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President: Miss Angie E. BROOKS (Liberia).

AGENDA ITEM 23

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples: report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (continued)

1. Lord CARADON (United Kingdom of Great Britain and Northern Ireland): This annual colonial debate is in some danger of becoming a ritual repetition of old contentions and familiar controversies. It seems to me that some of the speeches we hear look backwards and not forwards. One might imagine from some of the statements we hear in this debate that we are still in the forties, or the fifties, rather than on the threshold of the seventies. Consequently I shall not attempt to deal with the draft resolution which has now been presented to us [A/L.581 and Add.1]. It is drafted in much the same terms as previous resolutions presented in this annual debate and we shall vote against it as we have before for the reasons we have often stated. We have, moreover, repeated and

emphasized our purposes and our policies in the Fourth Committee and fully answered what has been said there.

2. Let me go on to speak of positive achievements. Since I took my place in the Trusteeship Council and in the Fourth Committee more than eight years ago, the healthy process of decolonization has made great strides towards its ultimate objective.

3. In the past decade the era of empire has come nearly to its end. My own country has made the principal contribution to this welcome advance. Less than a quarter of a century ago my country administered a quarter of the population of the world. Now the 800 or 900 million people of the Commonwealth live in self-governing independent countries—all except 1 per cent. It is that 1 per cent we consider in this debate. We should not forget how far and how fast we have come. It was my country's aim to give the countries previously under our administration the best possible start in independence. No one ever suggested that the problems of these countries could all be solved in advance; no one imagined that institutions derived from my country would necessarily continue unchanged; but we have led and participated in this revolutionary advance to self-government and independence with a respect for the wishes and interests of the people. We have proceeded by processes of consultation and consent; we have acted with an undiminished belief in democratic government, adult suffrage, free parliaments and independent courts. I sometimes say that it is more difficult to end an empire than to start one.

4. Acute, urgent and complex problems remain. Here at the United Nations we are not likely to forget them or to underestimate them; but the main task is done. To that advance my country has made the principal contribution by achieving in less than a generation the conversion of the greatest empire the world has ever known into a free Commonwealth. Of the problems that remain, there are, I wish to suggest, two quite different issues—different in scale and different in kind. I wish to suggest that it is essential to recognize them as separate and to deal with them as different.

5. The first is the racial confrontation in southern Africa. This is not a colonial problem in the classic sense, except in the Portuguese Territories. Rhodesia is not a colonial problem in the ordinary accepted sense. It has never been administered from Great Britain. It is now in rebellion against the interests of the great majority of its inhabitants and the declared aims of the United Kingdom, and it is part of the much bigger problem of southern Africa. That is much more than a colonial problem. It raises no less than the question whether the domination of one race by another can survive in the modern world. There is no more urgent or more dangerous international problem than that.

6. There is another and quite different problem which we have to consider in this debate. It is the question of the remaining small colonial Territories, many of them remote islands, which have not yet found their place in the post-colonial world. The total population of these remaining Territories is comparatively very small, but I am sure we can all agree that it is just as important to deal wisely and justly with these small Territories as with big ones.

7. I suggest that this problem of the small Territories—the potential micro-States—is one to which we in the United Nations should devote our special attention and one in which the international community can make a unique contribution.

8. So let me speak about both these problems—first on the question of race domination in southern Africa and then on the quite separate and quite different problem of the place of the very small Territories in the world of today and the world of tomorrow.

9. The great issues of *apartheid* in South Africa, the demand for self-determination in Angola and Mozambique, the call for an end of South African rule in South West Africa, and the illegal régime which survives in Rhodesia—they are all interrelated questions—have already been debated in this session of the Assembly as they have in previous years.

10. I have long maintained that, taken together, the challenge presented by the perpetuation of white supremacy in the main territories south of the Zambesi is one of the most dangerous and explosive problems of our age. The combined problems of race, poverty and population, and the conflict they threaten to bring about on a world-wide scale, represent, I have long contended, the greatest single danger to the peaceful progress of the world.

11. I say that again now to show that I do not for a minute underestimate the dangers of southern Africa. They are primarily racial dangers: dangers arising from the domination of one race over another. To regard them as merely colonial problems would be to misunderstand them and misjudge them, and to fail to comprehend the full measure and extent of the threat which they hold for all the world.

12. It is true that this year the problems and dangers of southern Africa have been somewhat subordinated to the concern of world opinion to events elsewhere in the world, but that does not mean that those problems and dangers are any less important. They grow not less important but more important year by year.

13. I have not hesitated to state clearly in the Security Council and in this Assembly what my country can do and what it cannot do at present in southern Africa. It is necessary to be blunt in order not to mislead. The economic facts have to be faced and honestly stated. However, while my Government has not at present been able to do more, it has shown that it is not on the wrong side. It has taken its stand by two main decisions—the decision to impose a ban on export of arms to South Africa in compliance with the Security Council resolution, and the decision to take the lead in imposing and maintainin

sanctions against Rhodesia. These decisions have cost my country a great deal. They were not easily or lightly taken, but they are decisions which show which side we are on in the issues of racial injustice and racial domination.

14. Now let me turn to the quite separate and quite different problem of the remaining colonial Territories. If we accept the contention I have put to you that the problems of southern Africa are in an entirely separate and different category—and if, for our present purposes, we leave the special case of Hong Kong on one side—there are some 30 remaining colonial Territories in the world. These 30 Territories have a population of less than 4 million people.

15. My country is greatly concerned with this problem because more than half of these 30 Territories are under British administration. The 17 British Territories have a total population of one and a quarter million—that is an average of 75,000 each. Though one, Fiji, has half a million people, six of the others have less than 10,000 people.

16. That is the extent of the problem; but in variety and complexity, and in terms of freedom and justice, and human aspiration and happiness, the problem is far more important than a mere adding up of numbers or a measuring of distances would suggest. We are put on test. We have to show whether we have the imagination and the resourcefulness and the compassionate concern to deal effectively with a human problem to which no easy or single solution is possible.

17. Certainly we cannot dismiss the practical and varied difficulties by sweeping generalizations. Clearly there is no one solution. From listening to some of the speeches made on this subject, we might imagine that all that is necessary is to blow hard enough on the trumpets of immediate independence for the practical obstacles to come tumbling down.

18. By their nature, all these small communities have unusual needs and face unusual difficulties. They each have characteristics and aspirations that are peculiar to themselves. They cannot be forced into a single standard mould.

19. I have often said that these communities have the right to expect more from the United Nations than the mere repetition of stale slogans and the revival of old resolutions. They need understanding of their peculiar problems and needs; they may well need exceptional assistance. We must not be so lacking in sympathy as to tell them that there is nothing they can look forward to except to walk the plank of isolated independence, to sink in a sea of troubles beyond their strength to overcome.

