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*President: Mr. Abdul Rahman PAZHWAQ
(Afghanistan).*

AGENDA ITEM 27

Question of general and complete disarmament: report of the Conference of the Eighteen-Nation Committee on Disarmament

REPORT OF THE FIRST COMMITTEE

AGENDA ITEM 28

Urgent need for suspension of nuclear and thermonuclear tests: report of the Conference of the Eighteen-Nation Committee on Disarmament

REPORT OF THE FIRST COMMITTEE

AGENDA ITEM 29

Question of convening a conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermonuclear weapons: report of the

Conference of the Eighteen-Nation Committee on Disarmament

REPORT OF THE FIRST COMMITTEE

AGENDA ITEM 98

Elimination of foreign military bases in the countries of Asia, Africa and Latin America

REPORT OF THE FIRST COMMITTEE

1. Mr. TCHERNOUCHTENKO (Byelorussian Soviet Socialist Republic), Rapporteur of the First Committee (translated from Russian): Allow me to introduce four reports of the First Committee in the order in which they appear on the agenda for the plenary session.

2. First of all, I should like to present the report of the First Committee on the question of general and complete disarmament (A/6529). It is quite natural that this question should have attracted the serious attention of the First Committee and should have been discussed in very great detail in the debates. During the discussions, a number of draft resolutions were introduced which, as was emphasized by the delegations, were urgent and important (*ibid.*, paragraphs 4-17).

3. In that connexion I should like, as Rapporteur, to go into some detail on the nature of those draft resolutions.

4. As the report shows, the delegation of the Polish People's Republic submitted a draft resolution concerning the preparation of a report on the effects of the use of nuclear weapons (*ibid.*, paragraph 4). After this draft was revised, thirty-two other countries associated themselves with it, and it was adopted by the Committee by 100 votes to none, with no abstentions (*ibid.*, paragraph 18). The operative part of draft resolution A submitted by the First Committee (*ibid.*, paragraph 22, draft resolution A)—states that

"... The General Assembly

"1. Requests the Secretary-General to prepare a concise report on the effects of the possible use of nuclear weapons and on the security and economic implications for States of the acquisition and further development of these weapons;

"2. Recommends that the report be based on accessible materials and prepared with the assistance of qualified consultant experts appointed by the Secretary-General;

"3. Requests that the report be published and transmitted to the Governments of Member States in time to permit its consideration at the twenty-second session of the General Assembly;

"4. Recommends that the Governments of all Member States give the report wide distribution in their respective languages, through various media of communication, so as to acquaint public opinion with its contents."

5. I should now like to mention the discussion in the Committee of another draft resolution, submitted by Hungary (ibid., paragraph 5), in which many States showed great interest. During the discussions, which were marked by considerable political feeling, there was a detailed exchange of views both on the draft resolution and on actual events related to the problem, raised in the draft, of the non-utilization of toxic and bacteriological weapons.

6. As the overwhelming majority of States considered that the problem was of great importance, a draft resolution was finally adopted (ibid., paragraphs 19 and 20) reflecting, as can be seen from the First Committee's report, the political urgency of the problems. It should be pointed out here that the operative part of the draft resolution approved by the First Committee and submitted for adoption by the plenary session, states (ibid., paragraph 22, draft resolution B) that

"The General Assembly...

"1. Calls for strict observance by all States of the principles and objectives of the Protocol for the prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva on 17 June 1925, and condemns all actions contrary to those objectives;

"2. Invites all States to accede to the Geneva Protocol of 17 June 1925."

7. I should also like to deal for a moment with the draft resolution submitted by the delegations of the Polish People's Republic and the Ukrainian Soviet Socialist Republic (ibid., paragraph 7). This draft resolution raised the problem of the flight of aircraft carrying nuclear weapons and other kinds of weapons of mass destruction beyond national frontiers, and pointed out that this, in its turn, increased tension and might cause radioactive contamination of the environment, create a threat to human life and lead to serious incidents endangering the cause of peace. It called on all States to refrain from sending aircraft carrying nuclear weapons and other kinds of weapons for mass destruction on flights beyond national frontiers.

8. After a prolonged and quite animated discussion, the Committee recorded in paragraph 15 of its report that "the representative of Poland, speaking on behalf of his delegation and that of the Ukrainian Soviet Socialist Republic, stated that they would not press the draft resolution (A/C.1/L.377) to a vote, but they would revert to it in the future".

9. I should now like to draw the Assembly's attention to paragraphs 9 and 16 of the report, which deal with the draft resolution submitted by Iran and a number of other countries. As can be seen from paragraph 16, the Committee, at the request of the sponsors, postponed sine die the vote on the draft resolution, pending consultations by the Chairman.

10. As the final point in connexion with this item of the agenda, I should like to turn to the draft resolution sponsored by Bolivia, Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden, the United Arab Republic and Yugoslavia (ibid., paragraphs 8 and 21), which States (ibid., paragraph 22, draft resolution C) that

"The General Assembly...

"1. Requests the Conference of the Eighteen-Nation Committee on Disarmament to pursue new efforts towards achieving substantial progress in reaching agreement on the question of general and complete disarmament under effective international control, as well as on collateral measures, and in particular on an international treaty to prevent the proliferation of nuclear weapons, and on the completion of the test ban treaty so as to cover underground nuclear weapon tests;

"2. Decides to refer to the Conference of the Eighteen-Nation Committee on Disarmament all documents and records of the meetings of the First Committee concerning all matters related to the disarmament question;

"3. Requests the Conference of the Eighteen-Nation Committee on Disarmament to resume its work as early as possible and to report to the General Assembly, as appropriate, on the progress achieved."

11. To conclude my remarks on item 27 of the agenda, I should like to draw your attention to paragraph 22 of the report, in which the First Committee recommends the adoption of the three draft resolutions. May I express the hope that these resolutions will meet with the widest support and approval.

12. I should now like to draw your attention to item 28 of the agenda on the urgent need for suspension of nuclear and thermonuclear tests (A/6530).

13. A draft resolution on this item was submitted by the delegations of Brazil, Burma, Ethiopia, India, Mexico, Nigeria, Sweden and the United Arab Republic, and was subsequently also sponsored by Finland, Japan, Liberia and Yugoslavia (ibid., paragraphs 4 and 5).

14. In this draft resolution, as stated in paragraph 4 of the report, the General Assembly would: 1. urge all States which have not yet done so to adhere to the partial test ban treaty; 2. call upon all nuclear-weapon States to suspend nuclear weapon tests in all environments; 3. express the hope that States would contribute to an effective international exchange of seismic data; 4. request the Conference of the Eighteen-Nation Committee on Disarmament to elaborate without any further delay a treaty banning underground nuclear weapon tests.

