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Chairman: Mr. Mario AMADEO (Argentina).

AGENDA ITEMS 73 AND 72

Continuation of suspension of nuclear and thermo-nuclear tests and obligations of States to refrain from their renewal (A/4801 and Add.1, A/C.1/L.283/Rev.2 and Rev.2/Add.1, A/C.1/L.288/Rev.1, A/C.1/L.291, A/C.1/L.292) (*continued*)

The urgent need for a treaty to ban nuclear weapons tests under effective international control (A/4799, A/C.1/L.280, A/C.1/L.288/Rev.1, A/C.1/L.292) (*continued*)

1. Mr. VAKIL (Iran), speaking on a point of order, pointed out that the eight-Power draft resolution (A/C.1/L.288/Rev.1), although not in conflict with the other proposals before the Committee, was of a quite distinct nature: it was not the logical conclusion of the debate on the two agenda items under discussion. Moreover, it dealt with a specific event which was to take place within a few days, and on which action should be taken while there was still time. Consequently, he moved that the Committee should temporarily adjourn the general debate and give immediate consideration to the eight-Power draft resolution. Once it had taken a decision on that proposal, it could resume the general debate on the agenda items.

2. The CHAIRMAN said that the Iranian motion was a valid motion for adjournment under rule 117 of the rules of procedure. Accordingly, unless his ruling was challenged, he would give the floor to two speakers in favour of and two speakers against the motion, after which the Committee would proceed to vote on it. In that connexion, he appealed to members of the Committee speaking on points of order to restrict their remarks to procedural matters and not to enter into the substance of the items under discussion.

3. Mr. BLUSZTAJN (Poland) challenged the Chairman's interpretation of rule 117. That rule applied exclusively to motions for adjournment of the debate, and if it were applied strictly, it would mean that the Committee would no longer have before it the two items dealing with nuclear weapons tests or the corresponding draft resolutions. In his view, the second part of rule 117 could not be applied to the Iranian motion,

and the Committee should therefore be given full opportunity to debate the motion; the discussion should not be confined to two speakers in favour and two against.

4. Mr. BOUZIRI (Tunisia) asked for clarification of the Iranian motion. As he understood it, its purpose was to adjourn the debate so as to enable the Committee to vote, as a matter of urgency, on the eight-Power draft resolution. Since he regarded the draft resolution sponsored by India and five other States (A/C.1/L.283/Rev.2 and Rev.2/Add.1) as equally urgent, he asked whether priority could be requested for a vote on that proposal.

5. The CHAIRMAN explained that the purpose of the temporary adjournment moved by Iran was to enable the Committee to devote itself exclusively to the consideration of the eight-Power draft resolution (A/C.1/L.288/Rev.1); no request had been made for an immediate vote on that resolution. However, as a matter of normal procedure, the debate on the eight-Power text would be followed by a vote. Once that action had been completed, the Committee would resume the general debate on the two items before it. On completion of that debate, it would take up the corresponding draft resolutions, including that submitted by India and five other States (A/C.1/L.283/Rev.2 and Rev.2/Add.1). Before voting on those draft resolutions, the Committee would have to determine the priority to be given to them; it was in that context that the Indian request for priority for its proposal would be dealt with.

6. He urged representatives who wished to speak to confine their remarks to the Chairman's ruling on the Iranian motion, the effect and meaning of which had been fully clarified.

7. Mr. MEZINCESCU (Romania) said that if the Iranian motion were a straightforward motion for adjournment of the debate under rule 117, the Committee would have no alternative but to follow the procedure outlined by the Chairman. However, the effect of the Iranian motion would be more than to adjourn the debate on the two agenda items under discussion: it would be to single out one draft resolution from among all those submitted and to limit debate to the consideration of that draft resolution. Thus, the Iranian representative had actually presented a motion for adjournment and a proposal. That proposal should be subject to amendment and discussion in the same way as any other proposal.

8. He asked for the Chairman's ruling on that point. The matter before the Committee was of extreme political significance, and while the Chair could always compel the Committee to follow a particular course, it was important that its interpretation of certain rules of procedure should be placed on record.

