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CONTENTS

President: Mr. Charles MALIK (Lebanon).

AGENDA ITEM 36

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories (concluded):

(a) Information on social conditions;

(b) Information on other conditions;

(c) General questions relating to the transmission and examination of information;

(d) Methods of reproducing summaries of information concerning Non-Self-Governing Territories: report of the Secretary-General;

(e) Report of the Secretary-General on developments connected with the association of Non-Self-Governing Territories with the European Economic Community;

(f) Offers of study and training facilities under resolution 845 (IX) of 22 November 1954: report of the Secretary-General

1. The PRESIDENT: At the close of the plenary meeting early this morning, it was agreed to defer, until this meeting, consideration of the draft resolution submitted by Iraq, Liberia, Mexico and Morocco [A/L.259]. I call on the representative of Iraq to introduce this draft resolution.

2. Mr. PACHACHI (Iraq): I will introduce, briefly, the draft resolution contained in document A/L.259, but first I would like to say that the draft resolution is also sponsored by the delegation of Ghana [A/L.259/Add.1].

3. Before proceeding to introduce the draft resolution, I would remind the Assembly that the representative of Australia stated yesterday that this would require the inclusion of a new item on the agenda. But it will be seen that this draft resolution is introduced under the heading "Information from Non-Self-Governing Territories", which, as you know, Mr. President, and no doubt the Assembly will agree, is one of the items on the agenda. Precedent has also shown that there is no need to ask for the inclusion of a new item when the International Court of Justice is requested to give a quasi opinion. That was done in relation to the question of South Africa, when the Assembly decided to ask certain opinions of the Court, without having to include a new item on the agenda.

4. The question of the majority required to adopt resolutions concerning Non-Self-Governing Territories under Chapter XI of the Charter has been debated at great length and on many occasions during the last twelve years. However, no conclusive results have been reached and the General Assembly did not act in a uniform manner.

5. For example, in 1953 two resolutions of great significance were adopted by simple majorities after the Assembly decided that the two-thirds majority rule did

not apply. One of those resolutions [742 (VIII)] concerned the adoption of the list of factors to be taken into account in deciding whether a Territory has attained full self-government within the meaning of Article 73 of the Charter. The other [748 (VIII)] related to the cessation of the transmission of information on the Territory of Puerto Rico.

6. However, at the eleventh and twelfth sessions of the General Assembly it was decided that far less important resolutions should be subjected to the two-thirds majority rule. Those resolutions, in our view, were entirely procedural in character, but the Assembly decided, by the barest majority, to apply the two-thirds majority rule to them. Those resolutions concerned the establishment of ad hoc committees to study methods relating to the transmission of information under Article 73 and did not involve definitive decisions, as was the case with the two resolutions in 1953.

7. I have given these examples to illustrate very clearly that the question of importance as such was not really at issue when the Assembly decided to apply the simple majority rule in 1953 to more important resolutions, and the two-thirds rule in 1956 and 1957 to less important resolutions. I would also recall that during the sixth session, in 1951-1952, the Assembly decided to invoke the simple majority rule on two resolutions of far-reaching consequence, one [519 (VI)] asking the Economic and Social Council to study the establishment of a special fund for grants-in-aid to under-developed countries, and the other [543 (VI)] asking the Economic and Social Council to study the establishment of a special fund for grants-in-aid to under-developed countries, and the other [543 (VI)] asking the Economic and Social Council to instruct the Commission on Human Rights to draft two covenants on human rights, one on political and civil rights, and the other on economic and social rights.

8. These two 1952 resolutions were adopted by a simple majority after the General Assembly decided not to invoke the two-thirds majority rule. Therefore, the question of importance is really perhaps irrelevant in discussing this question. However, discussions on this question in the Assembly revealed beyond doubt that there exists a sharp difference of opinion in the Assembly on the interpretation of Article 18 of the Charter. Specifically, there was disagreement on whether individual resolutions concerning Non-Self-Governing Territories could be decided upon by a two-thirds majority without the Assembly deciding beforehand to add a new category of questions to the categories already listed in Article 18, paragraph 2, of the Charter.

9. Our contention has been that the list is exhaustive rather than indicative and therefore no question other than those questions mentioned specifically in Article 18, paragraph 2, could be subjected to the two-thirds requirement, unless it belongs to a category that has been added by a specific decision of the Assembly under Article 18, paragraph 3,—a category and not an individual resolution. Our position is based, in our view, on a correct reading of the text of Article 18 and also on the correct interpretation of the proceedings of the San Francisco Conference from which this Article 18 emerged. However, we recognize that our interpretation is disputed by a number of delegations. The divergence of opinion on this particular question was perhaps clearly illustrated by the closeness of the vote at the eleventh session, and particularly at the twelfth session when the Assembly decided by a majority of only 38 to 36 to apply the two-thirds rule to one of the resolutions relating to Non-Self-Governing Territories.

10. For all these reasons, it must be evident that a question like this, dealing with the legal interpretations of the provisions of the Charter, cannot be resolved by voting, especially if the voting is so close and variable as has been the case. Only the International Court of Justice can resolve the difficulty and interpret the Charter in a manner that would leave no doubt on the exact meaning of Article 18. For this reason, my delegation, with the delegations of Ghana, Liberia, Mexico and Morocco, submitted our draft resolution [A/L.259 and Add.1] for the consideration of the Assembly.

11. It is a very clear and straightforward draft resolution. The preamble recalls the lengthy discussions on this question in the plenary meetings of the Assembly and of the Fourth Committee, and it asks two questions. The first question, addressed to the International Court of Justice, deals with the subject in a general manner and covers all the resolutions concerning Non-Self-Governing Territories, while the second question relates to the permissibility of subjecting individual resolutions to the two-thirds majority rule without the prior decision of the Assembly to add a new category to the list of questions enumerated in Article 18.