15. The Committee adopted this draft resolution by 72 votes to none, with one abstention (ibid., paragraph 5), and in paragraph 6 of its report recommends it for adoption by the plenary committee.

16. I should now like to present the First Committee's report on the question of convening a conference for the purpose of signing a convention on the prohibition of the use of nuclear and thermonuclear weapons (A/6532).

17. First of all I should point out that the First Committee carefully considered this question, together with a draft resolution submitted by Ethiopia, India, Nigeria, the United Arab Republic and Yugoslavia (*ibid.*, paragraphs 4 and 5). This resolution, approved by the Committee by 55 votes to none, with 22 abstentions, states (*ibid.*, paragraph 6) that:

"The General Assembly, . . .

"Believing that the signing of a convention on the prohibition of the use of nuclear and thermonuclear weapons would greatly facilitate negotiations on general and complete disarmament under effective international control and give further impetus to the search for a solution of the urgent problem of nuclear disarmament,

"Believing further that the widest possible attendance at a conference for the purpose of signing such a convention is of vital importance to the effective and universal observance of its provisions,

"Requests that the forthcoming world disarmament conference give serious consideration to the question of signing a convention on the prohibition of the use of nuclear and thermonuclear weapons."

18. The First Committee decided to recommend approval of the resolution, which is contained in paragraph 7 of its report.

19. Finally, allow me to present the First Committee's last report to the present plenary session, that on the discussion of the problem of elimination of foreign military bases in the countries of Asia, Africa and Latin America.

20. As can be seen from the Committee's report (A/6541), this question was proposed for inclusion in the General Assembly's agenda (A/6399) by the Soviet Union. An explanatory memorandum on the question was distributed, together with a draft resolution, which reads:

"The General Assembly,

"Noting with concern that foreign military bases in the territory of independent States of Asia, Africa and Latin America are used for direct military intervention in the internal affairs of peoples, for suppression of their struggle for independence and freedom and for dangerous activities which threaten world peace,

"Considering that the existence of military bases in independent territories is incompatible with the General Assembly resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (resolution 2105 (XX)), requesting the colonial Powers to dismantle the military bases established in colonial territories and to refrain from establishing new ones,

"1. Invites States with military bases in the territory of independent States or dependent territories in Asia, Africa and Latin America immediately to eliminate these bases and never to establish others;

"2. Requests the Secretary-General of the United Nations to supervise the fulfilment of the terms of this resolution and to report on the results of its implementation to the General Assembly at its twenty-second session."

21. During the discussion of this question, a large number of delegations recognized the importance and urgency of the problem, and indicated that the elimination of military bases on territories in the three continents would strengthen peace and increase the safety of the peoples of the world.

22. Amendments to this draft resolution introduced by the delegation of Togo are referred to in paragraph 6 of the report (A/6541). Amendments were also introduced by the delegation of Liberia. These amendments are discussed at length in paragraphs 7 and 8 of the report.

23. After a fairly long discussion of the question by the Committee, the delegations of India, the United Arab Republic and Yugoslavia submitted a draft resolution (*ibid.*, paragraph 9), which states that the question of the elimination of foreign military bases in the countries of Asia, Africa and Latin America "is of paramount importance and therefore necessitates serious discussion because of its implications for international peace and security".

24. The draft resolution also proposes to submit to the Conference of the Eighteen-Nation Committee on Disarmament, for further consideration and report, all the documents and records of the First Committee and the General Assembly pertaining to this item.

25. The First Committee approved this three-Power draft resolution by 99 votes to none, with 10 abstentions (*ibid.*, paragraphs 10, 11 and 12). As a result of this adoption, the Committee decided not to vote on the draft resolution mentioned above and the amendments thereto.

26. Paragraph 13 of the Committee's report recommends to the General Assembly the adoption of the draft resolution the text of which is given above. Allow me to state my conviction that this draft resolution too will receive the widest support of the plenary session.

In accordance with rule 68 of the Rules of Procedure, it was decided not to discuss the reports of the First Committee.

27. Mr. ALARCON DE QUESADA (Cuba) (translated from Spanish): The General Assembly is about to vote on the group of disarmament items which has been before the First Committee. My delegation did not take part in the discussions on these items in the Committee, with the exception of that on foreign military bases (agenda item 98), and we should like therefore to make clear in one comprehensive statement the attitude of Cuba to these matters.

28. In his intervention in the general debate at the beginning of this session, Cuba's Minister of Foreign Affairs, Dr. Raul Roa, spoke as follows:

"Like all the peoples of the world, the Cuba people love peace. They want peace in order to dedicate themselves fully to the building of a new society based on the abolition of the exploitation of man by man, and to improve the material, technical and educational standard of living of their workers, peasants, intellectuals and students. But the Revolutionary Government of Cuba has repeatedly made it plain that it will only accept a peace with dignity, that is to say a real peace, a peace which guarantees

the self-determination, independence, sovereignty and territorial integrity of all States, large and small, powerful and weak, based on respect for the rights of peoples and nations to choose and engage in development freely without pressure, or limitations, or threats of any kind." (1446th meeting, para. 118)

29. In virtue of its peaceful international policy, the Revolutionary Government of Cuba shares the aspirations of all mankind for disarmament and for the liquidation of the nuclear threat. At the same time, it considers that the efforts made hitherto to attain these objectives have achieved little or no result. The cause of this lack of success need not be restated: the stubborn resistance of the Government of the United States to the conclusion of any positive agreement in this respect. That Government's policy of aggression, exploitation, oppression and greed, its obstinacy in running counter to the course of historical events, its zeal in holding back the emancipation of the oppressed peoples, are leading it rather to provoke international conflicts and to unleash real wars of colonial aggression, such as the one now raging in Viet-Nam.

30. The latest international events show that the thirst of the Yankee imperialists for rapine, loot and conquest, far from dwindling, grows stronger as the will to resist grows among the peoples who have been or are now its victims.

31. At the very moment when this Assembly is about to adopt a new appeal for peace and disarmament, United States planes are bombing the hamlets and cities of the Democratic Republic of Viet-Nam, destroying its hospitals, factories, schools and pagodas. At this very moment, Viet-Nameese children, women, and old people are dying under the machine-gun fire of those same Americans who a few seconds from now will be voting in favour of disarmament. While this Assembly is meeting, the chemical and bacteriological weapons used by United States planes are destroying Viet-Nameese harvests and ruining the new crops, and United States troops are still disembarking on South Viet-Nameese soil, carriers of war and death. As this Assembly meets, the United States is still expanding its war of aggression against the peoples of South-East Asia. Just as the United States delegation is preparing to vote in favour of general and complete disarmament, its colleagues at the Pentagon are meeting to plan new provocations against the independent peoples of Africa and Asia, to sharpen their tools for intervention and subversion against the people of Latin America and to organize fresh plots of aggression against Cuba.