20. But the striking fact is that with all their differences and peculiarities they have one thing in common; there is one principle which applies to them all. That is the principle laid down in the Charter that the interests of the inhabitants are paramount. Article 73 (b) of the Charter spells out the aims clearly enough:

“to develop self-government, to take due account of the political aspirations of the peoples, and to assist them in the progressive development of their free political institu-

tions, according to the particular circumstances of each territory and its peoples and their varying stages of advancement”.

21. Those are the directions of the Charter; that is the “sacred trust”, to use the language of the Charter, with which we are charged: that the interests of these peoples should be paramount and that their aspirations should prevail.

22. The voice of the various peoples should be heard and respected. When there is disagreement amongst any of these communities, then there should be patient and persistent negotiation by conciliation and conference. We must not seek to impose anything against the peoples’ will.

23. No one would claim that we already know the final answers to those many questions. We have good reason to be grateful for the thorough and comprehensive study undertaken by the United Nations Institute for Training and Research. A beginning has been made in considering the problem of membership in the United Nations by micro-States in the Committee of Experts of the Security Council. The Committee of Twenty-Four has also started to direct its attention to the problem of small Territories. I said some time ago that it is the chief remaining concern of the Committee of Twenty-Four: its last task.

24. I have said that the age of colonialism is now very nearly over. We all welcome that, but we have a remaining obligation: it is the obligation to ensure that the peoples of the small remaining Territories are protected and assisted with understanding, fairness and generosity.

25. It is a worthy task for the international community. It is a task in which there can and must be full and practical co-operation between the United Nations and the Administering Authorities and the people themselves, always with the obligation to make sure that the interests and wishes of the people are paramount.

26. On behalf of my Government I confirm that we have scrupulously and thoroughly provided information to the United Nations on the Non-Self-Governing Territories for which we are still responsible under the terms of the Charter. We have taken our full part in the United Nations debates on these subjects. We have never shirked the necessity to answer criticism and to justify our policies. We have accepted a dual obligation to work in co-operation with the peoples concerned and also to co-operate readily with the Councils and Committees of the United Nations.

27. We shall continue to do so, remembering the famous words that it is “the continuing of the same unto the end until it is thoroughly finished which yieldeth the true glory”.

28. Mr. FARAH (Somalia): When the Supreme Revolutionary Council of my country assumed responsibility for the direction of the national and international affairs of the Somali nation, one of its first acts was to reaffirm the pledge of the Somali people in the principles and purposes of the United Nations Charter and in the observance of the provisions of the Universal Declaration of Human Rights. The reasons for this are twofold: first, the United Nations

played a particularly important role in accelerating the process that transformed my country from the status of a colonial dependency to one of an independent sovereign nation; secondly, the Somali people faithfully believes in the equal and inalienable rights of all the members of the human family and recognizes that where these rights are denied there can be no justice, and without justice there can be no peace.

29. It will therefore be understood why my delegation places so much confidence in the role which the United Nations has played in the process of decolonization and must continue to play in the remaining Territories still to be freed.

30. Countries that have suffered the unfortunate experience of colonialism are particularly qualified to understand the feelings of those who are still under alien or colonial domination. There are few situations that can be compared with the humiliation of being a second class citizen in one’s own country, or of being denied the right to participate in its political life, or of witnessing economic, social and cultural development being neglected or shaped to advance the interests of alien forces rather than the interests of the inhabitants, and of seeing official policies overtly and covertly introduced to create divisions with the community.

31. The report of the Special Committee on the Situation with Regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples for 1969 [A/7623/Rev.1] provides dramatic evidence of the existence of some or all of those situations in practically all the colonial Territories that remain to be freed. The magnitude of the task still facing the United Nations is considerable, since the Territories still under colonial rule embrace over 25 million people and are scattered in large and small areas throughout the world.

32. In the course of the debates that have taken place in the Fourth Committee, it was suggested by one speaker that the general provisions of resolution 1514 (XV) may not be entirely applicable to these remaining territories since the circumstances that prevailed in 1960 have changed and that a more flexible and pragmatic approach to these matters should be adopted. My delegation does not subscribe to that view. On the contrary, the principles and guidelines for action contained in resolution 1514 (XV) and qualified by subsequent resolutions are as valid and necessary for dealing with the present colonial situations as they were nine years ago. Colonial policies have not changed, neither have the conditions under which these policies are being implemented. It would be correct to say that the attitude of certain member States towards decolonization has changed and that they are less willing to co-operate with the United Nations because of their own interests. What then are some of the problems that face the United Nations? In southern Africa alone some 20 million Africans, excluding those in South Africa, are being denied the most fundamental human rights. Repressive measures have been taken by an “unholy alliance” of colonial and racist régimes to deny those Africans their inalienable right to self-determination. There has been a change since 1960, but a change for the worse. These repressive régimes are no longer on the defensive; they can now afford to assume

postures of defiance and contempt of world opinion on matters relating to the human rights of the peoples under their bondage. It is manifestly clear that these attitudes arise not from their own strength but from the moral and material support that they receive from powerful members of this Organization. Portugal, for example, is able to unleash and sustain a war of attrition against the people of Guinea (Bissau), Angola and Mozambique because of its membership of NATO and because of the extensive financial involvement in those territories of foreign economic interests.

33. The information contained in the report of the Committee of Twenty-Four¹ on activities of foreign economic and other interests which are impeding the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples in Southern Rhodesia, Namibia and Territories under Portuguese domination, and in all other Territories under colonial domination, shows that in all the principal fields of economic activity foreign monopolies are reaping high and quick profits from investments in such areas as the exploitation of diamonds, petroleum and iron ore, and extensive claims have already been staked out on other mineral riches and agricultural areas where the potential is as good.

34. In Southern Rhodesia we have an extraordinary situation: having refused to co-operate with the United Nations on the future of this Territory in the early 1960s, we find the United Kingdom acknowledging responsibility for the good government of the Territory, yet tolerating the usurpation of power within the country of a minority racist régime. A belated and half-hearted attempt at sanctions by the United Kingdom simply to symbolize its disapproval of the régime has met with the failure expected. Proposals by the international community for more meaningful measures, not only against the illegal régime but also against those countries that abet it, have been stubbornly opposed. Foreign economic interests, too, continue to play a unique role in support of the Smith régime. Those interests, as the report of the Special Committee [A/7623/Rev.1] points out, control the major sectors of the Territory's economy and account for more than 80 per cent of all capital invested in the Territory, and the countries that provide the major portion of the investment are the United Kingdom, the United States of America and South Africa.

