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CONTENTS

	Page
United action for peace: reports of the First Committee (A/1456) and the Fifth Committee (A/1463) (<i>concluded</i>).....	341
Request for the deletion of item 66 of the agenda.....	347
Statement by the Secretary-General of the League of Arab States.....	347
Financial reports and accounts, and reports of the Board of Auditors: report of the Fifth Committee.....	348
United Nations Joint Staff Pension Fund: report of the Fifth Committee (A/1449)	348
Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms: report of the <i>Ad Hoc</i> Political Committee (A/1437) ...	348

President: Mr. Nasrollah ENTEZAM (Iran).

United action for peace: reports of the First Committee (A/1456) and the Fifth Committee (A/1463) (*concluded*)

[Agenda item 68]

1. Mr. PEARSON (Canada): As one of the sponsors of the first draft resolution which is now before the General Assembly, I should like to add a few words concerning it before the vote is taken, and also a few words—although it is tempting to say more than a few words—on the statements made to the General Assembly by the leader of the Soviet Union delegation.

2. When he spoke yesterday [301st meeting], Mr. Vyshinsky complained of the rattle and the thunder of our speeches in support of this draft resolution. According to him, they were mendacious sneers and rude outbursts against the Soviet Union. All the sponsors of this draft, in his opinion, had vied with each other in impudence and crudeness, and he urged the participants in this debate to stick to the draft resolution and argue either for it or against it, strictly on its merits.

3. Then what did he do in his own speech? When he came to the rostrum, he attempted to drag the debate down to the level of an attack on various individuals, and more particularly on Mr. Dulles. So far as I could see from where I sat, Mr. Dulles seemed to receive this verbal assault with equanimity. He probably realized that he was safe, since a debate in the General Assembly

is not a purge. He may even have felt some satisfaction, as an author, from knowing that his book was receiving so much valuable publicity. Moreover, instead of sticking to the draft resolution, Mr. Vyshinsky spent most or a great part of his speech in discussing the report of the United States Economic Survey Mission to the Philippines headed by Mr. Bell, Mussolini's attack on Ethiopia, the election—or rather, the continuation in office—of our Secretary-General, the characteristics of monopoly capitalism and, especially, the events of the autumn of 1939, events which do, in fact, bear a relationship to the draft which is before us.

4. On this subject, we were privileged to hear from the leader of the Soviet Union delegation the pure party line on the cordial but temporary friendship struck up at that time between the Nazis and Moscow, and I must tell him frankly that his account of that episode simply will not wash. He assured us that the sole purpose of the Soviet-German pact in 1939 was to enable the USSR to fill gaps in its defences for the attack which it knew was coming. If that is a true explanation, why did the Soviet Union do its best, after the destruction of Poland, to force the nations of the British Commonwealth and France to stop fighting Hitler, and why did it accuse them of aggression in continuing the war? If those countries had stopped fighting at that time, would the USSR have been stronger to withstand the attack from Hitler, who would then have been in virtual domination of all of western Europe, an attack which Mr. Vyshinsky

assures us the rulers of Moscow knew was coming? If they did know it, why did they spurn all the attempts made by the United Kingdom Government to warn them of their danger as efforts to divide them from their friends of that moment, the Nazis?

5. In our view, Mr. Vyshinsky's version of the history of that period will not stand even the most superficial analysis, and his account of what happened in Korea in June 1950—and that also has a very immediate connexion with our draft resolution—seems to us to be equally flimsy and to fall to pieces at the slightest examination. He insisted yesterday, as he has insisted before, that it was the Soviet Union which tried to bring about a cease-fire in Korea in order to stop the war, and that it was the United States which did not permit this pacific solution.

6. I do not need to remind the General Assembly of some elementary facts. On 25 June, after North Korean forces had crossed the 38th parallel and were streaming south with armoured columns, the Security Council met to consider a report from the United Nations Commission on Korea¹ which had confirmed those facts, and it was the Security Council on that day, and not the Soviet Union, which asked for a cease-fire and called on the North Korean forces to withdraw beyond, or to, the 38th parallel.² That was a splendid opportunity for the USSR to support an appeal to **cease-fire**.

7. Did the Soviet Union support the Security Council in its efforts to stop the war, or did it encourage the forces of North Korea, which were then triumphantly advancing? So far as I am aware, there was no whisper of support from the USSR at that moment for the Security Council's appeal for a cease-fire. And what was the reason? Possibly, as we have not had a reason from the Soviet Union delegation, I might suggest an answer.

8. The USSR may have refused to support the Security Council's call for a cease-fire at that time because then the North Korean forces were enjoying the first fruits of aggression and were advancing pell-mell down the peninsula. The interest of the Soviet Union in a cease-fire bloomed later. It was not an early advocate of this idea, as Mr. Vyshinsky would have us believe, but rather its interest was expressed later, on 1 August,³ when it called for a cease-fire. At a time when its friends were in possession of most of Korea and the brave and embattled forces of the Republic of Korea, of the United States, and of other Members of the United Nations stood at bay, waiting until United Nations forces should have gathered sufficient strength to take the offensive—then, and then only, did the Soviet Union suddenly become pacific and realize the great advantages of a cease-fire.

9. The history of this is of importance only in so far as it helps us to meet the future, as we are attempting to do in this draft resolution. Let us admit that all of us, nations and individuals, made mistakes in the dismal thirties. But some of those mistakes we do not intend to repeat if we can avoid it. We are not going to repeat the mistakes of the thirties when collective security was

betrayed—we can admit that—and when States fell one by one before the aggressor. Nor are we going to repeat the mistakes of June 1950, when we were not organized to carry out quickly the collective security obligations we had undertaken when we signed the Charter. The purpose of the first of the three draft resolutions before the General Assembly is to help us to avoid making these mistakes in the future.

10. This draft resolution has been attacked, and very vigorously attacked, as aimed against, for one thing, the unanimity of the great Powers. That, as I see it, is nonsense. No one has more to gain from such unanimity than the smaller and middle-sized Powers. But what is the use of a unanimity which can be achieved only by doing nothing, which is used as a cloak for obstruction and reaction? That kind of unanimity is meaningless and will get us nowhere.

