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CONTENTS

President: Mr. Carlos SOSA RODRIGUEZ (Venezuela).

AGENDA ITEM 69

Report of the International Law Commission on the work of its fifteenth session

REPORT OF THE SIXTH COMMITTEE (A/5601 AND CORR.2)

1. Mr. ZABIGAILO (Ukrainian Soviet Socialist Republic), Rapporteur of the Sixth Committee (translated from Russian): The report of the Sixth Committee [A/5601 and Corr.2], which I have the honour to submit for the consideration of the General Assembly, deals with agenda item 69 entitled: "Report of the International Law Commission on the work of its fifteenth session (A/5509)".

2. The report of the Sixth Committee reflects the discussion of four chapters of the report of the International Law Commission, including those devoted to the organization of the session, the law of treaties and the progress of work on other questions under study by the Commission. The other chapter, on the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations [chapter III of the report of the Commission], was discussed separately by the Committee, because it was included as a separate item on the agenda [agenda item 70].

3. The Sixth Committee devoted its attention mainly to the chapter on the law of treaties [chapter II of the report of the Commission]. The delegations outlined their position on questions relating to the progressive development and codification of the law of treaties. The draft resolution [A/5601 and Corr.2, para. 38] recommends, inter alia, that the International Law Commission should continue the work of codification and progressive development of the law of treaties, taking into account the views expressed at the eighteenth session of the General Assembly and the comments which may be submitted by Governments, in order that the law of treaties may be placed upon the widest and most secure foundations.

4. The draft resolution is contained in the report. The Committee adopted this draft unanimously and recommends it for adoption by the General Assembly.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Sixth Committee.

5. The PRESIDENT (translated from Spanish): The draft resolution recommended by the Sixth Committee in its report [A/5601 and Corr.2, para. 38] was approved unanimously by the Committee. May I consider that the General Assembly also adopts it unanimously?

The draft resolution was adopted unanimously.

AGENDA ITEM 70

Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations

REPORT OF THE SIXTH COMMITTEE (A/5602 AND CORR.1)

6. Mr. ZABIGAILO (Ukrainian Soviet Socialist Republic), Rapporteur of the Sixth Committee (translated from Russian): I have the honour to submit for the consideration of the General Assembly the report of the Sixth Committee on agenda item 70 entitled: "Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations (A/5602 and Corr.1)".

7. The International Law Commission, in accordance with resolution 1766 (XVII), studied this question at its fifteenth session and set forth the results of its study in chapter III of its report [A/5509]. All the representatives who spoke in the Sixth Committee endorsed these results in so far as extended participation by States in international treaties is an important factor in the development of international co-operation and extended participation in treaties concluded under the auspices of the League of Nations is desirable.

8. However, the Committee did not reach unanimous agreement on the question whether all States could be invited to participate in such treaties or only States which were Members of the United Nations or members of any specialized agency or parties to the Statute of the International Court.

9. One group of delegations felt that only States which were Members of the United Nations or members of specialized agencies and parties to the Statute of the International Court should be invited to accede to treaties concluded under the auspices of the League of Nations. Another group of delegations pointed out that the participation of all States in such treaties, specially those of a technical and non-political character, was an inherent right of the State deriving from the principle of the sovereign equality of all States and its disregard was detrimental to peaceful world-

wide co-operation and to the progressive development of international law.

10. In the opinion of the latter group, the adoption of formulas discriminating against certain States was inadmissible, contrary to the true interest of the United Nations and incompatible with the Purposes and Principles of the Charter and with the rules of general international law.

11. These two divergent approaches to the question of invitations to accede to the treaties were reflected in the results of the voting on the relevant amendment [A/5602 and Corr.1, para. 7] submitted to the nine-Power draft resolution [ibid., para. 5]. The amendment to invite any State was rejected by 42 votes to 38, with 10 abstentions.

12. The Committee adopted the draft resolution as a whole [ibid., para. 25] by 69 votes to none, with 22 abstentions, and recommends it for adoption by the General Assembly.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Sixth Committee.

13. The PRESIDENT (translated from Spanish): In view of the decision just taken we shall now consider the draft resolution recommended by the Sixth Committee in its report [A/5602 and Corr.1, para. 25] and the amendments thereto [A/L.431/Rev.1 and A/L.432].

14. Mr. DADZIE (Ghana): First, I would like to correct a mistake contained in document A/L.431. Ceylon appears to be the only sponsor, but this is not correct. The co-sponsors of the amendment are Ceylon and Ghana.

15. The delegation of Ghana has the honour to introduce the amendment dated 15 November 1963 [A/L.431], which seeks the deletion of operative paragraph 4 of the draft resolution appearing in the report of the Sixth Committee [A/5602 and Corr.1, para. 25].

16. As the Assembly is aware, this draft resolution is the outcome of a debate in the Sixth Committee on the item entitled "Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations", which was allocated to that Committee by the General Assembly at its 1210th plenary meeting. The purpose of the item was to seek the appropriate means by which new States would be able to participate in multilateral treaties of a technical and non-political character concluded under the auspices of the League of Nations, which had become closed as a result of the demise of the League of Nations.

17. The Rapporteur has given a full account of the Committee's debate on the item, and my delegation finds no need to duplicate the ground covered by him. But I shall refer to the proposal contained in the draft resolution submitted by Australia, Ghana, Greece, Guatemala, Indonesia, Mali, Morocco, Nigeria and Pakistan, operative paragraph 3 (c) of which requests the Secretary-General, as depositary of the general multilateral treaties in question, to consult, where necessary, with the States referred to in sub-paragraphs (a) and (b) of that paragraph as to whether any of the treaties in question, first, had ceased to be in force; secondly, had been superseded by later treaties; thirdly, had otherwise ceased to be of interest for accession by additional States; or, fourthly, required action to adapt them to contemporary conditions.

18. Operative paragraph 3, to which I have referred, further requested the Secretary-General to report on the results of his consultations to the General Assembly at its nineteenth session. This paragraph corresponds to paragraph 3 of the draft resolution now before the Assembly [A/5602 and Corr.1, para. 25].

19. In the view of the sponsors of the amendment [A/L.431/Rev.7] which is before the Assembly, it is illogical to open these treaties for accession by additional States without first establishing that they are still in force and not superseded by later treaties, and have not ceased to be of interest for such accession by additional States or that they conform to contemporary circumstances.

20. The result of the consultations entrusted to the Secretary-General is a sine qua non to the establishment of the interest of new States in those treaties. It may be argued that, even without the consultations referred to, one or two of the treaties in question are without doubt still in force and likely to be of interest to new, or to additional, States. But here no problem arises since the deletion of operative paragraph 4, as requested, does not in any way reduce the efficacy of the draft resolution since by the terms of operative paragraph 1 those States desiring to accede could still write to the Secretary-General to declare their intention in that regard. Operative paragraph 1 of the draft resolution reads as follows:

> "Decides that the General Assembly is the appropriate organ of the United Nations to exercise the power conferred by multilateral treaties of a technical and non-political character on the Council of the League of Nations to invite States to accede to those treaties;"

21. I would like to emphasize that the provision in this paragraph to invite States to accede to the treaties in question is sufficient to warrant the interest of the States concerned to apply to the Secretary-General without waiting for any invitation. The deletion of operative paragraph 4, without preventing a State from acceding to any of the treaties still in force and complying with the standards I have referred to, would have the effect of obviating an active invitation to accede to the treaties, the scope of which for the majority of the States still remain uncertain, until the result of the Secretary-General's consultation is known.

22. I would like to stress that in the case of these treaties which we have discussed extensively in the Sixth Committee, one or two may appear to be in force, but the scope of the majority of the rest of them appears to be unsettled, and the sponsors of the amendment before you seek to delete operative paragraph 4 to enable the Secretary-General's consultations to be accomplished and the results reported to this General Assembly.

23. It is submitted that the wisdom of the step advocated by the co-sponsors cannot be over-emphasized, since its mission appears to be abundantly clear. When the point in question was voted on in the Sixth Committee, it failed by just one vote to carry. A roll-call vote recorded 39 in favour, 40 against, with 12 abstentions. It was feared that certain delegations that abstained were under certain misapprehensions, which I believe have not been clarified.

24. The sponsors of the amendment accordingly commend this amendment to representatives for their further consideration and hope that a decisive positive vote will be cast which will put the matter beyond any doubt.

25. Mr. COOMARASWAMY (Ceylon): My delegation, together with the delegation of Ghana, has proposed the deletion of operative paragraph 4 in the draft resolution contained in the report of the Sixth Committee [A/5602 and Corr.1, para. 25]. My delegation takes the view that the Sixth Committee should consider further the possibility of including the all-State formula in that paragraph at the nineteenth session, after certain preliminary questions have been studied by the Committee. My friend from Ghana has ably introduced the amendment [A/L.431/Rev.1]. My delegation is also of the opinion that the "all-State" formula is important if we are to accept the universality of international law. It is time that the Assembly accepts the fact that international law, hitherto understood as being restricted to the so-called civilized nations, is unrealistic and ought to be abandoned. Therefore all multilateral treaties should be thrown open to all States and international law should be the law accepted by all nations in the world, not the law enforced on them.

26. In view of the fact that there is no consensus on this point, my delegation sincerely hopes that it would be appropriate to delete operative paragraph 4 at this session and postpone it for further and fuller consideration at the next session. This proposal was rejected by one vote at the 801st meeting of the Sixth Committee on 28 October 1963. My delegation still believes that its proposal to postpone this aspect of the matter, so that it may be given further consideration at the nineteenth session, is in the best interests both of the item in question and of international law. My delegation supports the proposal of our friend from Ghana and respectfully commends our proposal for the consideration of the Members of the Assembly.