32. These are facts which nobody can deny. The United States imperialists do not want peace, and are at this very moment waging war in its dirtiest, most criminal and cowardly form. For this reason, Cuba considers that these discussions are pure fantasy and cannot in the existing circumstances lead to any practical result. Moreover, we believe it is our duty to point out that these debates may distract the attention of the peoples and create illusions which may be harmful to the attainment of a real peace.

33. American imperialism is the cause of today's wars, the principal source of the tensions and conflicts

that plague the world, the greatest threat to peace, security, and the freedom and independence of peoples. Real peace will only come with the defeat of that imperialism. The attainment of true peace will be the fruit of resolute and unremitting face-to-face struggle against the imperialism of the United States, and nothing else.

34. For all these reasons, my delegation will abstain from voting on the draft resolutions in paragraph 22 C of report A/6529, paragraph 6 of report A/6530 and paragraph 7 of report A/6532, as it did in the case of the two resolutions on non-proliferation already adopted by the General Assembly. As regards foreign military bases in the countries of Asia, Africa and Latin America, my delegation made its position clear in the First Committee with regard to the draft resolution in paragraph 13 of report A/6541.

35. The PRESIDENT: The Assembly will first take up item 27 of the agenda entitled "Question of general and complete disarmament". The recommendations of the First Committee are before the Assembly [A/6529, para. 22]. I would draw the attention of representatives to the report of the Fifth Committee [A/6535] on the financial implications that would result from the adoption of draft resolution A, recommended by the Committee.

36. I call on the representative of the United States in explanation of vote.

37. Mr. NABRIT, Jr. (United States of America): The United States delegation will vote in favour of draft resolution B [A/6529, para. 22]. This was made possible by the adoption in the First Committee of amendments [*ibid.*, para. 19] which my delegation had the honour of co-sponsoring with the delegations of Canada, Italy and the United Kingdom. The effect of these amendments was to remove from the original draft resolution tendentious language which was too easily subject to contention, misinterpretation and distortion.

38. The United States delegation considers that the course of the discussion in the First Committee, which culminated in adoption of the draft resolution now before the General Assembly, succeeded in giving proper perspective to an issue which some had sought to exploit mainly for propaganda attacks against my Government.

39. But wisdom did prevail. By a massive endorsement of the amended resolution in the First Committee, which I am sure will be repeated in the General Assembly this morning, the near totality of the membership of the United Nations has, in strong and unequivocal terms, demanded strict and unconditional compliance with the principles and objectives of the Geneva Protocol of 1925.

40. It is the view of my delegation that whether or by what procedure States that have not yet done so should adhere to the Geneva Protocol is for each of them to decide in the light of constitutional and other considerations that may determine their adherence to any international instrument, and particularly one which dates from 1925. What is essential today is to obtain from States a formal public expression of intent to observe strictly the objectives and principles of the Geneva Protocol. And this the draft resolution now before us does.

41. In voting for this draft, my delegation wishes the record to show clearly what United States policy has been and remains with regard to the use of chemical and bacteriological weapons in the conduct of warfare.

42. The Geneva Protocol of 1925 prohibits the use in war of asphyxiating and poisonous gas and other similar gases and liquids with equally deadly effects. It was framed to meet the horrors of poison-gas warfare in the First World War and was intended to reduce suffering by prohibiting the use of poisonous gases such as mustard gas and phosgene. It does not apply to all gases. It would be unreasonable to contend that any rule of international law prohibits the use in combat against an enemy, for humanitarian purposes, of agents that Governments around the world commonly use to control riots by their own people. Similarly, the Protocol does not apply to herbicides, which involve the same chemicals and have the same effects as those used domestically in the United States, the Soviet Union and many other countries to control weeds and other unwanted vegetation.

43. While the United States is not a party to the Protocol, we support the worthy objectives which it seeks to achieve. We have repeatedly endeavoured to find adequate means to attain those objectives. We have never used biological weapons of any kind, bacteriological or otherwise. We were not the first to engage in gas warfare in the First World War and we have not engaged in it since that time. We played a crucial role in preventing the horrors of gas warfare during the Second World War. In 1943 President Roosevelt issued on behalf of the United States a most serious warning to the Axis Powers threatening them with severe retaliation if they resorted to gas warfare. The President stated that the use of poison gas "has been outlawed by the general opinion of civilized mankind" and added categorically that "we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies".

44. Recently Secretary of State Dean Rusk stated: "We are not engaged in gas warfare. It is against our policy to do so." And Deputy Secretary of Defense Cyrus Vance has made clear that our "national policy ... proscribes the first use of lethal gas by American forces".

45. That is why the United States was able to co-sponsor, and strongly supports, operative paragraph 1, in particular, of the draft resolution on which we are about to vote.

46. The PRESIDENT: The Assembly will now vote on the draft resolutions recommended by the First Committee in paragraph 22 of its report [A/6529].

47. The Assembly will vote first on draft resolution A, which was adopted unanimously in the First Committee. If I hear no request for a vote, I shall take it that the General Assembly also wishes to adopt this draft resolution unanimously.

Draft resolution A was adopted unanimously.

48. The PRESIDENT: The Assembly will now vote on draft resolutions B and C.

Draft resolution B was adopted by 91 votes to none, with 4 abstentions.

Draft resolution C was adopted by 98 votes to none, with 2 abstentions.

49. The PRESIDENT: I now call on the representative of Hungary, who wishes to explain his vote after the voting.

50. Mr. CSATORDAY (Hungary): The Hungarian delegation voted in favour of the draft resolutions submitted under the heading of general and complete disarmament because it is convinced that they serve the interests of all mankind in calling for disarmament and the diversion of all effort to the benefit of humanity rather than to destruction. My delegation wishes especially to emphasize the significance of resolution B. The sponsors, and in fact most of the members of the First Committee, were convinced that by this draft resolution the use of weapons of mass destruction would be more restricted, and that it would in fact lead to a reduction of international tension. We should like especially to emphasize the importance of operative paragraph 2 since, by this paragraph, the Assembly "Invites all States to accede to the Geneva Protocol of 17 June 1925", the Protocol that deals with the prohibition of the use of asphyxiating, poisonous and other gases, and bacteriological methods of warfare. My delegation is of the view that, whatever gases are used in warfare, they are all poisonous in one degree or another. Some of them kill instantly, some of them kill somewhat belatedly; some of them kill everybody and some of them kill only some people. So there is a difference only of degree in their danger.

51. The basic intention of those who drafted this resolution, and in fact of those who drafted the Geneva Protocol, was that, in warfare, special attention should be paid to the interests of the great masses of the civilian population. While military people are stronger and have the means to protect and defend themselves, civilians very often do not have the same means of protection. Also, among the civilians there are elderly people, there are sick people, there are young and weak people and there are women, all of whom are less able to resist the effects of chemical and bacteriological weapons, including gases, and other methods of warfare. When such weapons are used in any military activity, certainly they result in very serious consequences and the deaths of many people, as is happening in regions of the world where they are used in warfare, such as South-East Asia.