35. Namibia presents a challenge to the authority of the United Nations which has no parallel in the history of this Organization. Four years have passed since the historic decision of the United Nations General Assembly which terminated South Africa's right to administer that Territory. Yet South Africa is still there in greater force and subjecting the unfortunate African peoples to an extensive system of repressive laws and racial policies similar to the ones prevailing in South Africa. In my Government's view the continued presence of South Africa in Namibia constitutes an act of aggression against a territory with a specifically international status and against the people who are in effect wards of the United Nations. Yet, despite the gravity of the situation, the United Nations has not even been able to take action under Chapter VII of the Charter

against South Africa, as has been the case with Southern Rhodesia.

36. For three years the United Nations has been obliged to stand by in apparent impotence, not because its collective membership does not have the capacity or the power to take effective measures but simply because all meaningful actions have been blocked in the Security Council by powerful nations with unusually powerful economic interests in the region. The majority of Member States of the United Nations recognized the danger to international peace of the continued existence of these repressive régimes. The region is seething with unrest. The black majorities are faced with two alternatives; either to accept the *status quo* and remain permanently enslaved in their own homelands, or to oppose the situation by resorting to whatever force they can muster. The preamble to the Universal Declaration of Human Rights states:

“it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”.

We know too well that in South Africa, in Southern Rhodesia and in the Portuguese Territories and Namibia the rule of law is enjoyed only by the white minorities and that the non-white populations of those Territories are denied equal rights of citizenship and the right to participate fully in the political life of their homeland. Having waited patiently for years for redress it is not surprising that in such circumstances the black peoples have been obliged to initiate a war of liberation. The bitter but less publicized conflict that has been in progress in Portuguese-occupied Territories is at present tying down over 100,000 Portuguese troops. Guerrilla campaigns have been set in motion in Southern Rhodesia, Namibia and South Africa. The commitment of the Organization of African Unity to support these movements has been made public. There have been joint military arrangements to counteract these forces by the three usurper régimes and already there is ample evidence, admitted even by the British themselves, of South African military units being stationed in Southern Rhodesia. The situation is both grave and dangerous.

37. Whenever meaningful proposals are introduced into the General Assembly to solve the situation, those Powers which are actively engaged in the economic life of the region complain that the proposals are unrealistic or that the situation in the region does not warrant action under Chapter VII of the Charter. No one can dispute the fact that in all three situations the United Nations has explored extensively all avenues to a peaceful solution and at every point it has met with rebuffs. My delegation would be among the last to urge measures under Chapter VII of the Charter to support the implementation of United Nations resolutions on this matter if there were other avenues open to the Organization which had not been tried and which could achieve the same end.

38. Can those nations who support the southern African alliance point to any one promising event which could support their attitude of inaction by the United Nations? The truth is there are no alternatives open unless the allies of these three racist régimes want the international community to fold its arms and do nothing.

¹ Official Records of the General Assembly, Twenty-second Session, Annexes, agenda item 24, documents A/6868 and Add.1.

39. My delegation was disappointed to learn from the report that little, if any, progress had been made in the political advancement in the smaller Territories still under colonial rule. While my delegation agrees that some of these Territories might require special attention because of the extent of the Territory, the size of its population, and its economic viability, none of these problems should be used as a reason to prevent the peoples concerned from exercising their right to self-determination. In all Territories it is the responsibility of the administering Power to permit and encourage public discussion by people of all political leanings on the various alternatives open to the peoples of these Territories towards the objectives of the Declaration, so that when the time comes they will be able to exercise their right to self-determination in full knowledge of these alternatives. But discussions must be entirely free and not subject to interference or pressures by the administering Power.

40. My delegation also subscribes whole-heartedly to the view that any decisions regarding the political future and status of colonial Territories should be based on the full expression of the views of the people, in conditions of complete freedom, without any restrictions. There should be active participation by the United Nations in such processes so that the people can be helped in the procedures and the international community assured of fair and impartial elections.

41. It is evident from the individual reports on the various Territories that the information available to this Organization is either inadequate or has been limited to occasional handouts by the administering Power or obtained through the international press. In the view of my delegation it is of vital importance that the General Assembly should have at its disposal sufficient and first-hand information regarding political, economic and social conditions in the Territories. My delegation was particularly disturbed by the remarks contained in paragraph 158 of Chapter I of the report that the administering Powers continue to refuse to allow missions of the Special Committee to visit Territories under their rule. This refusal on the part of these Powers is characteristic of the attitude which they take towards the United Nations. Until such time as they agree to receive visiting missions of the United Nations, it is my delegation's hope that the Special Committee will ensure that the information which the Secretariat publishes on each Territory is collected from a variety of sources and not confined to a few selected press reports from the metropolitan country concerned. Unless these precautions are taken there is a danger that the information given out in the Secretariat report may prove misleading.

42. At no point in the history of mankind has this world witnessed a decade such as the one which is about to close, when so many nations representing so many diverse cultures and so many diverse civilizations have been so united on one basic truth: that all men are born equal and that each is entitled to the fundamental rights and freedoms that have been so eloquently and cogently described in the Universal Declaration of Human Rights.

43. Neither has there been a decade when so many nations have been convinced that the political destinies of peoples throughout the world must be shaped by the peoples of the

Territories themselves and that no longer can the world tolerate situations, as has been the case in the past, where alien forces have endeavoured to control and shape the destiny of others. The best judge of what is best for a people is the people itself. The role of the international community in matters of this nature has been clearly set out in General Assembly resolution 1514 (XV). Since this provides the principles and guidelines for international action, the Government of the Somali Democratic Republic will unreservedly give its support to all measures undertaken by the United Nations for the achievement of those ends.

44. My delegation fully agrees with the provisions contained in draft resolution A/L.581 and Add.1 and will be privileged to co-sponsor it.

AGENDA ITEM 87

Draft Convention on Special Missions

REPORT OF THE SIXTH COMMITTEE (A/7799)

AGENDA ITEM 89

Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations: report of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States

REPORT OF THE SIXTH COMMITTEE (A/7809)

AGENDA ITEM 94

Declaration and resolutions adopted by the United Nations Conference on the Law of Treaties (concluded):*

- (a) **Declaration on Universal Participation in the Vienna Convention on the Law of Treaties;**
- (c) **Resolution relating to article 66 of the Vienna Convention on the Law of Treaties and the annex thereto**

REPORT OF THE SIXTH COMMITTEE (A/7797)

45. Mr. HOUBEN (Netherlands), Rapporteur of the Sixth Committee: On behalf of the Sixth Committee I have the honour to submit to the General Assembly the report on agenda item 87 entitled Draft Convention on Special Missions [A/7799]. I feel privileged to tell the General Assembly that the General Committee successfully concluded its work on what has been called the third chapter of the United Nations Diplomatic Law. By its resolution 2273 (XXII) of 1 December 1967 the General Assembly decided to include the item entitled Draft Convention on Special Missions in the provisional agenda of the twenty-third session with a view to the adoption of such a convention.