9. The CHAIRMAN said that he regarded the Iranian motion as a single indivisible proposal. The Commit-

tee was called upon to vote on that single proposal; that was the Chair's ruling and he would recognize only speakers wishing to challenge that ruling or appeal against it.

10. Mr. SHUKAIRY (Saudi Arabia) said that the Committee was embarking on a dangerous road. The eight-Power draft resolution had been submitted to the Committee under the two agenda items dealing with nuclear testing. Consequently, if the debate on those two items was adjourned the eight-Power text could no longer be discussed. The Committee could not adjourn only one part of the debate. In the circumstances, he asked the Chairman to reconsider his ruling; he was not formally challenging it.

11. The CHAIRMAN said that his ruling still stood.

12. Mr. TARABANOV (Bulgaria) moved the adjournment of the meeting in order to enable delegations to consult.

The motion was rejected by 51 votes to 24, with 15 abstentions.

13. Mr. TSARAPKIN (Union of Soviet Socialist Republics) said that if the Iranian motion came under rule 117, then the effect of its adoption would be to adjourn the debate on the two items under discussion, including all the relevant draft resolutions. Instead, it was suggested that the debate should be temporarily suspended in order to allow discussion of one of those draft resolutions. Such an interpretation of rule 117 was inadmissible. The Chairman's ruling was arbitrary, and if it was pressed, the Committee should set up a body to decide whether or not the rules of procedure were being correctly applied.

14. The Committee was being treated to a repetition of the NATO bloc manoeuvre which had proved unsuccessful at a previous meeting. Neither the Chairman nor any members of the Committee should abet such a manoeuvre. He challenged the Chairman's ruling.

15. The CHAIRMAN put to the vote the USSR representative's challenge to his ruling.

The challenge was rejected by 49 votes to 20, with 21 abstentions.

16. The CHAIRMAN said that in accordance with rule 117 of the rules of procedure he would now call on two representatives to speak in favour of the Iranian motion and two to speak against, after which the motion would immediately be put to the vote.

17. Mr. ROSSIDES (Cyprus) said that the purpose of the eight-Power draft resolution was to appeal to the Soviet Union not to carry out its intention to explode a 50-megaton bomb before the end of October. If no action was taken on the resolution before 31 October, therefore, it would no longer have any purpose. It was quite clear that the debate on items 73 and 72 would continue beyond that date. Furthermore, every representative who had spoken since the eight-Power draft resolution had been introduced had referred to it. If it was not to be considered until the end of the debate, all such references would have been a waste of time.

18. The draft resolution had no relation to the final action which would be taken on the two items before the Committee. It was an emergency proposal which should be either adopted or rejected immediately. His delegation therefore supported the Iranian motion.

19. Mr. BELAUNDE (Peru) said that fall-out from the latest Soviet explosion was spreading over areas

near the Arctic Circle and would eventually affect other parts of the world, including the United States, Europe and the Soviet Union. Various countries had felt obliged to take precautionary measures. In the face of that terrifying situation, the United Nations could not refrain from taking action. It must rise above questions of policy and political commitments; otherwise, it would fail in its moral duty to mankind.

20. The situation was an emergency, and the eight-Power draft resolution was designed to meet that emergency. The eight sponsors included the countries most directly affected by the fall-out, and all of them were known for their services to the cause of peace and to the United Nations. They had accepted the Indian amendments (A/C.1/L.290) and had agreed to eliminate any political implications which were not acceptable to India. A proposal which had such backing surely deserved consideration.

21. In the situation of emergency which had arisen, the Chairman had applied the only relevant rule of procedure. It might be that the rules of procedure did not provide specifically for such an emergency. But no parliamentary body such as the United Nations could refuse to take action in an emergency on such grounds. Procedure was a means to an end, and must be extended to meet the demands made of it. Rule 117 provided for the adjournment of the debate: it did not state that it should not be a partial adjournment or a temporary adjournment. Accordingly, there was no reason why the Committee should not temporarily adjourn the debate on agenda items 73 and 72 to consider the eight-Power draft resolution without upsetting the existing order of priority. If it were still objected that the rule did not expressly allow for such a procedure, the Committee could have recourse to the principle that it was master of its own procedure.

