelphia, was approved. The sub-committee eventually visited these places and reported back to the Committee on 4 December. In their report they stated that the Presidio site at San Francisco and the free gift of land at Philadelphia were equal in merit, and that the Westchester site in the New York area was next in order of preference. Mr D. Wilson explained the New Zealand attitude to the effect that, notwithstanding the fact that, from a purely selfish point of view, it would suit New Zealand better if the headquarters were at San Francisco, the New Zealand delegation would support the Headquarters being situated on the eastern coast of the United States because it would be in the best interests of the United Nations as a world organization and much more convenient for the vast majority of member nations. He suggested that Philadelphia would best meet every requirement.

The Soviet delegation strongly opposed going to the west coast, and stated that if that decision was arrived at it was possible that the Soviet Union would not send delegates.

At the next meeting the United States delegation informed the Committee that they were not in favour of the Pacific coast, but considered that the headquarters should be on the east coast, and proposed that a vote be first taken between the east and west coasts. Subsequently, the United States delegation indicated that new sites were on offer from Boston, New York, and other places, and moved that the choice of site be deferred until the next session of the General Assembly. The New Zealand delegate opposed this, urging the need for an early decision, and was supported by the United Kingdom, India, and other delegations.

On 11 December, while further consideration was being given to this United States suggestion, the United States delegate announced that Mr John D. Rockefeller, Jr., was prepared to make a gift of \$8,500,000 for the purchase of about 18 acres of land and buildings situated in Manhattan, New York City, between the East River and First Avenue between 42nd and 48th Streets, for the purpose of erecting skyscraper buildings which would house all the headquarters officers of the United Nations. While some serious doubts were held whether a decision on such a vital matter as the headquarters of the United Nations should properly be influenced by a private donation, however munificent, and whether a "skyscraper" world capital could possess the advantages of a more spacious area, it was generally agreed that the proposal had obvious merits, and on 12 December it was finally agreed that this offer should be accepted, the voting being 33 for, 7 against, and 6 abstentions. The

proposal was supported by New Zealand after satisfactory answers had been given to questions whether the site was large enough for present and future needs, and whether the cost was not likely to be more than would be the case if the headquarters were erected in Philadelphia or elsewhere.

The recommendation of the Headquarters Committee was endorsed by the General Assembly on 14 December, against the opposition of the Arab bloc and Australia, the voting being 46 in favour and 7 against.

A proposal by the Ukrainian delegation that the next meeting of the General Assembly should be held in Europe was promptly and properly rejected by the Assembly. It was generally felt that, having decided upon the United States as the site of the headquarters of the United Nations, it would obviously be unwise to hold meetings elsewhere, even as a temporary measure; a most important factor in the decision was the very heavy additional cost that would have been involved in transporting staff and equipment to Europe.

APPENDIX

Extracts from the Speech delivered by Sir Carl Berendsen, Chairman of the New Zealand Delegation, at the Plenary Meeting of the Assembly held on 28 October, 1946

TRUSTEESHIP

My country is particularly interested in the question of trusteeship, not only because we have, for thirty-two years, been responsible for the Mandated Territory of Western Samoa, but also because of our long and increasingly happy association with our own indigenous fellow-citizens, the Maoris, whom we greatly respect and admire. We can, I think, take some considerable measure of satisfaction in the knowledge that all the Polynesian peoples for whom we are responsible are increasing rapidly in numbers, and this fact is not without its evidentiary value as a test of successful administration.

Following upon the undertaking given at the first part of the session, the New Zealand Government—the first of all, I believe, publicly to announce its intention to transfer an existing mandate to the new trusteeship system—have prepared a draft trusteeship agreement for consideration by the Assembly. The agreement fulfils, in our view, the conditions of the Charter, and we therefore hope that it will be accepted. In the meantime we wish to stress two conditions which seem to us important to the success of the trusteeship system.

Firstly, we look forward to a healthy development of the practice—what may be called the “jurisprudence”—of the Trusteeship Council. We expect more good of this than of the most careful and complete elaboration of the trusteeship agreements. New Zealand gladly pledges its best co-operation with the Trusteeship Council in the discharge of the Council’s important responsibilities.

Secondly, certain aspects of the earlier discussions on trusteeship justify us in reminding the Assembly that the main object of the trusteeship system is the welfare of the inhabitants of the trust territories. The system has not, it is true, been devised in the interests of the administering authority. But neither has it been devised in the interests of the other members of the United Nations, or as a stick with which to belabour those powers who have, often at substantial cost to themselves, and with a general and encouraging honesty of purpose which is too often misrepresented, undertaken the lengthy and laborious task of assisting and guiding the development of a backward people in their progress towards enlightened self-Government. In the discharge of their trusteeship responsibilities the New Zealand Government, one of the earliest advocates of the system, will make the welfare of the inhabitants their central concern. It is with this intention that we shall open our administration to the inspection of the United Nations in accordance with the terms of the agreement, regarding them not as our judges, but as welcome fellow-workers.