12. The two questions are couched in such terms as are designed to focus the attention of the International Court of Justice on the fundamental issues and differences involved in this question.

13. It is difficult for us to see how anyone could object to this draft resolution, since it must be evident to all to all that there exists a very sharp difference of opinion on the question. The General Assembly is almost evenly divided on this question and it must be quite evident to all that a matter of this nature, which is fundamentally legal in character, cannot be decided by mere votes, especially if the votes are so close. We have the International Court of Justice, which is the highest international judicial organ in the world. I think it is only fair and proper that a matter of this kind should be referred to it so that it would be able to give its expert opinion, which I hope the Assembly will accept and which all Member States will respect.

14. Mr. ESPINOSA Y PRIETO (Mexico) (translated from Spanish): The delegations sponsoring the draft resolution introduced yesterday evening sincerely believe that there is only one method whereby our disagreement on the question of voting majorities in the case of questions involving Non-Self-Governing Territories can be solved in a manner which is fair, dignified and worthy of this Organization; and that is to have recourse to the advisory opinion of the International Court of Justice.

15. On 27 November 1953 [459th meeting], my delegation put it to the General Assembly that the Charter should be interpreted to mean that questions involving Non-Self-Governing Territories should always be decided by a simple majority vote. The General Assembly, on two successive occasions, saw fit to vote in favour of that interpretation. That was the position until, as the result of a motion which we opposed, the practice was abandoned on 20 February 1957.

16. Faced with this situation, my delegation, during the twelfth session, decided in favour of the only course which it appeared appropriate for this Organization to take, and we introduced in the Fourth Committee a draft resolution [A/C.4/L.497 and Add.1 and 2] requesting that the advisory opinion of the International Court of Justice should be sought. A full account of the methods which were used to oppose us and of how it was sought to prevent us from making this application to the Court appears in the records and I do not propose to go to the trouble of reading it out here. We were told that it would be better to go to the Sixth Committee of the General Assembly. We were so convinced—indeed, we still are—of the justice of our cause that we readily agreed to have the matter referred to that body. You all know how the Sixth Committee dealt with the matter, clearly because they feared the reply which so worthy a body of lawyers would be bound to give.

17. In 1957, we were told amongst other things that we should take this matter before the General Assembly in plenary session; that is what we are now doing. Whenever anything suspect arises in connexion with the exercise of the right to vote, it ceases to be a matter of individual interest and concerns the General Assembly as a whole. The right to vote is a feature of society which requires the most careful handling. It has been the subject of painstaking study by the writers of treatises and in the official documents of the United Nations. Article 18 of the Charter was among those which were discussed and drafted with the greatest care, in order to afford protection to Member States.

18. What happens when a vote is taken within the terms of the Charter is, even in cases where pressure is brought to bear, a matter which is entirely the concern of each individual Member. It is a very delicate question, but what each Member wishes to do with his vote, within the rules, is a matter of ordinary diplomatic usage. When, however, a group of delegations decides to set aside the Charter, we are confronted with something which is a serious matter for the Organization.

19. When, on 20 February 1957, a proposal was made in the Assembly to apply the two-thirds rule to a resolution on Non-Self-Governing Territories, we and other representatives demanded to know what legal basis there was under the Charter for such a proposal. It is clear from the record that no reply was given to our request. When, in 1957, a further proposal to that effect was submitted and several representatives were again about to insist on being told what was the legal basis for that proposal, those representatives were abruptly deprived of the right to speak and an immediate vote was enforced. The United Nations was thereafter the scene of some of the most regrettable irregularities ever known here. My delegation inveighed against those irregularities on 6 December 1957 in the Fourth Committee [734th meeting]. I have with me the text of what we said on that occasion and I will repeat it here if I am asked to do so.

20. We all realize that the moment we deviate from the Charter a contest in illegality will arise which will threaten the very foundations of the Organization. All that we are concerned with in the present case is to fulfil our responsibilities towards the United Nations. Since, five years ago, it was we who took the initiative in this question, it was our duty, once the practice was abandoned, to submit the question to the General Assembly; that is what we are now doing, supported, I am glad to say, by the representatives of Ghana, Iraq, Liberia and Morocco.

21. Yesterday we heard some objections to our proposal and it is only right that I should refer to them. Last year, at the twelfth session, we submitted this request for an advisory opinion to the Fourth Committee. The objections raised in that Committee were the same as those which we are hearing now, and I should like to remind representatives that they were overcome. The Fourth Committee considered that the question could be dealt with, not as a special item of the agenda, but within the terms of the already-existing item dealing with general questions relating to the transmission of information. From there we were asked to go to the Sixth Committee. We did so. In the Sixth Committee we were asked to bring the matter up in plenary, and we now are doing so. I feel bound to say, therefore, that any attempt to dispose of our resolution in an improper manner, with the idea of defeating it or of causing it to be deferred unduly, will merely indicate that those concerned are afraid of submitting this question to an impartial body. The records of the Fourth and Sixth Committees contain astonishing examples of attitudes of this kind. We have nothing to lose if they become evident in the plenary meeting as well. By now, however, we have drawn full attention to the fact that the way in which certain votes are cast constitutes a serious matter. Everyone is aware of this state of affairs and everyone will understand that a determined attempt to defeat our request for an advisory opinion simply means that those responsible wish to impose their will with a view to ensuring that recourse to an illegal vote will remain available.

22. All of us here have one interest in common—the pride, prestige and standing of our country. But we all have also a duty: that of ensuring respect for the normal rules of society. Our individual interests are only admissible to the extent that they are compatible with the interests of others. We can only expect to receive help from others provided that we do not cause harm to their own position. In accordance with those usages, my delegation will never deal with a question in a manner prejudicial to the lawful interests of any of our friends. And by our friends we mean each and every Member State. My delegation's actions are based on respect for others.