11. The draft resolution has also been attacked as a violation of the Charter. In this Assembly some honest doubts have been expressed about its constitutionality, and, as honest doubts, the sponsors of the draft resolution respect them. Nevertheless, we feel convinced that the draft resolution is within the terms of the Charter. We believe that the General Assembly has the power to make recommendations on the subjects dealt with therein, although it would not have the power to make decisions which would automatically impose commitments or enforcement obligations on the Members of the United Nations.

12. There has been a great deal of legal argument about this draft resolution, but I suspect that nothing that we can do or say on that subject will make any impression on the delegations of the Soviet bloc, which keep on repeating that it is a flagrant violation of the Charter. It should not, however, escape notice that those same delegations, which use such hard language about the legality of this draft resolution and have constituted themselves as the guardians and guarantors of the purity of our Charter, have at the same time submitted an amendment to the third draft resolution which is before us, which would certainly make that resolution completely and entirely a violation of the Charter.

13. Article 23, paragraph 1 of the Charter reads: "The Security Council shall consist of eleven Members of the United Nations. The Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, and the United States of America shall be permanent members of the Security Council..."

14. But the amendment to the third draft resolution which has been introduced by the Soviet Union delegation [A/1466] proposes that the first part of the operative part of the resolution should be redrafted to read as follows: "Recommends to the permanent members of the Security Council—the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America—that..."

15. You will note that in that listing of the permanent members of the Security Council, the Soviet Union delegation has added one little word to the list contained in Article 23 of the Charter. That one word, however—the word "People's" before the words "Republic of China"—is enough to show, I think, that in this amend-

¹ See *Official Records of the General Assembly, Fifth Session, Supplement No. 16*, chapter I, para. 6.

² See *Official Records of the Security Council, fifth year*, No. 15.

³ *Ibid.*, No. 22.

ment the USSR is attempting to rewrite paragraph 1 of Article 23 of the Charter. Would that, by any chance, be a violation of the Charter?

16. In the first draft resolution, we are making further progress toward organizing collective security. That is our goal. It is a good goal, and it is one which we are determined to reach, especially we of the smaller and middle Powers who know that by no other means can our security be ensured against those who threaten it. What this resolution does has been, I think, sufficiently explained by previous speakers, but let me mention one or two things which it does not do.

17. It does not sabotage the Security Council. It merely establishes peace machinery under the General Assembly to supplement the Security Council when the latter body sabotages itself. If the Security Council can work effectively to defend the peace and defeat the aggressor, this resolution will never have to be invoked. And no one will be more pleased by that than its sponsors and supporters.

18. Also, this resolution does not, as some friendly critics in Asia have suggested, organize the Assembly for war. It merely lays down methods by which, through General Assembly action, Members of the United Nations can implement obligations already undertaken under the Charter.

19. Thirdly, this resolution does not set up an international force. It recommends that Members should place national contingents at the disposal of the United Nations to carry out obligations and recommendations which those Members accept. These contingents must be equipped, trained and ready to join in international police action, so that, if a 27 June 1950 occurs again, the United Nations will have forces from many of its Members ready to meet the aggression, and not from one or two alone. To make this provision effective—the provision in paragraph 8—it will not be enough for a few countries to take the action recommended. We must all, within the measure of our capacities, contribute to its implementation. That will be the test of the sincerity of our words in favour of collective security, and that will be the test of the effectiveness of this new effort to put international force behind the collective will for peace of the United Nations.

20. Finally, this resolution, even if it is fully implemented, will not of itself bring peace. As section E indicates—and for that section we are indebted to the Chilean delegation—peace, in the long run, will be achieved only by establishing conditions of economic and social decency and security throughout the world. In the shorter run, peace will be achieved if the stronger Powers settle the problems which now so tragically divide them and which threaten to engulf us all in the tragic consequences of failure.

21. In this draft resolution we have made a bold step forward toward a genuine and effective system of collective security. This is our answer to those who would frustrate and make futile the efforts of the Security Council to carry out the task for which it has primary responsibility, namely, the maintenance of international peace and security. This draft resolution is also our warning to those who would threaten the peace and who are tempted to commit aggression. If they yield to this temptation, they will not only find opposed to them the

collective conscience of the peaceful world, expressed through the United Nations, they will also find that this conscience can express itself through international forces organized and equipped to carry out the decisions of our world Organization, decisions which will have no other purpose than the defence of peace. We are organizing collective security not for war but to prevent war, not for the pursuit of national policy but for the defence of international peace. In this high endeavour, all men of good will everywhere and all nations which follow the policies of peace will be on our side.

22. The PRESIDENT (*translated from French*): The list of speakers is closed; the general discussion is therefore also closed. Two delegations have asked to explain their vote and I shall call upon them in turn.

23. Mr. BOHEMAN (Sweden): The Swedish delegation will vote for this important draft resolution as a whole, but it wishes to reiterate a reservation made by Sweden's Foreign Minister in the First Committee as far as section C is concerned. The Swedish delegation abstained from voting on that section since the question involved must be submitted for consideration in accordance with the usual constitutional procedure. This does not signify, however, that the Swedish Government opposes that part of the draft resolution.

24. Mr. BELAUNDE (Peru) (*translated from Spanish*): The Peruvian delegation will vote wholeheartedly and advisedly, as it did in Committee, in favour of the entire draft resolution which has been discussed. It will do so for reasons which I shall now enumerate.

25. The Peruvian delegation's attitude to the problem under discussion is not of recent date nor is it due to the Acheson plan: my delegation's position in this matter was settled at the discussions at San Francisco. This is the most categorical answer to those who think that we have been or are discussing measures of mere expediency, emergency measures dictated by the circumstances. The Peruvian delegation considered this problem at San Francisco from an essentially legal standpoint.

26. It is obvious, from the Dumbarton Oaks principles, that it was then believed that practical and effective enforcement measures should be within the exclusive jurisdiction of the Security Council. That was the intention of the authors of the Dumbarton Oaks principles, but that is not what was decided at San Francisco. Before a vote is taken, it is proper that this should be stated here, emphatically, as being the absolute truth.

27. A distinction must be made between the spirit and the ideas prevailing at Dumbarton Oaks, and the spirit prevailing at San Francisco and the principles adopted there. The small nations, knowing perfectly well that the Council might be paralysed when it should take action, demanded that such inability to act should be noted and reported to the Assembly. Their demand that the Assembly should be acquainted with the Council's frustration was not based on theoretical or abstract considerations; it was based on the premise that it was essential that the Assembly should recover full jurisdiction in order to fulfil its responsibility for the maintenance of peace.