27. Mr. PECHOTA (Czechoslovakia): The Czechoslovak delegation welcomes the fact that the General Assembly decided to consider the question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations. It is the considered view of our delegation that new members of the international community should be given the opportunity to define their attitude towards the general multilateral conventions concluded prior to the establishment of the United Nations.

28. In order to arrive at a solution which would be satisfactory, both from the point of view of new States and from the point of view of existing principles of international law, it is necessary, in our submission, to meet two requisite conditions: first, to give close study to all the pertinent political and legal aspects of the matter; and secondly, to assure the strict compliance of a decision taken with the peremptory norms of international law. It is precisely these two requirements which are not adequately met by the draft resolution contained in the report of the Sixth Committee [A/5602 and Corr.1, para. 25].

29. The discussion on the question held in the International Law Commission and in the Sixth Committee of the General Assembly clearly discerned the need for an additional study, before a final decision on the opening of pre-war treaties for the accession of new States is taken, of the following questions: first, the question of whether the treaties concerned are still considered as being legally in force. This fact has not been properly established. Yet it is clear that a decision to invite new States to accede to the conventions which have ceased to exist would be unwarranted. Secondly, the question of whether the treaties concerned have not been superseded by later treaties or whether they have not lost much of their interest for States with the lapse of time. And thirdly, the question of whether the treaties concerned are suited to the conditions prevailing in the world of today. In our submission, the new States would not respond to the invitation to accede to outmoded treaties which are no longer applicable to present-day conditions. The new States should be given a chance to give their own opinions concerning the revision of such treaties and to participate, on the basis of equality, in the work of the revision.

30. It is with these considerations in mind that the Czechoslovak delegation supports the amendment proposed by the delegations of Ceylon and Ghana [A/L.431/Rev.1]. If adopted, this amendment will enable the General Assembly to make a more profound evaluation of the relevant facts at its nineteenth session and to solve the question of extended participation more effectively.

31. Whatever may be the decision, however, taken by the General Assembly on the question under consideration, this decision has to conform with the peremptory norms of international law, one of the most important of them being the principle of universality. General multilateral treaties are concluded on behalf of, and belong to, the international community as a whole and cannot be closed to the participation of States which are not Members of the United Nations or its specialized agencies.

32. Any discrimination which would result in the exclusion of any member of the international society from the possibility of participating in such treaties represents an abuse of rights and an intolerable violation of the principle of universality. It goes without saying that such a practice is hardly conducive to the promotion of peaceful and equal international co-operation. It should be added that it seriously endangers the very objectives for the attainment of which general multilateral treaties are concluded.

33. Such a discriminatory practice in relation to multilateral treaties has unfortunately existed for many years in the United Nations, to the detriment of equal international co-operation. It is high time for the United Nations to abandon the discriminatory policies notoriously productive of dangers to the prestige of our Organization.

34. Since the draft resolution before us contains in operative paragraph 4 a clause which is clearly designed to perpetuate the discriminatory practice in treaty relations, the Czechoslovak delegation decided to propose an amendment [A/L.432]. whose objective is to bring the draft resolution into harmony with the principle of the sovereign equality of States proclaimed in the United Nations Charter and with the principle of universal participation of States in general multilateral treaties, recognized by present international law and reaffirmed by the International Law Commission in its draft articles on the law of treaties of 1962.[1]/ Whatever attempt is being made to justify an unequal treatment of States while they are being

[1]/ Official Records of the General Assembly, Seventeenth Session, Supplement No. 9, document A/5209, chapter II.

invited to accede to the pre-war conventions, the discriminatory character of operative paragraph 4 is clearly discernible. Behind the formula:

> "each State which is a Member of the United Nations or of a specialized agency or a party to the Statute of the International Court of Justice, or has been designated for this purpose by the General Assembly" [A/5602 and Corr.1, para. 25]

lies the intention of a certain group of States to scrutinize which sovereign States may or may not participate in general multilateral treaties. The political motivation of such an intention is quite obvious: to exclude certain socialist States from participating, on the basis of equality, in international relations. That being the case, my delegation cannot but raise its voice against such a discriminatory practice which denies the very concept of peaceful coexistence and co-operation of States with differing social and economic systems, a concept whose legal embodiment is the Charter of the United Nations.

35. That is why we appeal to all delegations, should operative paragraph 4 of the draft resolution be maintained, to support the Czechoslovak amendment, whose purport is to ensure equal treatment for all States without any exception or discrimination.

36. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation would like to draw attention to certain important points connected with the question under consideration. The discussion both in the Sixth Committee and here on the subject of the Sixth Committee's draft resolution and the amendments thereto shows that there are at least two very important problems bound up with the solution of the matters raised in this draft resolution.

37. The first problem is to determine whether the multilateral treaties of a technical and non-political character concluded under the auspices of the League of Nations more than a quarter of a century ago, indeed in some cases over forty years ago, are still in force.

38. You will agree that this is quite a considerable lifetime for international treaties of a technical character. In the meantime vast changes have taken place in technology, including land, sea and rail transport, with which some of the above-mentioned League of Nations treaties are concerned. Clearly these changes could not and cannot help but affect the validity of this type of treaty of a technical character.

39. I have no intention at this time of anticipating the studies which the Secretary-General is to carry out under the terms of the draft resolution adopted by the Sixth Committee; these should answer the question just raised.

40. It is hardly necessary to dwell on the fact that during this period important changes have taken place in international life. New States have appeared on the political map of the world; they have been and are taking an active part in international affairs, they have concluded and are continuing to conclude a large number of treaties of different kinds, and they are thus making their contribution to the drafting and conclusion of many general multilateral treaties, including treaties of a technical character. These factors, too, cannot help but influence the fate of the old treaties concluded under the auspices of the League of Nations. We may safely assume that some of the new international treaties concluded since the United Nations came into being have incorporated or superseded many of the provisions of the treaties of a technical character drawn up at one time or another in the days of the League of Nations.

41. This is why in the course of the discussions both in the Sixth Committee and even earlier—incidentally—in the International Law Commission, it was correctly observed that many of the treaties of a technical character concluded under the auspices of the League of Nations:

> "... may have been overtaken by modern treaties concluded during the period of the United Nations, while some others may have lost much of their interest for States with the lapse of time." [A/5509, chapter III, para. 22.]

42. Moreover, the conclusions on this subject reached by the International Law Commission stated specifically that:

> "Even a superficial survey of the twenty-six treaties listed in the Secretariat memorandum indicates that today a number of them may hold no interest for States." [Ibid., para. 50 (d).]

43. Thus it is obvious that a careful and detailed study of the general multilateral treaties of a technical and non-political character concluded during the days of the League of Nations is needed to determine, as stated in operative paragraph 3 of the draft resolution submitted for our consideration by the Sixth Committee:

> "... Whether any of the treaties in question have ceased to be in force, have been superseded by later treaties, have otherwise ceased to be of interest for accession by additional States or require action to adapt them to contemporary conditions." [A/5602 and Corr.1, para. 25.]

44. Once this study has been made, as stated in paragraph 3 of the draft resolution, the Secretary-General should report on these matters to the General Assembly at its nineteenth session.

45. The Soviet delegation considers these provisions of the draft resolution to be sound and supports this part of the Sixth Committee's recommendation.

46. However, there is another very important conclusion to be drawn from all this: until this initial and preliminary task connected with the problem before us has been performed, it would quite obviously be hasty and ill-advised to proceed to the second, corollary task—the question of inviting States to accede to the old treaties of a technical character concluded during the League of Nations days.

47. If we decide to clarify the meaning and content of these treaties and to include this question in the agenda of the next session of the General Assembly, how are we to decide—and this point was quite rightly made by the representatives of Ceylon, Czechoslovakia and Ghana and by almost half the delegations which took part in the vote on this question in the Sixth Committee—whether States should be invited to accede to these treaties, when their substance and significance will only be apparent from the Secretary-General's report to be discussed at the next session of the General Assembly?

48. There are other reasons why it is inadvisable to decide this question at this time.

49. In the first place, the inclusion in the draft resolution of a paragraph calling upon States to accede to these League of Nations treaties may be interpreted as indirect approval of these treaties. If the General Assembly issued such an appeal and invitation, it would virtually be stating that the content and character of these agreements is such that not only is their existence expedient but it is actually desirable for new States to accede to them and thus enhance their force and effectiveness.

50. Yet—we repeat—how can this kind of appeal and invitation be issued to States, and by so authoritative an organ as the General Assembly, if one of its subsidiary organs, the International Law Commission, and many delegations represented here in the General Assembly still think that even a superficial survey of the League of Nations treaties indicates that they are in many respects obsolete or altogether a dead letter?

51. How can paragraph 4 of the draft resolution invite States to accede to these treaties when, according to paragraph 3 of the same resolution, it still has to be determined whether they are of any interest for accession by States?

52. It follows that paragraph 4 contradicts all the preceding provisions of the draft resolution and should be deleted, as is rightly proposed in the amendment submitted by the delegations of Ceylon and Ghana [A/L.431/Rev.1].

53. The Soviet delegation supports this amendment on the grounds that without studying the treaties in question no responsibility can be assumed for their content.