ATOMIC ENERGY

We are gratified that the Atomic Energy Commission began its work promptly, and we hope that it will be able to proceed, as invited by the Assembly, with the utmost despatch.

The main issue, so far as the possibilities of international agreement are concerned, is already perfectly clear. At the present moment one State only is in possession of stocks of atomic bombs and a knowledge of the full process of manufacture. That State offers to forego its enormous advantage on certain conditions. These conditions, and especially the right of international inspection, are by no means negligible, but are they unreasonable? The New Zealand Government think not. Indeed, we feel it incumbent upon the Assembly to acknowledge as a notable act of international co-operation the offer, albeit conditional, of the United States of America to forego its advantage.

Though it is unnecessary to debate constitutional problems at the present stage, it is clear that no method of inspection or control can be considered effective which requires at every point the positive assent of the Security Council. If, therefore, there is to be an international agreement at all, some organ must be empowered to take the necessary technical and administrative decisions without delay. To delegate a sufficient degree of autonomy to the proposed atomic authority to save it from being paralysed by any indecisions of the Security Council, will, we realize, be a difficult matter, but here, of course, is the crux of an effective system of control. But if it can be achieved, we see no reason to deny to the Security Council the right to direct the work of the atomic authority in its security aspects, a right which it undoubtedly possesses under the Charter. Let the Security Council by all means exercise its over-riding powers when it can bring itself to do so in a positive sense. It is not the resolution of the Security Council which is to be feared, but its irresolution. We therefore share the misgivings of those who think that the creation of an entirely independent atomic authority might impair the Security Council's position, and we see no inconsistency between the maintenance of that position and the delegation to the atomic authority of a wide range of powers.

THE VETO: NEW ZEALAND'S RIGHT TO SPEAK

What are the qualifications, the credentials, of New Zealand to speak on this subject? What, indeed, are our rights, and why do we hold that we have not only the right, but the duty, to express our views with clarity and with force?

What, then, are our rights? This right—that we have established in our homeland in the Southern Seas a true Commonwealth of Man, a home of liberty and of freedom, where wealth is more evenly distributed, I believe, than in any other country in the world, where all can live a full and ample life, and all can strive, as all do, to lay the foundations for a still better life for our children and theirs. Have not we, who have so much to lose, a stake in the maintenance of peace, in the prevention of war, which would destroy all that we have done so much to create? This right—that death or mutilation is just as stark and poignant a tragedy in our small country as it is to the people of a larger land. This right—that twice in our time, isolated though we are, we in New Zealand have been involved in tragic war, as the result of events at the opposite ends of the earth, freely and voluntarily pledging our all, in the fight for international liberty and decency which we recognized at once was our fight, too. This right—that in that cause we gave of our best in blood and in treasure. The graves of New Zealanders throughout the whole world who died in defence of our beliefs, are a constant and eternal witness to the fact that our support of the principles that we advocate is not confined to words alone. If blood and tears, anguish and sacrifice, are the price to be paid for our proportionate voice in the world to-day,

then we in New Zealand have paid that price. This right—that the world is unquestionably one world now, that there can be no lasting peace and prosperity in New Zealand unless there is peace and prosperity throughout the world. And our demand for a voice is a modest one. We ask no veto. We ask no predominant or decisive voice. We ask for our proportionate voice in those Councils which will influence the affairs of man as far ahead as we can see—our proportionate voice, no more and no less.

NEED FOR EFFECTIVE SECURITY SYSTEM

I turn now to a more fundamental discussion of the voting-powers of the Security Council and the question of their possible revision. As a country which, at San Francisco, offered emphatic opposition to those provisions, we feel it essential to make our position clear. We dislike the veto as much as ever. We believe that, side by side with a resolute effort to remove economic injustices, there must be provided a completely effective system for the prevention of aggression, not at all to preserve the *status quo*, but certainly to prevent any alteration even of the *status quo* by individual national force. We wish to see established an effective system of collective security under which all contract that aggression against one is aggression against all, and will be met and defeated as such. We believe that nothing short of this can in the long run be permanently effective—an agreement by all the right-thinking peoples of the world that lawless force will always be met and defeated by lawful force whenever, wherever, with whatever justification, for whatever reason and in whatever circumstances individual national force is applied. Such a system, properly and responsibly applied with due regard to economic justice, would, we believe, achieve the desired object. But we also believe that nothing less can be permanently adequate.

