

CHAPTER III

QUESTIONS CONCERNING ASIA AND THE FAR EAST

THE REPRESENTATION OF CHINA IN THE UNITED NATIONS

On 16 September 1963, Albania requested that an item entitled "Restoration of the lawful rights of the People's Republic of China in the United Nations" be included in the agenda of the General Assembly's eighteenth session.

An attached explanatory memorandum stated that for 14 years the principles of the United Nations Charter had been systematically violated in the matter of the restoration of the lawful rights of the People's Republic of China in the United Nations because China's place in the United Nations was illegally occupied by representatives of the "Chiang Kai-shek clique." This was not only a great injustice towards the Chinese people but also a grave breach of international law and of the fundamental principles of the Charter and prejudicial to the interests of the United Nations itself. The Government of the People's Republic of China was the only Government which represented China and the only Government capable of carrying out the obligations incumbent upon the Members of the United Nations under the Charter. The restoration of the lawful rights of the People's Republic of China and the removal of the representatives of the "Chiang Kai-shek clique" was a question of an important and urgent character.

On 18 September, the Assembly's General Committee recommended that the item be included in the agenda and on 20 September the General Assembly approved the Committee's recommendation and decided to consider the question in plenary meetings.

The question was discussed by the General Assembly between 16 and 22 October 1963. The debate centred upon a resolution sponsored by Albania and Cambodia. By this proposal, the General Assembly, considering the restoration of the lawful rights of the People's Republic of China in the United Nations indispensable to the consolidation of the Organization and bearing in mind that only representatives of the Government of that Republic were competent to represent China in the United Nations,

would resolve to remove immediately from all United Nations organs "the representatives of Chiang Kai-shek" and invite the Government of the People's Republic of China to send its representatives to occupy China's place in the United Nations and all its organs.

The representative of Albania reminded the Assembly that the question of the restoration of the lawful rights of the People's Republic of China in the United Nations had been on the agenda since 1 October 1949. Without the participation of the People's Republic of China the United Nations could not be universal. Procedurally, the restoration of China's rights could be effected clearly and simply. It was not a question of admitting a new Member but of recognizing the lawful right of a founding Member of the United Nations and a permanent member of the Security Council to occupy its own seat in the Organization. Under the Charter such a question had to be decided by a simple majority of votes. The representative of Albania insisted that while any Government of a Member State was free to recognize or not to recognize the Government of the People's Republic of China, the representation of that Government in the United Nations could not depend on its recognition by other Governments. Revolutionary changes in Egypt, Iraq, Cuba and Yemen, as well as coups d'état in a number of Latin American countries, had not provoked any question regarding the representation of the Governments of these countries in the United Nations.

The only real cause of the intolerable situation with regard to China, said the Albanian representative, was the hostile policy of the United States towards the People's Republic of China. He rejected as absurd and tendentious the United States theory of the so-called "two Chinas." It was, he said, part of a plot to dismember China and was doomed to failure. He went on to describe the great successes in peaceful development achieved by the People's Republic of China, which had also shown exem-

ply patience in applying the principle of the settlement of differences through negotiations. However, the Government of the People's Republic of China had officially stated that it did not regard itself as bound by any international agreement concluded without its participation and not signed by its official representatives. It was principally in the interest of the Organization itself, concluded the representative of Albania, that the rights of the People's Republic of China in the United Nations be restored.

In reply, the representative of China, after noting that for the first time the lead in the discussion of the question had been taken by Albania rather than by the USSR, stated that regardless of whether the communist regime existed on the mainland of China or not, that régime could not represent the Chinese people in the United Nations, since it had come to power on the mainland of China not with the consent of the Chinese people but by blood-letting. It had come to power as a result of USSR aggression against China and had waged a relentless and merciless war on the masses of the population. Such a régime could not possibly represent the Chinese people in an Organization which had for one of its primary purposes the promotion of human rights and fundamental freedoms. The representative of China also disputed the argument that the communist regime exercised effective control over the mainland. He insisted that while universality was desirable in itself, it was not one of the basic principles written into the Charter. The Charter of the United Nations provided that membership be open to all "peace-loving" States. The Chinese communist régime, which had waged war against the United Nations itself, had been condemned by the General Assembly for aggression in Korea, had resorted to force in its border dispute with India, had carried out subversion in Laos and Viet-Nam, and had opposed the partial nuclear test-ban treaty, could hardly be called peace-loving. The participation of the Chinese communists in the work of the United Nations would not help solve the problems of the Organization but would merely create more problems. The representative of China emphasized that the Government for which he spoke was truly representative of the wishes and aspirations of the

Chinese people in the United Nations. It was no exile Government but a Chinese Government based on Chinese soil and one to which millions of Chinese people who were still free declared their allegiance and to which the enslaved millions on the mainland looked for their deliverance.

Others opposing the two-power draft resolution included Australia, the Central African Republic, Colombia, Costa Rica, Cyprus, El Salvador, Greece, Guatemala, Haiti, Japan, Liberia, Madagascar, Malaysia, Nicaragua, Paraguay, the Philippines, Senegal, Spain, Thailand, Turkey and the United States.

The United States representative said that nothing had happened in the past year to justify having the General Assembly re-debate the item before it. Indeed, quite the opposite was the case. In the past two years proposals to seat the communist Chinese and to expel the representatives of the Republic of China had been decisively rejected. In 1961 the Assembly had decided that the matter came under the provisions of Article 18(2) of the Charter and therefore required a two-thirds vote. (For text of Article 18(2), see APPENDIX II.) The world was now looking to the United Nations to see if the current pause in the cold war could be stretched into a period of co-operation and the Albanian proposal to expel a founding Member and replace its representatives with those of the world's most war-like régime was in essence a proposal to seat the advocate of both cold and hot wars.

Furthermore, added the United States representative, the Government in Peking was not peace-loving and therefore would not meet the qualifications of Article 4 of the Charter. (For text, see APPENDIX II.) It rejected the Partial Test-Ban Treaty and was prepared to talk about disarmament only when those rejecting its ideology had been eliminated. From their own statements it could be concluded that its leaders accepted nuclear war because the death of half of the human race would improve the prospects of Chinese communism in the remaining half of the world. He was of the opinion that so long as the communist Chinese continued by word and by deed to reject the United Nations Charter and treated the United Nations with contempt and arrogance, they blocked their

own admission to the Organization. The United States considered that the people of China were already properly and legitimately represented in the United Nations by the Government which had demonstrated that it was able and willing to carry out its Charter obligations.

The Philippines representative asserted that communist China's chief contribution to international relations seemed to be the introduction of the principle of anarchy and war without quarter in world affairs. Communist China, alone among the big powers, had refused to renounce war as an instrument of national policy, he added, and was technically still at war with the United Nations.

In opposing the seating of the People's Republic of China, the representative of Thailand said that that Government still adhered to its firm policy of the use of force as a means of achieving its objectives, and it still believed in the inevitability of war and completely ignored the implications of a nuclear war. When a State failed to meet the requirements of Article 4 of the Charter, which provided that membership of the United Nations be open to all peace-loving States, the principle of universality was not sufficient reason to entitle it to admission. Moreover, in his view, the legal and constitutional provisions of the Charter did not permit the expulsion of a Member and the admission of a new one in the manner contemplated in the draft resolution.

Some representatives, among them those of the Central African Republic, Liberia and Senegal, explained that they would vote against the draft resolution not because they were necessarily opposed to the seating of the Chinese People's Republic in the United Nations, but because they could not agree to the removal from the United Nations of the Government of the Republic of China. The spokesman for the Central African Republic maintained that the Republic of China had always complied with the purposes and principles of the Charter and had loyally discharged its obligations under the terms of the Charter. There could be no question of its removal from the United Nations. Accordingly, the draft resolution in the form in which it had been presented was not acceptable to the Central African Republic.

Support for the two-power draft resolution

was expressed by the representatives of Afghanistan, Algeria, Bulgaria, Burma, Burundi, the Byelorussian SSR, Cambodia, Ceylon, Cuba, Czechoslovakia, Finland, Ghana, Guinea, Hungary, Indonesia, Iraq, Mali, Mongolia, Nepal, Norway, Pakistan, Poland, Romania, Somalia, Syria, Tanganyika, Uganda, the Ukrainian SSR, the USSR, the United Arab Republic and the United Kingdom.