46. In 1968 the Sixth Committee reached a decision on 29 of the 50 draft articles prepared by the International Law

* Resumed from the 1809th meeting.

Commission. During the present session the Committee reached a decision on the remaining articles and the amendments submitted thereto. In addition it decided on a preamble, final clauses and Optional Protocol concerning the compulsory settlement of disputes and three resolutions.

47. In carrying out this comprehensive task the Committee was very much assisted by the International Law Commission's Special Rapporteur, Professor Bartos, and greatly benefited from his wise counsel.

48. The decision-making process was also considerably facilitated by the outstanding work performed during some 40 meetings, at times outside the regular programme of the Sixth Committee, by the Drafting Committee, under the effective chairmanship of Ambassador Yasseen of Iraq.

49. In this connexion I cannot fail to mention in particular that it was the Drafting Committee which accomplished the difficult task of finding an agreed definition of Special Missions to be incorporated in article 1 of the Convention. After having devoted 33 meetings to the qualification and progressive development of the modern rules of international law concerning Special Missions, the Draft Convention was put to the vote and received 94 votes in favour, none against and 1 abstention.

50. The same result was achieved when subsequently the resolution incorporating both the Convention and the Protocol as amended, referred to in paragraph 208 of the report [A/7799] as draft resolution I, was put to the vote. Two more resolutions were adopted by the Sixth Committee and are also contained in paragraph 208 of the report: draft resolution II, on the settlement of civil claims, and draft resolution III, which would have the Assembly express its deep gratitude to the International Law Commission.

51. I should like to take this opportunity to recall that at its 1746th plenary meeting on 18 December 1968, the General Assembly decided that its decisions on the Articles comprising the Draft Convention on Special Missions should be taken up by a two-thirds majority of the Members present and voting pursuant to rule 85 of the rules of procedure. Consequently, draft resolution I in the report of the Sixth Committee, which I have just had the honour to introduce, will require a two-thirds majority for adoption by the Assembly. I should also mention that there was a general feeling in the Sixth Committee that draft resolution I as a whole, together with its annex, should be put to a single vote.

52. I should like to add that after the Vienna Convention on Diplomatic Relations of 1961, and the Vienna Convention on Consular Relations of 1963, the Sixth Committee is confident that 1969 will mark the year when the General Assembly adopted the Convention on Special Missions as an important form of *ad hoc* diplomacy.

53. I also have the honour to submit to the General Assembly the Sixth Committee's report on agenda item 89, entitled Consideration of Principles of International Law concerning Friendly Relations and Co-operation among States, report of the Special Committee [A/7809]. During

seven meetings devoted to the consideration of the item, the Sixth Committee assessed the work done by the Special Committee at its fifth session on the formulations of the principle prohibiting the threat or use of force and the principle of equal rights and self-determination of peoples. There was general agreement in the Committee that the Special Committee's mandate should be extended. Under the terms of the draft resolution now before us [*ibid.*, para. 40], the General Assembly would decide to ask the Special Committee, as reconstituted by General Assembly resolution 2103 (XX), to meet at Geneva or at any other suitable place for which the Secretary-General receives an invitation, in the first half of 1970 in order to complete its work and to submit to the General Assembly at its twenty-fifth session a comprehensive report containing a draft declaration on all of the seven principles of international law set forth in General Assembly resolution 1815 (XVII).

54. In its resolution 2499 A (XXIV) the General Assembly has already invited the Special Committee to expedite its work with a view to facilitating the adoption of an appropriate document during the commemorative session. Accordingly, paragraph 5 of the draft resolution calls upon members of the Special Committee to devote their utmost efforts to ensuring the success of the forthcoming session, in particular by undertaking, in the period preceding the session, such consultations and other preparatory measures as they may deem necessary. At the same time there was a consensus with regard to the order of work on the formulation of principles under the mandate [*ibid.*, paras. 7 and 35]. The financial implications have subsequently been considered and approved by the Fifth Committee and the report of that Committee will be issued later. The unanimous vote in favour of the resolution clearly points to the importance the Sixth Committee attaches to a draft resolution the purpose of which is to clarify the scope and nature of several fundamental principles of international law and thereby to contribute to their more effective application.

55. The third and last report which I have the honour to introduce today on behalf of the Sixth Committee is related to agenda item 94(a) and (c) concerning the Declaration and resolutions adopted by the United Nations Conference on the Law of Treaties [A/7797]. The General Assembly will recall that it has already taken a decision on subitem (b) of this agenda item [1809th meeting]. Consequently, the report now before the Assembly in document A/7797 deals only with the Sixth Committee's proceedings under subitems (a) and (c) of agenda item 94.

56. With regard to subitem (a), "Declaration on Universal Participation in the Vienna Convention on the Law of Treaties", the Sixth Committee decided without objection to recommend that the Assembly should defer consideration of this subitem until its twenty-fifth regular session [*ibid.*, para. 18].

57. Under subitem (c), "Resolution relating to article 66 of the Vienna Convention on the Law of Treaties and the annex thereto", the Sixth Committee adopted a draft resolution by 57 votes to 12, with 25 abstentions. In this connexion, the Committee recommends that the General Assembly should adopt the draft resolution contained in

paragraph 19 of the report and also the related decision contained in paragraph 20. The administrative and financial implications were considered this morning by the Fifth Committee, and the report of that Committee will be issued.

58. If the General Assembly agrees to the recommendations of the Sixth and Fifth Committees to meet the request of the Conference on the Law of Treaties in respect of the expenses of the conciliation commission, it will, in adopting the proposed text, be authorizing the Secretary-General to incur such expenses as may be required with the prior concurrence of the Advisory Committee on Administrative and Budgetary Questions.

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

59. The PRESIDENT: The General Assembly will consider first the report of the Sixth Committee on agenda item 87 [A/7799]. After the voting, I shall give the floor to representatives who wish to explain their vote.

60. I now invite Members to turn their attention to the recommendations of the Sixth Committee in paragraph 208 of the report.