PRESENT POSITION

What have we now, in this effort of ours to achieve collective security? We have a system that is not collective and is not security. We have an organization which cannot act against a Great Power—because of the veto. We have an organization which cannot act against a small Power, if that small Power is supported by a Great Power—because of the veto. We have an organization, then, which can act only against a small Power that is not supported by a Great Power. What, then, is it that the world fears? Is it an attack on the peace of the world made by a small Power, not supported by a Great Power? The question is, of course, derisory. If the five Great Powers are all agreed in cases of attempted aggression, then the world has nothing to fear. What we have established, then, is an organization that can be admirably adapted to crush aggression by a small Power, admirably adapted to take action in those circumstances where such an organization as this is almost entirely unnecessary, but largely precluded by reason of the veto from acting in those cases, and in those cases only, where mankind is in danger.

Indeed, I suggest to you that it is entirely essential that, at some time, at some appropriate time and as soon as may be, the nations of the world, and particularly the Great Powers, must consider whether an organization so limited as this can confidently hope to achieve its object. Who ever heard of a Fire Department, each one of five members of which reserves to himself the right to say whether he will go to a fire,

and more, even more, whether the whole Fire Department will attend the fire at all or leave it to range unrestricted. Who ever heard of a Police Department in which each of five members reserves to himself the right to say whether he will take part in repressing crime or, more, whether the whole Police Department will stand aside and allow crime to be committed with impunity. The Great Powers, as well as the small Powers, must be prepared to adventure some capital in this great movement to insure against war. They must be prepared to expend a little of their freedom to run their own affairs to suit themselves. They, as well as the small Powers, must be prepared to accept in such vital matters as these, when the welfare of mankind, and perhaps when the continuation of civilization as we know it, is at stake, to accept third-party judgment, to be guided by the public conscience of the world, and not by their own unrestricted decision. Where success depends on the contribution of all, all must contribute in due proportion. What the Great Powers are attempting to do under this Charter is to have their cake and eat it, too.

ORIGIN OF VETO

Let me remind my colleagues that the veto power was insisted upon by the Five Great Powers in San Francisco, and that it was forced upon the remainder—the marriage of the veto to the Charter was a shotgun wedding. If this matter has been left to the free and untrammelled vote of the delegates to that Conference, it would unquestionably have been defeated, and I venture to add that, were this matter put to the vote of men and women in the street throughout the world, then, indeed, the veto would be blown away in a gale of indignant repudiation. The veto power as it at present exists is not consonant with any law of logic or of morality. At its best it is a stop-gap, an attempt to meet a situation which all agree must be met in some appropriate way. As such it was accepted, and as such it may well be all that we can achieve at the present time. But all will agree that it cannot possibly last indefinitely. It is, in essence, an application of the false and pagan principle that might is right. It is a negation in the international field of those principles of equitable democracy which are so dear to such a large section of mankind. It is an assertion of the indefensible principle that the Great Powers, who admittedly comprise such a large proportion of the world's population, and who admittedly have at their disposal an overwhelmingly predominant proportion of the material resources and the physical force of the world, are at the same time necessarily the repositories of all the wisdom, all the determination, all the devotion that this great cause of peace demands.

WHAT TO DO

It is proper now to ask what, then, can be done about this situation. I do not pretend to know. The Great Powers are obviously not at present convinced of the inequity and the dangers of the veto provision as they exist to-day—indeed, they, or some of them, are convinced of the dangers of any other course. And, by a most remarkable provision in the Charter, insisted upon by the Five Great Powers against widespread opposition, it has been made quite impossible to amend the Charter without the consent of each one of the Five Great Powers. Is it too much to say that by this remarkable provision, combined with the veto, this infant organization has been brought into the world with its hands manacled and its feet fettered.

But there it is. At this stage I think that no person, looking realistically upon the situation to-day, can suggest that it is presently possible to alter the Charter in any material way in this respect, though we are not without hope that some gradual progress can be made perhaps along the lines of the Australian proposal. What further can be done? I suggest at the moment very little. I suggest, indeed, that all that men of goodwill throughout the world can do in present circumstances is to pursue the object in view with unremitting determination and to exercise the utmost patience in the hope and the belief that, in the course of time, and please God before too late, it will be possible to establish a system of collective security which can indeed be relied upon to preserve mankind from the horrors of war, intensified a millionfold as these are by recent scientific inventions.

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