The representative of the USSR, for instance, maintained that the United Nations could not continue to ignore reality and keep the representatives of the Chinese People's Republic out of the Organization. Its absence undermined the authority and prestige of the United Nations and did harm to the normal activities of the Organization. He stressed that the People's Republic of China had made a positive contribution to the solution of many international problems such as that of peace in Southeast Asia. To ignore the rights of the Chinese People's Republic in the United Nations was to ignore the rights of one quarter of the whole of mankind. It was not a matter of receiving a new Member into the United Nations but of restoring the flouted rights of one of the founding Members. From the point of view of procedure, the question was essentially one of confirming the mandate of representatives of a Member of the United Nations. Accordingly, it would be absurd to demand a two-thirds majority in the General Assembly. Rejecting any possibility of creating a situation involving two Chinas in the United Nations, the representative of the USSR called for the immediate removal from all organs of the United Nations of the so-called representatives of the "Chiang Kai-shek clique," who did not represent anybody or anything.

The representative of Ceylon stressed his Government's hostility to communism but insisted that the matter under consideration was not an ideological one. The facts of history and geography could not be controverted. It was an affront to the intelligence of the Assembly and an insult to the United Nations that Taiwan should possess a seat on the Security Council and exercise the power of veto along with the great powers. It was an insult to all Asian countries that this should be so. Since China was a founding Member of the United Nations,

arguments based on Article 4 of the Charter were irrelevant. No doubt a change of government had taken place in China, but many other countries had changed their Government by revolution, and the United Nations had not questioned the credentials of those revolutionary Governments to occupy their seats in the United Nations. In urging that the People's Republic of China be given its rightful place, the representative of Ceylon declared that it was impossible to treat a country as an outlaw and then expect the same country to behave like a member of society. He insisted that from the legal point of view there was no other solution except to have China in the United Nations where it was entitled to be, and he pleaded with the General Assembly to see that China got its rightful place before it was too late.

Several speakers, including the representative of Ghana, stressed that the question of the representation of China involved not only the principle of universality of the Organization's membership, but the peace of the world. They considered that the issue before the Assembly was one of procedure which had to be settled accordingly; the question was one of representation, and not of the admission of a new Member.

Before the Assembly voted on the two-power draft resolution, the representative of Tunisia asked that a separate vote be taken on each of the two operative paragraphs, but the request was withdrawn in response to an Algerian appeal.

The draft resolution was then voted upon as a whole by roll-call and was rejected by a vote of 41 in favour to 57 against, with 12 abstentions.

The question of the representation of China also came up in the Credentials Committee of the Assembly on 12 December 1963. The USSR introduced a draft resolution by which the Credentials Committee would resolve to regard as invalid the credentials submitted "by persons describing themselves as representatives of the Government of the Republic of China" in view of their contradiction of the rules of procedure of the General Assembly. The Chairman, recalling the decision already taken by the Assembly on the matter, ruled the proposal out of order. The ruling, challenged by the USSR, was upheld by 6 votes to 3.

The question of the representation of China in the United Nations was also raised in other United Nations organs in 1963. (See DOCUMENTARY REFERENCES below.)

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY—18TH SESSION

General Committee, meeting 153.

Plenary Meetings 1242-1244, 1247, 1248, 1251, 1283.

A/5498. Letter of 16 September 1963 from Albania, requesting inclusion in agenda of item entitled "Restoration of the lawful rights of the People's Republic of China in the United Nations."

A/5530. First report of General Committee on adoption of agenda, allocation of items and organization of session, paragraph 8.

A/L.427 and Add.1. Albania and Cambodia: draft resolution, rejected by Assembly on 21 October 1963, meeting 1248, by roll-call vote of 41 to 57, with 12 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Ceylon, Cuba, Czechoslovakia, Denmark, Finland, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Laos, Mali, Mongolia, Morocco, Nepal, Norway, Pakistan, Poland, Romania, Somalia, Sudan, Sweden, Syria, Tanganyika, Tunisia, Uganda, Ukrainian SSR, USSR, United Arab Republic, United Kingdom, Yemen, Yugoslavia.

Against: Argentina, Australia, Belgium, Bolivia.

Brazil, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Dominican Republic, Ecuador, El Salvador, France, Gabon, Greece, Guatemala, Haiti, Honduras, Iran, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Liberia, Libya, Luxembourg, Madagascar, Malaysia, Mexico, New Zealand, Nicaragua, Niger, Panama, Paraguay, Peru, Philippines, Rwanda, Senegal, South Africa, Spain, Thailand, Togo, Turkey, United States, Upper Volta, Uruguay, Venezuela.

Abstaining: Austria, Iceland, Israel, Kuwait, Lebanon, Mauritania, Netherlands, Nigeria, Portugal, Saudi Arabia, Sierra Leone, Trinidad and Tobago.

CREDENTIALS

GENERAL ASSEMBLY—18TH SESSION

Credentials Committee, meeting of 12 December 1963.

Plenary Meetings 1206, 1283.

A/5676/Rev.1. Credentials of representatives to 18th session of General Assembly. Report of Credentials Committee.

RESOLUTION 1977(XVIII), as submitted by Credentials Committee, A/5676/Rev.1, approving Committee's report, adopted by Assembly on 16 December 1963, meeting 1283, by 91 votes to 0, with 11 abstentions.

OTHER ORGANS OF UNITED NATIONS

SECURITY COUNCIL, meeting 1027.

ECONOMIC AND SOCIAL COUNCIL

Commission on Human Rights, meeting 738.

Social Commission, meeting 349.

Commission on Status of Women, meetings 387, 388.

Commission on Narcotic Drugs, meeting 501.

Economic Commission for Europe, meeting of 18 April 1963.

TRUSTEESHIP COUNCIL

Plenary Meeting 1207.

THE KOREAN QUESTION

The Korean question was considered at the General Assembly's eighteenth session between 9 and 11 December 1963. The representative of the United Nations Commission for the Unification and Rehabilitation of Korea (UNCURK) participated in the meetings.

Background information for the discussions, which took place in the Assembly's First Committee, included the report of UNCURK to the eighteenth session and a number of communications and memoranda from the Republic of Korea and from the Democratic People's Republic of Korea.

The thirteenth annual report of UNCURK, together with two addenda, covered the period from 19 November 1962 to 29 November 1963. The report dealt with all aspects of the Commission's work and terms of reference and, in particular, with the questions of unification, of representative government in the Republic of Korea and of economic developments in Korea. On the question of unification, the Commission maintained that whereas the Government of the Republic of Korea had fully continued its adherence to the United Nations' stand on unification, the communist authorities to the North had maintained their negative attitude towards that stand, thereby further delaying a proper and definitive settlement in Korea.

On the question of withdrawal of troops from South Korea, the Commission recalled that the Assembly's "Uniting for Peace" resolution (376(V)) of 7 October 1950, which had been repeatedly reaffirmed in subsequent resolutions, had recommended the maintenance of United Nations forces in Korea as long as necessary for achieving the objectives specified in that resolution. The Commission also reported on economic developments in Korea.

During the period under review, the Commission had travelled and consulted freely in

the Republic of Korea. It had observed the national referendum on the new Constitution in December 1962, the Presidential elections in mid-October 1963 and the National Assembly elections in November 1963. From its observation of both the pre-election and post-election periods, as well as the actual balloting, the Commission had reached the conclusion that the referendum and the two elections had been conducted, on the whole, in a free atmosphere, in an orderly manner and in accordance with the provisions of the law.

In communications dated 25 and 26 July, 25 September and 22 November 1963, the Democratic People's Republic of Korea stated that whereas the Korean-Chinese side had strictly adhered to the provisions of the Korean Armistice Agreement, the United States side had violated all the important provisions of the Agreement, including: paragraph 13, which prohibited the augmentation of military equipment and personnel; paragraph 60, which provided for the withdrawal of all foreign forces from Korea; and paragraph 51, which provided for the repatriation of prisoners of war. The United States Government had tried to justify all those acts and the occupation of South Korea on the pretext of a fictitious "communist threat" from the North and of the so-called United Nations resolution, manufactured unlawfully under the coercion of the United States, contrary to the United Nations Charter.