54. Another reason why it would be premature and ill-advised to decide at this state whether to invite States to accede to the League of Nations treaties is that all new States, many of which in the Sixth Committee [801st meeting] voted in favour of the position taken by the Ghanaian delegation and supported by the Ceylonese delegation in this Assembly, should be given a chance to state their opinion of these treaties. The gist of the problem is precisely that the new States which are not parties to the earlier League of Nations treaties—in other words which were unable, because they had not yet gained their political independence, to express any views on these treaties concluded before they emerged on the international scene as independent States—would take an active part in the implementation of the treaties, should they accede to them. This means that the new States should not be bound by any formalities when they evaluate the content of these treaties and their applicability to contemporary conditions. The possibility cannot be ruled out—indeed one must proceed from the premise—that any such evaluation may lead to a review or modification of these League of Nations treaties, to bring them into line with both the interests of the new States and the needs of today.

55. The consultations which under paragraph 3 of the draft resolution the Secretary-General of the United Nations is to hold with these and other States, would reveal their attitude towards the treaties and thus indicate whether it is desirable for the General Assembly to issue a general invitation to accede. As some other delegations have emphasized, an invitation issued at this time, prior to such consultations and study, might merely restrict the freedom of action of a State in deciding whether to accede; for it would be faced with a dilemma: whether to accede but with a number of reservations or not to accede at all, on the grounds that so many reservations would be needed that this would amount to a review or modification of the treaty. This would defeat the purpose for which the question under discussion was submitted to the General Assembly for consideration.

56. Finally, attention should be drawn to the fact that it will most probably be found from the consultations envisaged in paragraph 3 of the draft resolution that among the twenty-one treaties concerned there is not one which has not lost force or significance or which does not require substantial modification to adapt it to contemporary conditions.

57. This being so it would seem that, if the General Assembly now decided to issue an invitation to States to accede to these treaties, the invitation would be left in mid air. The question then arises why a decision should be taken so hastily when it is perfectly clear that it may prove to be of no practical significance whatsoever.

58. It is for these reasons that, both in the Sixth Committee [796th and 799th meetings] and here in the Assembly the Soviet delegation strongly supports those delegations which consider that it would be wise to await the report to be submitted by the Secretary-General at the next session of the General Assembly and at that point to consider and decide whether to invite States to accede to this group of treaties. We therefore support the proposal of Ceylon and Ghana to delete operative paragraph 4 of the draft resolution and we shall vote for this proposal.

59. If the majority nevertheless still decides to retain operative paragraph 4 of the draft resolution, in other words, if in spite of the sound arguments advanced here by a number of delegations it decides to settle the issue of inviting States to accede to these treaties here and now, then a further extremely important question arises, one which has to do with a very topical aspect of contemporary international relations, namely the question of the universality of multilateral international agreements. The Soviet delegation therefore deems it necessary to draw the attention of the General Assembly to this fact also.

60. As has already been rightly pointed out here, in accordance with the generally accepted principles of international law, particularly the principle of the sovereign equality of States, the right to accede to general multilateral treaties, including those of a political and technical character, is a fundamental and elementary right of States. This important proposition is reflected in State practice with regard to treaties, which satisfies the requirements of current international law, and the principle was very recently confirmed by the International Law Commission.

61. The right of any State to participate in general multilateral treaties cannot be infringed on any pretext. The attempts of every possible kind made to restrict this right, backed by references to the level of economic or cultural development of a State or to the peculiarities of its social and political structure, are nothing more than attempts to discriminate between various States. Such attempts run counter to the principle of the universality of multilateral international treaties. Objections to the general participation of States in treaties of this kind amount in fact to a denial of the principle of the sovereign equality of States, which is one of the most important basic

principles of international law. Without this principle, international law cannot and does not exist. Such a mistaken point of view is bound to be detrimental to the development and strengthening of peaceable and friendly relations between States.

62. The attempts of some delegations to secure the adoption of discriminatory formulas on the right of States to accede to multilateral treaties run counter to the interests of the United Nations. They are incompatible both with the Principles and Purposes of the United Nations and with the principles and rules of present-day international law.

63. Moreover, it is not uncommon for the delegations in question to resort to various patently artificial devices in their attempt, so to speak, to cloak such proposals in an outward appearance of legal validity, whereas their real aim is to exclude some States from the circle of prospective parties to multilateral international agreements simply because of their particular political and social régime.

64. One such artificial device is the proposal that States members of United Nations specialized agencies may become parties to multilateral international treaties. This is an artificial formula, firstly because membership of a United Nations specialized agency is no criterion for deciding whether any given State may be a party to an international treaty; and secondly because the admission of any State to membership of a specialized agency in practice—and everyone fully realizes and understands this—often depends ultimately on the arbitrary judgement of the members of that organization. Thus such formulas, despite attempts to give them an appearance of legal decorum, were in fact calculated beforehand to create a vicious circle with no way out—and thereby to further the above-mentioned policy of discrimination with regard to certain countries.

65. A few days ago, when the question was considered in the Sixth Committee, this manifestly unsatisfactory formula—which could not be maintained any longer in the form in which it had frequently been thrust upon us, I regret to say, by a certain group of delegations in the United Nations—was extended by the provision that States so invited by the General Assembly might also become parties to treaties. But in fact this extension has not made the slightest difference from the legal, let alone the political, point of view. I repeat: this extension has not made the slightest difference from the legal, let alone the political, point of view.

66. The additional provision which introduces what one might call a permissive system, means that the General Assembly is at liberty to invite or not to invite any given State to participate in any multilateral international treaty. The implication is that the criterion for a State's receiving an invitation or being denied the right to accede to a treaty will be as previously when the original formula applied without the addition, approval or disapproval of the political or social régime of the State in question. But the international community, like the United Nations itself, is not in any sense a club for those sharing the same political views. For that reason the formula now appearing in paragraph 4 of the draft resolution is an attempt, slightly touched up to look like new, though really just the same as before, to impose a discriminatory practice upon the General Assembly with respect to the right of certain States to accede to multilateral international treaties. This formula as submitted by the Sixth Committee, does not take us one step further forward on this issue. And of course it is all outrageously at variance with the principles of the United Nations Charter and present-day international law.

67. What happened in the Sixth Committee during the voting on the question under consideration has already been referred to here. It may be worth while recalling and emphasizing it yet again as an extremely important point indicating that the view I am championing here is not the exclusive reserve of the Soviet Union delegation and the delegations of the socialist countries. That is by no means the case. In the Sixth Committee thirty-nine delegations voted for the deletion of paragraph 4 of the draft resolution because they believed it to be altogether premature to decide the issue of inviting States to accede to the League of Nations treaties in question. The proposal was rejected by a majority of only one vote.

68. Subsequently—and this again we should like to emphasize as strongly as possible—thirty-eight delegations voted against the discriminatory formula referred to above, i.e. in favour of all States without exception being entitled to become parties to treaties; this proposal failed to be adopted by a majority of only four votes.

69. For that reason, despite the fact that a number of delegations hold and will evidently continue to hold the opposite view, even those delegations which would be prepared to vote for the draft resolution in the form submitted by the Sixth Committee have something to think about. Is it right to continue to impose this outdated policy and practice concerning the question of rightful accession to multilateral international treaties with a stubbornness worthy of a better cause, on at least half if not more of the Members of the United Nations—to impose a policy and practice rejected in the past and now rejected more and more decisively every day by the whole course of development of contemporary international life?

70. And now, turning to the draft resolution submitted by the Sixth Committee, we believe, as we said in the Committee itself, that the wisest compromise would be to decide to delete paragraph 4, since in this specific case it is altogether premature to speak of the practical necessity of inviting States to become parties to the League of Nations treaties when the meaning and value of those treaties has still to be studied.

71. We consider that such a decision would be a reasonable compromise because if paragraph 4 were deleted the remainder of the resolution could be adopted unanimously in the form recommended by the Sixth Committee. And here I would like to put a question to the delegations which apparently intend to insist, despite all the common-sense arguments put forward here, on the draft resolution being adopted in the form submitted by the Sixth Committee; I would ask them to reflect on the political consequences of again imposing, without any practical reason or necessity whatsoever, a political solution which is patently not to the liking of dozens of States Members of the United Nations?

72. If we were speaking of treaties whose substance had already been adequately studied, or treaties destined to play a significant part in international relations, we could understand this obstinacy, though even then we could not agree with it. We would still

object to that way of approaching a decision on the right of States to become parties to multilateral international treaties. But we would then at least be able to understand our opponents' obstinacy. My explanation would be that they wanted some treaty or group of international treaties of consequence to come into force. But surely here we cannot even say this. Even those who uphold this view themselves admit that possibly one treaty out of twenty-one, with the accent on "possibly", has some sort of practical value.

73. What was the reason for the battle fought earlier, with a good deal of bitterness, in the Sixth Committee —with a bitterness now reappearing in the General Assembly? Why is this battle being fought?

74. We strongly support, then, the deletion of paragraph 4 from the draft resolution, because our aim is not the accentuation of differences of viewpoint but the adoption of a decision as near unanimous as possible; and in this case such a decision can be taken without affecting in the slightest the practical consequences in international life, and without in any way prejudicing the stand taken here by our opponents.

75. I feel sure that now at the last moment many delegations will listen to the voice of reason and support by their attitude and their vote the position of the delegations seeking this reasonable compromise, which in no way infringes the political interests of any country.

76. The contrary view will indicate a desire at all costs, without any practical grounds whatsoever, once again to impose a political decision which is not acceptable to dozens of States—the socialist countries, the countries of Africa and Asia and some of the Latin American countries.

77. If the course we advocate is not followed, however, the Soviet delegation will insist on the adoption of the Czechoslovak amendment to paragraph 4 [A/L.432], which is aimed at eliminating discrimination with regard to certain States and strengthening the principle of universality in international multilateral treaties. In that case, we would expect that delegations interested in supporting the principles of the Charter in the United Nations and strengthening friendly relations between States will support the amendment submitted by the Czechoslovak delegation.