23. A few days ago, in the Fourth Committee, the French representative, Mr. Koscziusko-Morizet with that cheerful and provocative wit which characterizes his excellent speeches, criticized those delegations which have pretensions to rule the Fourth Committee. I am not the one who is saying this; I am quoting a clever expression used by the French representative, and I do not for one moment doubt that he was referring to those delegations which belong to the group of non-administering Powers. The French representative speaks for a country which is an administering Power. We nearly always come to useful agreements when we are discussing something with him; sometimes, as is only natural between good friends, we have perfectly honourable differences of opinion. But, in this case, I feel bound to say how sincerely I agree with the point of view so frankly stated by the French representative.

24. Any attempt by a delegation to solicit votes, to interfere in matters of policy which are the private concern of other States, or to bring pressure to bear would be improper in the light of the principles of the United Nations. The only way in which we can protect

ourselves, whether we are administering Powers or not, against the possibility of such abuses is to abide strictly by the terms of the Charter. The only way in which we can ensure mutual respect, friendship and consideration is not to allow the smallest divergence from the terms of our Charter.

25. As we did in 1957, we come before you once again with a reasonable request. We are not asking you to say that we are right; what we are requesting is that the most eminent body of jurists should tell us which of us is right.

26. Article 96, paragraph 1, of the Charter makes it perfectly clear that the General Assembly is entitled to ask the International Court for an advisory opinion on any legal question. The Court is an integral part of the Organization; it is one of the principal organs of the United Nations. The Charter is our Charter and the Court's Charter. No one can deny the fact that the Court has authority to respond to our request, and we have in fact already sought its opinion on a number of other matters.

27. We have good reason for saying that we are faced with the danger of the vote being debased as a result of divergence from the Charter. Nevertheless, as in 1957, we are asking you not to say that we are right; we are asking you what steps we should take in cases like this. What we want is justice and not arbitrary action. Let the most respected body of jurists in the world tell us who is in the right and what is the correct procedure to follow in such cases.

28. Mr. SHANAHAN (New Zealand): It was with some surprise that my delegation heard the representatives of Iraq and Mexico make, at this stage in the Assembly's proceedings, a proposal to request the International Court of Justice for an advisory opinion on the question of the interpretation of Article 18 of the Charter.

29. I do not propose now to enter into the substance of the argument that they adduced in favour of their proposal; rather do I propose to deal with some of the practical aspects of the problem which their proposal presents.

30. I think the Assembly will agree that a reference to the International Court of such a serious matter should be made only after the most careful consideration, both of the desirability of referring the matter and of the form and nature of the questions to be put to the Court. These are not questions to be sprung on the Assembly without warning at almost the last hour of the session and decided upon without due deliberation. Any reference to the International Court of Justice as to the interpretation of the Charter has implications for all Member States and, in these circumstances, many delegations would wish, as we would, to consult their Governments. The Assembly will recall that last evening the representative of the Dominican Republic, in his brief but cogent intervention, stated that he would wish to obtain the views of his Government. I feel certain that there are many delegations in the same position as the delegation of the Dominican Republic and my own.

31. The proposal was not made in the Fourth Committee. It has not been discussed or reported on by the Committee as, I submit, it should be before the Assembly takes action on it. It would be wrong for the Assembly, I suggest, to make a snap decision on any proposal of the kind in such circumstances.

32. The Assembly has itself recognized the particular care with which a reference to the International Court should be considered. May I draw the attention of my colleagues to the terms of the resolution [684 (VII)] adopted by the General Assembly at its seventh session on 6 November 1952. In this resolution which is to be found in annex II of the rules of procedure, the General Assembly recommended:

> "That, whenever any Committee contemplates making a recommendation to the General Assembly to request an advisory opinion from the International Court of Justice, the matter may, at some appropriate stage of its consideration by that Committee, be referred to the Sixth Committee for advice on the legal aspects and on the drafting of the request, or the Committee concerned may propose that the matter should be considered by a joint Committee of itself and the Sixth Committee."

33. Moreover, I would invite the attention of my colleagues to the terms of rule 67 of our rules of procedure, which bear also on the particular question before us. Rule 67 reads:

> "The General Assembly shall not, unless it decides otherwise, make a final decision upon any item on the agenda until it has received the report of a committee on that item."

34. Thus, the Assembly is, in my delegation's view, in no position to apply this procedure now.

35. I do not at this stage want to set out in detail the views of my Government on the general question of references to the Court. I wish to emphasize, however, that in matters of dispute or difficulty concerning the interpretation of the Charter, my Government has consistently taken the view that if reference to the International Court is likely to assist understanding and agreement in the Assembly, then that procedure should be considered. I wish to emphasize this so that there will be no misunderstanding of the New Zealand position on the question of references to the Court. Our concern here is that the procedures laid down by the General Assembly should be followed, procedures which permit adequate consideration of the desirability of reference in a particular case and the nature and form of the questions to be put.

36. I wish to make it quite clear that my delegation understands and sympathizes with the motives which have moved the sponsors of this draft resolution. But for the practical reasons which I have stressed, which I think are fairly compelling, I wish to move formally that the joint draft resolution [A/L.259 and Add.1] should not be considered further at this session of the General Assembly, and I ask that my motion be given priority.

37. The PRESIDENT: The Assembly has before it a truly procedural motion, which will certainly be acted upon first, but now we shall resume the debate.

38. Mr. EVANS (United Kingdom): The joint draft resolution would request the International Court of Justice to give an advisory opinion on voting procedure in the case of draft resolutions relating to Chapter XI of the Charter. Point (b) of the draft resolution, however, goes still further and raises the general issue of

whether the General Assembly is entitled to decide ad hoc to treat as important, and therefore as requiring a two-thirds majority, a draft resolution on a matter not included in the list of categories set out in paragraph 2 of Article 18. In other words, this point raises the question whether a new category must be added under Article 18, paragraph 3, of the Charter before a question which does not fall within any of the categories in Article 18, paragraph 2, can be considered important and therefore as requiring a two-thirds majority.