In the view of the Democratic People's Republic of Korea, the withdrawal of the United States forces from South Korea was the vital pre-condition for the peaceful settlement of the question of Korean unification, a question which was an internal affair to be solved by the Korean people themselves. The Government of the Democratic People's Republic of Korea had put forward a proposal on a confederation of the

North and South as a measure for the initial unification of the country. The People's Republic considered that if the United Nations wished to fulfil faithfully the mission it had imposed upon itself by its Charter, it should take measures for the immediate withdrawal of the United States forces from Korea.

The memoranda denied the competence of the United Nations to discuss the "Korean question" but maintained that as long as such discussion was held the representative of the Government of the Democratic People's Republic of Korea should take part in it. That Government, as in the past, would never recognize and would resolutely reject any United Nations "resolution" on Korea, rigged up arbitrarily without the participation and consent of its representative and contrary to the interests and will of the Korean people.

The Republic of Korea stated in memoranda dated 24 October, 22 and 26 November and 9 December 1963 that it would continue to accept the competence and authority of the United Nations to bring about the peaceful unification of Korea and that it adhered to the principle that the unification of the country should be achieved through peaceful means by the holding of free elections throughout Korea under the supervision and observance of the United Nations.

The communist proposals for the unification of Korea were of a fraudulent nature, the Republic of Korea maintained. The North Korean authorities had expanded their military strength, in violation of the Armistice Agreement, and they maintained a militia of no less than one million men. It was also held that North Korea was supported by the enormous armed forces of the USSR and communist China, with both of whom North Korea had entered into formal military alliances in July 1961.

The memoranda further stated that the people and the Government of the Republic of Korea were deeply grateful for the continued efforts of UNCURK to bring about the unification of the country and for the outstanding contribution of the Commission to Korean reconstruction. The Republic of Korea requested that UNCURK continue its work until unification was achieved. The United Nations forces, which had been stationed in Korea by virtue

of the relevant resolutions of the Security Council and the General Assembly, were vital to the defence of the Republic, in view of the threat of renewed communist aggression.

As at previous sessions of the Assembly, the first matter taken up by the First Committee was the question of invitations to the Republic of Korea and the Democratic People's Republic of Korea to send representatives to participate in the discussions without the right to vote.

In this connexion, two draft resolutions were put before the Committee. The first, submitted by the United States, provided that the First Committee should: (1) note that the Democratic People's Republic of Korea had rejected the right of the United Nations to consider and take action on the Korean question; and (2) decide to invite a representative of the Republic of Korea to take part in the discussion without right of vote.

The second draft resolution, submitted by Mongolia, provided that the First Committee invite representatives of the Democratic People's Republic of Korea and the Republic of Korea to participate, without the right to vote, in the discussion of the question.

The United States representative considered that the question of invitation to the North Korean régime was not a mere procedural question. The problem was whether it was either appropriate or useful to invite the North Korean régime to participate in view of its consistent refusal to recognize the competence and authority of the United Nations to act on the Korean question. The Republic of Korea, on the other hand, had repeatedly affirmed its recognition of the competence and authority of the United Nations to deal with the Korean question, and it had properly placed its hope in the Organization for the solution of the problem of unification. The record of the North Korean régime, marked by a major aggression against the Republic of Korea in defiance of the United Nations, had remained consistently obstructive towards the Organization. North Korea had been consistent in its support of military aggression and its opposition to the United Nations as a forum for the settlement of international problems, as was evident from its support of the communist Chinese aggression against India in 1962 and its opposition to the

United Nations Observer Team sent to Viet-Nam in 1963. Its opposition to UNCURK must be considered in that context of apparently complete opposition to the United Nations and its principles.

Among those who spoke in support of the United States draft resolution were China, the Congo (Leopoldville), Gabon, Japan, Madagascar, Niger, Paraguay, Thailand and the United Kingdom.

The representative of Mongolia stated that the continued policy of discrimination against the Democratic People's Republic of Korea, as reflected in the United States draft resolution, was unreasonable and contrary to the Charter of the United Nations. The Korean question was a purely internal matter but, if the matter was to be discussed and if the United Nations truly wished to assist the Korean people in solving the problem of the peaceful unification of their country, it should invite and hear the views of both North and South Korea.

Among those who supported the Mongolian draft resolution was the representative of the USSR, who recalled that in the General Committee his delegation had opposed the inclusion of the so-called Korean question in the agenda of the Assembly' eighteenth session. Past experience had shown that such discussions did not benefit the cause of peace and could well aggravate the atmosphere and hamper the work of the Assembly. Since, however, the question had been placed on the agenda, the representative of the USSR hoped that all delegations would support the Mongolian draft resolution.

Others who spoke in favour of the Mongolian draft resolution included Albania, Bulgaria, the Byelorussian SSR, Czechoslovakia, Ethiopia, Hungary, Poland, Syria and the Ukrainian SSR.

On 9 December, the First Committee rejected, by a vote of 52 to 13, with 30 abstentions, the proposal of the representative of Mongolia that his draft resolution be given priority in the voting. The United States draft resolution was adopted as a whole by a vote of 64 to 10, with 24 abstentions. The Mongolian draft resolution was rejected by a roll-call vote of 25 to 54, with 20 abstentions.

On 10 December, when the general debate started on the substance of the question, the

First Committee had before it a joint draft resolution submitted by Australia, Belgium, Canada, Colombia, France, Greece, Luxembourg, the Netherlands, New Zealand, the Philippines, Thailand, Turkey, the United Kingdom and the United States.

By the operative part of this 14-power draft resolution, the Assembly would: (1) reaffirm that the objectives of the United Nations in Korea were to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area; (2) call upon the North Korean authorities to accept those established United Nations objectives which had been repeatedly affirmed by the General Assembly; (3) urge that continuing efforts be made to achieve those objectives; and (4) request UNCURK to continue its work in accordance with the relevant resolutions of the General Assembly.

Muammer Baykau, the representative of UNCURK, who was the first speaker on the substance of the question, stated that the United Nations resolutions had given UNCURK and the two previous Commissions in Korea terms of reference and facilities that were fully adequate to bring about an equitable settlement of the Korean question. Had it not been for the consistent refusal of North Korea to recognize the authority of the United Nations, the aims of the Organization in Korea could have long since been accomplished.

The representative of the Republic of Korea stated that while his Government had unreservedly accepted the competence and authority of the Organization to solve the Korean problem, the North Korean régime had continued to defy the United Nations and to reject the resolutions on the unification of Korea. The North Korean communists, he added, sought the withdrawal of the United Nations forces so that they could take over all of Korea through force and subversion. The military administration in Korea had fulfilled its pledge and had turned over the Government to civilian control through free elections, carried out under the observation of UNCURK. He regretted that the Republic of Korea had been denied membership in the United Nations solely be-

cause of USSR vetoes, and he expressed the hope that the First Committee would help the Republic to win membership in the Organization.

The United States representative, speaking in support of the 14-power draft resolution, stated that the process of restoring representative civilian government in the Republic of Korea had been almost completed. UNCURK had reported that the recent elections had been carried out in a fair and orderly manner. Those elections in the Republic of Korea were in sharp contrast with the local and national elections which had been held in North Korea in 1962 and 1963. In the North Korean elections there had been only one slate of candidates which, according to the régime, had been supported by every eligible voter. It was not surprising that the North Korean régime, which conducted such farcical elections, had refused to recognize the competence and authority of the United Nations to supervise free elections as a means of achieving the unification of Korea.

The United States representative insisted that the North Koreans, by increasing their military resources, had violated the Korean Armistice Agreement from the outset. As regards the specific North Korean allegations, he stated that the United Nations Command had acknowledged a number of unintentional violations of the demarcation line. During the past year, however, the North Koreans had committed various acts of an aggressive and provocative nature.

Those who spoke in favour of the 14-power draft resolution included Australia, the Central African Republic, Chad, Chile, China, Colombia, the Congo (Leopoldville), France, Greece, Japan, the Netherlands, Paraguay, the Philippines, Thailand, Trinidad and Tobago, Turkey and the United Kingdom.