28. We said this categorically and we based ourselves on this argument in urging that the Council's inability to act should be noted in cases where, under the Dum-

barton Oaks principles, its disability was bound to be protracted or prolonged indefinitely. That was what the Peruvian delegation thought and that was what it said; at that time—1945—the Peruvian delegation said that the small nations would never be able to resign themselves to an Assembly powerless in the face of a paralysed Council.

29. Looking back on the text of the statements made at San Francisco—I call to the members of the relevant Committee in testimony—I find that the words used by the Peruvian delegation at that time, five years ago, were the same as those it used in the First Committee and is using now: "It is contrary to the spirit of San Francisco to have an Assembly powerless in the face of a paralysed Council."

30. Four months later I wrote a book on the San Francisco Conference and, although it is not in good taste to quote oneself, it is essential to explain principles properly and to establish the truth. I said in that book: "For obvious political reasons, the great Powers might have found it undesirable to contemplate the possibility of a paralysed Council, but it was the duty of the small Powers to state that the Assembly, reflecting world opinion, could be a decisive factor in the strengthening of peace in the event of disagreement in the Council." I added: "It was essential that the Powers desiring to use the right of veto as a means of gaining political advantages should know for certain that the Assembly, under the irresistible pressure of public opinion, would always decide in favour of those Powers which were determined to support just solutions for the maintenance of peace."

31. Thus as long ago as 1945 I warned that if the Council were paralysed, the Assembly would be obliged, under an "irresistible pressure", to assume the responsibility conferred upon it by the Charter and to support those members of the Security Council which favoured the solution whose adoption had been prevented by the veto of a single Power.

32. It is obvious that the text which we are going to adopt is in conformity with the spirit and letter of the Charter. I shall not dwell further on that point, since I am simply explaining my vote, but I must add, in this explanation, that we shall not be conferring any new powers upon the Assembly. The representative of Canada has made it very clear that there is no question of destroying the powers of the Council; nor is there any question of revoking Articles 33 and 36 of the Charter. In exercising its new functions, the Assembly will have to respect Articles 33 and 36 of the Charter and it will have to respect existing law. Nothing in this draft resolution can run counter to existing law or to the principle that precedence must be given to the peaceful means of settling disputes which are laid down in regional arrangements or established in the Charter.

33. Thus, another argument explaining my vote is this: this resolution will ensure that the Charter is fulfilled and, although this may seem paradoxical, will strengthen the Security Council. For the Council has been weakened by a false idea which was in reality a consistent moral violation of the spirit of the Charter—this conversion of the unanimity rule into the right of

veto. Today, when we are sure that the Assembly will meet and will take whatever action is necessary and that, under irresistible pressure—as I said in 1945—it will support the measures for peace taken by the great Powers, it will be very difficult for any Power to try to oppose that irresistible pressure. Accordingly, our resolution will end the use of the veto and bring about the application of the unanimity rule instead, because we did not vote for the veto as a privilege but as an obligation binding the great Powers to seek agreement.

34. The Assembly being thus strengthened by the principle of the integrity of the life force, the Security Council also will be strengthened, and we think that with this resolution we shall have taken a definite step forward towards international peace and justice. Without this resolution, we had an incomplete, crippled and ineffective Charter. With this resolution we shall have a Charter which works.

35. Mr. FOURNIER ACUÑA (Costa Rica) (*translated from Spanish*): Before the General Assembly proceeds to a vote on the draft resolutions before it, the Costa Rican delegation would like to explain its position as regards section C, in other words, it wishes to repeat more or less what it said in the First Committee.

36. We shall vote in favour of paragraph 8 of section C on the understanding that the phrase, "in accordance with their respective constitutional processes", affects the whole of paragraph 8 of section C and not merely its second part. We make this point because our country cannot, under its Constitution, carry out the obligation laid down in paragraph 8 to keep permanent forces either for use by the United Nations or for any other reason.

37. Because of the deeply-rooted anti-militarism of its people, Costa Rica has always wished to be a completely unarmed and pacific country. After the revolution of 1948, the provisional government which then came into power dissolved the national armed forces because it considered that an army is no defence for a small country like ours at a time when the weapons needed are the powerful ones which are beyond our means. Our sole defence is therefore in the right and justice which international organizations may give us. Moreover, armies generally imperil the domestic life of a country, especially in so far as civic liberty and the electoral power of its people is concerned. And that measure which the revolutionary provisional government of 1948 carried out is enshrined in article 12 of our present Constitution which says: "A permanent army is forbidden. The necessary police forces shall be set up for the maintenance of law and order".

38. Consequently the Republic of Costa Rica cannot assume the obligation laid down in paragraph 8 unless that obligation is conditional on the phrase which I mentioned before, namely, "in accordance with their respective constitutional processes". We shall vote for the draft resolution as a whole provided it is recognized that we cannot assume the obligation contained in paragraph 8 because our Constitution prevents us from so doing.

39. I should like to take this opportunity to repeat that our country will vote wholeheartedly for the draft resolution as a whole, because it is a measure which will give the United Nations the necessary and indispensable efficacy as well as putting its decisions on a more demo-

⁴ See Belaúnde, V. A., *La Conferencia de San Francisco*, Lima, Talleres Gráficos de la Editorial Lumen S.A., 1945, pages 48 and 49.

cratic basis. Besides, as I said before, we base our defence and all our hopes on organizations for justice such as the United Nations.

40. Mr. CASTRO (El Salvador) (*translated from Spanish*): The delegation of El Salvador will vote for all the draft resolutions which were approved by the First Committee and for its plan for peace. As we know, those proposals are a result of the difficulties which have arisen in the United Nations on account of the excessive use of the veto.

41. We should like nothing better than that the future should render entirely unnecessary any application of the measures recommended in the peace plan. Naturally, however, everything depends upon the policy which the permanent members of the Security Council pursue in that important organ of the United Nations. I repeat, then, that the delegation of El Salvador will vote for all the proposals approved by the First Committee.