39. This, of course, is an issue of wide implications that would affect a large number of draft resolutions on matters other than those arising out of Chapter XI. I think that Members of this Assembly will readily see that, no matter how the draft resolution may be worded, the interpretation of Article 18 with reference to draft resolutions relating to Chapter XI of the Charter cannot be divorced from its interpretation with respect to draft resolutions on other questions.

40. The questions which it is proposed to refer to the Court for an advisory opinion are, of course, not new questions. They are questions on which many precedents can be found, and there is no doubt that the Assembly has in practice on a number of occasions decided to apply a two-thirds majority to draft resolutions which have not fallen within any of the categories referred to in Article 18, paragraph 2. There is no doubt, also, that on a number of occasions the Assembly has decided to apply a two-thirds majority to draft resolutions concerning Non-Self-Governing Territories.

41. The effect of the draft resolution that is now before the Assembly is, therefore, to require the International Court to express an opinion as to whether the practice which throughout all the years of its existence the General Assembly has in its wisdom followed has been right or wrong. The Assembly would by the terms of this resolution be calling in question its own well-settled practice.

42. My delegation feels no doubt that if the Court were faced with these questions it would uphold the practices which have been followed by the General Assembly. Certainly the approach adopted by the Court in other cases would support this view. However this may be, I think it may well be asked whether it is desirable or necessary to refer this matter to the Court. It can be argued, I think, with some force, that it is more appropriate for the General Assembly itself than for the Court to settle a matter of procedure of this kind. As is so often said here, the General Assembly is the master of its own procedure. Is it not perhaps better that on a matter of this kind the Charter of the United Nations should be allowed to develop naturally and by practice which grows from precedent to precedent rather than by rulings from the International Court, especially when it is clear from the very terms of Article 18 that the framers of the Charter at San Francisco deliberately intended to leave some flexibility?

43. I raise these points in order to show that the draft resolution in question is not as simple as might appear at first sight. There are serious and difficult implications which require the most careful consideration. I entirely share the opinion of the representative of Australia that the draft resolution, especially in view of its wider implications to which I have drawn attention, is really a new item and is not on the agenda of the present session of the General Assembly. It does not, in the view of my delegation, come within the scope of agenda items 36 and 37. The proper way to handle it is to put down a separate item which can then be referred to the appropriate committees and fully discussed in the normal way.

44. I am bound to say too that my delegation shares the surprise of the representative of New Zealand that the General Assembly should be faced with a new proposal of this importance at this stage in its proceedings. A request to the International Court for an advisory opinion is something which should be made only with due care and deliberation. The present proposal has not been properly examined in committee in accordance with the normal practice and procedure of the General Assembly or in accordance with the specific recommendations of the General Assembly itself in resolution 684 (VII), to which the representative of New Zealand has referred. Instead, this proposal has been sprung on the Assembly at the last minute, when it cannot receive adequate and sober consideration and when delegations cannot have had an opportunity to consult their Governments and seek their views. I say, with all solemnity, that this is not the way in which the Assembly should conduct its business, and I would add that it would seem to my delegation to be an act of disrespect to the Court itself to request an opinion in so ill-considered a manner.

45. For all these reasons, my delegation supports the motion of the representative of New Zealand that the draft resolution should not be considered further at this session of the General Assembly.

46. Mr. GARIN (Portugal): We now have before us the new draft resolution to the effect that a question of voting procedure should be referred to the International Court of Justice. Such a proposal requires, of course, careful consideration, and my delegation, certainly as many others, does not feel that it is in a position at the moment to make all the observations such a proposal calls for.

47. However, I ask your permission to make at this time some preliminary comments. First, we cannot but express our deep surprise that a proposal of such magnitude should have been made without notice; and we cannot but point out that the delegations sponsoring it have had every opportunity during the debate in the Fourth Committee to make such a proposal. However, those delegations did not do so. The reason seems to my delegation to be very clear. It is an obvious manoeuvre to take delegations by surprise and confuse the issue before the Assembly. Such an important step as referring this question to the International Court should have been presented in such a way as to allow delegations an opportunity to debate it fully and to seek proper instructions from their respective Governments. Of course, every delegation is entitled to table any proposals it may think fit. But the way this proposal was presented yesterday, at a late hour, has to be interpreted by the Assembly as a tactical device to create confusion. I hope the Assembly will clearly understand this point. But the proposal before us calls for other comments.

48. The draft resolution submitted by the four delegations in fact introduces an entirely new item on our agenda. It is a tactical move, a round-about manoeuvre for the pursuit of purposes which have been in the

minds of some for a considerable time. But we cannot, at the last meetings of the Assembly, deal in a hasty manner with such important problems, the presentation of which was intended to take all delegations by surprise.

49. In conclusion, I shall draw the attention of the Assembly to the further following points. There are precise rules of procedure, either for the inclusion of a new item in the agenda or for referring a matter to the Court, and these rules have not been complied with. The Court has competence to express opinions on juridical problems; but we are not before a juridical case. That seems to us to be quite clear.

50. Some delegations have expressed the opinion that if a matter was referred to the Court with the purpose of seeking an interpretation of the Charter, the General Assembly would become a subordinate organ in relation to the Court; that was, for instance, the view expressed by the Soviet delegation at the 113th meeting of the General Assembly.

51. It is a cardinal principle that, unless otherwise provided for, the organ which applies the law is also the competent organ to interpret it, as it was stressed at the preparatory conference at San Francisco.

52. Lastly, and to avail myself of some of the many reasons put forward by the representative of the Soviet Union at the same meeting of the Assembly, any reference to the Court would bring this high organ into the consideration of political problems, thereby jeopardizing its independence. I do not wish to enter into the substance of the resolution; but the opinions I have mentioned show in any case the great intricacy of the problem and the great need for it to be considered without undue haste.