In opposing the 14-power draft resolution, the USSR representative stated that no progress had been achieved on the so-called Korean question because in that matter the United Nations had intervened in the domestic affairs of a State. The United Nations should recognize, he said, that, while the unification of Korea was an internal problem of the Korean people, the question of the withdrawal of foreign troops from South Korea was an inter-

national problem, which clearly concerned the United Nations. The presence of these forces was the chief obstacle to the peaceful unification of Korea. It constituted a constant source of tension and posed a grave threat to international peace and security. These troops were armed forces not of the United Nations but of the United States, and they had been sent to Korea illegally since the decision had been taken without the assent of one of the permanent members of the Security Council. The USSR fully supported the proposals which had been put forward by the Democratic People's Republic of Korea regarding the unification of Korea and the withdrawal of foreign troops stationed in the southern part of that country. The USSR also maintained that the so-called UNCURK must be dissolved in the interest of the Korean people and of the United Nations itself.

Others who spoke in opposition to the 14-power draft resolution included Bulgaria, the Byelorussian SSR, Czechoslovakia, Hungary, Mongolia, Poland, Romania and the Ukrainian SSR.

Several representatives who subsequently abstained in the voting on the 14-power text maintained that the United Nations should seek a new approach which would be acceptable to both North and South Korea. Their statements, however, were made in general terms, with no formal proposals being put forward.

The representatives of Indonesia and Mali stated that they would support any proposal that would permit negotiations between the two Korean Governments.

The representative of Indonesia maintained that the United Nations would ease the situation if it expanded the membership of UNCURK, to reflect the vastly increased membership of the United Nations, and accorded what were described as the non-aligned countries greater representation on the Commission. It might well be that the two Korean Governments, possibly with the assistance and good offices of the non-aligned countries, could themselves work out the fundamentals of an agreed unification plan. The United Nations could review those steps in order to determine whether they fulfilled the basic conditions for a lasting peace and, therefore, justified troop with-

drawals by the Governments concerned. Once the remaining troops were removed, the two Korean régimes could negotiate on equal terms. Such a course of action might entail the abandonment of the explicit conditions laid down by the General Assembly in its resolutions. However, that would not be the first time a difficult problem had been resolved outside the United Nations. Indonesia and the Netherlands had succeeded in settling the question of West Irian outside the Organization, with some prodding from the Secretary-General. Similarly, the partial test-ban had been achieved through direct negotiations among the three nuclear powers outside the United Nations.

The representative of China said he felt sure that those who had advised against ignoring the North Korean régime were not seriously think-

ing of a permanent partition of Korea. The United Nations supported the national aspirations of the Korean people to see their country unified. If the principle of territorial integrity were sacrificed in the name of compromise or détente, the desire for unification would eventually generate such pressure among the people of divided Korea that a dangerous situation would arise. Any such compromise would only complicate the question and make it more difficult to solve.

On 11 December 1963, the First Committee adopted the 14-power draft resolution by a roll-call vote of 64 to 11, with 22 abstentions. The text was then approved at a plenary meeting of the General Assembly on 13 December 1963, as resolution 1964(XVIII), by a roll-call vote of 65 to 11, with 24 abstentions.

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY—18TH SESSION

General Committee, meeting 153.

First Committee, meetings 1347-1351.

Plenary Meeting 1280.

A/5512 and Corr.1 and Add.1. Report of United Nations Commission for Unification and Rehabilitation of Korea, covering period 19 November 1962-29 November 1963.

A/5530. First report of General Committee on adoption of agenda, allocation of items and organization of session.

A/5641. Note verbale of 29 November 1963 from United States transmitting report of Unified Command.

A/C.1/887, A/C.1/893. Letters of 10 September and 5 December 1963 from USSR, transmitting communications and memoranda from Democratic People's Republic of Korea.

A/C.1/889. Telegram of 25 September 1963 from Democratic People's Republic of Korea.

A/C.1/892, A/C.1/894. Letters of 26 November and 9 December 1963 from Republic of Korea.

QUESTION OF INVITATIONS

TO PARTICIPATE IN DEBATE

A/C.1/L.333. United States: draft resolution, adopted by First Committee on 9 December 1963, meeting 1347, by vote of 64 to 10, with 24 abstentions.

A/C.1/L.334. Mongolia: draft resolution, rejected by First Committee, on 9 December 1963, meeting 1347, by roll-call vote of 25 to 54, with 20 abstentions, as follows:

In favour: Afghanistan, Albania, Algeria, Bulgaria, Burma, Burundi, Byelorussian SSR, Cambodia, Ceylon, Czechoslovakia, Ethiopia, Ghana, Hungary, Indonesia, Mali, Mongolia, Morocco, Poland, Romania, Sudan, Syria, Ukrainian SSR, USSR, United Arab Republic and Yugoslavia.

Against: Argentina, Australia, Belgium, Bolivia, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy, Ivory Coast, Jamaica, Japan, Luxembourg, Madagascar, Malaysia, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Paraguay, Peru, Philippines, Rwanda, South Africa, Spain, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom, United States, Uruguay, Venezuela.

Abstaining: Austria, Brazil, Congo (Brazzaville), Dahomey, Finland, India, Iran, Iraq, Israel, Jordan, Liberia, Nepal, Niger, Nigeria, Pakistan, Senegal, Sierra Leone, Sweden, Tunisia, Upper Volta.

A/C.1/895. Resolution adopted by First Committee on 9 December 1963, meeting 1347:

"The First Committee,

"Recalling its decision taken at the 1299th meeting on 11 December 1962 to invite a representative of the Republic of Korea to take part in the discussion of the Korean question without right of vote (A/C.1/885),

"Reaffirming its view set forth in resolutions adopted at the 1146th, 1217th and 1299th meetings that a representative of the Democratic People's Republic of Korea may participate in the discussion of the Korean question provided that it first unequivocally accepts the competence and authority of the United Nations within the terms of the Charter to take action on the Korean question, as the Republic of Korea has again done by letter dated 24 October 1963 addressed to the Secretary-General by the Minister for Foreign Affairs of the Republic of Korea (A/C.1/894),

"1. Notes that the Democratic People's Republic of Korea, in messages of 17 April 1961 and 19 December 1961 (A/C.1/838) responding to the Committee's resolutions, and in a memorandum dated 24 November 1962, and again on 25 September 1963 in a statement of its Ministry of Foreign Affairs (A/C.1/889), has rejected the right of the United Nations to consider and take action on the Korean question;

"2. Decides to invite a representative of the Republic of Korea to take part in the discussion of the Korean question without right of vote."

RESOLUTION ON THE KOREAN QUESTION

A/G.1/L.335. Australia, Belgium, Canada, Colombia, France, Greece, Luxembourg, Netherlands, New Zealand, Philippines, Thailand, Turkey, United Kingdom, United States: draft resolution, adopted by First Committee on 11 December 1963, meeting 1351, by roll-call vote of 64 to 11, with 22 abstentions, as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, France, Gabon, Greece, Guatemala, Haiti, Honduras, Iceland, India, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Laos, Liberia, Luxembourg, Madagascar, Malaysia, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, South Africa, Spain, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom, United States, Upper Volta, Venezuela.

Against: Albania, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Algeria, Burma, Burundi, Cambodia, Ceylon, Ethiopia, Finland, Ghana, Guinea, Indonesia, Iraq, Kuwait, Mali, Morocco, Nepal, Nigeria, Portugal, Saudi Arabia, Tunisia, United Arab Republic, Yugoslavia.

A/5666. Report of First Committee.

RESOLUTION 1964(XVIII), as submitted by First Committee, A/5666, adopted by Assembly on 13 December 1963, meeting 1280, by roll-call vote of 65 to 11, with 24 abstentions, as follows:

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Brazzaville), Congo (Leopoldville), Costa Rica, Cyprus, Dahomey, Denmark, Dominican Republic, Ecuador, El Salvador, France, Greece, Guatemala, Haiti, Honduras, India, Iran, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Liberia, Luxembourg, Madagascar, Malaysia, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Sierra Leone, Somalia, Spain, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey,

United Kingdom, United States, Upper Volta, Uruguay, Venezuela.

Against: Albania, Bulgaria, Byelorussian SSR, Cuba, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Ukrainian SSR, USSR.

Abstaining: Afghanistan, Algeria, Burma, Burundi, Cambodia, Ceylon, Ethiopia, Finland, Ghana, Guinea, Indonesia, Iraq, Lebanon, Libya, Mali, Morocco, Nepal, Nigeria, Senegal, Sudan, Syria, Tunisia, United Arab Republic, Yugoslavia.