42. I have deemed it necessary to explain publicly the vote of the delegation of El Salvador, for it sometimes happens, particularly when a vote is taken by roll-call, that many errors and misunderstandings are spread about the vote of this or that delegation.

43. When the issue before the Assembly was the election, or rather, the extension of the term of office, of the Secretary-General of the United Nations, the delegation of El Salvador voted for the draft resolution submitted jointly by several delegations. Yet, according to almost all the New York newspapers, the delegations of El Salvador and Haiti were absent during the vote. That is not true. The delegation of El Salvador has never failed to take a stand on any problem on the agenda of the Assembly which it considered important. The election of the Secretary-General was important; consequently the delegation of El Salvador came out quite clearly in favour of the joint draft resolution, just as it would have been in favour of the proposal made by the representative of Syria, had that proposal received sufficiently wide support.

44. I wish to repeat, then, that the delegation of El Salvador will vote in favour of all the draft resolutions approved by the First Committee in connexion with the plan for peace.

45. Mr. AL-JAMALI (Iraq): My delegation will wholeheartedly support all resolutions aimed at ensuring collective security and strengthening world peace. We believe that the draft resolutions submitted to the General Assembly for the purpose of making the General Assembly function when the activities of the Security Council are hampered by the veto are very important, and that is why we shall vote for them. We shall vote for all those proposals, whether they are of a preventive or of a remedial nature.

46. I have, however, one reservation to make, with regard to paragraph 3 in section B of the first draft resolution, with regard to the peace observation commission. I should like to put it on record that it is our understanding that the invitations which would be extended to that commission would not mean that all the members of that commission would go to all places in the world. I say that because my country cannot recognize one member on that proposed commission. I have learned from one of the eminent sponsors of the draft resolution that it is not meant that all the members of the

commission would visit all places for purposes of inspection. In other words, the invitation is to be limited to certain members of the proposed commission, because certain States cannot invite all the members of the commission to their territories. We certainly are unable to invite to our country one member among the fourteen mentioned, because we do not recognize it.

47. The PRESIDENT (*translated from French*): We shall now vote on the draft resolutions submitted to the General Assembly. I shall take the vote on these draft resolutions section by section. We shall also have to take action on the amendments which have been submitted. Only the USSR delegation has submitted amendments [A/1465 and A/1466]. I shall first take a vote on the amendments to a particular section and then I shall put the section itself to the vote. I shall ask the delegation of the Soviet Union to help me by telling me if I make any error or omission with regard to the amendments which it has submitted.

48. We shall begin with the preamble to the first draft resolution submitted by the First Committee [A/1456].

49. I put to the vote the USSR amendment [A/1465, I, paragraph 1] calling for the deletion of the fourth recital, beginning with the words "Recalling its resolution 290 (IV) . . ."

The amendment was rejected by 49 votes to 5, with 5 abstentions.

50. The PRESIDENT (*translated from French*): I put to the vote the USSR amendment [A/1465, I, paragraph 2] calling for the deletion, in the fifth recital, of the words "and to exercise restraint in the use of the veto".

The amendment was rejected by 45 votes to 5, with 5 abstentions.

51. The PRESIDENT (*translated from French*): I put to the vote the USSR amendment [A/1465, I, paragraph 3] calling for the replacement, in the sixth recital, of the words "and desiring to ensure that, pending the conclusion of such agreements, the United Nations has at its disposal means for maintaining international peace and security", by the words "and taking into account the obligation to implement Article 106 of the Charter".

The amendment was rejected by 45 votes to 5, with 5 abstentions.

52. The PRESIDENT (*translated from French*): I put to the vote the USSR amendment [A/1465, I, paragraph 4] calling for the deletion of the seventh, eighth and ninth recitals.

The amendment was rejected by 52 votes to 5, with 2 abstentions.

53. The PRESIDENT (*translated from French*): I put to the vote the preamble to the first draft resolution.

The preamble was adopted by 53 votes to 5.

54. The PRESIDENT (*translated from French*): We now come to section A of the first draft resolution. The delegation of the Soviet Union has submitted three amendments to this section.

55. I put to the vote the USSR amendment [A/1465, I, paragraph 5] calling for the replacement, in paragraph 1, of the words "to making appropriate recommendations to Members for collective measures, including in

the case of a breach of the peace or act of aggression the use of armed force when necessary to maintain or restore international peace and security", by the words "to making appropriate recommendations to maintain or restore international peace and security, it being understood that any such question on which action is necessary shall, in accordance with Article 11 of the Charter, be referred to the Security Council by the General Assembly either before or after discussion".

The amendment was rejected by 49 votes to 5, with 3 abstentions.

56. The PRESIDENT (*translated from French*): I put to the vote the USSR amendment [A/1465, I, paragraph 6] calling for the replacement, in paragraph 1, of the words "within twenty-four hours" by the words "within ten days".

The amendment was rejected by 47 votes to 5, with 5 abstentions.

57. The PRESIDENT (*translated from French*): I put to the vote the USSR amendment [A/1465, I, paragraph 7] calling for the deletion, in paragraph 1, of the words "on the vote of any seven members".

The amendment was rejected by 48 votes to 5, with 6 abstentions.

58. The PRESIDENT (*translated from French*): I put to the vote section A as a whole.

Section A was adopted by 52 votes to 5, with 1 abstention.

59. The PRESIDENT (*translated from French*): No amendments have been submitted to section B. I therefore put that section to the vote as a whole.

Section B was adopted by 57 votes to none, with 2 abstentions.

60. The PRESIDENT (*translated from French*): The delegation of the Soviet Union has proposed [A/1465, I, paragraph 8] the deletion of paragraphs 7, 8, 9 and 10 of the draft resolution, which would amount to the deletion of section C. Instead of putting that amendment to the vote, and if the USSR representative agrees, I shall put section C as a whole to the vote, which will really come to the same.

Mr. Vyshinsky indicated his agreement.

Section C was adopted by 45 votes to 5, with 7 abstentions.

61. The PRESIDENT (*translated from French*): The amendments submitted by the delegation of the Soviet Union to section D [A/1465, I, paragraph 8] are of the same kind; they call for the deletion of paragraphs 11, 12 and 13 of the draft resolution, in other words, of section D. I therefore put section D as a whole to the vote.

Section D was adopted by 49 votes to 5, with 3 abstentions.