78. If it should so happen that paragraph 4 is still left in the draft resolution in its earlier form, the Soviet Union delegation will not be able to support the draft resolution when it is voted on as a whole.

79. Mr. SCHWEBEL (United States of America): The delegation of the United States strongly opposes the adoption of the amendment submitted by the delegation of Ceylon and Ghana, so ably introduced by the representative of Ghana [A/L.431/Rev.1], which would delete operative paragraph 4 of the draft resolution before us [A/5602 and Corr.1, para. 25]. We do so for this reason. The effect of this amendment, were it to be adopted, would be to postpone to the nineteenth session of the General Assembly an issue which has been exhaustively debated this year. Such a postponement, in our submission, makes little sense as a matter of law, as a matter of politics and as a matter of the good order of this Assembly.

80. As a matter of law, postponement by deletion of operative paragraph 4 would debar certain States from adhering to League of Nations treaties in the course of the forthcoming year. While the viability of certain of the treaties in question may be in doubt, as has been pointed out amply this morning, and the consequent desire of States to adhere to them in equal doubt pending a clarifying study by the Secretary-General, there is no question about the viability, immediacy and usefulness of at least the treaty and protocol on counterfeiting. Why should States which have come into being since League of Nations days be debarred from protecting their currencies in the course of the coming year? Thus, the suggestion that not a single treaty may in fact be found to be of practical significance is unfounded. It is perfectly plain that we can adopt the draft resolution intact while concurrently the Secretary-General carries his study forward. Not only is the counterfeiting treaty needed now; if as regards other treaties, study and consultations show the need for revision before the accession, we can count on the good sense of the new States not to accede before such revision.

81. As a matter of politics, postponement makes sense only on the assumption that the issue of "all States" versus "States Members" will have been solved in the course of the coming year. That assumption has no basis in fact. It has no basis in reasonable expectation. Obviously there is virtually no chance that between the eighteenth and the nineteenth sessions of the Assembly the issues as to the alleged statehood of all of the entities in question will have been resolved. Does any Member of this Assembly seriously believe that by the next session the disputes over the alleged statehood of North Viet-Nam, North Korea and East Germany, over Estonia, Latvia and Lithuania, Oman, etc. will all have disappeared? If you do not believe this fantasy, voting for the Ceylonese amendment makes, in our respectful submission, little sense.

82. As a matter of the good order of the Assembly, my delegation sees no point in ensuring that next year we shall again have to debate in the Sixth Committee and in plenary what we have so fully debated this year. Such a process would be wasteful of your time, our time, the Organization's time. It would cast doubt on the seriousness of purpose with which we approach our work. It would cast doubt on the desire which we all profess to avoid raising contentious issues which need not be raised. Since we shall certainly be considering next year aspects of the subject of principles of international law concerning friendly relations and co-operation among States, the result of committing ourselves to battling once more over the "all States" issue is to guarantee that we shall have less time for the consideration of those vital principles.

83. The question of wider participation in multilateral treaties concluded under League auspices has been examined at two successive sessions of the International Law Commission and two successive sessions of the General Assembly. There is no question of hasty action. It is time that we resolve the issue in terms which are legally sound and politically viable. The time to resolve it is now by the adoption intact of the draft resolution before us.

84. I should like now to turn to the amendment proposed by the delegation of Czechoslovakia. The delegation of the United States opposes even more strongly than the amendment proposed by the delegation of Ceylon, the amendment proposed by the delegation of Czechoslovakia [A/L.432]. That amendment, if

adopted, would reverse the decision arrived at in the Sixth Committee and would incorporate in the draft resolution a direction to the Secretary-General to invite "any State" to become a party to the treaties in question. Thus, the draft resolution if so amended would incorporate the "all States" formula. My delegation opposes the adoption of the Czechoslovak amendment for eight reasons.

85. First, the tradition of the Assembly has uniformly been to confine invitations in circumstances like these to States Members of the United Nations and the specialized agencies. It has never adopted the "all States" formula. It should not do so today.

86. Second, the Assembly has never adopted the "all States" formula where invitations are to be extended to States because that formula is unworkable. It would require the Secretary-General to decide what entities not States Members of the United Nations and the specialized agencies are indeed States. This is a burden the Secretary-General should not, and will not, assume. The Legal Counsel has told us that. The Secretary-General quite understandably would not venture to pass upon the alleged statehood of East Germany, Estonia, Oman, and so forth. It is not his province to do so; and to request him to do what he has told us he cannot and will not do is hardly a constructive or becoming procedure.

87. Third, this Assembly has never adopted the "all States" formula where invitations are to be extended to States because that formula is inappropriate as well as unworkable. It is perfectly natural that the United Nations, in calling a conference on consular relations or in acting as successor to the League of Nations, should limit its invitations to those within the family of the United Nations and the specialized agencies.

88. Fourth, the very great majority of the membership of the United Nations, of this Assembly, does not recognize the statehood of the entities, not States Members, whose attempted accession would be in question. Not recognizing these entities as States, why should we vote to enter into treaty relations with them? Particularly, why should we so vote when failure to enter into these treaty relations with these unrecognized entities would not be prejudicial to the important interests of any of us?

89. Fifth, were the draft resolution to be amended as Czechoslovakia proposes, it is doubtful that the draft resolution as a whole would be acceptable to many of the members of the League who are represented here today and whose assent is necessary, as the draft resolution declares, if it is actually to be operative. Many of these former members of the League might not be willing to accept this draft resolution if doing so requires them to enter into treaty relations with entities they do not recognize as States. Thus, adoption of the Czechoslovak proposal extending an invitation to "any State" would promise to destroy the possibility of implementing the resolution as a whole. It would promise to render fruitless the consideration of this item by two sessions of the International Law Commission and two sessions of the General Assembly.

90. Sixth, the limited test ban treaty—the so-called Moscow Treaty,[2/] which was extensively cited in our Committee discussions—far from serving as a precedent for adoption of the "all States" formula, is a precedent for not adopting the "all States" formula. For, such were the difficulties in the case of the test ban treaty that the original signatories decided that there should be not one, but three, depositaries with which accession to the treaty might individually be made. Accession by signature of the treaty in one of the three capitals does not necessarily imply treaty relations with other parties. But in the United Nations there are not three depositaries. There is only one, the Secretary-General. And it is the Secretary-General alone who is requested to extend invitations to accede. Thus the limited test ban treaty cannot be correctly cited as a precedent for adoption of the "all States" formula.

91. Seventh, neither can cases in which the General Assembly has called upon all States to do or refrain from doing certain things—as in the Congo resolutions, which, again, were cited in the Committee—be properly viewed as a precedent for adoption of the "all States" formula. Such hortatory and injunctive calls by the General Assembly did not require the Secretary-General to communicate with entities not States Members. Article 2, paragraph 6 of the Charter has always provided that:

> "The Organization shall ensure that States which are not Members of the United Nations act in accordance with [its] Principles so far as may be necessary for the maintenance of international peace and security."

But that paragraph has never been thought to require or even suggest that invitations to participate in treaties concluded under United Nations auspices, or invitations to accede to treaties such as those before us, shall be extended to "any State" or "all States".

92. Eighth, and lastly, the "Vienna formula", proposed by the Jamaican and other delegations, and incorporated in the draft resolution before us, represents a genuine measure of compromise among the various views in this Assembly. The United States delegation has accepted it in a spirit of compromise. The Vienna formula was unanimously accepted in Vienna. What persuasive objection can any delegation raise against it now? The text of the draft resolution now before us incorporates already the reasonable compromise to which reference was made a few moments ago.

93. The issue raised by the amendment of the delegation of Czechoslovakia is a serious one. It is to be treated seriously, with full appreciation of the consequences its adoption would entail. For the reasons advanced by my delegation, and reasons which I am confident other delegations will advance, the Czechoslovak amendment should be voted down.

94. Mr. HERRERA (Guatemala) (translated from Spanish): The Guatemalan delegation scarcely needs to explain why it is opposed to the amendments submitted by Ceylon and Ghana and by Czechoslovakia, since the United States representative has done so admirably.

95. However, I should like to recall here that, in the Sixth Committee [796th meeting], my delegation put a specific question to the Legal Counsel of the United Nations. The question was the following: Can the Secretary-General assume the responsibility of deciding on his own which countries are States and which are not?

2/ Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water, signed at Moscow on 5 August 1963.

96. This question is of an eminently practical nature since, if the amendment of Ceylon and Ghana [A/L.431/Rev.1] is accepted, there is no problem. However if, as I hope, it is rejected and the Czechoslovak amendment [A/L.432] is voted on and adopted, would the Secretary-General have to invite all States?

97. I urge the President to ask the Secretary-General whether he wishes to assume this political responsibility and whether he can define which are the States in this international community.

98. The PRESIDENT (translated from Spanish): The Secretary-General will speak in reply to the representative of Guatemala.

99. The SECRETARY-GENERAL: The representative of Guatemala has just requested me to indicate how I would seek to implement the provision in an amendment to the draft resolution now being considered by the General Assembly [A/L.432], which would request the Secretary-General to invite any State to accede to certain League of Nations treaties by depositing an instrument of accession with the Secretary-General.