"The General Assembly,

"Having noted the report of the United Nations Commission for the Unification and Rehabilitation of Korea signed at Seoul, Korea, on 23 August 1963, and the addenda to the report signed at Seoul on 21 and 29 November 1963,

"Reaffirming its resolutions 112(II) of 14 November 1947, 195(III) of 12 December 1948, 293(IV) of 21 October 1949, 376(V) of 7 October 1950, 811(IX) of 11 December 1954, 910 A (X) of 29 November 1955, 1010(XI) of 11 January 1957, 1180 (XII) of 29 November 1957, 1264(XIII) of 14 November 1958, 1455(XIV) of 9 December 1959, 1740 (XVI) of 20 December 1961 and 1855(XVII) of 19 December 1962,

"Noting that the United Nations forces which were sent to Korea in accordance with United Nations resolutions have in greater part already been withdrawn, and that the Governments concerned are prepared to withdraw their remaining forces from Korea when the conditions for a lasting settlement laid down by the General Assembly have been fulfilled,

"Recalling that the United Nations, under the Charter, is fully and rightfully empowered to take collective action to repel aggression, to restore peace and security and to extend its good offices to seeking a peaceful settlement in Korea,

"1. Reaffirms that the objectives of the United Nations in Korea are to bring about, by peaceful means, the establishment of a unified, independent and democratic Korea under a representative form of government, and the full restoration of international peace and security in the area;

"2. Calls upon the North Korean authorities to accept those established United Nations objectives which have been repeatedly affirmed by the General Assembly;

"3. Urges that continuing efforts be made to achieve those objectives;

"4. Requests the United Nations Commission for the Unification and Rehabilitation of Korea to continue its work in accordance with the relevant resolutions of the General Assembly."

OTHER DOCUMENTS

S/5327. Note verbale of 7 June 1963 from United States concerning appointment of General Hamilton H. Howze as Commanding General of military forces made available to Unified Command in pursuance of resolution adopted by Security Council on 7 July 1950 (S/1588).

THE QUESTION OF MALAYSIA

EXCHANGE OF CORRESPONDENCE

The proposal for the formation of Malaysia was first made by the Prime Minister of the Federation of Malaya in May 1961, and a Malaysia Solidarity Consultative Committee was established at a regional meeting of the Commonwealth Parliamentary Association in July of the same year. Following a report by a Commission of Enquiry (the Cobbold Commission), which had conducted meetings in Sarawak and North Borneo from February to April 1962, the Governments of the United Kingdom and the Federation of Malaya issued a joint statement, on 1 August 1962, that in principle the Federation of Malaysia should be established by 31 August 1963. A formal agreement was prepared and signed in London on 9 July 1963 on behalf of the Governments concerned (the Federation of Malaya, North Borneo, Sarawak and Singapore).

On 5 August 1963, following a six-day meeting in Manila of the Heads of Government of the Federation of Malaya, Indonesia and the Philippines, the Foreign Ministers of these three States cabled the Secretary-General of the United Nations, requesting him to send working teams to Sabah (North Borneo) and Sarawak in order to ascertain the wishes of these peoples with respect to the proposed Federation. The three Governments would similarly send observers to the two territories to witness the investigations of the working teams and the Federation of Malaya would do its best to ensure the co-operation of the British Government and of the Governments of Sabah and Sarawak.

The terms of reference of the request to the Secretary-General were set out in paragraph 4 of the Manila Joint Statement as quoted in the request addressed to the Secretary-General by the three Foreign Ministers:

The Secretary-General or his representative should ascertain, prior to the establishment of the Federation of Malaysia, the wishes of the people of Sabah (North Borneo) and Sarawak within the context of General Assembly resolution 1541(XV), Principle IX of the Annex, by a fresh approach, which in the opinion of the Secretary-General is necessary to ensure complete compliance with the principle of self-determination within the requirements embodied in

Principle IX, taking into consideration: (1) The recent elections in Sabah (North Borneo) and Sarawak but nevertheless further examining, verifying and satisfying himself as to whether: (a) Malaysia was a major issue if not the major issue; (b) electoral registers were properly compiled; (c) elections were free and there was no coercion; and (d) votes were properly polled and properly counted; and (2) the wishes of those who, being qualified to vote, would have exercised their right of self-determination in the recent elections had it not been for their detention for political activities, imprisonment for political offences or absence from Sabah (North Borneo) or Sarawak.

(Principle IX of the Annex of General Assembly resolution 1541(XV) of 15 December 1960 provided that a non-self-governing territory integrating with an independent State should have attained an advanced stage of self-government with free political institutions. The same principle lays down that integration should be the result of the freely expressed wishes of the territory's peoples, expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage.¹)

In his reply to the three Foreign Ministers on 8 August, the Secretary-General made it clear that he could undertake the task proposed only with the consent of the United Kingdom. He believed that the task could be carried out by his representative and proposed to set up two working teams—one to work in Sarawak and the other in Borneo—under the over-all supervision of his representative. The Secretary-General emphasized that the working teams would be responsible directly and exclusively to him and, on the completion of their task, would report through his representative to the Secretary-General himself who, on the basis of this report, would communicate his final conclusions to the three Governments and the Government of the United Kingdom. It was the Secretary-General's understanding that neither the report of his representative nor his conclusions would be subject in any way to ratification or confirmation by any of the Governments concerned.

¹ See Y.U.N., 1960, pp. 509-10.

REPORT OF
UNITED NATIONS MISSION

On 12 August, the Secretary-General announced the assignment of eight members of the Secretariat, headed by Laurence V. Michelmore as his representative, to serve on the United Nations Malaysia Mission. The Mission left New York on 13 August 1963 and arrived in Kuching, Sarawak, at noon on 16 August. The Mission was divided into two teams, each comprising four officers, one to remain in Sarawak and the other to work in Sabah (North Borneo). Both teams remained until 5 September. Observers from the Federation of Malaya and the United Kingdom were present throughout all of the hearings conducted by the Mission. Observers from the Republic of Indonesia and from the Philippines arrived only on 1 September and attended hearings in the two territories on 2, 3 and 4 September.

On 14 September, the final conclusions of the Secretary-General with regard to Malaysia were made public. These conclusions were based upon a report submitted to the Secretary-General by the Mission. This report stated that it had been understood that by the "fresh approach" mentioned in the terms of reference established in the request to the Secretary-General, a referendum, or plebiscite, was not contemplated. The Mission had considered that it would be meaningful to make a "fresh approach" by arranging consultations with the population through elected representatives, leaders and the representatives of political parties as well as non-political groups, and with any other persons showing interest in setting forth their views. During the Mission's visits to various parts of the two territories, it had been possible to consult with almost all of the "grass roots" elected representatives. Consultations were also held with national and local representatives of each of the major political groups and with national and local representatives of ethnic, religious, social and other groups, as well as organizations of businessmen, employers and workers in various communities and social groups.

As far as the specific questions which the Secretary-General was asked to take into consideration were concerned, the members of the

Mission concluded, after evaluating the evidence available to them, that: (a) in the recent elections Malaysia was a major issue throughout both territories and the vast majority of the electorate understood the significance of this; (b) electoral registers were properly compiled; (c) the elections were freely and impartially conducted with active and vigorous campaigning by groups advocating divergent courses of action; and (d) the votes were properly polled and counted; the number of instances where irregularities were alleged seemed within the normal expectancy of well-ordered elections.

The Mission came to the conclusion that the number of persons of voting age detained for political offences or absent from the territories when voting took place was not sufficient to have affected the result.

The Mission also gave careful thought to the reference in the request to the Secretary-General that "he ascertain prior to the establishment of the Federation of Malaysia the wishes of the people of Sabah (North Borneo) and Sarawak within the context of General Assembly resolution 1541 (XV), Principle IX of the Annex." After considering the constitutional, electoral and legislative arrangements in Sarawak and Sabah (North Borneo), the Mission came to the conclusion that the territories had "attained an advanced stage of self-government with free political institutions so that its people would have the capacity to make a responsible choice through informed democratic processes." Self-government had been further advanced in both territories by the declaration of the respective Governors that, as from 31 August 1963, they would accept unreservedly and automatically the advice of the respective Chief Ministers on all matters within the competence of the State and for which portfolios had been allocated to Ministers. The Mission was further of the opinion that the participation of the two territories in the proposed Federation, having been approved by their legislative bodies, as well as by a large majority of the people through free and impartially conducted elections in which the question of Malaysia was a major issue and fully appreciated as such by the electorate, could be regarded as the "result of the freely expressed wishes of the territory's

peoples acting with full knowledge of the change in their status, their wishes having been expressed through informed and democratic processes, impartially conducted and based on universal adult suffrage."