53. My delegation is therefore strongly of the view that the proposal of the representative of New Zealand should be adopted. It does not prejudge the consideration of the substance, and it would allow the Assembly to discuss it in more appropriate circumstances.

54. May I be permitted to make just a few last points. My delegation does not agree with the interpretation of Article 13 given us this morning by the representative of Iraq. One aspect is enough for us to stress: Should it be necessary to have created a new category of questions before any question may be considered important, then one may ask if specific questions, although individual and isolated questions, can ever be considered as important? Paragraph 3 of Article 18 speaks of "other questions" as opposed to "new categories of questions," and both may be considered by the Assembly as important. The practice of the General Assembly, in the last twelve years, and not only in regard to Article 73, confirms this view.

55. As for the statement of the representative of Mexico, I merely wish to point out that the proceedings of 1953, and the decisions then taken, applied only to the resolutions then before the Assembly, and any other interpretation is not in accordance with the actual decision. In any case, we cannot live forever in terms of the year 1953, accepting a personal view that a decision taken for a particular case should be accepted in general terms and as a precedent forever, which it certainly is not.

56. But reverting to the main purpose of my statement, I merely wish to support the motion of the New Zealand delegation.

57. The PRESIDENT: The Assembly then has before it the draft resolution submitted by the representatives of Ghana, Iraq, Liberia, Mexico and Morocco [A/L.259 and Add.1]. It also has before it a procedural motion made by the representative of New Zealand and supported by others that the Assembly not act on this draft resolution this year. In other words, the representative of New Zealand is moving with respect to the joint draft resolution what the representative of Iraq moved with respect to draft resolution IV recommended by the Fourth Committee.

58. I recognize the representative of Liberia on a point of order.

59. Miss BROOKS (Liberia): If I understood you correctly, Mr. President, you said that we would go on with the debate on the joint draft resolution and that then preference would be given to the motion for the suspension of the consideration of that draft. Am I correct in my understanding?

60. The PRESIDENT: The draft resolution is before the Assembly right now and anybody can talk about it. We have not yet reached the point of acting on the procedural motion. When the list of speakers is exhausted, we will take up the procedural motion first. But there are still other speakers, and you are one of them. I will recognize you when your turn comes.

61. Miss BROOKS (Liberia): Thank you. I would prefer to speak before the motion is disposed of.

62. Mr. Irving SALOMON (United States of America): The United States shares the view expressed here that the Assembly should not be asked to take action on a proposal which is essentially a new one and which the Sixth Committee has not had the opportunity of considering. At a previous session, the Assembly recommended full consideration by the Sixth Committee of proposals to refer questions to the Court for advisory opinions. The United States does not feel that this recommendation should be disregarded.

63. No one will deny the right or the wisdom of taking advantage of the provisions of the Charter and the Statute of the International Court which permit the Court to render advisory opinions. What we believe is a more proper course is to take no action on this draft resolution at this time, but to consider the matter, if the sponsors wish, at the next session.

64. The United States delegation therefore supports the motion of the representative of New Zealand that the draft resolution not be considered further at this session of the General Assembly.

65. The PRESIDENT: The exact wording of the New Zealand procedural motion is as follows: "The draft resolution submitted by Ghana, Iraq, Liberia, Mexico and Morocco [A/L.259 and Add.1] should not be considered further at this session of the General Assembly."

66. Mr. WALKER (Australia): The joint draft resolution proposing a reference to the International Court is undoubtedly a new proposal relating to voting on all questions concerning Non-Self-Governing Territories. It is extraordinary and contrary to all Assembly practices to submit such a proposal in plenary meeting in the last twenty-four hours of the Assembly session without previous consideration in either the Fourth Committee, which deals with Non-Self-Governing

Territories, or the Sixth Committee, which has important responsibilities in relation to the Assembly's legal work. Nor was the submission of this draft resolution foreshadowed even in informal discussions with the delegations of Governments that are responsible for Non-Self-Governing Territories. In fact, I might ask how many delegations had any advance notice that this draft resolution was to be introduced last night? How many of the eighty-two delegations seated in this hall were told even as a matter of courtesy that this draft resolution was to be submitted to the Assembly? It is, to use a phrase that is becoming familiar to us, an example of surprise attack, and one of the purposes of rule 67, which provides that matters shall normally be referred to Committees of the Assembly, is to afford some protection against such tactics.

67. Moreover, Mr. President, this proposal is clearly a very important one. Its adoption would constitute a direct challenge to the ruling given by your predecessor, the President of the eleventh session, His Royal Highness Prince Wan Waithayakon, a ruling which the Assembly accepted. I would refer to document A/C.6/L.408, a working paper prepared by the Secretariat on the question of the majority required for the adoption of resolutions on this matter.

68. At the eleventh session, in connexion with a draft resolution then before the Assembly, one representative formally moved that that draft resolution be considered an important question under the provisions of Article 18, paragraph 2, requiring a two-thirds majority. Following a discussion in the Assembly, the President, Prince Wan Waithayakon, said that he understood one of the interventions to be a point of order as to whether the motion was to be entertained or not. He said:

> "I would say that that motion is to be entertained and is to be considered by the Assembly. My reasons are that, apart from the addition of a new category of important questions," —and these are the weighty words—"the General Assembly has taken votes on particular questions to consider them important questions requiring a two-thirds majority." [656th meeting, para. 148].

69. After further discussion, the President explained that he had merely admitted the motion for consideration by the Assembly and was not concerned with the substance of it. But he stated that the Assembly, master of its own proceedings, should consider the matter. His words were:

> "... the question whether a particular matter should be voted upon by a simple majority or a two-thirds majority should be decided by the Assembly." [657th meeting, para. 86.]

That was the President's ruling. The proposal to the effect that the draft resolution should be considered an important question was then voted on and was adopted by the Assembly. The Assembly then voted on the draft resolution which, far from getting a two-thirds majority, did not even get a simple majority.