22. For those reasons his delegation supported the Iranian motion for adjournment.

23. Mr. SHUKAIRY (Saudi Arabia), speaking on a point of order, said that he wished to submit an amendment to the Iranian representative's motion.

24. The CHAIRMAN said that the Iranian motion was a procedural one, and could not be amended.

25. Mr. MEZINCESCU (Romania) said that the Chairman's ruling that procedural motions could not be amended established an extremely important precedent. He therefore asked that the opinion of the Office of Legal Affairs should be obtained on the matter forthwith.

26. The CHAIRMAN pointed out that his ruling did not relate to any particular procedural motion, but to questions of procedure involving the motions enumerated in rule 120; and one such motion was that covered by rule 117. There was therefore no ground for seeking the opinion of the Office of Legal Affairs. If, however, the representative of Romania wished to challenge the Chairman's ruling, the question could be put to the vote.

27. Mr. MEZINCESCU (Romania) said that while he would not challenge the Chairman's ruling, he wished to place on record his view that the ruling was a completely arbitrary one which bore no relation to the rules of procedure.

28. Mr. TSARAPKIN (Union of Soviet Socialist Republics), speaking on a point of order, asked for clarification of the Iranian motion. If it were adopted, what would be the items on which discussion would be in-

terrupted? Would the Committee take up the third item on its agenda, or would the meeting rise? If the meeting rose, what item would be taken up when the Committee resumed its discussions?

29. The CHAIRMAN said that the answer to the Soviet representative's questions was to be found in the fact that the Committee, by majority vote, had supported his ruling that it should take up as an indivisible whole the motion submitted by the representative of Iran that the general debate on items 73 and 72 should be temporarily adjourned and that the Committee should immediately consider the eight-Power draft resolution (A/C.1/L.288/Rev.1).

30. Mr. BA (Mali) said that his delegation had no desire to become involved in cold-war issues, but was obliged to oppose the Iranian motion on legal grounds. He did not understand how rule 117 could be used to isolate a single draft resolution from the two items under which it had been submitted. To do so would set a dangerous precedent, which would permit either of the two major blocs to bring about the adjournment of the debate on any item in which it had an interest. Mali was not aligned with any political or military bloc, and it was opposed to any attempt to impose, by means of specious legalisms, decisions which could only aggravate international tension. His delegation was opposed to all nuclear tests, whether their yield was fifty megatons, thirty or only two. The emotional terms in which the 50-megaton bomb had been described did not suffice to explain why, from the important general problem dealt with in the six-Power draft resolution (A/C.1/L.283/Rev.2 and Rev.2/Add.1), a specific item should be isolated, and why deadlines and such matters should be referred to. The Committee had serious work to do and should rise above cold-war issues.

31. Mr. BOUZIRI (Tunisia) said that he fully agreed with what the representative of Mali had just said, but wished to stress certain additional aspects of the question. The eight-Power draft resolution undeniably related to a matter of urgency. His delegation had always felt that the moral obligations implied in a moratorium on testing were as valid as the legal obligations imposed by a formal treaty; it had therefore urged that the question of suspending tests should be considered separately from that of a test-ban treaty and should be given first priority. It was gratifying that the sponsors of the eight-Power draft resolution, by addressing a moral appeal to the Soviet Union, had acknowledged the force of that argument. However, the six-Power draft resolution was equally urgent; it was essential to call upon all the nuclear Powers, and not merely the Soviet Union, to refrain from further testing. His delegation was therefore in favour of voting first on the six-Power draft resolution; after that, it would be prepared to vote for a resolution appealing to the Soviet Union not to explode its 50-megaton bomb.