CONCLUSIONS OF SECRETARY-GENERAL

In submitting his own conclusions, the Secretary-General said he had given consideration to the circumstances in which the proposals for the Federation of Malaysia had been developed and discussed, and the possibility that people progressing through the stages of self-government might be less able to consider in an entirely free context the implications of such changes in their status than a society which had already experienced full self-government and determination of its own affairs. He had also been aware, he said, that the peoples of the territories concerned were still striving for a more adequate level of educational development. Taking into account the framework within which the Mission's task had been performed, he had come to the conclusion that the majority of the peoples of Sabah (North Borneo) and of Sarawak had given serious and thoughtful consideration to their future and to the implications for them of participation in a Federation of Malaysia. He believed that the majority of them had concluded that they wished to bring their dependent status to an end and to realize their independence through freely chosen association with other peoples in their region with whom they felt ties of ethnic association, heritage, language, religion, culture, economic relationship, and ideals and objectives. Not all of those considerations were present in equal weight in all minds, but it was his conclusion that the majority of the peoples of the two territories wished to engage, with the peoples of the Federation of Malaya and Singapore, in an enlarged Federation of Malaysia through which they could strive together to realize the fulfilment of their destiny.

The Secretary-General referred to the fundamental agreement of the three participating

Governments and the statement by the Republic of Indonesia and the Republic of the Philippines that they would welcome the formation of the Federation of Malaysia provided that the support of the people of the territories was ascertained by him, and that, in his opinion, complete compliance with the principle of self-determination within the requirements of General Assembly resolution 1541(XV), Principle IX of the Annex, had been ensured. He had reached the conclusion, based on the findings of the Mission that on both of those counts there was no doubt about the wishes of a sizeable majority of the people of those territories to join in the Federation of Malaysia.

SUBSEQUENT DEVELOPMENTS

The Federation of Malaysia was proclaimed on 16 September 1963. On 17 September, at the opening meeting of the General Assembly's eighteenth session, the representative of Indonesia took exception to the fact that the seat of the Federation of Malaya in the Assembly Hall was being occupied by the representative of the Federation of Malaysia. Indonesia had withheld recognition of the Federation of Malaysia for very serious reasons and reserved the right to clarify its position on the question of Malaysia at a later stage.

Recognition of Malaysia was also withheld by the Republic of the Philippines. During the general debate at the eighteenth session, both Indonesia and the Philippines expressed their reservations about the findings of the United Nations Malaysia Mission. The representatives of the United Kingdom and of the Federation of Malaysia replied to the Indonesian and Philippine charges and upheld the findings of the United Nations Malaysian Mission.

On 12 December, during the meeting of the Credentials Committee, the USSR supported the Indonesian position with regard to the seating of the representatives of Malaysia in the General Assembly. A proposal by the Chairman of the Credentials Committee that the Committee find the credentials of all representatives in order was nonetheless approved.

DOCUMENTARY REFERENCES

United Nations Malaysia Mission. Report to Secretary-General and related annexes.
Final conclusions of Secretary-General.

A/5574. Letter of 15 October 1963 from Chairman of Philippines delegation to President of General Assembly.

A/5676/Rev.1. Report of Credentials Committee.

GENERAL ASSEMBLY—18TH SESSION

Plenary Meetings 1206, 1233, 1234, 1237.

AGREEMENT CONCERNING WEST NEW GUINEA (WEST IRIAN)

REPORT OF SECRETARY-GENERAL

In his annual report to the General Assembly on the work of the Organization for the period 16 June 1962-15 June 1963, the Secretary-General gave a detailed description of the manner in which he had discharged the task entrusted to him by the parties to the Agreement of 15 August 1962 between the Governments of Indonesia and the Netherlands concerning West New Guinea (West Irian).²

The Secretary-General's report dealt with action taken in respect of the cease-fire; the transfer of administration to the United Nations Temporary Executive Authority (UNTEA); the establishment of the United Nations Security Force; the organization of the civilian administration; the rights of inhabitants; representative councils; and the transfer of authority from UNTEA to Indonesia. He also described the public information activities of UNTEA and the functioning of the civilian administration, as well as political matters which had arisen.

In conclusion, the annual report stated that in carrying out the task entrusted to him, the Secretary-General had been guided solely by the terms of the Agreement of 15 August 1962. The transfer of the administration from the Netherlands to UNTEA and later from UNTEA to Indonesia had been achieved peacefully and without incident. The population had been gradually prepared for the changes brought about under the Agreement. Disruption of essential public services and utilities had been avoided, and continuity in employment maintained.

On the completion of UNTEA, the Secretary-General declared that it had been a unique experience, which had once again proved the capacity of the United Nations to undertake a variety of functions, provided it received adequate support from the Member States of

the Organization. Throughout the period of UNTEA, he had been impressed and gratified by the spirit of accommodation shown by the Governments of Indonesia and the Netherlands.

Looking to the future, the Secretary-General said he was confident that Indonesia would scrupulously observe the terms of the Agreement of 15 August 1962 and would ensure the exercise by the population of the territory of their right to express their wishes as to their future.

The Secretary-General also announced that, in consultation with the Government of Indonesia, he had decided in principle to designate a few United Nations experts, serving at Headquarters and elsewhere, to perform the functions envisaged in article XVI of the Agreement.

In a report dated 21 October 1963, the Secretary-General said he had continued to consult with the interested Governments on further steps to be taken concerning the Agreement of 15 August 1962. The United Nations stood ready to assist the Government of Indonesia in the implementation of the remaining part of the Agreement relating to the act of free choice by the inhabitants of the territory.

In a related matter, and in conformity with the spirit of the Agreement, the Secretary-General said he had established a Fund of the United Nations for the development of West Irian, to assist the Government of Indonesia in the economic and social development of West Irian. The Government of Indonesia, as the recipient Government, and the Government of the Netherlands, as the first important contributor, had both given their agreement to the

²For details of the period up to 31 December 1962, see Y.U.N., 1962, pp. 124-28.

provisions governing the Fund. The Fund, which was open to contributions from other States Members of the United Nations and members of the specialized agencies, would be administered by the Secretary-General. The specialized agencies of the United Nations had agreed to serve as executing agencies in respect of projects in their respective spheres of competence.

CONSIDERATION BY
GENERAL ASSEMBLY

The General Assembly took up the report of the Secretary-General on 6 November 1963, at its eighteenth session. The representative of the Netherlands paid tribute, as did all other speakers, to the manner in which the agreement had been carried out. His Government trusted that the remaining parts of the Agreement, having to do with the act of self-determination, would be carried out by all concerned as smoothly and as correctly as had been the case in respect of the first two phases. His Government had offered to the Secretary-General

an annual payment of \$10 million, to begin with for three years, which had been used to establish a United Nations Development Fund for Irian Barat. The Netherlands shared the hope of the Secretary-General that many other Governments would contribute liberally to that Fund.

The representative of Indonesia praised the contribution of the United Nations and all concerned to the encouraging state of affairs prevailing in West Irian. His Government had every confidence that, with the continued co-operation of the Secretary-General and the Netherlands, the full implementation of the Agreement could be carried out in a manner satisfactory to all concerned.

Other speakers also paid tribute to the successful part played by the United Nations in the implementation of the Agreement and noted that, under its terms, the Organization retained specific responsibilities for the future.

The General Assembly then took note of the report of the Secretary-General.

DOCUMENTARY REFERENCES

GENERAL ASSEMBLY—18TH SESSION
Plenary Meeting 1255.

A/5501. Annual report of Secretary-General on work of Organization, 16 June 1962-15 June 1963,

Chapter II, Section 15.
A/5578. Agreement between Republic of Indonesia and Kingdom of Netherlands concerning West New Guinea (West Irian). Report of Secretary-General.