100. In this connexion, I feel it is incumbent upon me to bring the following to the attention of the Members of the Assembly: when the Secretary-General addresses an invitation or when an instrument of accession is deposited with him, he has certain duties to perform in connexion therewith. In the first place, he must ascertain that the invitation is addressed to, or the instrument emanates from, an authority entitled to become a party to the treaty in question. Furthermore, where an instrument of accession is concerned, the instrument must, inter alia, be brought to the attention of all other States concerned and the deposit of the instrument recorded in the various treaty publications of the Secretariat, provided it emanates from a proper authority. There are certain areas in the world the status of which is not clear. If I were to invite or to receive an instrument of accession from any such area, I would be in a position of considerable difficulty, unless the Assembly gave me explicit directives on the areas coming within the "any State" formula. I would not wish to determine on my own initiative the highly political and controversial question whether or not the areas, the status of which was unclear, were States within the meaning of the amendment to the draft resolution now being considered. Such a determination, I believe, falls outside my competence.

101. In conclusion, I must therefore state that if the "any State" formula were to be adopted, I would be able to implement it only if the General Assembly provided me with the complete list of the States coming within that formula, other than those which are Members of the United Nations or the specialized agencies, or parties to the Statute of the International Court of Justice.

102. Sir Kenneth BAILEY (Australia): The delegation of Australia will vote against both amendments [A/L.431/Rev.1 and A/L.432] which have been submitted to the draft resolution of the Sixth Committee [A/5602 and Corr.1, para. 25] and will submit to the General Assembly its reasons for opposing the amendments and for supporting the Committee's draft resolution as it stands. Before doing so, I would remind the General Assembly, as other representatives have done, of what, broadly speaking, the Committee's draft resolution is intended to do.

103. The International Law Commission, in the course of its examination of the law of treaties, noted that a number of multilateral treaties concluded under the auspices of the League of Nations, though originally intended to be open to further accessions on the invitation of the Council of the League, had become closed, by reason of the dissolution of the League, notwithstanding the emergence since then of a great number of new States. The International Law Commission suggested that the General Assembly might find some administrative means of opening these treaties to new States, some means more convenient perhaps than the traditional but cumbersome method by way of amending protocol. After full discussion in the Sixth Committee at the seventeenth session, the General Assembly referred the matter back to the International Law Commission, including some suggestions that had been put forward. The International Law Commission, after further examination of the subject earlier in the present year, has now come back to the General Assembly with a new and specific proposal, which the Sixth Committee has adopted in principle in the draft resolution now under discussion. The International Law Commission deserves the thanks of the General Assembly for its constructive work in this whole matter.

104. Without attempting to go into questions of wording, I would add only this. The procedure proposed is that the General Assembly should now follow up its initial resolution 24 (I) of 1946 on the continuance by the United Nations of certain League functions by agreeing—if the parties to these treaties do not object—itself to assume the function of the now dissolved League Council in opening the treaties to accession by new States. Because it is not at present clear that all of the treaties in question are still of practical utility as they stand, the Secretary-General is requested to enter, where necessary, into consultations about them. Then the Secretary-General is further authorized to invite the States specified to become parties by depositing with him an instrument of accession. In some cases such an invitation could be sent at once. In other cases it might have to await the result of the consultations. How best to work it out is left to the Secretary-General and he is to report to the General Assembly at the nineteenth session on what he has done. The sponsors of the draft resolution put it forward, and the Sixth Committee accepted it, as a new, practical, administrative means of solving a legal, professional problem of some nicety.

105. For the following four reasons—and indeed there are many more—the delegation of Australia urges the General Assembly to reject the amendment [A/L.431/Rev.1] proposed by the delegations of Ceylon and Ghana and to adopt operative paragraph 4 of the draft resolution recommended by the Sixth Committee.

106. First, operative paragraph 4 is a carefully considered, important and integral part of an intricate method of dealing with a highly professional, not to say technical, matter, and the draft resolution as a whole was adopted on the last vote by the Sixth Committee without any dissent—by a strong vote of 69 to none, with 22 abstentions. Let me recall, moreover, that on the request of the Soviet Union the Sixth Committee voted also on the precise question now raised by the amendment moved by Ceylon and Ghana —namely, whether to retain operative paragraph 4 in its present form, including the present text regarding the States to be invited to accede. The Com-

mittee voted to retain the paragraph by 63 votes to 10, with 15 abstentions. There are sixty-three delegations here today which may need to be given new and cogent reasons before they will cast today a different vote from the one they cast in the Committee on the identical question raised in the amendment of Ceylon and Ghana.

107. I make clear that the question on which the Committee was so nearly equally divided was not the question that is before the General Assembly today. It was the different question whether, before any decision had been taken on the "all States" Member States question, the paragraph should be suppressed. Once that decision had been taken and the present formula incorporated in it, the Committee's vote, as I have said, was 63 votes against, 10 in favour. The General Assembly, or so the delegation of Australia submits, should not destroy the integrity of such a proposal as this unless there are very strong reasons for doing so. I shall try to show that there are not, and that on the contrary there are strong reasons, both of principle and of convenience, for not doing so.

108. Secondly, operative paragraph 4 should be retained because it embodies a decision reached by majority in the Committee, after a lengthy, frank and good debate on the only point of principle on which delegations had clearly divergent positions. To suppress the paragraph now would necessarily postpone a decision on this point until the nineteenth session. The question, I need hardly remind the General Assembly, was whether the General Assembly should now authorize the Secretary-General to invite to accede to these treaties "all States", simpliciter, or all States which are Members of the United Nations or of a specialized agency or are parties to the Statute of the International Court of Justice, or are especially designated for the purpose by the General Assembly itself.

109. It was made plain in the Sixth Committee, and it has been made plain to the General Assembly this morning that one important reason for seeking the suppression of operative paragraph 4 is to avoid a decision on this question in 1963, in the hope that a different result might be accomplished in 1964. In the Sixth Committee, the proposal to suppress operative paragraph 4 looked to the Australian delegation like an attempt to enlist the natural forces of inertia and of compromise in aid of the "all States" formula. To us, it bears exactly the same character here. Let me say that the delegation of Australia is willing to discuss this important "all States" question whenever it is necessary to do so. But to be frank, we see no advantage whatever, having had a long and thorough discussion in the Committee this year, in deliberately creating the necessity for discussing it all over again, and on this very subject, in 1964.

110. The General Assembly cannot, we think, regard seriously suggestions that perhaps by 1964 all our differences on this subject may have disappeared. But if such a happy circumstance did occur, and if by 1964 Members of the United Nations were willing to enter into the treaty relations in question with any and every State not now included in what is sometimes called "the United Nations family" it is clear that the operative paragraph of the draft resolution, just as it stands, would have provided a means whereby that result could immediately be accomplished—a simple resolution of the General Assembly designating the States concerned.

111. Thirdly, operative paragraph 4 should be retained because, after consideration twice by the International Law Commission and twice by the Sixth Committee, the matter is now fully ripe for the action authorized by the paragraph. As I explained at the outset, the resolution has been carefully drafted, and without pedantic detail, so that the Secretary-General can go ahead with invitations immediately if the position of the treaty is clear, but is not required to do so in other cases where it is not clear. He consults, under operative paragraph 3, where it is necessary to do so, and he is free to extend invitations as and when it becomes appropriate to do so. Once the history of the matter is known, and the procedure contemplated by the draft resolution is understood, the General Assembly will realize that the matter has in no way been "rushed", or hastily considered, and there is no inconsistency between the authority on the one hand to open consultations where necessary and the authority to extend invitations as appropriate.

112. There are in fact two treaties concluded under League auspices in 1929, and dealing with the suppression of counterfeiting currency, which are known to be in practical operation, and ready now for accession by new States. In June 1962, the General Assembly received from the Annual Assembly of the International Criminal Police Organization (INTERPOL) a request that the United Nations would take any practicable steps to facilitate the accession of new States to League treaties of this kind. Operative paragraph 4 of the draft resolution is a practical means of complying with this request.

113. The draft resolution as it stands is flexibly worded so as to enable the questions of clarification, to which the delegations of Ghana, Ceylon, Czechoslovakia and the Soviet Union have referred this morning—questions largely of a technical and administrative character—to be worked out in the course of the Secretary-General's consultations. There is no practical need whatever to withhold action in the cases that are ready for action. There is no practical reason for the blanket postponement proposed by the delegations of Ceylon and Ghana.

114. The fourth reason for retaining operative paragraph 4 grows out of the other three that I have mentioned. The sponsors of this draft resolution do not assert that there are specially urgent reasons for authorizing now, at this eighteenth session, the invitation that operative paragraph 4 authorizes, and for deciding now at this eighteenth session, the "all States" question that the operative paragraph does decide. Action could, without disaster, wait. But the sponsors most earnestly say to the General Assembly that this is not the point at all—urgency is not the question. Why should the General Assembly be called upon to justify its action in such a matter as this on grounds of urgency. The subject has twice been carefully examined by the appropriate professional organs. In such circumstances it is not action that has to be justified—but delay, postponement, inaction. Once sufficiently clarified, as this matter has now been, proposals of such a kind ought, in the interests of the United Nations itself, to be disposed of without delay.

115. For these reasons, the delegation of Australia urges the General Assembly to retain operative paragraph 4 and to vote against the amendment [A/L.431/Rev.1].

116. I turn now to the Czechoslovak amendment to operative paragraph 4 of the draft resolution [A/L.432]. The Australian delegation will vote against that amendment and will support the text of paragraph 4 as it stands, for reasons that I shall state very summarily.

117. Having regard to something that was said earlier this morning, I remind the General Assembly that the object of the draft resolution is to adopt convenient administrative procedures whereby, with the consent of the parties to certain League of Nations treaties, the General Assembly itself will exercise the former League Council function of inviting new States to accede to the treaties and thereby to extend the network of treaty relations among States. I emphasize the central importance, in the whole scheme of the draft resolution, of obtaining the consent to the scheme, at the outset, of the parties to the old treaties, and make clear that, having regard to the effects of the draft resolution, it forces treaty relations on no State, neither on the existing parties nor on any new State.