61. Before I put the three draft resolutions to the vote one by one, I should like to state that, in connexion with draft resolution I entitled "Convention on Special Missions and Optional Protocol concerning the Compulsory Settlement of Disputes", the General Assembly, at its 1746th plenary meeting on 18 December 1968, decided that:

"At its twenty-fourth session, the General Assembly will take its decisions on the draft articles by a two-thirds majority of the Members present and voting, pursuant to rule 85 of the rules of procedure of the General Assembly."²

62. I have been informed that in the Sixth Committee there was very wide support for the Convention and that there is a general wish that there should be one vote on draft resolution I as a whole, with its annex.

63. In view of this exceptional circumstance, the General Assembly may wish to take one vote on draft resolution I, together with the annex which forms part of the draft resolution. May I take it that the General Assembly agrees with this procedure?

It was so decided.

64. The PRESIDENT: I now put to the vote draft resolution I, together with its annex, contained in paragraph 208 of document A/7799.

Draft resolution I was adopted by 98 votes to none, with 1 abstention. [resolution 2530 (XXIV)].

65. The PRESIDENT: I now put to the vote draft resolution II.

Draft resolution II was adopted by 101 votes to none, with 3 abstentions [resolution 2531 (XXIV)].

66. The PRESIDENT: Draft resolution III contains a tribute to the International Law Commission. May I take it that the General Assembly adopts this draft resolution unanimously?

Draft resolution III was adopted unanimously [resolution 2532 (XXIV)].

67. The PRESIDENT: I now give the floor to the Under-Secretary-General for General Assembly Affairs.

68. Mr. STAVROPOULOS (Under-Secretary-General for General Assembly Affairs): Representatives will have noticed that in the testimonium at the end of the Convention on Special Missions which the Assembly has just adopted, the date on which the Convention will be opened for signature has been left blank. A similar blank appears in the testimonium at the end of the Optional Protocol concerning the compulsory settlement of disputes. It is expected that the originals of both instruments will be ready for signature within a week, but at present we do not know the exact date. As soon as the exact date on which they will be opened for signature is known, an announcement will be made in the *United Nations Journal*.

69. Representatives wishing to sign the Convention or the Optional Protocol will be required to submit full powers from their Governments. In view of the short time before the end of the present session of the General Assembly, cabled authorizations will be accepted as provisional full powers.

70. The PRESIDENT: I now call on representatives who wish to explain their vote.

71. Mr. KOLESNICK (Union of Soviet Socialist Republics) (*translated from Russian*): The Soviet delegation voted in favour of the draft resolution submitted by the Sixth Committee, and the annex thereto. We note with satisfaction that the resolution which has been adopted lays down an important provision, namely, that multilateral treaties which deal with the codification and progressive development of international law, or the object and purpose of which are of interest to the international community as a whole, should be open to universal participation.

72. We also note with satisfaction that, in adopting this resolution, the General Assembly decided to defer until its twenty-fifth session the question of issuing invitations to States which are not covered by articles 50 and 52 of the Convention on Special Missions, in order to ensure the widest possible participation by States in this Convention.

73. Thus, at its twenty-fifth session the General Assembly will consider the question of the universal participation of States in two important international instruments, the Convention on the Law of Treaties prepared by the Vienna Conference and the Convention on Special Missions prepared by the Sixth Committee. We see in this an ever-increasing understanding in the international community of the significance of the principle of universal participation of States in international conventions for the cause of peace and international co-operation.

74. The Soviet delegation voted in favour of the adoption and opening for signature of the Convention on Special

² Official Records of the General Assembly, Twenty-third Session, Supplement No. 18 (A/7218), p. 91.

Missions because its assessment of the Sixth Committee's work on this problem is on the whole favourable. Nevertheless, we would not be sincere if we were to fail to point out one substantive shortcoming of the Convention, which lies in the fact that it contains an unjust and discriminatory formula for the participation of States in the Convention. Under articles 50 and 52 of the Convention, participants can be States Members of the United Nations or of any of the specialized agencies or of the International Atomic Energy Agency or Parties to the Statute of the International Court of Justice, and any other State, but only if it is invited by the General Assembly.

75. The provisions of these articles leave a number of States outside the Convention. But attempts artificially to prevent any countries from taking part in the settlement of important international problems are an obsolete anachronism which hinders the development of the fruitful co-operation which is of interest to all mankind. We cannot speak seriously of the development of co-operation while at the same time we allow certain States to participate in the Convention and do not allow others to do so. The artificial barring of States from participation in international co-operation, including the work of the codification and progressive development of international law, is a violation of the Charter of the United Nations and of the principle of universality which the Organization has enshrined in it.

76. The USSR, being one of the founders of the United Nations, has always advocated the universality of the Organization and the universal participation of States in international treaties of a general character.

77. Many eloquent speeches about the need for broad co-operation between States and between peoples have been made at this session, both on the General Assembly and in its Committees. Yet the fact remains that a number of States are still prevented from participating in the Convention on Special Missions. The notorious Vienna formula, which has unfortunately been introduced into articles 50 and 52 of the Convention, is a significantly retrograde step from the age-old practice and runs counter to the purpose and principles of the codification and progressive development of international law. In this connexion, it is indicative that in our times, where the conclusion of international treaties is concerned, particular importance is directly attached to the strengthening of international peace and security in taking decisions on the universal participation of States in international treaties—irrespective of whether or not this is to the liking of the opponents of such universal participation.

78. Accordingly, the Soviet delegation's vote in favour of the Convention on Special Missions does not mean it has changed its attitude towards the Vienna formula for the final clauses. At the same time, in the light of the resolution that has been adopted, the Soviet delegation anticipates that this provision will be amended at the twenty-fifth session of the General Assembly. We naturally find it difficult to understand why, for example, a number of socialist States, such as the German Democratic Republic, the Democratic People's Republic of Korea, the Democratic Republic of Viet-Nam and the People's Republic of China, are systematically prevented from participating in international conventions, when other States, including the

Federal Republic of Germany, are automatically given access to that kind of treaty.

79. The Soviet delegation voted for the second annex to the resolution, the Optional Protocol concerning the Compulsory Settlement of Disputes. This vote does not mean that we have departed from our opposition, as a matter of principle, to the procedure of the compulsory settlement of disputes. Nevertheless, we do not intend to place obstacles in the way of States which may wish to assume obligations under the Protocol and we voted in the light of the fact that the Protocol is not directly connected with the Convention on Special Missions, but is an independent and optional instrument. Our affirmative vote in this case should be construed as our support for the idea that States may voluntarily assume obligations with regard to the procedure for the settlement of disputes.

80. Mr. COLEMAN (United States of America): The United States delegation, like that of the Soviet Union, voted for the Convention and the draft resolution in the Sixth Committee and we explained our vote at that time. The United States had not intended to make any explanation at this time and sincerely regrets that the representative of the Soviet Union has seen fit to continue his effort to drag extraneous controversial matters across the trail of the Convention.