COMMUNICATIONS CONCERNING THE INDIA-PAKISTAN QUESTION

A series of communications were addressed by India and Pakistan to the President of the Security Council during 1963 on the India-Pakistan question.

In a letter dated 16 March 1963, India drew the attention of the Security Council to the Sino-Pakistan border agreement, signed in Peking on 2 March 1963, which India considered as having unlawfully apportioned part of the Indian Union territory in Jammu and Kashmir between the two signatories. India informed the Security Council that on 5 March it had lodged a protest against the signing of the agreement with the Government of Pakistan.

In a letter to the Council dated 10 April, Pakistan maintained that India's letter of 16 March contained allegations which were without any basis in fact and in law and which

sought to misrepresent certain facts that were on the record of the United Nations. The Sino-Pakistan border agreement did not "apportion" any part of the Indian Union territory to either Pakistan or to China, as the territory involved was that of Jammu and Kashmir which, of course, was not the territory of the Indian Union. In fact, no apportionment of any territory was involved because the agreement merely sought to delimit and demarcate a boundary on the basis of the traditional customary line, including natural features.

On 7 October, India, in continuation of its letter of 16 March, forwarded to the Security Council copies of notes it had sent to the People's Republic of China and to Pakistan protesting against the fixing of boundary markers "on Indian territory of the State of Jammu

and Kashmir by the Governments of the People's Republic of China and Pakistan."

On 9 October 1963, Pakistan addressed a further letter to the Security Council in which it drew attention to press reports to the effect that Bakshi Ghulam Mohammed, "the so-called Prime Minister of the Indian-sponsored régime in the State," had announced "moves to integrate the disputed State of Jammu and Kashmir more fully into the Indian Union." These moves, if carried out, would constitute, according to the Government of Pakistan, a further contravention of the fundamental principle of the two resolutions of the United Nations Commission for India and Pakistan (UNCIP) and of resolutions of the Security Council, particularly those of 30 March 1951 and 24 January 1957, which had laid down that the final disposition of the State should be made by means of a free and impartial plebiscite conducted under the auspices of the United Nations.

In a letter to the Security Council on 12 November 1963, India replied that Bakshi Ghulam Mohammed, until a short time before the democratically elected Prime Minister of the State of Jammu and Kashmir, was fully entitled to say what he did, both under the Jammu and Kashmir Constitution and under various provisions of the Constitution of India. Jammu and Kashmir was a constituent State of the Indian Union and, therefore, Indian Union territory. That legal and constitutional position was the basis of the Security Council's resolution of 17 January 1948, the two UNCIP resolutions, and the assurances given to the Prime Minister of India by the Chairman of UNCIP.

In a letter of 1 November 1963, Pakistan drew the attention of the Security Council to what it described as "certain unmistakably hostile military activities" on the part of Indian authorities, which had resulted in a grave situation along the cease-fire line in Kashmir. Pakistan maintained that India, for some time past, had been taking measures to evict the Muslim population residing on the Indian side of the cease-fire line. Pakistan also alleged that Indian armed patrols had recently been paying increasing attention to Chaknot village which, though not lying on the Indian side of the cease-fire line, had been under the administra-

tive control of Azad-Kashmir authorities ever since the conclusion of the Cease-Fire Agreement in 1949. Pakistan believed that by its activity along the cease-fire line India was aiming to convert that line into a kind of international boundary between Indian-occupied territory and Azad-Kashmir and, thus, to preclude the very settlement of the dispute contemplated by the Security Council on the basis of which alone the cease-fire was effected and maintained.

In a letter to the Council dated 27 November, India denied that it had carried out any military activities in or near the village of Chaknot on the cease-fire line and insisted that no Indian troops had been concentrated in that area. On the contrary, Pakistan's troops had been recently deployed in the Kel area in the vicinity of that village and Pakistan aircraft had been flying over that area. India maintained that it was absurd to suggest that Muslims were being ejected from Kashmir when Kashmir was a State where the Muslims formed a majority. United Nations observers were stationed along the cease-fire line and India had already brought Pakistan's violations of the Cease-Fire Agreement to their notice and had every confidence that the United Nations observers would duly ascertain the facts. Pakistan could also have referred its charges to the United Nations military observers but, instead of that, it had brought them to the attention of the Security Council with the sole object of maligning India and misleading the Security Council.

On 3 January 1964, India asked that the report of the United Nations Chief Military Observer, dated 27 November 1963, giving his awards on cease-fire violation complaints lodged by India and Pakistan with regard to Chaknot, be brought to the notice of the Security Council. The report had awarded a decision of Violation by Pakistan and a decision of No Violation in so far as complaints against India were concerned. On the same day, Pakistan addressed a letter to the Security Council, drawing its attention to an announcement made in the Indian Parliament on 27 November 1963, that the Government of India was taking certain steps towards integrating the Indian-occupied area of the State of Jammu and Kashmir with the Indian Union. Such a move, Pakistan maintained, furnished further proof of India's de-

fiance of the Security Council, and the Government of Pakistan was apprehensive that unless the Government of India were persuaded to de-

sist from violating its commitments with regard to Kashmir, the tensions between India and Pakistan might become uncontrollable.

DOCUMENTARY REFERENCES

S/5263. Letter of 16 March 1963 from India.
 S/5275. Letter of 30 March 1963 from China.
 S/5280. Letter of 10 April 1963 from Pakistan.
 S/5435. Letter of 7 October 1963 from India.
 S/5437, S/5450. Letters of 9 October and 1 November 1963 from Pakistan.

S/5454, S/5467. Letters of 12 and 27 November 1963 from India.
 S/5503. Letter of 3 January 1964 from India.
 S/5504. Letter of 3 January 1964 from Pakistan.
 A/5502. Report of Security Council to General Assembly, 16 July 1962-15 July 1963, Chapter 15.

QUESTION CONCERNING CAMBODIA AND THAILAND

In accordance with an agreement reached with the Governments of Cambodia and Thailand, it will be recalled, the Secretary-General appointed Nils G. Gussing as his Special Representative in the area for one year, beginning 1 January 1963.³

On 9 December 1963, in a letter to the Security Council, the Secretary-General said that although the two Governments agreed that Mr. Gussing's presence and availability had been a useful factor, it must nevertheless be stated that the objectives mentioned in his letter of 18 December 1962 had not been fully realized. Therefore, the Secretary-General had enquired of the two Governments whether, and if so in which form, they would desire the Mission to continue. Both Governments had informed him that it

was their wish that the Special Representative of the Secretary-General should continue his activities under the same terms of reference for the calendar year 1964. They had agreed, however, that a small increase in the existing staff of the Special Representative should be provided, to enable him to travel more frequently between the respective capitals.

The Secretary-General felt that, in the circumstances, he should agree to the request of the two Governments, which had again signified to him their willingness to share on an equal basis all costs involved, so that no budgetary provision on the part of the United Nations would be required.

³ See Y.U.N., 1962, p. 131.

DOCUMENTARY REFERENCE

S/5479. Letter of 9 December 1963 from Secretary-General.

THE VIOLATION OF HUMAN RIGHTS IN SOUTH VIET-NAM

In a letter dated 4 September 1963 to the Secretary-General, the Permanent Representatives of 14 countries (Afghanistan, Algeria, Cambodia, Ceylon, Guinea, India, Indonesia, Mongolia, Nigeria, Pakistan, Rwanda, Sierra Leone, Somalia and Trinidad and Tobago, subsequently joined by Mali and Nepal) requested the inclusion in the agenda of the eighteenth session of the General Assembly of an item entitled "The Violation of Human Rights in South Viet-Nam."

On 13 September, these Members, in an explanatory memorandum, said that the serious violations of human rights in South Viet-Nam

had been openly manifested when the Government of South Viet-Nam had interfered with the exercise—by the majority of its citizens—of the right to freedom of thought, conscience and religion, including freedom to manifest their religion or belief as proclaimed by article 18 of the Universal Declaration of Human Rights. Over 70 per cent of the population of South Viet-Nam were Buddhists. In May 1963, the memorandum said, Vietnamese citizens in Hué had sought to exercise the right referred to, in connexion with Buddha's birthday, but that right had been ruthlessly denied to them by the Government of President Ngo Dinh Diem.