118. The question to be decided by the General Assembly in considering the amendment proposed by Czechoslovakia [A/L.432] is whether the Secretary-General should be authorized to extend an invitation to all States, as that amendment proposes, or to States in the first instance which are members of what is sometimes called "the United Nations family", but also to any other State designated for the purpose by the General Assembly itself. The draft resolution as it stands, of course, adopts this latter course.

119. The text, as the representative of the United States pointed out, already represents a compromise between the proposals originally submitted to the Committee namely the "all States" formula on the one hand and a strict "United Nations family" formula on the other. The delegation of Jamaica, together with the delegations of Colombia, Congo (Leopoldville) and Nicaragua, which promptly joined as co-sponsors, deserves the thanks of the sponsors of the original draft resolution for this effort towards providing acceptable middle ground. How successful the effort was could be judged by the strong final vote in the Sixth Committee for the present text, which of course includes the amendment proposed by the delegations of Jamaica, Colombia, Congo (Leopoldville) and Nicaragua.

120. The reasons for which the delegation of Australia urges the General Assembly to maintain the Committee's text and to reject the amendment are these:

121. First, the delegation of Australia submits that the formula of invitation set out in paragraph 4 should be adopted by the General Assembly because it is in strict accordance with recent United Nations practice. It is common nowadays to refer to this formula as the "Vienna formula", because it was adopted for accession to the two recent conventions—one as recent as April of this year—on Diplomatic and Consular Privileges and Immunities. It makes no sense for the General Assembly to depart now, in relation to treaties of this kind, from the Vienna formula.

122. Secondly, the Vienna formula, embodied in the Committee's text, is in exact accord with the position and practice of the Secretary-General and his predecessors, as the Secretary-General himself has most authoritatively stated a few minutes ago. He has told the General Assembly that if it were to adopt the "all States" formula, as the Czechoslovakian amendment proposes, he would not in practice be able to decide for himself which entities outside of the United Nations family are States and which are not, but would submit the matter for decision by the General Assembly and ask it to furnish him with an exhaustive list of the outside States to be invited. In effect, therefore, the "all States" formula would produce exactly the same result as the Vienna formula, namely that no invitation would be sent to a State outside the United Nations family except by virtue of an express decision of the General Assembly itself.

123. But there is this vital difference: the Vienna formula would produce this practical result by a direct, and in our view, proper route. The "all States" formula would do so indirectly and only because the Secretary-General would find himself unable to perform the duty which the General Assembly had purported to impose on him. In the view of the Australian delegation, it would not be proper for the Secretary-General to perform such a duty, and the Secretary-General has, a moment ago, informed the General Assembly that he would regard such a duty as beyond his competence. Indeed, in our view, it would not be constitutional for the General Assembly to impose on the Secretary-General a function of so highly and essentially political a character. The Vienna formula expressly leaves that function where it should be, in the General Assembly itself, just as in former times it lay in the League Council, a distinctly political body. The choice is not between two different results, but between a constitutional and an unconstitutional way of producing the same result. The General Assembly, we submit, should choose the established and constitutional method.

124. Thirdly, it follows from what I have just said that so far from the Vienna formula being contrary to the principle of universality, it provides the only proper and practicable method by which, in present conditions, universality can be achieved. All Members of the United Nations should, we urge, treat as decisive the statement about the "all States" formula which the Secretary-General has just made.

125. Fourthly, and finally, the Vienna formula should be retained as it stands in operative paragraph 4 of the Committee's text, because in present circumstances the "all States" amendment, whether intentionally or not, would almost necessarily destroy the very object of the draft resolution itself. If the present parties to the treaties in question consent to the draft resolution they thereby express their willingness to have treaty obligations imposed on them at the option of any State referred to in operative paragraph 4 which cares to submit to the Secretary-General an instrument of accession. If the terms of operative paragraph 4 make clear that in the last resort the General Assembly itself is to decide which States outside the "United Nations family" are to be invited to accede, consent may very well be forthcoming—and the delegation of Australia hopes it will be. If, however, in present circumstances that question is left open, and particularly if it were to be insisted that the question is one that has to be answered by the Secretary-General himself, some, at least, of the parties to these treaties may be very likely to withhold their consent to the procedure proposed by the draft resolution for opening the treaties for accession by new States.

126. For these reasons the delegation of Australia will vote against the Czechoslovak amendment as well as the amendment submitted by Ceylon and Ghana, and urges that the General Assembly should adopt the text of operative paragraph 4 of the draft resolution as it now stands.

127. The PRESIDENT (translated from Spanish): I give the floor to the representative of Ghana on a point of order.

128. Mr. DADZIE (Ghana): In his intervention the representative of Australia stated that the decision taken by the Sixth Committee, that is to say, the vote taken by the Sixth Committee on operative paragraph 4 of the nine-Power draft resolution after it had been completed by the Vienna formula, was the same as the vote which the co-sponsors sought from the General Assembly on the proposed amendment [A/L.431/Rev.1].

129. I beg to point out that the statement by the representative of Australia was misleading. Quite obviously, the vote on operative paragraph 4, as completed by the Vienna formula, is not the same as a vote on operative paragraph 4 by way of deletion of the whole paragraph. What the co-sponsors are seeking now corresponds to the oral amendment referred to in paragraph 24 (a) of the report of the Sixth Committee [A/5602 and Corr.1] by which the delegation of Ceylon sought the complete deletion of operative paragraph 4.

130. In paragraph 24 (d), the point raised by the representative of Australia, all that was sought was to establish whether the Vienna formula—after the operative paragraph 4 had been completed by the Vienna formula—was supported by delegations. The voting figures to which the representative of Australia referred only show that the vote of 63 in favour accepted the formula as a compromise, while 10 delegations were opposed to it and 5 abstained.

131. While the majority of States are not opposed to the Vienna formula, it should be pointed out that as far as the delegations which support the principle of universality are concerned, this formula does not go the whole way towards removing the discrimination which the formulas limiting participation to Member States of the United Nations advocates. The Vienna formula fails to solve the political question, although it helps in the direction of the juridical problem relating to States which, although independent, are neither Members of the United Nations nor of the specialized agencies. The fact that the Vienna formula fails to solve the political question was the reason why it failed to receive unanimous support—the point to which the representative of Australia referred. That is to say, operative paragraph 4 as completed by the Vienna formula failed to get unanimous support. The voting was 63 to 10, with 15 abstentions. This was due to the fact that the formula does not go the whole way.

132. But let us not confuse the issue. The issue put to the vote on that point is not the same as that in paragraph 24 (a): that is to say, the issue before the Assembly now in the amendment proposed by the delegations of Ceylon and Ghana. If they were the same, I fail to see why the Chairman of the Sixth Committee would have put to a vote the second point referred to by the representative of Australia. Accordingly, I would suggest to him that delegations should not be misled by the statement which he made.

133. The PRESIDENT (translated from Spanish): I give the floor to the representative of Australia, in exercise of the right of reply.

134. Sir Kenneth BAILEY (Australia): I had no intention of misleading the Assembly; I hope and believe that I did not do so.

135. The foundation for the statement which I made to the Assembly is to be found in paragraph 24 (a) of the Rapporteur's report [A/5602 and Corr.1]. The preceding paragraphs record votes on two amendments designed to complete in alternative ways the text of operative paragraph 4. One amendment was rejected. A roll-call vote was taken which is set out in paragraph 24 (b), and the result was 42 in favour, 38 against and 10 abstentions.

136. The second amendment was voted on by a show of hands and was adopted by 57 votes to 12. That vote is recorded in paragraph 24 (c).

137. In very strict accordance with the rules of procedure, the representative of the Soviet Union properly asked the Chairman of the Committee to put to a vote operative paragraph 4 as amended in order that those who preferred to suppress it as so amended should have an opportunity of doing so. They had the opportunity. They did not do so. The figures in paragraph 24 (d) speak for themselves and I need add no more to them.

138. Mr. USTOR (Hungary): With your permission, Mr. President, I should like to state very briefly the position of my delegation in regard to the draft resolution and the amendments before us.

139. The amendment submitted by the delegations of Ceylon and Ghana [A/L.431/Rev.1] is a reintroduction of the oral amendment proposed by the delegation of Ceylon in the Sixth Committee. This amendment, which was defeated in the Committee by only one vote, was backed by delegations of many African and Asian States, the very States which are primarily interested in the question of opening the closed League treaties to newly emerged States. This amendment intended to postpone the debate on a very contentious matter at least until the nineteenth session next year when the results of the consultations and other actions of the Secretary-General, as set out in operative paragraph 3 of the draft resolution before us [A/5602 and Corr.1, para. 25], will be known.

140. My delegation felt that this approach to the matter in question was a very reasonable one and supported the amendment proposed by Ceylon in the Committee accordingly. We have done this also on the consideration that in a question like this, which concerns first and foremost the interests of the newly emerged States, their views and wishes should be taken into due account. It is all the more so in this case as the motion was evidently made in order to avoid an acrimonious debate and to bring about a better atmosphere in the Committee.

141. For similar reasons, my delegation warmly supports the amendment put forward by the delegations of Ceylon and Ghana, so lucidly introduced by them. My delegation, having heard some statements made a moment ago, deeply regrets that there are still delegations which do not accept the reasonable and moderate offer contained in this proposal. This attitude, I respectfully submit, is contrary to the conciliatory spirit in which the amendment has been submitted. My delegation still hopes that in this As-

sembly reason and goodwill will prevail and that the amendment of Ceylon and Ghana will be adopted.