81. As is well known and widely accepted, the accession formula contained in the Convention is the only workable, open-ended accession formula. It provides ample machinery for any additional invitations that the representative of the Soviet Union or anyone else might wish to suggest. It would save time for all if he, at the appropriate occasion, would take advantage of the opportunities properly available to his delegation and others and not continue to make deliberately troublesome comments.

82. The representative of the Soviet Union indicated that the Charter provided for universality of membership. I should like to call his attention to Article 4, which states specifically that:

"1. Membership in the United Nations is open to all other peace-loving States which accept the obligations contained in the present Charter and, in the judgement of the Organization, are able and willing to carry out these obligations.

"2. The admission of any such State to membership in the United Nations will be effected by a decision of the General Assembly upon the recommendation of the Security Council."

As the representative of the Soviet Union knows and realizes, under the formula proposed the General Assembly can invite any additional State to become a signatory.

83. In his statement, the representative of the Soviet Union implied that there exists a Government other than that of the Federal Republic of Germany entitled to speak as the representative of the German people in international affairs. That, frankly, is not the case. The Government of the Federal Republic of Germany is the sole German Government freely and lawfully elected and therefore

authorized to speak in the name of the German people in international affairs.

84. Mr. SALDÍVAR (Paraguay) (*translated from Spanish*): In the Sixth Committee, the delegation of the Republic of Paraguay voted in favour of the Convention on Special Missions and of the Optional Protocol concerning the Compulsory Settlement of Disputes. It abstained, however, from voting on draft resolution I, because, in its view, the fifth and sixth preambular paragraphs and paragraph 2, which were introduced as amendments, change the substance of the problem and call for an express decision by the General Assembly on their consideration as a new item. In the plenary meeting, however, we voted in favour of the draft resolution submitted by the Sixth Committee, as we were convinced that the item, if placed on the agenda of the next session of the General Assembly, would lead to a correct solution of this procedural matter, which we raised in the Sixth Committee.

85. We voted for the Convention on Special Missions because we consider that the United Nations should ensure that Member States and States which follow the rules laid down by the United Nations should seek every possible method of solving their problems within the system set up by the United Nations itself.

86. Furthermore the Republic of Paraguay, consistently with the principles set out in the Charter of the United Nations, has ratified, and will shortly deposit, the instruments relating to the 1961 Vienna Convention on Diplomatic Relations and the 1963 Vienna Convention on Consular Relations.

87. The PRESIDENT: I give the floor to the representative of the Soviet Union, who wishes to exercise his right of reply.

88. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*translated from Russian*): I am obliged to take the floor once again because of the statement made just now by the United States representative. He stated—quite unfoundedly, in my opinion—that only the Federal Republic of Germany is entitled to speak on behalf of Germany in international affairs. Perhaps I am not quoting him literally, but that is the substance of what he said.

89. We cannot, of course, pass this over in silence. We consider it our duty to say a few words on this matter.

90. The German Democratic Republic is an independent, sovereign State, situated in the centre of Europe; it is an inseparable part of the socialist community and, consequently, an integral part of the international community as a whole. A socialist State of the German nation has been created under the leadership of the single German socialist party. The rule of the workers and peasants in the German Democratic Republic enjoys the active support of the overwhelming majority of its citizens, a fact which has been clearly demonstrated by the universal vote for a new socialist Constitution in 1968. Over the 20 years of the existence of the German Democratic Republic, the workers of this country have achieved a political, economic, social and cultural upsurge such as the Germans have never known before in all their history.

91. The German Democratic Republic has become a powerful and reliable bulwark of peace, democracy and socialism on German soil and an industrial socialist State with a highly developed agriculture. Although, as we all know, the German Democratic Republic is thirty-first among the countries of the world in size of population and ninety-second in size of territory, it is among the first 10 States in the world in terms of industrial development.

92. In 1964, five years ago, the territory of the German Democratic Republic, which covers only a quarter of the former German Reich, produced the same volume of output as all pre-war Germany. The citizens of the German Democratic Republic actively defend the ideals of peace, democracy, socialism, friendship between peoples and the development of comprehensive co-operation on equal terms, including co-operation with the developing countries.

93. We are therefore well entitled to ask for an explanation of the basis of statements which are tantamount to debarring the German Democratic Republic from participation in the international community on an equal footing. It is obvious that the answer to these questions cannot be found in international law. It lies on quite another plane, the plane of narrowly selfish political interests. The opponents of the German Democratic Republic cannot forgive the fact that with the establishment of the German Democratic Republic, German world imperialism has lost a certain potential which is valuable from their point of view. The existence of the German Democratic Republic and the strengthening of its genuinely democratic system increase the might of the socialist system, render support to the forces of the national liberation movement and promote the development and consolidation of all modern anti-imperialistic and democratic forces.

94. In view of the fact that two sovereign German States have existed and developed on German soil for 20 years, there are no grounds of international law, morality or elementary logic for preventing them from participating on an equal basis and under equal conditions in the activities of the United Nations, the specialized agencies or the international community as a whole.

95. The German Democratic Republic has repeatedly declared its willingness to assume and to carry out unequivocally the obligations set forth in the Charter. It consistently advocates general and complete disarmament and the peaceful settlement of international disputes and is anxious to establish friendly relations with all States, on the basis of equal rights. It resolutely condemns all forms of colonialism and racial discrimination and actively supports the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

96. The peaceful foreign policy of the German Democratic Republic is demonstrated by its participation in many bilateral and multilateral treaties. It is a party to the Treaty banning nuclear weapon tests in the atmosphere, in outer space and under water and also to the Treaty on the Non-Proliferation of Nuclear Weapons.

97. Accordingly, the statement we have just heard—and I am going back to where I began—alleging that only the

Federal Republic of Germany can speak on behalf of the German people, in our view does not correspond with the facts.

98. The PRESIDENT: I now invite the Members to consider the report of the Sixth Committee on agenda item 89 [A/7809]. Before the Assembly takes a decision on the draft resolution recommended by the Sixth Committee in paragraph 40 of its report, I should like to invite the Rapporteur of the Fifth Committee to make an oral report on the administrative and financial implications of the draft resolution.

[Mr. Woschnagg (Austria), Rapporteur of the Fifth Committee, presented the report of that Committee³ on the administrative and financial implications of the draft resolution submitted by the Sixth Committee in document A/7809.]

99. The PRESIDENT: I call on the representative of Ghana who wishes to speak on a point or order.

100. Mr. DADZIE (Ghana): The Rapporteur of the Fifth Committee, in the report which he has just given to the Assembly, stated that the decision of the Fifth Committee was that if the meeting of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States were held elsewhere than at Geneva it would be at no additional cost to the United Nations. In his own words, that would not require any additional provision in the budget. But he stated that if it were held at Geneva, it would cost \$100,000.