Nine persons had been killed when troops fired on participants at the Government's orders. In spite of the resulting demand, there had been no redress of grievances and no acceptance by the Government of responsibility for the killings. The intensity of feeling aroused was such that five monks and a nun had immolated themselves. A little after midnight on 20 August 1963, hordes of armed police had entered the venerated Xa Lai pagoda in Saigon and carried away hundreds of monks and nuns to prisons, after inflicting injury on them. That action had been repeated in the early hours of the same day in a number of other pagodas throughout the country. At least a thousand monks were estimated to be incarcerated; the death toll was unknown. On 25 August, demonstrating students of Saigon University were arrested by the hundreds. The Government was moving more and more towards the suppression of human rights, such as the rights of assembly, freedom of speech, freedom of communication, and so forth. The situation, which had caused world-wide concern, demanded the immediate attention of the United Nations.

On 20 September, the General Assembly decided to include the item in its agenda and to discuss it in plenary meetings.

On 23 September, the Secretary-General transmitted for the information of delegations the texts of an exchange of correspondence between him and the President of the Republic of Viet-Nam. On 31 August, the Secretary-General had informed the President that the Asian and African Members of the United Nations had expressed grave concern at the situation that had arisen in the Republic of Viet-Nam and had asked him to request the Government to take steps to normalize the situation by ensuring the exercise of fundamental human rights to all sections of the population. He was transmitting the request, he said, in the light of humanitarian considerations, and he added his own personal appeal to the President to find a solution in accordance with the principles of the Universal Declaration of Human Rights.

On 5 September, the President of Viet-Nam replied that there had been no suppression of Buddhist rights in Viet-Nam since the establishment of the Republic. The Buddhist question

was "a growing-pain of Buddhism" in an under-developed, newly independent country, short of cadres and of financial resources but desirous of rapidly asserting itself. The Buddhist movement had begun to develop all the more quickly because it had been held in check during the colonial period. Buddhism was suffering both qualitatively and quantitatively from a shortage of cadres, which offered both East and West an opportunity to infiltrate. This resulted in ideological deviations, which in practice were reflected in techniques of political agitation and propaganda and in the organization of riots and coups d'état for the benefit of foreign interests. He hoped the fraternal African and Asian countries would benefit from his country's experience and forestall crises that they might possibly have to face. The action taken by his Government on the Buddhist question had no other object than to shield the development of Buddhism from any external influence working against the interests of the Buddhist religion and the higher interests of the State. A solution had already been found: freed from the influence of foreign agitators and adventurers, the Buddhist hierarchy had resumed charge of the Buddhist community and of the pagodas throughout the territory of Viet-Nam.

Introducing the item in the General Assembly on 7 October, the representative of Ceylon presented a detailed picture of conditions and events in the Republic of Viet-Nam, and said his only concern was that the Buddhists of Viet-Nam should enjoy their Buddhist rights. He appealed for fair and equitable treatment for them.

The President of the General Assembly then read two letters he had received from the observer of the Republic of Viet-Nam to the United Nations. The first, dated 3 October 1963, requested that his Government be represented in the discussion of the item.

The second, dated 4 October, said his Government extended an invitation to the representatives of several Member States to visit Viet-Nam in the very near future, so that they might see what the real situation was as regards relations between the Government and the Buddhist community of Viet-Nam.

The representative of Costa Rica suggested that the General Assembly should accept the

invitation so as to examine all the available facts. The President then asked the Assembly whether it had any objection to accepting the invitation, as suggested by Costa Rica. The representative of the USSR suggested that the General Assembly should ask the Co-Chairmen of the Geneva Conference of 1954 to entrust to the International Control Commission the duty of investigating and reporting to the Co-Chairman, who would report to the General Assembly. The representative of the United Kingdom expressed his doubts as to the competence of the Co-Chairmen to deal with the matter or to refer it to the International Control Commission. The question, he said, was one of human rights.

The delegations of Costa Rica and Chile then introduced a draft resolution, by which the Assembly would instruct its President to appoint a commission of representatives of Member States to go to the Republic of Viet-Nam and collect as much information as possible. The commission would be asked to report on the results of its inquiries so that the Assembly could complete its consideration of the item before the close of the eighteenth session.

At a plenary meeting on 8 October, the President informed the Assembly that the draft resolution had been withdrawn and that therefore the Assembly had before it only the letter of invitation from the observer of the Republic of Viet-Nam. Since there were no objections, the President announced that he would act on the basis of the invitation.

At a plenary meeting on 11 October, the President announced that, on the basis of the invitation, he had appointed a Mission consisting of representatives of Afghanistan, Brazil, Ceylon, Costa Rica, Dahomey, Morocco and Nepal, and that the Governments of those States had designated the following persons to represent them on the Mission: Afghanistan—Abdul Rahman Pazhwak; Brazil—Sergio Correa da Costa; Ceylon—Sir Senerat Gunewardene; Costa Rica—Fernando Volio Jimenez; Dahomey—Luis Ignacio-Pinto; Morocco—Ahmed Taibi Benhima; Nepal—Matrika Prasad Koirala. The Chairman of the Mission would be Mr. Pazhwak and its purpose was to visit the Republic of Viet-Nam in order to see for itself what the situation was as regards relations between the

Government of the Republic of Viet-Nam and the Vietnamese Buddhist community.

In the course of four meetings held in New York between 14 and 21 October, the Mission unanimously elected the Moroccan representative as its Rapporteur and formulated its terms of reference as follows: "The Mission is an ad hoc fact-finding body and has been established to ascertain the facts of the situation as regards the alleged violations of human rights by the Government of the Republic of Viet-Nam in its relations with the Buddhist community of that country."

On 21 October, the Government of Morocco indicated that Mohamed Amor had been designated to represent Morocco instead of Mr. Taibi Benhima. The Mission agreed that Mr. Amor should be Rapporteur.

The Mission arrived in Saigon in the early hours of 24 October and left on the evening of 3 November. It established its own programme of work, remaining in Saigon throughout, while a delegation of the Mission visited Hué on 30 October. It was agreed with the Government that the Mission was free to see all witnesses it had asked to see who were connected with the Buddhist problem and the Government offered its co-operation in helping to locate witnesses and make them available. This offer, however, did not extend to political leaders in opposition to the régime.

The Mission on four occasions invited all interested persons to appear before it to give testimony or to send written petitions. This invitation was reproduced by the Vietnamese press. The Mission also handed to the Government three lists of witnesses whom it wished to hear, containing 48 names in all.

During its stay in Viet-Nam, the Mission heard seven spokesmen who put forward the Government case, and 47 other witnesses consisting of monks, nuns, Buddhist and lay leaders, and laymen in Saigon and Hué, some in pagodas, others in prison, hospital, youth-camps and at the Mission's headquarters. All the monks, nuns and Buddhist leaders interviewed and five of the laymen were persons whom the Mission had asked to see. Seven of the lay witnesses volunteered to appear before it. In addition, it received 116 communications from individuals and groups.

During all the interviews with witnesses, no Vietnamese officials were present. The Mission provided its own interpreter and took additional care on the spot to make sure that secrecy was observed. The Chairman explained to each witness the purpose of the Mission and its terms of reference. The witnesses were also assured that their testimony would be kept confidential in the sense that the mission would not identify the witnesses in its report when reviewing the evidence that it had gathered.

On the afternoon of 1 November, the Mission was advised to stay at its headquarters since firing had broken out in various parts of Saigon. Early the next morning, the Mission received a message from the Military Revolutionary Council asking it to stay in the country as long as it wished. However, the Mission considered that it had completed its investigations as contemplated by its terms of reference and left Viet-Nam, as had already been decided, on 3 November.

On its return to New York, the Mission unanimously adopted its report, which was issued on 7 December and which consisted of four chapters, as follows: I. Chronological account of the Mission's activities; II. Allegations of violations of human rights in the Republic of Viet-Nam brought before the General Assembly; III. Position of the Government; and IV. Examination of witnesses and communications received by the Mission. The report also contained 16 annexes.

At a plenary meeting of the General Assembly on 13 December, the President thanked the Mission for its thorough and detailed report and said that, in the light of recent events in Viet-Nam, the sponsors of the item had informed him that they did not believe it would be useful to undertake a discussion of the question at that time. The General Assembly decided that it was not necessary to continue consideration of the item, and the President declared that its consideration was concluded.

DOCUMENTARY REFERENCES

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