142. The adoption of the amendment submitted by Ceylon and Ghana would render the amendment of Czechoslovakia [A/L.432] without object. However, in case the amendment of Ceylon and Ghana should not receive the necessary majority, then my delegation would firmly support the amendment of Czechoslovakia.

143. My delegation will not cease to defend the principle involved, the principle of the equality of States. This principle has been said, and rightly so, to be a jus cogens rule of international law. In other words, the principle of the equality of States is a rule of international law from which States are not competent to derogate by treaty or any other arrangement. If this is so, then it is evident that no State, or no group of States, has the right to debar other States from participation in treaties which deal with problems not only of regional but general interest. The treaties in question being of this type, operative paragraph 4 of the draft resolution adopted by the Sixth Committee, in my submission, clearly violates a valid rule of international law.

144. The text of operative paragraph 4 as it appears in the draft resolution before us clearly amounts to discrimination. Discrimination, however, cannot be tolerated. It cannot be tolerated between individuals on the basis of their race, colour or creed, or any other characteristic, and it cannot be tolerated among States on the basis of their wealth or power, of their social or economic order, or on the basis of any other distinguishing trait or quality. Discrimination must be eradicated in all its forms. It must be eradicated in every human society. It must be eradicated from the society of men in each individual country, and it must be eradicated from the society of the States themselves, from the family of nations.

145. This demand is clearly written in the Charter of our Organization, which propagates not only the human rights and fundamental freedoms, the principle of the equal rights of all individuals, but also that of the equal rights of nations, large and small, and the self-determination of peoples. The Charter, as is seen from Article 1, paragraph 2, does not limit the demand of equality to States Members of the United Nations or its specialized agencies; this demand is universal and is one of the main purposes of the Charter.

146. My delegation is gratified to note that the discriminatory character of the clauses as they appear in operative paragraph 4 of the draft resolution is more and more recognized in the Assembly and the number of votes cast against them is constantly growing. It is an inevitable certainty that discrimination will disappear from this world in all its forms and it is also an inevitable certainty that discriminatory clauses of this kind will disappear from the practice of the United Nations.

147. It will be an historical event when this Assembly will first pronounce itself for the eradication of this type of discrimination. My delegation wishes that the historical step were taken in this session. It is for these reasons that my delegation supports the amendment [A/L.432] which tends to remedy the inherent defect of the draft resolution.

148. I should like to refer in a few words, if you will permit me, Mr. President, to the statement made by the Secretary-General, and I should like to point out the following. If we accepted the amendment of Czechoslovakia we would simply bring the treaties in question on an equal footing with some other treaties concluded under the League of Nations—on an equal footing with the treaties which are in force, which are living operative and open-ended treaties, that is, which contain an "all States" formula. The Secretary-General is already the depositary of a number of such treaties.

149. This means that, by the adoption of the amendment of Czechoslovakia, we would not bring about a complete innovation; we would just put the treaties now in question on an equal footing with other existing open-ended League treaties. Thus the situation as explained by the Secretary-General already exists in relation to a number of existing treaties.

150. By accepting the "all States" formula in connexion with the treaties in question, we would simply increase the number of the existing open-ended treaties concluded under the auspices of the League of Nations and deposited now with the Secretary-General.

151. Hence, with all deference, my delegation ventures to see no important reason why we should put aside the paramount principle of non-discrimination for some other considerations of mere expediency.

152. Mr. MONOD (France) (translated from French): The French delegation wishes to explain why it is urging the Assembly to vote on the draft resolution contained in the report of the Sixth Committee [A/5602 and Corr.1, para. 25] as it stands, and therefore to reject both the amendment put forward by Ceylon and Ghana [A/L.431/Rev.1] and the amendment submitted by Czechoslovakia [A/L.432].

153. The States Members of the United Nations have duties and responsibilities towards the Organization itself. These duties and responsibilities include that of doing nothing that might prejudice its operation or tend to paralyse it, and therefore, nothing that might indirectly discredit it. My delegation believes that that is what might happen if by some ill chance either of the proposed amendments was adopted.

154. With regard to the amendment submitted by Ceylon and Ghana, I shall never tire of repeating something which has already been said by other delegations, namely, that this amendment, which would merely delete paragraph 4 of the draft resolution, would solve nothing; it would merely defer the whole question until next year, without solving it. But next year the Assembly will find the question as it is now, without the slightest change, and even fraught with greater difficulties, when we consider the trends which will emerge in the meanwhile, so that the problem may become even more difficult and dangerous and therefore harder to solve. We do not think that it is in the interest of the Assembly to defer questions year after year, however difficult they may be. Later on, I will try to explain why, by adopting the draft resolution as it stands, we would not be guilty of any discrimination but on the contrary would be leaving the door open for any future possibilities.

155. If the amendment proposed by Czechoslovakia was adopted, it would compel the Secretary-General to exceed his functions as chief administrative officer of the Organization by forcing him to invite States to accede to old League of Nations treaties, and in so doing, to make choices for which he would be

commended by some but certainly blamed by others. Thus, the Administration would become responsible for a problem in which it should in no circumstances be involved.

156. In his recent appeal to this Assembly, the Secretary-General himself pointed out the difficulties with which he would be faced and told us that he could not act under the amended resolution except after consulting the General Assembly. I hardly think that what the representative of Hungary has just said has convinced anyone. The Secretary-General, who spoke here earlier, knows better than any delegation here what his possibilities and means are and the limits within which he can act.

157. The solution to be found in paragraph 4, namely, what has been called the "Vienna formula", for the sake of convenience has our approval for the reasons which I will now sum up.

(1) It is a common-sense solution because it is juridically clear and immediately applicable, because it gives effect to the resolution which we are going to adopt, and because a large number of States will be able to support it without hesitation. This solution respects the Vienna precedent, which was adopted after lengthy and difficult deliberations, and another thing in its favour is that it is the only possible formula, administratively and juridically speaking, as we concluded after a lengthy debate in committee.

(2) It is a realistic solution, for the formula in paragraph 4 is not an attempt to evade responsibility. It is a formula which recognizes the existence of a problem—the definition of a State—which takes it into account and which, let me repeat, closes no doors and is not the last word on the subject.

(3) Whereas the amendment submitted by Ceylon and Ghana would merely defer the question until the next session, when it will have no more—and perhaps even less—chance of being solved than now, the Czechoslovak amendment makes the situation inextricable and politically explosive, the Vienna formula has the advantage of not being a permanent solution, that is to say, a solution that would perpetuate the political problem in its present form. It does not close the door on any other solution which may emerge when with the development of the world and of relations between nations, it may become possible to solve the problem by other means. In a word, it is a solution which does not tie the hands of the General Assembly, or even those of the Administration, for ever.

(4) It is a democratic solution, for paragraph 4 gives the General Assembly the right to invite any States it may wish to accede to the treaties in question. In other words, the political responsibilities vest in the General Assembly, which is a political body, and not in the Secretary-General, whose functions are non-political. Let me repeat therefore that this is a perfectly democratic and open solution.

(5) The representative of Australia very rightly said—and I should like to repeat his argument for it is highly important—that this solution is the only one which is fully in keeping with both the spirit and the letter of the old League of Nations treaties. Indeed, it is strictly correct to say that the final clauses of these treaties did not contain any provision under which non-signatory States could, as a general rule, be invited to accede to them. There was no clause of this kind. On the other hand, there was a clause allowing for invitation by the Council of the League of Nations, which was a political body, just as the General Assembly is.

158. Paragraph 4, as it stands and as we should like it to be retained, allows the General Assembly, which is free and sovereign, to invite any State it wishes to accede to the treaties. Thus the door is not closed. In addition—and here I strongly disagree with what the representative of Hungary has just said—there is nothing in this formula which discriminates against any State. It is a question of making a choice, a choice rendered necessary by juridical conditions over which we have no control at the present time.

159. The arguments that I have just put forward and those that have been advanced by preceding speakers from this rostrum show that the present text is the only one that is faithful to the final provisions of the old treaties, the only one which does not fall back on the passive solution of merely postponing the problem, the only one which does not make the question even more difficult to solve, the only one which does not lay upon the Secretary-General an impossible responsibility, one which, as he told us earlier, he could not carry out for the reasons he gave.

160. For all these reasons, my delegation addresses an urgent appeal to all delegations here to vote for the text as it appears in the report of the Sixth Committee and therefore to reject the two amendments submitted by Ghana and Ceylon, on the one hand, and by Czechoslovakia, on the other. The Assembly would thereby render a very great and very useful service to our Organization, without—let me underline this—in any way ruling out any position taken by individual delegations. Lastly, we should avoid raising, in connexion with a minor point such as the one we are now discussing, a problem for which a solution must be sought elsewhere, in another forum and on a different basis from the one on which we are now operating.

161. Mr. IONASCU (Romania) (translated from French): The Romanian delegation wishes to make a very short statement of its views regarding the two amendments [A/L.431/Rev.1 and A/L.432] to the draft resolution [A/5602 and Corr.1, para. 25] on the extended participation in general multilateral treaties concluded under the auspices of the League of Nations.

162. We share the view expressed by most representatives of newly independent States, that is to say, that these treaties are of a universal nature and therefore should be open to accession by all States without discrimination, particularly as they are treaties dealing with technical and non-political matters.