32. For the reasons he had just set forth, his delegation would not participate in the vote on the Iranian motion.

33. Mr. PAZHAWAK (Afghanistan), speaking on a point of order, requested that the vote on the Iranian motion should be taken by roll-call. He also wished to give a brief explanation of his vote, under rule 129 of the rules of procedure, before the vote was taken.

34. The CHAIRMAN said that he would accede to both of the Afghan representative's requests. He would set a time-limit of three minutes for explanations of vote.

35. Mr. PLIMSOLL (Australia), speaking on a point of order, pointed out that under rule 117 two representatives could speak in favour of the motion and two against it, after which the motion must be immediately put to the vote; the rule made no provision for explanations of vote.

36. The CHAIRMAN said that since the Australian representative insisted on a strict interpretation of rule 117, he had no alternative but to proceed under that rule, which clearly established an exception to the general procedure laid down in rule 129.

37. Mr. PAZHAWAK (Afghanistan) pointed out that rule 129 came under the heading "Conduct during voting", while rule 117 did not.

38. Mr. QUAISON-SACKKEY (Ghana) said that once a matter had reached the voting stage, the Chairman was clearly required to proceed under rule 129; however, he was entitled under that rule to refuse to permit explanations of vote before a vote was taken.

39. The CHAIRMAN pointed out that rule 117 too dealt with conduct during voting; under correct procedure, a rule applying to a particular question must always take precedence over one of a general nature.

40. Mr. TSARAPKIN (Union of Soviet Socialist Republics) pointed out that, though in rule 120 and rule 122, for example, it was clearly stated that the provisions of those rules were subject to those of earlier rules, there was no such reference to rule 117 in the text of rule 129; the Chairman's interpretation was therefore incorrect.

41. The CHAIRMAN said that in order to avoid unnecessary discussion he would call for a vote on his ruling that in the present case the provisions to be applied were those of rule 117.

At the request of the Afghan representative, a vote was taken by roll-call.

The United Kingdom of Great Britain and Northern Ireland, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Australia, Austria, Belgium, Bolivia, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, El Salvador, Federation of Malaya, Finland, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, South Africa, Spain, Sweden, Thailand, Turkey.

Against: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Congo (Leopoldville), Cuba, Czechoslovakia, Ghana, Guinea, Hungary, India, Mali, Morocco, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Upper Volta, Yemen, Yugoslavia, Argentina, Brazil, Burma, Cameroun, Central African Republic, Ceylon, Chad, Ecuador, Ethiopia, Indonesia, Iraq, Ivory Coast, Nepal, Niger, Nigeria, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan, Togo, Tunisia, United Arab Republic.

The Chairman's ruling was upheld by 50 votes to 17, with 26 abstentions.

42. Mr. BLUSZTAJN (Poland) said that the votes just taken had a very important bearing on the procedure

of the Organization; it would be most unfortunate if they were to be considered as precedents. Accordingly, representatives should be allowed to explain their votes.

43. The CHAIRMAN said that he would allow members of the Committee to offer explanations of the votes they had just cast, subject to a time-limit of two minutes.

44. Mr. BLUSZTAJN (Poland) said that it had always been understood that the word "immediately" in rule 117 meant that motions should be put to the vote without further debate, but that explanations of vote did not fall within the meaning of the word "debate".

45. Mr. DE MELO FRANCO (Brazil) observed that while he intended to vote in favour of the Iranian motion, he had abstained on the vote just taken because he had felt that it restricted the authority of the Chairman, inasmuch as the latter was empowered under rule 129 to decide whether or not representatives should be permitted to explain their votes.

46. Mr. DIALLO Telli (Guinea) said that he had voted against the Chairman's ruling because rule 117 could not be regarded as constituting an exception to rule 129, since no explicit provision was made to that effect. In the view of his delegation, the Chairman was entitled under the provisions of rule 129 to deny representatives the right to explain their votes, but not under those of rule 117.

47. Mr. QUAISON-SACKKEY (Ghana) said that he had voted against the Chairman's ruling because in permitting points of order, the Chairman had in fact been proceeding under rule 129, inasmuch as rule 117 made no provision for points of order.