52. We noted that many countries have acceded to the Geneva Protocol, but we could not ignore the fact that there are quite a few others that still have not done so. In the view of the Hungarian delegation, it is of paramount importance that the principles and stipulations of the Geneva Protocol be generally applied all over the world by all countries and in every kind of armed conflict.

53. In voting for this resolution, we certainly thought that we would be encouraging those countries that are able to use those kinds of weapons, that have experimented with them and that in fact have them in their arsenals, to accede in a very short time to the Geneva Protocol and abide by its stipulations and refrain from the use of such weapons. We particularly would like to call this to the attention of the United States delegation, whose representative has just made a statement. His country made very solemn statements during the

Second World War, but has not yet acceded to the Protocol. We hope that all countries, including the United States, will do so in the near future.

54. The PRESIDENT: The Assembly will now turn to agenda item 28. The report of the First Committee is to be found in document A/6530. I put to the vote the draft resolution recommended by the First Committee [A/6530, para. 6].

The draft resolution was adopted by 100 votes to 1, with 2 abstentions.

55. The PRESIDENT: The Assembly will now turn to agenda item 29. The report of the First Committee on this item is to be found in document A/6532. Before putting to the vote the draft resolution recommended by the First Committee in that report [A/6532, para. 7], I call on the representative of Ethiopia in explanation of vote.

56. Mr. E. MAKONNEN (Ethiopia): It is not exactly in explanation of vote, Mr. President, that I wish to speak; there is not much to explain regarding the vote of the Ethiopian delegation, since we are one of the co-sponsors of the draft resolution. However, if you will permit me, I should like to make a point of clarification which I feel is necessary, in view of the fact that if this clarification is not made the Assembly may be misled on a draft resolution to which we attach very great importance. I would therefore request your permission to make this point of clarification.

57. I wish to invite the attention of the Assembly to the fourth preambular paragraph of the draft resolution contained in the report of the First Committee. I refer, in particular, to the English text, which reads:

"Believing that the signing of a convention on the prohibition of the use of nuclear and thermonuclear weapons would greatly facilitate negotiations on general and complete disarmament under effective international control and give further impetus to"—

and it is here that I should like to insert the amendment to this paragraph—

"the search for a solution of the urgent problem of nuclear disarmament."

58. May I point out that the co-sponsors of this draft resolution, of which my country is one, had in mind an impetus to the efforts or the search for a solution, not an impetus "to the urgent problem of nuclear disarmament", since this would not make sense. As a matter of fact, the French text is correct, because it reads:

"...donnerait une nouvelle impulsion aux efforts faits pour résoudre le problème urgent du désarmement nucléaire".

In the French text, therefore, the impetus relates to the efforts, and I felt that the English text should be corrected to correspond with the French text.

59. The PRESIDENT: In connexion with the statement just made by the representative of Ethiopia, it is my understanding that there is no need for the modification he has suggested, because the texts in all languages will be brought into line with one another. I would also state that after draft resolutions are adopted in the Committees, they are no longer reso-

lutions in the names of delegations; they are recommendations of the main Committees as a whole. I now put to the vote the draft resolution recommended by the First Committee [A/6532, para. 7].

The draft resolution was adopted by 80 votes to none, with 23 abstentions.

60. The PRESIDENT: I call on the representative of China in explanation of vote after the voting.

61. Mr. HSUEH (China) [translated from Chinese]: With regard to the report of the First Committee [A/6532] the Chinese delegation is not convinced that the question of the prohibition of the use of nuclear weapons can be more effectively considered by a world disarmament conference than by the United Nations and its organs entrusted with the negotiations on disarmament. Furthermore, the position of my Government on a world disarmament conference, which was made clear in the General Assembly last year, remains unchanged. Therefore, my delegation refrained from voting in the First Committee, and also at this plenary meeting, on the draft resolution which is contained in document A/6532 and which has just been adopted by the General Assembly.

62. The PRESIDENT: The last report of the First Committee before the Assembly this morning concerns item 98 of the agenda. The Committee's report is to be found in document A/6541. I now put to the vote the draft resolution recommended by the First Committee [A/6541, para. 13].

The draft resolution was adopted by 94 votes to none, with 10 abstentions.

AGENDA ITEM 84

Reports of the International Law Commission on the second part of its seventeenth session and on its eighteenth session

REPORT OF THE SIXTH COMMITTEE (A/6516)

Mr. Arangio Ruiz (Italy), Rapporteur of the Sixth Committee, presented the report of that Committee and then spoke as follows:

63. Mr. ARANGIO RUIZ (Italy) Rapporteur of the Sixth Committee: The principal subject dealt with by the Sixth Committee under this item was the draft articles prepared by the International Law Commission on the law of treaties. This draft is the culmination of many years of work by the International Law Commission. The law of treaties was one of the subjects selected by the Commission for codification and progressive development at the very beginning of its work in 1949. Since then, the Commission has received reports on the subject from no less than four Special Rapporteurs, all of them scholars of very high standing whose names are familiar to students of international law all over the world. The Special Rapporteurs were Mr. James Brierly, Sir Hersch Lauterpacht, Sir Gerald Fitzmaurice and Sir Humphrey Waldock.

64. Over the past five years, the Commission has devoted most of its sessions to the law of treaties; and the reports of the Commission relating to the corresponding sessions constitute documents of the highest value and interest, not only for practitioners of international law but also for scholars.

65. The results of these long years of work are now before the General Assembly. In regard to them, the International Law Commission has recommended [A/6309/Rev.1, part II, para. 36] that the General Assembly should convene an international conference of plenipotentiaries to study the Commission's draft articles on the law of treaties and to conclude a convention on the subject.

66. The Sixth Committee has adopted that proposal, which is the subject of draft resolution I at the end of its report [A/6516, para. 152]. Under the draft resolution, it is recommended that the conference be held in two sessions, the first to start early in 1968, and the second in 1969, so that a session of the General Assembly will be held between the first and the second session of the conference. There has been some discussion as to whether the beginning of the conference in 1968 would be a wise decision in view of the very heavy programme of international conferences envisaged for that year. It was the general feeling of the members of the Sixth Committee that it should be left to the General Assembly itself and to the Secretary-General to evaluate the possibility of adopting the time-table suggested as ideal, taking into account all the practical problems involved. However, the majority of the Sixth Committee thought there might be a serious loss of momentum in the work of codification and progressive development of the law of treaties if the beginning of the Conference were postponed until 1969. The financial implications of the proposed conference are dealt with in the report of the Fifth Committee [A/6543].