62. The PRESIDENT (*translated from French*): No amendments have been submitted to section E. I therefore put that section to the vote.

Section E was adopted by 54 votes to none, with 1 abstention.

63. The PRESIDENT (*translated from French*): We now come to the annex to the first draft resolution.

I put to the vote the USSR amendment [A/1465, II, paragraph 1] calling for the replacement, in paragraph 1, of the words "twenty-four hours" by the words "ten days".

The amendment was rejected by 48 votes to 5, with 5 abstentions.

64. The PRESIDENT (*translated from French*): I put to the vote the USSR amendment [A/1465, II, paragraph 1] calling for the deletion, in paragraph 1, of the words "on the vote of any seven members thereof".

The amendment was rejected by 48 votes to 5, with 5 abstentions.

65. The PRESIDENT (*translated from French*): I put to the vote the USSR amendment [A/1465, II, paragraph 1] calling for the deletion, in paragraph 1, of the words "expressed by vote in the Interim Committee or otherwise".

The amendment was rejected by 40 votes to 6, with 4 abstentions.

66. The PRESIDENT (*translated from French*): I put to the vote the USSR amendment [A/1465, II, paragraph 2] calling for the replacement, in paragraph 3, of the words "twelve hours" by the words "ten days".

The amendment was rejected by 44 votes to 6, with 4 abstentions.

67. The PRESIDENT (*translated from French*): I put to the vote the annex to the first draft resolution as a whole.

The annex was adopted by 51 votes to 5, with 2 abstentions.

68. The PRESIDENT (*translated from French*): No amendments have been submitted to the second draft resolution. I therefore put that draft resolution to the vote.

The second draft resolution was adopted by 52 votes to none, with 6 abstentions.

69. The PRESIDENT (*translated from French*): We come now to the third draft resolution. The delegation of the Soviet Union has proposed that the beginning of the operative part should be redrafted to read as follows [A/1466]:

"Recommends to the permanent members of the Security Council—the People's Republic of China, France, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland and the United States of America—that . . ."

70. I put this amendment to the vote.

The amendment was rejected by 40 votes to 8, with 9 abstentions.

71. Mr. YOUNGER (United Kingdom): I should like to explain why my delegation voted against this amendment. In the First Committee, there were several proposals designed to make it clear that their sponsors considered that the Central People's Government of China was the government which should represent the Republic of China. My delegation voted in favour of those proposals in Committee. However, I voted against the amendment on which a vote has just been taken because, as was explained by the representative of Canada earlier today, to accept it in the form in which

it was submitted would be, in effect, to rewrite a provision of the Charter. It seems to my delegation that no one has the right to define which are the permanent members of the Security Council in any other way than the way they are defined in the Charter.

72. The PRESIDENT (*translated from French*): I put to the vote the third draft resolution.

The third draft resolution was adopted by 57 votes to none.

73. The PRESIDENT (*translated from French*): I now put to the vote the draft resolutions contained in the report of the First Committee as a whole. A roll-call vote has been requested.

A vote was taken by roll-call.

Costa Rica, having been drawn by lot by the President, was called upon to vote first.

In favour: Costa Rica, Cuba, Denmark, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, France, Greece, Guatemala, Haiti, Honduras, Iceland, Indonesia, Iran, Iraq, Israel, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Saudi Arabia, Sweden, Syria, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Afghanistan, Australia, Belgium, Bolivia, Brazil, Burma, Canada, Chile, China, Colombia.

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

Abstaining: India, Argentina.

The draft resolutions as a whole were adopted by 52 votes to 5, with 2 abstentions.

74. The PRESIDENT (*translated from French*): The Assembly has just adopted a decision the importance of which is obvious to all. I can say without exaggeration that it is not only the most important decision adopted during this session, but the most important of all those adopted during any session of the General Assembly since the inception of the United Nations.

75. As you know, these resolutions are headed "Uniting for Peace". It is for us now to justify that title and to prove to the peoples of the world that we are in truth united for peace.

76. We shall now vote on the draft resolution submitted by the Soviet Union, concerning united action for peace, which reads as follows [A/1467]:

"The General Assembly,

"Taking into account the particular importance of concerted action by the five permanent members of the Security Council in defending and strengthening peace and security among the nations,

"Recommends that before armed forces are placed at the disposal of the Security Council under appropriate agreements concluded in accordance with

Article 43 of the Charter, the five permanent members of the Security Council—the Union of Soviet Socialist Republics, the United States of America, the United Kingdom, China and France—should take steps to ensure the necessary implementation of Article 106 of the Charter providing for consultation between them, and that they should consult together in accordance with the said Article 106 of the Charter for the purpose of taking such joint action on behalf of the Organization as may prove to be necessary for the maintenance of international peace and security."

The draft resolution was rejected by 39 votes to 5, with 11 abstentions.

Request for the deletion of item 66 of the agenda

77. The PRESIDENT (*translated from French*): You will have noted that, at the end of its report [A/1456], the First Committee suggests that item 66 of the General Assembly's agenda should be deleted. If there are no objections, I shall interpret your silence to mean that the Assembly approves this proposal.

It was so decided.

Statement by the Secretary-General of the League of Arab States

78. The PRESIDENT (*translated from French*): The General Assembly decided, at its 299th meeting, on the recommendation of the Sixth Committee, to invite the Secretary-General of the Arab League to participate in the work of the General Assembly as an observer. The Secretary-General of the Arab League was not present on that day and was therefore unable to extend his thanks to the General Assembly. He is here now, and has asked permission to do so today. Since there are no objections, I call upon Azzam Pasha, Secretary-General of the Arab League.

79. AZZAM Pasha (League of Arab States): I am greatly pleased to be able to present from this rostrum, on behalf of the Arab League, the most sincere expression of thanks to the General Assembly for the permanent invitation which has been extended to the League.

80. Allow me to explain to this honourable Assembly some of the significant features of the Arab League. The League is an Arab organization open to each and every Arab country attaining its independence and sovereignty. So far the League comprises seven member States, six of which are Members of the United Nations. We trust, however, that the principles of the Charter, applied by the General Assembly, will bring into membership of the League many Arab countries now aspiring to liberty and independence.