70. I just referred to that incident in order to remind members of the President's ruling at that time, which was accepted by the Assembly. For the Assembly to decide now to ignore its previous practice and to reject the ruling of a President who has earned the highest respect of the Assembly—of all parts of the Assembly for his impartiality—is indeed a serious step which should be taken without very good reason and without prolonged and careful consideration.

71. Furthermore, if the Assembly should decide to submit questions to the International Court of Justice, surely the preparation of the questions is itself a matter requiring careful consideration. I do not know how much time the delegations of Iraq, Liberia, Mexico, Morocco, and of Ghana which joined them a few hours later, have been able to devote to the selection and the formulation of the questions that are to be submitted to the Court; but anybody who has been engaged in legal proceedings knows that the selection and the actual formulation of the questions—and there may be a number of questions other than the two that are spelled out here—is a matter requiring very careful and serious attention and not a matter to be decided off-hand in the closing hours or closing minutes of the session.

72. Finally, the President and all of us are aware of the efforts that are being made to complete the work of the Assembly today, and yet, we seem to be engaging in the sort of discussion which normally has its place within one of the Committees of the Assembly. To launch a debate of this kind in the closing hours of the plenary meeting of this long and arduous session seems to us an entirely unreasonable procedure.

73. For these reasons, we hope that the good sense of all Members of the Assembly will lead them to support and to vote in favour of the motion of the representative of New Zealand which was read to us just a few minutes ago.

74. Miss BROOKS (Liberia): I should like to refer first to a few points raised by some delegations against the joint draft resolution. I shall speak very briefly on the point raised by the representative of Portugal irrespective of the fact that he has referred to our draft resolution as a tactic or a sort of manoeuvre. Now I realize more than ever that the saying is true that a rule that works forwards can also work backwards. I realize too that when it works backwards those who made it work forwards take an opposite view.

75. On the question of the competence of the General Assembly to deal with the subject matter embodied in the draft resolution, the representatives of Iraq and Mexico have adequately covered that question when they referred to previous procedures adopted in this respect in past General Assembly sessions. The subject matter embodied in that draft resolution about referring the matter to the International Court of Justice is nothing new. It has been adequately discussed in the Fourth Committee of the General Assembly. Perhaps at the time it was being discussed the representative of Australia was absent from the room, or perhaps he has not read very carefully the record of what took place on this particular question in the Fourth Committee at the twelfth session of the Assembly.

76. When it comes to the question raised about referring the particular matter to the Sixth Committee, the Assembly will recall that at the twelfth session of the General Assembly the co-sponsors of a draft resolution of this nature were asked to submit the matter to the Sixth Committee for an advisory opinion because they thought then it would be the proper body to interpret Article 18 of the Charter. In a spirit of co-operation my delegation with other delegations—the delegation of Mexico as I recall—were willing to adopt this proce-

dure. But the result was that the Sixth Committee returned our draft resolution to the Fourth Committee without any action. It was then that the delegation of Liberia reserved its rights to reintroduce the question in the Assembly at the present session of the General Assembly.

77. I will say that it is the right of any delegation to submit a draft resolution on the subject matter contained in the agenda, and we say firmly here, as it was explained by the representatives of Iraq and Mexico, that this particular draft resolution does fall among the agenda items allocated to the Fourth Committee at the thirteenth session of the General Assembly.

78. I draw the Assembly's attention to Article 92 of the United Nations Charter, and for the present purpose I shall read just a brief line or two. Article 92 states, in part, "The International Court of Justice shall be the principal judicial organ of the United Nations".

79. The question has arisen as to whether or not there is a juridical question involved. In the opinion of the Liberian delegation, the Charter of the United Nations is in effect the constitution of this body, and certainly the interpretation of the constitution of an organization can best be done by a judicial body.

80. There exists among the Members of this Assembly a sharp difference of opinion as to what majority, under Article 18 of the Charter, is to be applied to measures to be adopted with respect to the Non-Self-Governing Territories. No one with an open mind can conscientiously oppose the measures proposed in the draft resolution; for indeed where there occurs a difference of opinion as sharp as it is in the Assembly with regard to the interpretation of any provision of the United Nations Charter, the only recourse is to refer the matter to the International Court of Justice, which is the proper body to interpret the provisions of the United Nations Charter. I certainly would, then, like to have more information on the argument set forth by the representative of Portugal and especially that of the representative of the United Kingdom, which states that it would be disrespectful to forward this question to the International Court of Justice.

81. The International Court of Justice is charged with the responsibility of giving its opinion on any question referred to it.

82. The International Court will have ample time to consider the question and give its opinion before the next session of the Assembly. It is the duty of the Court to act on a request from the Assembly. How, then, can it be thought that to send a question to the International Court—whose duty it is to interpret or to answer questions from the General Assembly—would be to show disrespect to the Court? If the General Assembly is each year to become so divided on a particular question that takes up so much of its time and involves so much expense, with no result but a sharp difference in opinion, surely we should show respect to the competent body which has been established to interpret the constitution of our Organization by asking its opinion, rather than refuse to refer the matter to it because we have no confidence in its opinion. The International Court of Justice has been created as a high judiciary organ, and I feel that we ought to show our respect to that body by asking it to interpret the provisions of the United Nations Charter.

83. I think that I have covered most of the points raised by various representatives, and I reserve my right to speak if necessary.

84. Mr. MATSUDAIRA (Japan): My delegation feels that the matter embodied in the draft resolution should be further discussed, from the procedural point of view, in the regular way, including debate in the Sixth Committee. There may be some advantages in not forcing this issue at this late hour. Therefore, my delegation will support the motion of the delegation of New Zealand and will vote for it.

85. I wish to make it clear, however, that my statement does not prejudge the substance of the matter in any way whatsoever.

86. Having said this, I should like to appeal, with due respect and with the most friendly feelings, to the sponsors of the draft resolution to withdraw this draft for the sake of the harmony of the General Assembly. I hope that my appeal to the sponsors will be heeded.