163. This is also the non-political but prevailing view in the International Law Commission, a body which includes many renowned specialists. This is very clear from the commentary on articles 8 and 9 of the draft articles on the law of treaties—now being codified—which were submitted to the Commission at its fourteenth session. One only has to read the report of the International Law Commission on that session [3] to realize that the dominant view in that body of technicians and specialists regarding participation in general multilateral treaties is that all States have the right to participate in these treaties, that is to say, to sign, ratify and accede to them.

[3] See Official Records of the General Assembly, Seventeenth Session, Supplement No. 9 (A/5209), chapter II.

164. We should not be surprised therefore at the conclusion reached by the majority of the International Law Commission because that is the solution which avoids any discrimination and is also perfectly consistent with the principles of the sovereign equality of States.

165. The adoption of this viewpoint would be a contribution to the progressive development and codification of international law. By confirming the universality of these general multilateral treaties, the United Nations would really make it possible for a large number of States to participate in these agreements and would therefore facilitate the uniform application of the principles of international law which derive from them.

166. It is in the interest of the United Nations to ensure the widest possible application of the principles of international law by all States with a view to codifying the law and with the ultimate aim of eliminating any possibility of infringement of these principles by any State.

167. However, this formula, which leads to the conclusion that any general multilateral treaty is open to all States for signature, ratification and accession, has been criticized by persons who fear that it would lead to the implicit or tacit recognition of States. I must recall in this connexion the conclusions of the doctrine of international law on this point, and I will quote, for instance, the expert Judge Lauterpacht. He explicitly states that no recognition by the other contracting States is implied in the acceptance of a State as a party to a general multilateral treaty.[4/]

168. Therefore, the argument which some delegations are trying to use against the conclusion we have reached does not apply.

169. For these reasons, the Romanian delegation supports the amendment proposed by the representative of the Czechoslovak Socialist Republic [A/L.432]. In addition, the Romanian delegation has no objection to the amendment submitted by the delegations of Ceylon and Ghana [A/L.431/Rev.1].

170. We believe that, if the General Assembly does not feel that the problem could be solved at the present session along the lines of the amendment proposed by the Czechoslovak delegation, i.e. by giving all States the opportunity of becoming parties to the treaties in question, the only alternative to the Assembly to adopt is the solution proposed by the delegations of Ceylon and Ghana. This solution would enable delegations to debate the matter fully at the next session of the General Assembly with a view to finding the proper solution to the problem.

171. For the reasons I have just given, the Romanian delegation is in favour of the amendment submitted by the delegations of Ceylon and Ghana. This provides a basis on which, I think, most delegations will be able to agree.

172. Mr. FRANCIS (Jamaica): The Jamaica delegation has a more than passing interest in this agenda item. I recall that when the issue was debated in the Sixth Committee, views were very sharply divided on operative paragraph 4 of the draft resolution now before this Assembly [A/5602 and Corr.1, para. 25]. My delegation did play a little part in trying to harmonize those views. If it did not entirely succeed in doing so, it did succeed in assisting the Committee in the adoption of operative paragraph 4 in its present form. Today, as there was in Committee, there is again that great divide on exactly the same issue.

173. In dealing with the question of the deletion of operative paragraph 4, the representative of the Soviet Union, in his intervention this morning, gave us to understand that the narrow majority by which the issue was decided in Committee makes it incumbent on the Assembly not to disregard the wishes of so large a minority as expressed in Committee. May I ask this one question: what would have been the position had the situation been the reverse, with a similarly large minority? We must take the rules of procedure as we find them, until they can be changed. As far as the Jamaica delegation is concerned, we are prepared to regard a decision as a decision, either in Committee or in this Assembly, be it by a very large majority or a majority by a margin of one.

174. Further reference has been made to the context of the equality of States in so far as that principle has been flouted by the discriminatory practice which operative paragraph 4 in its present form would perpetrate. To my surprise and to the surprise of many delegations, the context in which the principle of the sovereign equality of States has been regarded as being violated, has certainly succeeded in making this principle accomplish the impossible—namely, a famous dance, the Twist, a dance now orchestrated to music—by the introduction of novel criteria by which sovereign States may freely exercise their discretion in regard to the States with which they may wish to enter into treaty relationships.

175. The views of the Jamaica delegation on this subject were fully expressed in Committee. What I am trying to do here is not so much a restatement of these views which remain unchanged. Rather, I propose briefly to examine, if I may, some of the arguments raised, purportedly in support of the two amendments now before us [A/L.431/Rev.1 and A/L.432], which were rejected in Committee.

176. My delegation listened with a great deal of interest to the several arguments raised in support of the amendment of Ceylon and Ghana which seeks to delete operative paragraph 4, and the Czechoslovak amendment which seeks to extend participation to all States. It has observed with even greater interest that these arguments, which are directed at defeating the draft resolution, have done no more than strengthen the case for its survival. The opponents of the present draft resolution have in their arguments done more to underline its merits and to extol its virtues than I could probably have done. How has this startling situation come about? Let us see.

177. The Jamaica delegation is not entitled to question the judgement or the discretion of the delegations which have introduced these amendments. What, however, it is entitled to do, is carefully to examine and to assess the reasons for the introduction of these amendments, in so far as reasons have been expressed, or can be inferred from the existing circumstances.

178. First, let me make a brief comment on the amendment seeking to delete operative paragraph 4. Deletion of operative paragraph 4 would at once leave operative paragraph 2 meaningless at this stage. In

4/ See L. Oppenheim, International Law: A Treatise, vol. I, Peace, eighth edition, edited by H. Lauterpacht, London, Longmans, Green and Co., 1955, pp. 146 and 147.

the long run, deletion would accomplish nothing, except delay for its own sake. We already know that there are treaties to which accession will become necessary. Had this not been so, the question of the machinery for accession, and what States should accede, would not now be the subject of a debate. Once the machinery has been established, and this operative paragraph 1 seeks to do, once the consent of the existing signatories has been obtained and this operative paragraph 2 seeks to do, then there is no good reason why part of the procedural process should be deleted. Furthermore, there is equally no good reason why those States willing to accede may not now be allowed to so do without further delay.

179. As, however, the Jamaica delegation regards the amendment to delete operative paragraph 4 and that involving the "all States" formula as but different sides of the same coin, I should now briefly examine the merits of the main argument raised purportedly in support of the "all States" formula.

180. It was said with a great deal of emphasis that the "all States" formula would be more in keeping with the principle of universality laid down in the recent test ban Treaty. Admittedly the test ban Treaty is one of far-reaching international significance. But let us not lose our sense of proportion about it. It has not changed the diplomatic situation in several areas of the world. Neither has it changed the diplomatic situation between several countries. Let us, therefore, applaud the test ban Treaty for what it is. But let us not attempt to deride it by attributing to it characteristics which in practical terms it has not yet so far possessed. Has not the unqualified denunciation of this treaty by over 600 million people meant anything? Has not that denunciation seriously affected the practical universality of the Treaty? What is more, has not that denunciation seriously affected the peace of mind of the majority of persons here today?

181. Why then should we be so eager to espouse the cause of universality in respect of what my delegation regards as relatively unimportant matters, for the benefit of those who have renounced universality in circumstances involving so much concern for the rest of the world? I regret having to go into so much detail on this single point, but, because it has been raised with so much force, I consider it necessary to try to unmask the fallacy of the argument about the universality of the test ban Treaty. The so-called universality of that Treaty, as I have endeavoured to point out, is in purely theoretical terms. This leads me to the main political implication of the "all States" formula. My colleagues know as well as we do that this would involve a certain degree of recognition of some of the States by others who would not otherwise have readily recognized them. The representative of Romania has made reference to this principle by invoking the opinion of Hersch Lauterpacht.

182. I certainly do not know, and I think this will apply to a good many representatives here, what interpretation other delegations will place on what is clearly a controversial principle. For the time being I must adhere to the principle, as I interpret it, that the "all States" formula would, in certain cases, involve a certain measure of recognition. There is little or no doubt that the acceptance of this formula would eventually involve the States in question creeping into the United Nations through the side door. Some of these entities are far too large for side door entry. Rules of protocol demand that they be accorded entry through the front entrance, and indeed the front entrance of this Organization is large enough.

183. The "all States" formula is generally a good one. Its only defect at this particular moment is that it completely ignores the diplomatic situations prevailing in respect of certain countries, and indeed in respect of certain parts of countries vis-à-vis other countries. These are the plain facts and, however unpleasant they are, we must face them squarely.

184. Inseparable as these issues are from recognition, and in some cases admission to the United Nations, the view of the Jamaica delegation is that these matters are more appropriately dealt with by other procedures.

185. Finally, may I turn to the draft resolution before the Assembly. The draft, if approved, would make it possible for every single Member of this Organization to accede to treaties concluded under the auspices of the League of Nations. Besides that, any State which may not be a Member of the United Nations but which is a member of a specialized agency or the International Court of Justice may also be invited to accede. Further, the United Nations remains free to invite States other than those just mentioned.

186. My delegation sees nothing wrong with this formula; for not only is it in keeping with the United Nations practice, it is also in keeping with the real diplomatic situations outside this Organization, situations which cannot be changed by a pious hope for, nor a rigid insistence on, the "all States" formula. They can only be changed by a sober and realistic appreciation of their existence, coupled with a determined effort for peaceful change through negotiation and compromise.

187. I invite representatives here to think carefully before we sacrifice the interests of so large a group, as specified in operative paragraph 4 of the draft resolution, for the illusory interests of a few whose recognition and admission to membership are conditioned by circumstances entirely beyond this Organization's control.

188. For these reasons, the Jamaica delegation feels obliged to vote against these amendments and to vote for the draft resolution as it now stands. I further invite delegations here, including the sponsors of the two amendments, to do likewise.

The meeting rose at 1.25 p.m.

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