101. My delegation is puzzled by that statement. Does it mean that when a decision has been taken to hold the meeting at Geneva and a nearby country extends an invitation to the United Nations to hold the meeting on its territory, the host country will pay the full cost of the meeting?

102. In the past, the practice in this Organization has been that if a host country should extend an invitation to the Secretary-General to hold a meeting of a conference in its territory the cost to that host country should be the difference between that of the nearest country in which the United Nations was officially about to hold the conference and that of the host country.

103. In this case, the Sixth Committee has recommended to the General Assembly that the meeting of the Special Committee should be held at Geneva. Now, if this august Assembly should adopt that recommendation, the Organization would in any case have to defray the cost of \$100,000, and it does not seem clear to my delegation whether the nearby country which offers host facilities for the conference to be held there should have to pay the full cost. I should like to state before I vote that if the draft resolution to hold the next conference of the Special Committee at Geneva is adopted by this Assembly, my delegation's understanding is that any host country that extends an invitation—assuming that the host country is in Europe—would be obligated to pay only the difference in costs between holding the conference at Geneva and

holding it in the territory of the host country. That is the understanding of my delegation on which I shall cast our vote.

104. Mr. COLEMAN (United States of America): I regret that I have to speak twice, even though it is on a different issue.

105. I fail to see how a representative, after hearing the report of the Fifth Committee, can attempt, by making a statement for the record, to interpret what a vote means. The question of the paying of costs is strictly a financial one and therefore within the competence of the Fifth Committee which has made a recommendation. The United States delegation feels that this is a recommendation which is before the Assembly and no delegation, by making a statement which is in effect an attempt to construe what is the opposite of what the Fifth Committee has recommended, can thereafter attempt to argue that by passing a resolution which is before this body it has some meaning other than that explained by the Fifth Committee.

106. Mr. ENGO (Cameroon): Madam President, His Excellency, the President of Cameroon, and the Foreign Minister and Permanent Representative of Cameroon have on previous occasions paid glowing tribute to you on your assumption of the high office of President of the General Assembly. I can lay no claim whatever to anything near the eloquence with which they did so. However, as this is the first time that I have had the privilege of speaking before this Assembly, I crave your indulgence, first, to greet you and, secondly, to express the strong sense of pride and profound satisfaction that I feel, not only at your election, but also at the skilful way in which you have provided leadership to the General Assembly this year.

107. My delegation has decided to take the floor in view of what I consider to be the unfortunate exchange of views on the present situation with regard to the holding of the next meeting of the Special Committee on Principles of International Law concerning Friendly Relations and Co-operation among States. The question before this Assembly right now, concerning the draft resolution recommended by the Sixth Committee, is whether or not the Special Committee shall meet at Geneva. I think that what the Fifth Committee has done—and quite rightly—is to explain to the General Assembly the administrative and financial implications of that decision by the Sixth Committee. We have before us its decision to the effect that the next meeting of the Special Committee should be held at Geneva. What are the financial implications? I think that they have been adequately explained by the Rapporteur of the Fifth Committee.

108. The draft resolution, which was passed by an overwhelming majority in the Sixth Committee, went further in making provision for a situation in which a Member State should decide to invite the Special Committee to its territory. What is the situation? With all due respect, I think that the interpretation given by the representative of Ghana is the correct one. The decision taken as to the venue of the meeting of a particular committee, if a State should decide to invite it and thereby incur additional expenditure beyond that which was approved by the General Assembly, is that the host country

³ Subsequently circulated as document A/7829.

should be responsible not for the entire expenditure, but for that part of it in excess of the decision taken by the General Assembly.

109. Without wishing to raise any further controversy and with the utmost respect, I should like to disagree with the representative of the United States who thinks that we are trying to take a decision on something which has been recommended by the Fifth Committee. With all due respect, I do not think that the Fifth Committee has made any recommendation whatever with regard to the venue of the Conference. It is our decision here that would be material concerning whether or not it meets at Geneva and what will happen thereafter.

110. The PRESIDENT: May I take it that it is the wish of the General Assembly to adopt unanimously the draft resolution recommended by the Sixth Committee in paragraph 40 of its report [A/7809]?

The draft resolution recommended by the Sixth Committee was adopted unanimously [resolution 2533 (XXIV)].

111. The PRESIDENT: We shall now consider the report of the Sixth Committee on subitems (a) and (c) of agenda item 94 [A/7797]. Members will recall that subitem (b), concerning the resolution relating to article 1 of the Vienna Convention on the Law of Treaties, was considered by the Assembly at its 1809th plenary meeting.

112. I shall now give the floor to those representatives who wish to explain their vote.

113. Mr. B. J. SHAW (Australia): In the Sixth Committee my delegation abstained in the vote on the draft resolution relating to article 66 of the Vienna Convention on the Law of Treaties [ibid., para. 19]. In an explanation of vote my delegation pointed out that Australia had not been a party to what, in the Sixth Committee, was referred to as the package deal concluded at the Vienna Conference. The abstention from voting by my delegation in the Sixth Committee in respect of the draft resolution was intended to emphasize that fact.

114. For reasons to which I shall refer in a moment, the Australian delegation now intends to vote in favour of the resolution relating to article 66, but it desires first to reaffirm that on this occasion it feels free, and it will hereafter feel free, to decide on how to cast its vote unaffected by the package deal.

115. The draft resolution which has been recommended by the Sixth Committee provides for financial and administrative action to implement the provisions of article 66 of the Vienna Convention. Although my delegation is not convinced that article 66 represents an adequate solution to the question of the settlement of disputes arising under the Convention, we have come to believe that it does represent a modest measure of progress in the direction of third party settlement of disputes. For this reason, my delegation will vote in favour of the draft resolution.

116. Mr. POTOLOT (Central African Republic) (*translated from French*): At the Vienna Conference on the Law

of Treaties, the delegation of the Central African Republic voted against article 66 of the draft Convention on the Law of Treaties and against paragraph 7 of the annex thereto. In doing so, it had only one aspect of the problem in mind, the principle that the United Nations budget should not be subjected to fresh burdens.

117. My delegation, however, after studying the matter very thoroughly and after following the debates in the Sixth Committee with the greatest attention, considers that although its earlier position is perfectly intelligible as a matter of principle, it is not quite consistent with the real situation of our country, which comes high up on the list of the developing countries and whose budget would have difficulty in defraying the costs of recourse to arbitration or conciliation.