87. Mr. PACHACHI (Iraq): I have asked to speak in order to answer some of the points raised by the representatives of New Zealand, Australia, the United Kingdom and Portugal.

88. The representative of New Zealand referred to resolution 684 (VII), which provides for the case where any Committee contemplates making a recommendation to the General Assembly to request an advisory opinion from the International Court of Justice. Now, it is quite evident that this is not the case of a Committee contemplating a recommendation. This is not a recommendation coming from the Committee, but a draft resolution presented by Member States in plenary session. I do not think that the representative of New Zealand will disagree with me when I say that Member States have every right to introduce, in plenary session, any draft resolutions which they consider appropriate, in addition to the various recommendations coming from the various committees; and that is what we have done today. Therefore, resolution 684 (VII) does not apply in this particular case.

89. The representative of the United Kingdom spoke of precedents. But the whole point of the matter—which, I think, has been missed by the representative of the United Kingdom—is that precedents on this question have not been uniform. May I remind him that, since 1953, four resolutions regarding Non-Self-Governing Territories have been subjected to the question whether a two-thirds or a simple majority should be applied to them. On two occasions the Assembly decided that a simple majority was sufficient; on two other occasions it decided that a two-thirds majority was necessary. So the precedent in this case is evenly divided. In 1953 two resolutions, of greater importance than the resolutions of 1956 and 1957, were adopted by a simple majority, after the Assembly had decided that a simple majority would apply. Thus, the question of importance seems to be irrelevant also as far as precedents set by the Assembly are concerned.

90. I regret that the representative of Portugal has spoken of a "surprise attack", "things that are being sprung on the Members of the General Assembly", "manoeuvres to take delegations by surprise in order to create confusion". We had no intention of creating confusion, and if there is confusion in the minds of some delegations, I can assure the Assembly that it is not our fault and we cannot be held responsible.

91. The whole point is that a sharp difference of opinion has been evident in the Assembly for many years on this question, and it is our view that when a matter concerning the interpretation of an Article of the Charter is at issue, it is not right to decide one thing one year and another thing another year by the barest of majorities; and, since the difference of opinion relates to the interpretation of the Charter, we thought that the International Court of Justice, which is the highest judiciary organ of the United Nations, should be asked to give an advisory opinion on this question. However, in response to the appeal of the representative of Japan, the sponsors of this draft resolution would not object to the New Zealand motion that the matter should not be taken up this year.

92. Before concluding, I should like to say that I hope that our action in accepting a postponement of the consideration of our draft resolution will not be misunderstood and still not be called "another tactical manoeuvre to create confusion". We are doing this in order to give all delegations ample opportunity to study the matter and to consult their Governments. I think that this attitude on our part belies completely the accusations to the effect that we have been trying to spring a surprise attack on the Assembly, and I hope that the representative of Portugal will not think that this is another tactical manoeuvre to create confusion in his mind.

93. The PRESIDENT: I shall now put to the vote the New Zealand motion that the joint draft resolution [A/L.259 and Add.1] should not be considered further at this session of the General Assembly.

The motion was adopted by 55 votes to 2, with 21 abstentions.

AGENDA ITEM 39

Question of South West Africa (concluded):
(a) Report of the Good Offices Committee on South West Africa;
(d) Election of three members of the Committee on South West Africa

REPORTS OF THE FOURTH COMMITTEE (A/3959/ADD. 1 AND 2) AND OF THE FIFTH COMMITTEE (A/4069)

94. The PRESIDENT: I would draw the Assembly's attention to the Fifth Committee's report on item 39 (a) [A/4069], which concerns the financial implications of the draft resolution proposed by the Fourth Committee in its report [A/3959/Add.1].

95. Mr. EILAN (Israel), Rapporteur of the Fourth Committee: I feel that there is little for me to say in presenting the Fourth Committee's report, in which it recommends that the Secretary-General be requested to have the verbatim records of the Fourth Committee's meetings on item 39 (a) of the agenda mimeographed and circulated.

96. I merely wish to point out that, as the Assembly is well aware, this decision was taken after careful consideration by the Fourth Committee and that, when the Committee was invited by the Fifth Committee to reconsider its decision, no motion for reconsideration was proposed. Remarks made in the Fourth Committee on that question made it clear that this failure to reconsider the decision was due not to any lack of respect for the Fifth Committee, but to the view of the majority of the members of the Fourth Committee that the original decision was well founded.

97. The PRESIDENT: I shall now put to the vote the draft resolution contained in the Fourth Committee's report [A/3959/Add.1]. I would ask Members of the Assembly, to keep in mind, in the vote, the financial implications of the draft resolution which are indicated in paragraph 9 of the Fifth Committee's report [A/4069].

The draft resolution was adopted by 40 votes to 21, with 11 abstentions.

98. The PRESIDENT: We now come to the Fourth Committee's report on item 39 (a) [A/3959/Add.2]. The Fourth Committee has elected Guatemala, the Philippines and Ireland to fill the vacancies created in the Committee on South West Africa, and it recommends that the General Assembly appoint these members to serve on that Committee as from 1 January 1959.

99. If I hear no objection, I shall take it that the Fourth Committee's recommendation is adopted.

It was so decided.

AGENDA ITEM 41

Question of the frontier between the Trust Territory of Somaliland under Italian administration and Ethiopia: reports of the Governments of Ethiopia and of Italy

REPORT OF THE FOURTH COMMITTEE (A/4073)

100. Mr. EILAN (Israel), Rapporteur of the Fourth Committee: In submitting the report of the Fourth Committee on agenda item 41 [A/4073], I would wish to emphasize the efforts made within the Committee as well as in numerous caucuses to reach agreement on the text of a resolution for the Assembly's consideration. As you will have noted, these efforts did not meet with success, and the Committee has, therefore, submitted its report without a proposed text of a draft resolution.