67. The main points on which opinion was divided in the Sixth Committee were the substantive and procedural aspects of participation in the Conference. The decisions of the Sixth Committee in this regard are recorded in paragraphs 149 and 150 of its report. An amendment to the draft resolution proposed by the Committee has been submitted to the Assembly by a number of countries [A/L.502 and Add.1-2].

68. The Sixth Committee has also submitted to the Assembly a second draft resolution, also appearing at the end of the report [A/6516, para. 152], dealing with aspects of the reports of the International Law Commission other than the law of treaties, namely, special missions and other decisions, conclusions and activities of the Commission. These include co-operation with other bodies, seminar on international law, and date and place of the nineteenth session of the Commission. This second draft resolution was adopted unanimously by the Sixth Committee.

69. Also with respect to the items I have just mentioned, the draft resolution expresses the appreciation of the General Assembly to the International Law Commission for the outstanding quality of the work it has accomplished, particularly with regard to special missions and to the very successful seminar in international law held in Geneva with the generous collaboration of members of the Commission.

70. The operative part of draft resolution II recommends the continuation of the work of codification and progressive development of international law relating to special missions, to the succession of States and Governments, to State responsibility and to relations between States and inter-governmental organizations.

The wish is also expressed that further seminars be organized in such a manner as to ensure the participation of the greatest possible number of nationals of the developing countries.

71. The PRESIDENT: In addition to the report of the Sixth Committee [A/6516], the Assembly has before it two documents: the report of the Fifth Committee [A/6543] on the financial implications of draft resolution I recommended by the Sixth Committee; and an amendment to that draft [A/L.502 and Add.1-2]. Two representatives have asked to be given the floor to introduce the amendment.

72. Mr. EL-ERIAN (United Arab Republic): I come to this rostrum to make a brief statement to introduce the amendment contained in document A/L.502 and Add.1-2, which stands in the name of fourteen delegations, including that of the United Arab Republic.

73. Very seldom has the Sixth Committee made any demands on the time of plenary meetings of the General Assembly to bring to it issues which give rise to particular difficulties or on which general agreement has not been achieved. This is usually rendered unnecessary by the thorough consideration the Sixth Committee gives to the various issues involved in its work, the extensive exploration of the wide areas and the common grounds for agreement and the composition of differences and reconciliation of opposing interests and conflicting points of view.

74. Such has become the spirit and the method of the work of the Sixth Committee, in which it takes special pride. The report of the Sixth Committee on agenda item 84 lives up to these traditions of the Sixth Committee. The Sixth Committee has been able to reach general agreement on all the questions and to compose all the differences to which the consideration of this item gave rise. The prospective conference promises to produce one of the finest achievements of the International Law Commission, namely, the drafting of a convention on the law of treaties which we hope will be worthy of what the Secretary-General stated in his report with regard to a previous convention which was concluded under the auspices of the United Nations and which came from the Sixth Committee and the International Law Commission:

"The formulation of the rules contained in the conventions is a tribute to the spirit of co-operation shown by the States represented there.

"... the successes of the United Nations Conference on the Law of the Sea ... demonstrate that progress can be made in the codification and progressive development of international law, even in the present political atmosphere in international life. It also underlines the constructive role which the International Law Commission can play within the Organization."^{1/}

75. We regret, however, that one provision in draft resolution I has not commanded the general agreement which all the other provisions of the two draft resolutions have happily commanded. I refer specifically to operative paragraph 4, which concerns the States to which invitations should be issued. While

^{1/} Official Records of the General Assembly, Thirteenth Session, Supplement No. 1A (A/3844/Add.1), p. 3.

we concede that this formulation represents progress over previous formulations and leaves the door open to the invitation of other States, we regret that this formulation falls short of the principle of universality. The aim of the prospective conference is to conclude a general multilateral treaty which promises to be a landmark in the progressive development of international law. A general multilateral treaty, as defined by the International Law Commission, is a treaty which concerns general norms of international law or deals with matters of general interest to States as a whole.

76. Participation in conferences to formulate such general norms of international law is, we submit, the inherent right of all States. No group of States has the right to make conditions or to decide which States should participate in the formulation of general norms of international law. What is at issue here is not a particular relationship between two States or groups of States, but participation in the formulation of general norms of international law. Such is the theoretical foundation of the all-States formula. It has, moreover, the practical virtue of guaranteeing a wider participation in and accession to these conventions, and, therefore, their maximum usefulness.

77. We commend this amendment for adoption, and we consider that it would remedy this single defective aspect of the draft resolution before us.

78. Mr. OSIECKI (Poland) (translated from French): The Polish delegation is one of the sponsors of the amendment (A/L.502 and Add.1 and 2) inviting all States to participate in the international conference on the law of treaties. I do not think I need to give a long explanation of our reasons. The Polish point of view is well known since we have explained it whenever the occasion arose. The Polish delegations to all the international conferences which have discussed this problem have put forward motions or supported proposals to give all States the opportunity to participate in the joint organization of international life.

79. The Polish delegation also co-sponsored a proposal of this kind during the debate in the Sixth Committee on the law of treaties (see A/6516, paragraph 10). This constant tendency to raise the question of universality arises from the conviction that a refusal to permit certain States to participate in international conferences and to enter into multilateral treaties constitutes a violation of one of the most important principles of international law. I have in mind the principle of the sovereign equality of States which is solemnly proclaimed in the Charter of the United Nations and forms the basic premise of peaceful co-existence between States.

80. It is difficult to accept such a refusal. An ever-increasing number of problems of contemporary international law cannot be settled in a satisfactory manner if the principle of universality is not observed. The time is past when each sea in Europe had its own legal customs and with their own code of rules and when no one was concerned with security measures relating to the construction of ships. Today, it is considered very important that the same rules regarding visits of foreign ships should apply to all the maritime ports of the world, and very detailed conventions have been concluded to establish a uniform standard of security for maritime navigation.

81. We are confronted by similar problems in communications, in human rights, and in rights relating to outer space and nuclear questions. The best example is the 1963 Moscow Treaty, in which a solution was found to the problem of the protection of universality.

82. We are confronted again by the same problem in relation to the international conference on the law of treaties. Treaties are now the principal source of international law. New multilateral treaties must keep up with progress. Previous legal principles must be codified so that international legal institutions can be adopted to the realities and needs of the contemporary international community. Therefore all countries making up that community, without exception, should be the creators of international law. The advocates of the limitative formula constantly refer to their doubts concerning personality of the State, which is not defined in international law. But this is a fictitious and artificial argument, since a State exists regardless of whether or not it is recognized by other States. The International Law Commission has confirmed that principle by stating that the idea of a State should be understood and accepted in the sense generally recognized in international practice. It is an obvious fact that States do exist in practice which are refused the right by some to participate in international conferences. These States exist and, moreover, they are recognized by many, or by some, States. We enter into bilateral agreements with them and establish commercial and cultural relations. No one disputes the fact that there are other States besides the States Members of the United Nations. No one can dispute that international law is the universal law, the law for all States.