48. Mr. MEZINCESCU (Romania) said that he had voted against the Chairman's ruling because the Chairman was clearly entitled to permit explanations of vote under the provisions of rule 129, which barred such explanations only when the vote was taken by secret ballot. He pointed out that the Chairman had originally been prepared to proceed under rule 129, but had reversed his decision at the urging of a certain representative.

49. Mr. JHA (India) said that his delegation had cast a negative vote because rule 129 gave the Chairman complete discretion with regard to explanations of vote, and made no distinction between procedural and substantive votes. It was important for many reasons that representatives should be able to explain their votes, even when procedural matters were involved, and it was to be hoped that the ruling just upheld would not be regarded as a precedent. He agreed with the point just made by the representative of Ghana.

50. Mr. ROSSIDES (Cyprus), explaining why he had voted to uphold the Chairman's ruling, said that in deciding whether to permit explanations of vote, the Chairman was obliged to consider the circumstances of the vote in question. Since the Iranian motion had been made under rule 117, which provided that a motion must be immediately put to the vote after two representatives had spoken in its favour and two against it, the Chairman had been bound to act accordingly.

51. Mr. BENITES (Ecuador) said that his delegation had abstained from the vote for the same reasons as those explained by the Brazilian representative; its abstention should not be regarded as constituting a judgement on the Iranian motion.

52. Mr. SANCHEZ Y SANCHEZ (Dominican Republic) said that his delegation had cast an affirmative vote because since the Committee had decided that rule 117 was applicable in the present case, the provisions of rule 129 were irrelevant.

53. Mr. TARABANOV (Bulgaria) pointed out that the Iranian motion fell into two parts. The first, which concerned adjournment of the debate, came under rule 117; the second, namely, the proposal that the Committee should take up consideration of the eight-Power draft resolution, did not. He asked whether the Committee would not be violating rule 117 if it voted on the motion as a whole, and suggested that the two parts should be put to the vote separately.

54. Mr. N'THEPE (Cameroun) supported the Bulgarian representative's suggestion.

55. Mr. AUGUSTE (Haiti) said that under the terms of rule 117 the matter should be put to the vote immediately. He requested the Chairman to adhere strictly to that rule.

56. The CHAIRMAN said that while he agreed with the representative of Haiti, he recognized that the motion had two parts. A separate vote would therefore be admissible.

57. Mr. VAKIL (Iran) said that the Chairman had repeatedly described his motion as a single whole and stated that its purpose was that the Committee should immediately take up the eight-Power draft resolution. There had been objections to that interpretation, but it had been confirmed by majority vote. He saw no reason, therefore, why the motion should be divided.

58. The CHAIRMAN agreed that he had described the Iranian motion as indivisible. But the Committee was entitled to request a vote in parts on any proposal. Since the Iranian representative had expressed opposition, he would put to the vote the Bulgarian representative's proposal for a vote in parts.

The proposal was rejected by 49 votes to 22, with 17 abstentions.

59. The CHAIRMAN put to the vote the Iranian representative's motion that the Committee should temporarily adjourn the general debate on agenda items 73 and 72 and take up consideration of the eight-Power draft resolution (A/C.1/L.288/Rev.1).

A vote was taken by roll-call.

Afghanistan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Federation of Malaya, Finland, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Liberia, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Portugal, South Africa, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Afghanistan, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Cameroun, Cuba, Czechoslovakia, Guinea, Hungary, India, Iraq, Mali, Morocco, Poland, Romania, Saudi Arabia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia.

Abstaining: Burma, Central African Republic, Ceylon, Chad, Congo (Leopoldville), Ethiopia, Ghana, Indonesia, Ivory Coast, Jordan, Lebanon, Libya, Nepal, Niger, Nigeria, Senegal, Sierra Leone, Somalia, Sudan, Togo, Upper Volta, Yemen.

Present and not voting: Tunisia.

The motion was adopted by 51 votes to 20, with 22 abstentions.

The meeting rose at 2 p.m.