81. At present the Arab League represents fifty million Arabs from the whole Arab world extending from the Atlantic to the Indian Ocean. This Arab world exercises a vast spiritual and cultural influence which extends far beyond its frontiers. In fact, this influence is the sacred heritage that has devolved upon the Arab League from the land that has been for thousands of years a principal cross-roads of the world, the melting-pot of ancient civilizations and the cradle of great religions that inspire hundreds of millions all over the world.

82. The Arab world, in addition to being a melting-pot of ideas, was actually a melting-pot of human races, thus producing a people which, through the centuries, has evolved and acquired a deep sense of tolerance, fair play and justice, coupled with a genuine attachment to fraternity and equality. With this ideal alive in the minds and hearts of our people, the Arab League has officially defined an Arab to be any person who dwells in our land, speaks our language and shares our culture and aspirations.

83. This goes to establish that the Arab League is not imbued with any religious or racial prejudice. We are confident that the Arab League will not betray this sacred legacy of tolerance and benevolence. It has always been our tradition to extend a free hand of peace and co-operation to those who seek co-operation honestly and peacefully.

84. Arabism is wide in scope and deep in significance. The spirit it represents is traceable far beyond Arab lands. It is to be found not only everywhere in the old world, but it has also crossed the ocean to the new world, carried by members of the Mediterranean family who have shared with us the heritage of the Mediterranean civilizations and religions from time immemorial, and particularly during the eight centuries preceding the discovery of America. Our ancestors lived together on the shores of the Mediterranean. This is why, when we Arabs come to the General Assembly and meet many of the representatives of the American continent, we feel a natural affinity towards them, an affinity which certainly flows from our common legacy.

85. The East, through the lengthy experience of generations, has developed a golden rule inculcated by all its religions, namely, that ideas can be conquered only by ideas. Violence has always defeated its ends. Violence or no violence, the fittest of the ideologies will survive. Why not then be human and tolerant?

86. I am happy to be able to speak to you today on behalf of the League as a whole and to renew the assurance of our continued co-operation with the United Nations. The Arab League has been glad to work hand in hand with organs of the United Nations, such as the Food and Agriculture Organization, the World Health Organization and the Economic and Social Council. This month will witness the second social welfare seminar for the Arab States of the Middle East, meeting in Cairo under the auspices of the United Nations and the Arab League. We are looking forward to closer collaboration, particularly in social, economic and cultural activities.

87. Since 1947 I have, on behalf of the Arab League, extended to the Secretary-General of the United Nations an invitation to visit our part of the world and see with us some of our problems. It is needless to assert that this invitation still stands. We shall always be glad to welcome in Cairo, which is the seat of the Arab League, the Secretary-General and other officials and organs of the United Nations.

88. I should like once more to express to the President and to the General Assembly the most sincere thanks, on behalf of the League of Arab States, trusting that your invitation will mark an era of fruitful co-operation leading to peace, progress and prosperity.

Financial reports and accounts, and reports of the Board of Auditors: report of the Fifth Committee

[Agenda item 37]

(a) UNITED NATIONS, FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1949 (A/1446)

The draft resolution submitted in the report of the Fifth Committee was adopted by 58 votes to none, with 1 abstention.

(b) UNITED NATIONS INTERNATIONAL CHILDREN'S EMERGENCY FUND, FOR THE FINANCIAL YEAR ENDED 31 DECEMBER 1949 (A/1447 and Corr.1)

The draft resolution submitted in the report of the Fifth Committee was adopted by 53 votes to none.

(c) UNITED NATIONS RELIEF FOR PALESTINE REFUGEES, FOR THE PERIOD 1 DECEMBER 1948 TO 30 APRIL 1950 (A/1448)

The draft resolution submitted in the report of the Fifth Committee was adopted by 56 votes to none.

United Nations Joint Staff Pension Fund: report of the Fifth Committee (A/1449)

[Agenda item 44]

The draft resolution submitted in the report of the Fifth Committee was adopted unanimously.

Observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms: report of the Ad Hoc Political Committee (A/1437)

[Agenda item 25]

89. The PRESIDENT (*translated from French*): I call upon the Assembly to signify, in accordance with its rules of procedure, whether it wishes to discuss the report of the Ad Hoc Political Committee on the question of the observance in Bulgaria, Hungary and Romania of human rights and fundamental freedoms.

A vote was taken by show of hands.

90. The PRESIDENT (*translated from French*): I am faced with a difficulty—I am not quite sure about the result of the vote. I should prefer to consult the Assembly again on the question whether it considers a discussion of the report necessary.

A second vote was taken by show of hands.

91. The PRESIDENT (*translated from French*): The result has changed to an extraordinary degree. The first time, 6 delegations voted in favour of a discussion and 18 voted against; according to the second vote, 10 delegations desire a discussion and 15 do not. Twenty-five delegations have signified their wishes, more than a third consider a discussion necessary and a discussion must therefore take place.

92. In accordance with the usual procedure, when I counted the votes I did not take into account the abstentions. At the first vote, the six members who voted in favour represented a third of those who voted against. But it appears that, in accordance with the rules of procedure, at least a third of all the members of the Assembly must vote in favour. I shall request Mr. Cordier to explain the matter.

93. Mr. CORDIER (Executive Assistant to the Secretary-General): The President has rightly stated that abstentions do not count in the total number of valid votes. At the first vote, the total number of valid votes was 24. Since there were only 6 votes in favour of the proposal, instead of the 8 which would have constituted a third of the valid votes, there should be no debate on this item.

94. The PRESIDENT (*translated from French*): Owing to an error on my part, two votes have taken place although the first would have sufficed. Does the Assembly desire to settle the matter by a third vote?

95. Mr. VYSHINSKY (Union of Soviet Socialist Republics) (*translated from Russian*): The USSR delegation does not quite understand what is happening. First a vote was taken, and a certain result was obtained. I consider that the President had every right to verify that vote, since he had expressed certain doubts as to the correctness of the count, and so on.

96. If I understand aright, the results of the second count were as follows: 10 delegations voted for the opening of the discussion and 15 delegations voted against. Thus 10 delegations, in other words, more than the one-third stipulated in rule 67 of the rules of procedure of the General Assembly voted in favour of opening the debate. Why, then, should we now have to have a third vote?