83. Given this situation, the concept that prevents the realization of universality must be rejected in the name of the principle of equality of States. This is why the Polish delegation supports the amendments contained in document A/L.502 and Add.1 and 2. In the name of that principle, the Polish delegation appeals to all other States to support the amendments relating to operative paragraph 4 of the draft resolution.

84. The PRESIDENT: I call on the representatives who have asked to explain their votes before the vote is taken.

85. Mr. WERSHOF (Canada): The Canadian delegation has asked to be allowed to speak in order to express its opposition to the amendment contained in document A/L.502 and Add.1-2, which would replace operative paragraph 4 of draft resolution I, recommended by the Sixth Committee, dealing with the proposed international conference on the law of treaties. Operative paragraph 4 states:

"Invites States Members of the United Nations, States members of the specialized agencies, States Parties to the Statute of the International Court of Justice and States that the General Assembly decides specially to invite to participate in the conference". The amendment would replace operative paragraph 4 by the following words:

"4. Invites all States to send delegations to participate in the work of the conference."

86. May I first point out that the wording of operative paragraph 4, as recommended by the Sixth Committee,

has more flexibility than similar clauses in many resolutions that have been adopted by the General Assembly over the past twenty years. The extra flexibility has been added to the customary formula of invitation this year for the first time, in this kind of draft resolution setting up the conference, by adding the words "and States that the General Assembly decides specially to invite".

87. It appears to the Canadian delegation that there is no conflict whatever between such a wording of paragraph 4 and the doctrine of universality to which, I believe, all delegations in this Assembly adhere. I think it would be appropriate for me to mention that, as far as Canada is concerned, our Secretary of State for External Affairs, Mr. Martin, in a recent statement before this Assembly on another very important item of the agenda made it quite clear that the theory of the principle of universality is adhered to and supported by the Canadian Government.

88. In the Sixth Committee, there was proposed an amendment to operative paragraph 4 identical with the amendment now before this Assembly. That amendment, which would have substituted the so-called "all States" formula, was rejected, as reported in paragraph 149 of the report of the Sixth Committee [A/6516], by a roll-call vote of 53 against to 33 in favour, with 19 abstentions. Subsequently operative paragraph 4 was itself put to a separate vote and was upheld by a decisive vote of 65 to 19, with 16 abstentions.

89. Therefore it is clear that this year, as in all previous years when this issue has been debated not only in the Sixth Committee but also in other Committees of the General Assembly, an overwhelming majority has felt it necessary and desirable to reject formulations containing the so-called "all States" formula and has upheld the formula now set forth in paragraph 4 of the draft resolution.

90. There are many reasons why most delegations find it necessary to reject the "all States" formula in resolutions of this kind, but I think the most important reason is that, as explained to the General Assembly and to various Committees thereof on many occasions by the Secretary-General and his Under-Secretaries, it is impossible for the Secretary-General, who must organize the conferences and send out the invitations, to implement the kind of formula contained in amendment A/L.502 and Add.1-2. The most authoritative statement by the Secretary-General himself was made in the General Assembly on 18 November 1963 and, with your permission, I will quote part of it in a moment. What he said on that occasion has been reaffirmed on many occasions since then by the Legal Counsel, Mr. Stavropoulos, when he has been asked in the Sixth Committee and elsewhere to say what the Secretary-General would do in the event that an "all States" formula were adopted by the General Assembly. On the occasion when the Secretary-General answered a question on 18 November 1963, the issue before the Assembly was a draft resolution for the purpose not of convening a conference but of authorizing him to invite States of certain categories to accede to certain treaties. The draft resolution had the usual formula that he should send the invitations to States Members of the United Nations or of the specialized agencies. An amendment

was submitted, almost identical with the one we have today which would have substituted a formula instructing him to invite "any State" to accede. They used the word "any" instead of "all", but it means the same thing. On that occasion the Secretary-General was asked by the representative of Guatemala what he would be able to do if that amendment were adopted, and his answer read in part as follows:

"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. . . . 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.

"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." [1258th meeting, paras. 100-101.]

91. Following the Secretary-General's statement, the amendment on that occasion, which was practically identical with the one now before us, was defeated in the General Assembly by a vote of 55 to 33, with 14 abstentions [1259th meeting, para. 58]. On several occasions since 18 November 1963 the same issue has arisen in the Sixth Committee and, I believe, in other Committees. On each occasion, when the representative of the Secretary-General has been asked whether the position of the Secretary-General I have just quoted it applies to the amendment before the Committee in question, the Under-Secretary has reaffirmed that what the Secretary-General said on 18 November 1963 is completely applicable. As the Secretary-General and the Legal Counsel are not here at the moment, I shall not address a question to them. However, in the absence of any statement to the contrary, I think it is quite clear that what the Secretary-General said on 18 November 1963 is completely applicable to the amendment before us [A/L.502 and Add.1-2].

92. The conclusion which the Canadian delegation draws from that and which the majority of delegations drew in the Sixth Committee when the matter was considered is that, quite apart from any political differences of opinion, it is impossible to expect the Secretary-General to send out invitations to a United Nations conference on the basis of an "all States" formula. The only formula he can act on is one which gives him a precise test that he can apply before he

tells his subordinates to address the invitations and mail the envelopes. Consequently the Canadian delegation submits that the amendment before us should be rejected and the draft resolution adopted without change.

93. Mr. BANCROFT (United States of America): I wish to say a few words on behalf of my delegation in favour of the draft resolution adopted by the Sixth Committee, and in opposition to the amendment contained in document A/L.502 and Add.1-2.

94. This matter was fully debated in the Committee when an amendment similar in all respects to the amendment now before us was proposed and defeated. It was argued in Committee, and is again argued here, that the Committee's draft resolution as it stands is discriminatory in respect to invitations to States to participate in the international conference of plenipotentiaries on the law of treaties, the first session of which is scheduled to be held in 1968. In fact, paragraph 4 of the draft resolution provides that the States to be invited shall be "States Members of the United Nations, States members of the specialized agencies, States Parties to the Statute of the International Court of Justice and States that the General Assembly decides specially to invite". Thus the list of participants is not closed and limited. On the contrary, it is open-ended and flexible. With the possibility of special additional invitations by the General Assembly at any time, how can this formula legitimately be regarded as discriminatory?

95. The most important reason for rejecting the amendment is that the "all States" formula would not provide the Secretary-General with a practical basis for proceeding to issue invitations to the conference. As the representative of Canada has just pointed out, the Secretary-General and his representative, the Legal Counsel, have repeatedly stated that the Secretary-General cannot take on himself the heavy political burden of deciding what entities are properly regarded as States. Rather, as the Secretary-General has expressly stated, he would have no choice but to refer the matter back to the General Assembly for instructions.