118. As my delegation did not, however, receive in time the instructions it had requested from its Government so that it could radically alter its stand, it confined itself to abstaining in the vote in the Sixth Committee. We are now glad to associate ourselves with those delegations which have expressed themselves in favour of the draft resolution.

119. Mr. DELEAU (France) (*translated from French*): The French delegation will vote against the draft resolution relating to article 66 of the Vienna Convention, as it did at Vienna and in the Sixth Committee, because it considers that the United Nations budget should not be called upon to bear expenses which should properly be defrayed by States.

120. The PRESIDENT: Before the General Assembly takes a decision on the recommendations of the Sixth Committee, I shall invite the Rapporteur of the Fifth Committee to make an oral report on the administrative and financial implications of the draft resolution and the draft decision concerning agenda item 94 (c) [A/7797, paras. 19 and 20].

[Mr. Woschnagg (Austria), Rapporteur of the Fifth Committee, presented the report of that Committee⁴ on the administrative and financial implications of the draft resolution and the draft decision submitted by the Sixth Committee in paragraphs 19 and 20 of document A/7797.]

121. The PRESIDENT: The Assembly will now take a decision on the recommendations contained in paragraphs 18, 19 and 20 of the report of the Sixth Committee [A/7797].

122. First of all I invite the attention of Members to paragraph 18, where the Sixth Committee recommends that the General Assembly should adopt the following decision:

“The General Assembly decides to defer until its twenty-fifth session consideration of the Declaration on Universal Participation in the Vienna Convention on the Law of Treaties.”

May I take it that the General Assembly adopts this decision.

The decision was adopted.

⁴ Subsequently circulated as document A/7830.

123. The PRESIDENT: I put to the vote the draft resolution recommended by the Sixth Committee in paragraph 19 of its report.

The draft resolution was adopted by 72 votes to 10, with 18 abstentions [resolution 2534 (XXIV)].

124. I now invite the attention of Members to paragraph 20 of the report, where the Sixth Committee recommends that the General Assembly should adopt the following decision:

“The General Assembly, in addition to giving the general approval to the note by the Secretary-General on the financial and administrative implications of the conciliation procedure provided in the Vienna Convention on the Law of Treaties, decides that:

“(a) The commissioners appointed to a conciliation commission should receive, in addition to payments for travel and subsistence, honoraria as follows: the chairman of a conciliation commission should receive a sum equal to that received by a Judge *ad hoc* of the International Court of Justice and the other members of a commission should receive a sum equal to half of that received by a Judge *ad hoc* of the International Court of Justice;

“(b) In particular, on the specific points raised in paragraphs 8, 12 and 13 of the note by the Secretary-General (A/L.6/397) for decision by the General Assembly, the Secretary-General is authorized:

- “(i) To hold meetings of a conciliation commission in Geneva;
- “(ii) To provide verbatim records exceptionally at the request of a commission;
- “(iii) To incur necessary expenses under the terms of resolutions relating to unforeseen and extraordinary expenses.”

I put that decision to the vote.

The decision was adopted by 57 votes to 12, with 29 abstentions.

125. The PRESIDENT: In view of the resolution and decision just adopted by the General Assembly on agenda item 94 (c), I assume that the Assembly wishes to approve the recommendation of the Fifth Committee concerning that subitem. Under the terms of this recommendation, the General Assembly would (a) authorize the Secretary-General to incur, under the provisions of the annual resolution on unforeseen and extraordinary expenses and with the prior concurrence of the Advisory Committee, any expenses involved in implementing the proposal; (b) authorize the Secretary-General to make payments of honoraria to the commissioners as an exception to the principle laid down in resolution 2489 (XXIII) and that these payments should be authorized in the light of the provisions of paragraph 3 (c) of that resolution. May I take it that the General Assembly adopts this recommendation of the Fifth Committee?

126. Mr. DELEAU (France) (*translated from French*): I should like to request a vote on this recommendation.

The recommendation was adopted by 59 votes to 11, with 24 abstentions.

127. The PRESIDENT: I now give the floor on an explanation of the vote after the voting to the representative of the Soviet Union.

128. Mr. KOLESNIK (Union of Soviet Socialist Republics) (*translated from Russian*): In connexion with the adoption of the report of the Sixth Committee on the Declaration and resolutions adopted by the United Nations Conference on the Law of Treaties, my delegation wishes to express its satisfaction at the decision to defer until the twenty-fifth regular session consideration of the item entitled “Declaration on Universal Participation in the Vienna Convention on the Law of Treaties”. The Soviet delegation anticipates a favourable decision on this extremely important question next year.

129. At the same time, the Soviet delegation expressed by its vote its negative attitude towards the draft resolution on article 66 of the Vienna Convention on the Law of Treaties and on the corresponding decision on additional payments to members and chairmen of conciliation commissions. The Soviet delegation is deeply convinced that the General Assembly should not have approved the provisions of paragraph 7 of the annex to the Vienna Convention on the Law of Treaties. Expenses in connexion with the activities of conciliation commissions should be borne by the parties to the dispute, not by the United Nations, particularly since disputes may arise between States which are not members of the United Nations. Certainty that these expenses will be paid can only encourage litigation, and can thus undermine the reliability of treaty relations. All the shortcomings of this kind of procedure were analysed in detail in our statement in the Sixth Committee on 20 November of this year, and I shall not repeat these arguments today. I should merely like to point out that a serious argument against making the United Nations bear the expenses of conciliation commissions is the fact that this creates an extremely dangerous precedent for the future.

130. An equally unfounded decision which also entails additional expenditure for the United Nations is that which concerns additional honoraria for chairmen and members of conciliation commissions and other administrative expenses. The Soviet delegation once again declares that it disagrees with these decisions and, of course, accepts no responsibility for the consequences of these illegal decisions.

131. Mr. COLEMAN (United States of America): I should like to speak on the question of the United Nations bearing the expenses of the arbitration and conciliation procedure. As is well known, the United States is very much in favour of any system which will permit nations to adjust their controversies other than by the use of force. For that reason we support any type of arbitration or conciliation. When this issue was raised, some of the developing countries indicated that they were in favour of the compulsory arbitration system but that the cost thereof might be too expensive and would cause them not to be able to use it.

132. The United States of America feels that to deny a person or a State the right to a tribunal because of a lack of ability to pay is almost as vicious as to deny a right to a State because of race, colonialism or any other irrelevant reason that this body usually condemns. The only argument that we have heard presented against the fact that the United Nations should pay part of the cost of arbitration is

that it might induce some Member State to invoke the procedure in an irresponsible fashion. The United States has confidence that its fellow Members will not act in such an irresponsible manner and for this reason we voted in favour of the resolution.

The meeting rose at 5.40 p.m.