97. I think that everything is clear. Rule 67 of the rules of procedure requires that at least one-third of the Members present and voting should vote in favour of a discussion. We have such a quorum and even more, since 10 delegations voted in favour of opening the debate.

98. I therefore consider that it would be unfair and unjustifiable to take another vote.

99. The PRESIDENT (*translated from French*): I had hoped that Mr. Vyshinsky's explanation would help me to reach a decision. Unfortunately, it has not helped me very much. I made a mistake—and I apologize for it—for the first vote was in conformity with our rules of procedure and, if I had announced the results, the Assembly would not have embarked upon a discussion of this question. I do not, however, believe that the question is so very important, for, as the number of those in favour rose from 6 to 10 between the first and the second votes, no doubt the number of delegations favouring a discussion would reach 15 if I were to ask you to vote a third time.

100. Mr. KYROU (Greece) (*translated from French*): My delegation abstained on both votes precisely because it does not attach great importance to this discussion. It is nevertheless prepared to agree to it. The President made a mistake, which is, after all, only human, but in my opinion, the question of these two votes should be regarded in the light of rule 82 of the rules of procedure, which says: "When a proposal has been adopted or rejected it may not be reconsidered at the same session unless the General Assembly, by a two-thirds majority of the Members present and voting, so decides . . ." Thus the first vote remains valid.

101. The PRESIDENT (*translated from French*): To avoid any further discussion, I shall make a ruling. Should it be challenged, I shall put it to the vote, in accordance with the rules of procedure.

102. The first vote would have been final if I had announced its results. But since I failed to do so and since I requested the Assembly to vote a second time, I consider the latter vote to be valid. If this ruling is challenged, I shall put it to the vote.

103. I see that no one challenges it. Thank you for this gesture of courtesy. You have supported me when I was right and you have supported me again when I was wrong; I am most grateful to you. The debate is therefore open, and I invite the Rapporteur of the *Ad Hoc* Political Committee to present his report.

Mr. López (Philippines) (*Rapporteur*), submitted the report of the *Ad Hoc* Political Committee and the attached draft resolution (A/1437).

104. Sir Keith OFFICER (Australia): I shall be very brief, because this is a very simple proposal in spite of the fact that, during the debates in the *Ad Hoc* Political Committee,⁵ a determined effort was made to bring into it a great deal of extraneous matter.

105. In 1946, three States, Hungary, Romania and Bulgaria, signed peace treaties with the Allied and Associated Powers. In those treaties, because of the somewhat doubtful past record of those countries, provisions were inserted regarding human rights. The treaties were generous in every way, and they were signed without protest. And the three States have shown no hesitation in taking every advantage of the benefits the treaties conferred. Each of the treaties contained a provision regarding the procedure to be followed in the event of disputes regarding the provisions on human rights.

106. Since the treaties came into effect, there have been grave charges against all three States of infringement of the provisions regarding human rights. Certain States signatories to the treaties, therefore, took steps to put into operation the treaty provisions for dealing with such charges. The States charged with the offences refused to carry out those provisions.

107. During the debate in the *Ad Hoc* Political Committee, a great deal of time, energy, skill and ingenuity were used to show, first, that to comply with the procedure would be an interference in the internal rights of the States, and, secondly, to prove that the States were models in every way as regards religious tolerance, education, social welfare and so on. If this is so, why do the States not agree to the implementation of the provisions of the treaties and prove that there is no foundation for these charges and end the matter once and for all?

108. I do not propose to set before the Assembly again the details of these charges. They have all been set forth before previous sessions of the General Assembly; new ones were set forth in the *Ad Hoc* Political Committee. We are simply and solely concerned with the breach of the treaties. If the States are not guilty of offences, why do they not allow the procedure to be followed and prove that no such breaches have been committed? Until they do—and they can still do so—they stand before us as treaty breakers. They entered into a solemn obligation; they have failed to keep it, and, until they purge their contempt, they have no part or lot with this Organization.

⁵ See *Official Records of the General Assembly, Fifth Session, Ad Hoc Political Committee, 2nd to 6th meetings inclusive.*

109. Mr. COHEN (United States of America): The draft resolution before the Assembly, approved in the *Ad Hoc* Political Committee by a vote of 39 to 5, has the support of the United States delegation. The United States delegation would be less than frank, however, if it did not express its deep regret that apparently no more effective course can be pursued by the Assembly at the present time to ensure the fulfilment of treaty obligations to respect human rights and freedoms in Bulgaria, Hungary and Romania. But it is the hope of the United States delegation that the proposed resolution will stand as a public censure to the governments of those countries and as a constant reminder of what the international community of nations has a right to expect from them as a matter of treaty obligation.

110. The draft resolution is not directed at the freedom-loving peoples of those countries. It is directed at the governments which were imposed upon those countries in clear violation of the pledges made to those peoples at Yalta. In the declaration they made at Yalta in 1945, the principal Allied Powers promised to let those liberated peoples set up, by free elections, governments of their choice, and to see to it that the Nazi tyranny was not followed by any other tyranny. The human rights clauses of the peace treaties were intended to oblige the governments of those countries to honour and respect those war-time promises of the Allied Powers to the peoples of those countries.

111. The draft resolution before us deals with a matter of profound international concern—the breaking of specific treaty obligations. It is now more than two years since the whole world was aroused by the trial and punishment of Cardinal Mindszenty in Hungary and the Protestant churchmen in Bulgaria. Those trials, however, only highlighted a persistent pattern of conduct theretofore pursued by the Governments of Bulgaria, Hungary and Romania which, in our opinion, disclosed an intent to stifle the expression of any independent thought or opinion. That pattern of conduct seemed to indicate that the governments of those countries, which had acquired power under the Soviet occupation, were determined to hold their power regardless of the wishes of the people and to terrorize all those not subservient to Cominform dictates. The so-called peoples' republics in those countries, instead of observing their treaty obligations, apparently sought to follow the law as laid down in Mr. Vyshinsky's book on the *Law of the Soviet State*.

112. In his book, Mr. Vyshinsky has frankly asserted: "In our State, naturally, there is and can be no place for freedom of speech, Press, and so on for the foes of socialism."⁶ And the peoples' republics in those countries apparently regard as fascists and as foes of socialism all those whose thoughts and opinions do not at all times and in all ways conform to the policies of Soviet imperialism.