96. Thus, the practical effect of a resolution with an "all States" invitation formula would be tantamount to a resolution without an effective invitation formula at all. The net result would be to leave preparations for the conference hanging indefinitely. It would require the General Assembly to indulge in a protracted and possibly inconclusive political debate on the whole question of what are the States in the world.

97. The purpose of the draft resolution is to give effect to our common objective to convene in an orderly fashion a successful conference to codify the law of treaties. The amendment would have the effect of frustrating this objective and it should be rejected.

98. Mr. MALITI (United Republic of Tanzania): First of all, may I be allowed to express my delegation's appreciation of the work of the International Law Commission and the Rapporteur's excellent report [A/6516]. We are sure that the Committee's efforts will lead to the achievement of the ultimate goal of this exercise, namely, the convening of a successful conference of plenipotentiaries on the law of treaties.

99. The General Assembly has before it draft resolution I contained in the report of the Sixth Committee [A/6516, para. 152] and amendment to that draft resolution [A/L.502 and Add.1-2]. The issue posed is: what States shall be invited to participate in a United Nations conference on the law of treaties to be held in 1968?

100. On the one hand, operative paragraph 4 of draft resolution I invokes what is styled "the old formula" and would therefore invite only States Members of the United Nations, States members of the specialized agencies and States Parties to the Statute of the International Court of Justice. On the other hand, the amendment, which my delegation co-sponsors would, in conformity with the principle of universality which is basic to the Charter of the United Nations, invite all States to participate in the great task of formulating what, in effect, will be the Law of Contract for the entire world.

101. Briefly, the following considerations have moved my delegation to co-sponsor the amendment contained in document A/L.502 and Add.1-2.

102. The question of participating in a conference on the law of treaties with a view to concluding a convention on this matter must be treated distinctly from the question of representation or admission of any particular State to the United Nations. It is no doubt realized that the law of treaties as drafted by the International Law Commission is not intended only for States Members of the United Nations, the specialized agencies and parties to the Statute of the International Court of Justice. On the contrary, this law is intended to regulate the entire community of nations. Consequently, the dictates of elementary logic and reason demand that any State which would be affected by the law should be invited to participate in its formulation.

103. In the language of an English lawyer, therefore, the old formula, as contained in draft resolution I, denies "natural justice" to the excluded States; and in the language of an American lawyer, it denies "due process" to the States excluded from participation in the conference. It is therefore obvious that if the General Assembly were to adopt the old formula, thereby barring some States from participating in the proposed conference, it would be violating elementary principles of justice. In such an eventuality, the integrity, prestige and moral authority of the United Nations would receive yet another blow.

104. Support for the amendment inviting all States would be an addition of strength to the pillars of justice and universality on which the United Nations is founded, while a negative vote, under whatever cover, would be an erosion of the very foundation of this great edifice under which we live.

105. My delegation once again reiterates that many of the Governments represented here today have entered into treaties with States which are members neither of the United Nations nor of the specialized agencies, nor parties to the Statute of the International Court of Justice. It is in the interest of such Governments and the over-all interest of the world community that all these other States should be invited to participate and to be parties to the proposed conference. We are here to further world order and harmonize

State intercourse. World order is indivisible. We must realize these basic prerequisites before our collective effort in search of world peace and progress can be realized.

106. It has been argued that in the past there has been difficulty in the implementation of the "all States" formula. It will be realized that the restrictive formula--the so-called old formula--is, in fact, of recent origin.

107. The old formula seeks to select in the most arbitrary fashion those States which should participate in the conference. Even more preposterous and illogical is the fact that those who support the restrictive formula seem anxious to invite the largest possible number of specialized agencies and inter-governmental organizations to send observers to the conference and to submit observations on the draft articles prepared by the International Law Commission, but at the same time seek to exclude a whole group of States.

108. In view of my Government's absolute respect for the principle of universality, my delegation cannot acquiesce in the illegality of the restrictive formula. Furthermore, we are a non-aligned State and as such we cannot support the restrictive formula which, under the cover of offering a so-called practical solution, is in fact an embodiment of ideological conflicts to which we will not be a party. We refuse to be tempted by the unfortunate efforts of others to turn the United Nations into an arena for scoring petty political and diplomatic victories in ideological conflicts. We reject this temptation and accordingly we shall vote to invite all States.

109. A number of delegations here which saw fit to invite "all States" to participate and be parties to certain past conventions would now refuse to follow the precedent that they themselves have established. In earlier discussions on this matter we referred to a number of treaties, including the Moscow Treaty of 1963 and the Geneva Declaration on the Neutrality of Laos of 1962, which were addressed to all States. It makes a lot of sense to my delegation that if we have invited all States to observe certain treaties we must invite all States to participate in the formulation of the law of treaties.

110. We would be failing in our duty if we did not make known to Members of this body the great importance we attach to the principle of universality and, even more important, to the need for genuinely honouring the principles of the United Nations Charter rather than merely paying lip service to them.

111. It is asserted that the addition in operative paragraph 4 of draft resolution I is intended to implement the principle of universality by providing that the General Assembly might invite other States if it so wishes. If those who support this operative paragraph have real respect for universality, why do they not avoid that indirect path to universality and invite all States? It is clear that they just do not want all States. In other words, they would not honour the basic principles of the very Charter which they purport to implement and under which they purport to act.

112. A vote for the amendment [A/L.502 and Add.1-2] would add energy and life to this Organization. Any

vote against the amendment is an act of sabotage of the principles on which our functions and our Organization are based.

113. Accordingly, my delegation invites all representatives here to put more life and energy into the United Nations by voting for the amendment.

114. The PRESIDENT: I have two more speakers on my list to explain their votes. I shall be very pleased to call on them, but, before doing so, may I take the liberty of reminding Members that all aspects of the item before the General Assembly have been thoroughly examined and discussed in the Committee. I would appreciate it very much if statements would be confined at this stage to explanations of vote, as agreed.

115. Mr. SECARIN (Romania) (translated from French): The General Assembly has before it the report of the Sixth Committee recommending the adoption of draft resolution I (A/6516, paragraph 152) concerning the international conference of plenipotentiaries on the law of treaties. Operative paragraph 4 of this draft resolution, which restricts participation in the Conference to specific States and to States yet to be determined, follows a practice which is discriminatory in the opinion of the Romanian delegation. Our Organization is confronted with the necessity, so often affirmed and reaffirmed, to open its doors to all sovereign States and to become truly universal in order to fulfil its mission, achieve its aims and promote its principles.