113. Believing that the actions of those governments violated the human rights clauses of the peace treaties, the United States and other treaty States took steps under the peace treaties with a view to obtaining the observance of these obligations concerning human rights.

When the matter was brought before the General Assembly in the spring of 1949, the Assembly urged the complaining signatories to the treaties to pursue their efforts under the treaties to ensure the observance of human rights and fundamental freedoms in these countries [*resolution 272 (III)*]. Despite the indignation felt throughout the world, the Assembly carefully avoided at that time any formal condemnation of those countries, but sought, as did the complaining signatories, an objective determination of the facts and the law under the procedures laid down in the treaties for the settlement of disputes.

114. The three accused governments, however, refused to co-operate in obtaining a settlement of the disputes under the treaties, and they denied that they were under any legal obligation to co-operate in setting up treaty commissions with authority to settle the disputes. When the matter again came before the General Assembly last autumn, the Assembly requested an advisory opinion from the International Court of Justice to determine whether the accused governments were legally obliged under the treaties to appoint representatives to the treaty commissions [*resolution 294 (IV)*]. The Assembly also asked the Court to advise it whether, if the accused governments failed to name their representatives, the treaty commissions could function without them. The Court replied⁷ that the accused governments were legally obliged to appoint representatives to the treaty commissions but that, if they failed to carry out that legal obligation, the treaty commissions could not function.

115. The draft resolution before us attempts to deal with the situation created by the wrongful and illegal refusal of the three governments to co-operate in the settlement of those disputes regarding the observance of human rights in accordance with the procedures laid down in the treaties, and in accordance with procedures which the International Court of Justice holds that they are obliged to carry out.

116. In the first place, the draft resolution condemns the wilful refusal of the Governments of Bulgaria, Hungary and Romania to fulfil their obligations under the peace treaties to appoint representatives to the treaty commissions, which obligation, as I have said, has been confirmed by the International Court of Justice. Certainly the Assembly can do no less than to pronounce such condemnation. Friendly relations among States depend upon respect for treaty obligations. What we have here is not merely a dispute arising out of a treaty between the parties to the treaty, but a wilful and flagrant refusal on the part of the accused governments to settle their disputes by peaceful means in accordance with their treaty obligations.

117. In the second place, the draft resolution declares that the conduct of the three governments in this matter is such as to indicate that they are aware of their responsibility for the violation of their treaty obligations and are callously indifferent to the sentiments of the world community. No other conclusion can be drawn from the conduct of the accused governments. Evasion and default have characterized their conduct from the

⁶ See Vyshinsky, A. Y., *The Law of the Soviet State*, New York, Macmillan Co., 1948, page 617.

⁷ See *Interpretation of Peace Treaties, Advisory Opinion: I.C.J. Reports 1950*, page 65, and *ibid.*, (second phase) page 221.

very inception of the effort to have the charges against them examined fairly and objectively and settled. They have avoided all serious discussion before the Assembly's committees, or under the treaty procedures. They have defended themselves only in propaganda statements and by irrelevant counter-charges. They are unwilling to defend their record before any international tribunal and to be judged in any impartial forum in accordance with the law and the evidence. They seem bent on defying the conscience as well as the rules of the international community.

118. In the third place, the draft resolution notes with anxiety the continuance of serious accusations in these matters against the three governments and their failure to make satisfactory refutation of these charges.

119. Were there any real indication of a change of heart, of a genuine desire on the part of those governments to return to the peoples of those countries their human rights and fundamental freedoms, there might be little need for us to have to review the acts of the past. But a deliberate and cynical disregard for human rights continues to mark the course of those totalitarian régimes, as it has ever since they seized power.

120. In the *Ad Hoc* Political Committee, for example, the representative of Turkey complained that the Bulgarian Government was intensifying rather than relaxing the discriminatory measures against the Turkish minority. There has been, moreover, a steady deterioration in the administration of justice in all three countries. The law, the courts and the police have in truth been made instruments of political power and oppression.

121. Neither communists nor non-communists are safe in their person or in their property unless they enjoy the favour and do the exact bidding of the ruling clique. Not only have non-communists like Mindszenty, Petkov, Maniu and Shipkov fallen victims to the terror, but communists like Rajk and Kostov as well. Rajk and Kostov, who were members of the governments which denounced as absurd and slanderous provocations the charges of treaty violations, have themselves in turn been denounced and destroyed by the tyranny which they served and defended. Those who co-operated to create the terror have themselves become victims of the terror. Their ignominious fate should cause communists as well as non-communists to realize that every human being has an interest and a stake in the universal observance of human rights.

122. Finally, the draft resolution invites Members of the United Nations, and particularly those which are parties to the peace treaties, to submit to the Secretary-General all evidence which they now hold or which may become available in the future in relation to this question.

123. So far as the United States is concerned, we still stand ready to co-operate with Bulgaria, Hungary and Romania to carry out the agreed treaty provisions for the settlement of disputes, so that there may be an objective inquiry into the facts and an impartial examination and determination of the validity of the charges.

124. Charges made in good faith and accompanied by a willingness to submit evidence to the treaty commissions or to any other impartial international tribunal cannot be swept aside or answered by general denials—which will be heard here from the delegations defending those countries—impugning the good faith of the treaty Powers or the nations represented in the General Assembly. They can be met only by a willingness to answer the charges before an impartial tribunal. That is the way to ascertain the truth and the validity of the charges. The truth cannot be altered by oratory or by polemics.

125. As the three accused governments have shown no intention to co-operate in securing a fair and impartial adjudication of the charges, the United States will, if the draft resolution is adopted, submit detailed and concrete evidence to the Secretary-General in support of the charges which we have made of treaty violations. We hope that other States will do likewise. The United States believes that the evidence will make it clear beyond doubt and as a matter of public record that the three governments, in contravention of specific treaty obligations, have systematically and flagrantly violated the human rights and fundamental freedoms of persons under their jurisdiction.

126. We must not relax in our efforts to secure for the unhappy peoples of these countries the human rights and fundamental freedoms guaranteed to them under the peace treaties. If we want peace in this world, we must see to it that the people, all the people, have a stake and an interest in peace and freedom. Peace is not safe in any land when the ruling classes create conditions that make the people feel that they have nothing to lose but their chains.

The meeting rose at 1.10 p.m.