116. Furthermore, a multilateral convention on treaty law, owing to the general nature of that question, has, more than any other convention or conference, a clear need for universality, as does the international conference called upon to adopt it. This is why the Romanian delegation, during the debates of the Sixth Committee (919th meeting), opposed any discriminatory formula regarding the participation of States in this conference.

117. As a sponsor of the amendment contained in document A/L.502 and Add.1 and 2, my delegation wishes to reaffirm its deep attachment to the principle of universality which, in connexion with the question now before us, requires that all States participate in the conference on the law of treaties. We are convinced that the application of this principle with regard to the codification of law in general and treaty law in particular is necessary both in the interests of international relations and of the United Nations.

118. The Purposes and Principles of the United Nations are designed to build relations of friendship and co-operation between States in the interest of the peace and progress of the world. Under the United Nations Charter international relations must, as they develop, be based on justice and law. The international treaty as an instrument expressing the legal relationship between States is called upon to play a vital role in the dynamic international life of today. Hence the exceptional importance of the codification of treaty law which, under the auspices of the United Nations, should at the same time reflect the progressive development of that law. However, since international law stems from the will of States, the codification of treaty law cannot be fully and finally

achieved unless all States take part in the process. In our opinion, the participation of all States members of the international community in the work of codification is an essential condition for the effectiveness of the legal institutions to be adopted. This is why international law recognizes that general multilateral treaties are open to all States. Can there be a treaty of a more obviously general nature than one on the subject of treaties themselves? The interests of the international community demand that the codification of treaty law should be carried out through the joint efforts of all States without distinction. The amendment contained in document A/L.502 and Add.1 and 2 is designed to correct the draft resolution adopted by the Sixth Committee along the lines I have just mentioned and I should like once again to stress its importance. The United Nations must make an effort to dissociate itself from the discriminatory practices which have for so long undermined its prestige and authority. The work of our Organization proves that in many cases resolutions adopted on matters of general interest have been addressed to all States. There is no legal basis for restricting the access of States to a conference on the codification of international law, because international law as such interests all nations and is not limited to the United Nations. This is why the Romanian delegation fully supports the formula expressing the principle of universality with regard to the international conference on the law of treaties that appears in the amendment in document A/L.502 and Add.1 and 2.

119. Mr. KHLESTOV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation would like to explain briefly the considerations which will guide it in voting on the General Assembly draft resolution providing for the convening of an international conference to draft a multilateral convention on the law of treaties (A/6516, paragraph 152, draft resolution I).

120. A number of delegations have already pointed out that the provisions contained in paragraph 4 of this draft resolution are discriminatory, and aim at preventing certain States from participating in the conference. Those delegations have advanced convincing arguments in support of that view, and I shall not repeat them.

121. I should simply like to make the point that the convention on the law of treaties to be drafted by the forthcoming conference is an international treaty of a general nature or type, and will have to establish general standards of conduct for all States. It is therefore perfectly obvious that in order to ensure the application of the Treaty by all States and to regulate under it one of the important sectors of the activity of States, related to the conclusion of international agreements, all States must participate in the conference and the drafting of the convention on the law of treaties. Otherwise the treaty will not fully meet the requirements of modern international law and will lack the necessary vitality.

122. The Soviet delegation therefore wishes to emphasize yet again that the formulation of paragraph 4 of the draft resolution contravenes one of the basic principles of modern international law, the principle of universality, and is illegal.

123. We are not convinced by the arguments advanced both during the discussions in the Sixth Committee and here that the inclusion of a formula providing for the invitation of all States would create difficulties, do not convince us. We know of cases in practice, especially in recent years, in which multilateral treaties—the Moscow Treaty^{2/} for example—have contained a provision for the participation of all States without giving rise to any difficulties. The references to technical difficulties are thus without foundation in fact.

124. The Soviet delegation is in favour of the draft resolution as a whole, but we can by no means agree with the discriminatory provision contained in paragraph 4.

125. The PRESIDENT: The General Assembly will now vote on the proposals before it. The draft resolutions recommended by the Sixth Committee appear in the report of that Committee [A/6516, para. 152]. I invite members to turn their attention to draft resolution I entitled "International conference of plenipotentiaries on the law of treaties". In accordance with rule 92 of the rules of procedure, I shall first put to the vote the amendment [A/L.502 and Add.1-2], which proposes to replace operative paragraph 4 by the following:

"Invites all States to send delegations to participate in the work of the conference."

A roll-call vote has been requested.

A vote was taken by roll call.

The Maldives Islands, having been drawn by lot by the President, was called upon to vote first.

In favour: Mali, Mauritania, Mongolia, Morocco, Nepal, Pakistan, Poland, Romania, Sierra Leone, Singapore, Somalia, Sudan, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, United Republic of Tanzania, Yemen, Yugoslavia, Zambia, Afghanistan, Algeria, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Ceylon, Congo (Brazzaville), Cuba, Czechoslovakia, Ethiopia, Guinea, Hungary, India, Indonesia, Iraq, Kuwait.

Against: Malta, Mexico, Netherlands, New Zealand, Norway, Paraguay, Peru, Philippines, South Africa, Spain, Sweden, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Denmark, Ecuador, El Salvador, Finland, France, Greece, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy, Jamaica, Japan, Kenya, Lesotho, Luxembourg, Malawi.

Abstaining: Maldives Islands, Niger, Nigeria, Panama, Portugal, Rwanda, Senegal, Togo, Cameroon, Central African Republic, Chad, Congo (Democratic Republic of), Cyprus, Dahomey, Gambia, Iran, Ivory Coast, Jordan, Lebanon, Liberia, Libya, Madagascar.

^{2/} Signed in Moscow on 5 August 1963.

The amendment was rejected by 48 votes to 37, with 22 abstentions.^{3/}

126. The PRESIDENT: Before the Assembly proceeds to the vote on draft resolution I, I should like to inform Members that separate votes have been requested on operative paragraphs 3, 5 and 6. As there is no objection, I shall put to the vote separately these three paragraphs of draft resolution I as recommended in the Committee's report [A/6516].

Operative paragraph 3 was adopted by 100 votes to none, with 5 abstentions.

Operative paragraph 5 was adopted by 97 votes to 2, with 4 abstentions.

^{3/} The representative of Israel subsequently informed the Secretariat that if he had been present when the vote was taken he would have voted against the amendment.

Operative paragraph 6 was adopted by 106 votes to none.

Draft resolution I as a whole was adopted by 104 votes to none, with 2 abstentions.^{4/}

127. The PRESIDENT: I now invite the attention of Members to draft resolution II. This draft resolution was adopted unanimously by the Sixth Committee. If there is no objection, I shall regard it as also adopted unanimously by the General Assembly.

Draft resolution II was adopted unanimously.

The meeting rose at 1 p.m.

^{4/} The representative of Israel subsequently informed the Secretariat that if he had been present when the vote was taken he would have voted in favour of the draft resolution.