101. However, the Secretary-General did inform the Committee that, if no agreement was reached, it would be his intention to contact the Governments of Ethiopia and of Italy in order to determine whether he might be of assistance.

102. The report, I believe, reflects the earnest efforts of the members of the Fourth Committee to assist the Governments of Ethiopia and Italy to achieve a final settlement on the question of the frontier between the Trust Territory and Ethiopia.

103. I should also like to add that the last paragraph of the report should be read in conjunction with the statements of the Secretary-General which are recorded verbatim in the official summary records.

104. The PRESIDENT: The Fourth Committee was unable to present a draft resolution for adoption by the General Assembly. Action in the Assembly, therefore, will be limited to taking note of the Rapporteur's report. I have been informed that a brief adjournment of the consideration of this particular item will be helpful for a possible smoothing over of difficulties between the parties directly concerned. Consequently, with your permission, I turn to the next item, and give the parties concerned a little time to confer with each other and come to an agreement.

Decision concerning the procedure of the meeting

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

AGENDA ITEM 43

Supplementary estimates for the financial year 1958

REPORT OF THE FIFTH COMMITTEE (A/4061)

Mr. Quijano (Argentina), Rapporteur of the Fifth Committee, presented the report of that Committee.

105. The PRESIDENT: I shall now put to the vote the draft resolution recommended by the Fifth Committee in its report [A/4061].

The draft resolution was adopted by 59 votes to none, with 10 abstentions.

AGENDA ITEM 55

Public information activities of the United Nations: report of the Committee of Experts on United Nations Public Information, and comments and recommendations thereon by the Secretary-General

REPORT OF THE FIFTH COMMITTEE (A/4062)

Mr. Quijano (Argentina), Rapporteur of the Fifth Committee, presented the report of that Committee.

106. The PRESIDENT: I shall now put to the vote the draft resolution recommended by the Fifth Committee in its report [A/4062].

The draft resolution was adopted by 68 votes to none, with 10 abstentions.

AGENDA ITEM 50

Administrative and Budgetary co-ordination between the United Nations and the specialized agencies: report of the Advisory Committee on Administrative and Budgetary Questions

REPORT OF THE FIFTH COMMITTEE (A/4071)

Mr. Quijano (Argentina), Rapporteur of the Fifth Committee, presented the report of that Committee.

107. The PRESIDENT: Are there any objections or comments on draft resolutions A and B recommended by the Fifth Committee in its report [A/4071]?

In the absence of any objection, the draft resolutions were adopted.

AGENDA ITEM 65

United Nations Emergency Force (concluded): (a) Cost estimates of the Force

REPORT OF THE FIFTH COMMITTEE (A/4072)

Mr. Quijano (Argentina), Rapporteur of the Fifth Committee, presented the report of that Committee.

108. Mr. CORREA (Ecuador) (translated from Spanish): At the twelfth session of the General Assembly, in the course of the plenary meeting held on 22 November 1957 [721st meeting], the head of the Ecuadorian delegation set forth his delegation's views on the question of the scale of assessments applied to the expenses incurred for the operation of the United Nations Emergency Force. The point of view which we then expressed differs in some ways from the decision reached this year by the Fifth Committee and embodied in paragraph 4 of the draft resolution recommended by the Committee in its report [A/4072]. For that reason, the delegation of Ecuador abstained from voting on this draft resolution in the Fifth Committee.

109. With this reservation, the Ecuadorian delegation wishes to place on record the fact that it will vote in favour of the draft resolution as a whole in the plenary meeting. It will do so as an expression of its support for the principle of the authority of the United Nations, which has been strengthened by the Force. It will do so in recognition of the decisive part played by the Force in maintaining international peace following on the Suez Canal conflict and of the contribution made by the Force to the improvement of international relations in the Near East. It will do so in order to mark its approval of the exemplary way in which that Force has been administered by the Secretary-General, by his staff and by the Advisory Committee on the Force. Lastly, it will do so as an expression of its gratitude to those Member States which, by providing contingents, services or voluntary contributions towards the payment of expenses, have made it possible for the Force to come into being and to continue to exist.

110. Mr. SALOMON (United States of America): The United States delegation will vote for the draft resolution before us which provides for the financing of the United Nations Emergency Force in 1959.

111. The United States has always considered the creation by the General Assembly of the Force to be one of the outstanding achievements of the Organization and one of which we all can be proud. It has demonstrated the capacity of the Organization to create new instruments to deal with new problems.

112. There can be no doubt that the financial support of the Force is a United Nations responsibility. The Force was brought into being by the affirmative vote of the overwhelming majority of the States Members of this Organization—in fact, without a dissenting vote. Every significant decision pertaining to the Force has been approved by a majority of the Members. Now the responsibility of the Members obviously does not stop there. It is not sufficient merely to create a Force and give it tasks to perform. The Members must also support it financially, and it is their responsibility to agree to the means of doing this.

113. The United States has recognized that the existence of the Force has imposed considerable burdens on the Governments of all Member States. Extraordinary burdens have been assumed by the ten Governments which have furnished the troops for the Force. We owe a special debt of gratitude to these Governments: Brazil, Canada, Colombia, Denmark, Finland, India, Indonesia, Norway, Sweden and Yugoslavia. These Governments, in addition to furnishing troops, have had to pay many indirect expenses for which they will never be reimbursed; and, in addition, they have also agreed to pay their share of the common costs of the operations of the Force on the basis of the regular scale of assessments.

114. A number of other Governments, including my own, have assumed special financial burdens in connexion with the Force. So far as the United States is concerned, we have gone as far as possible, consistent with the sound concept of United Nations responsibility

for the Force operation, to lessen the financial burdens on other Member States.

115. To demonstrate concretely the interest the United States has taken in the financial problems created for other countries by the expenditures of the Force, let me recall the following. At the very outset of the operation of the Force, and prior to the establishment of a budget, the United States contributed several millions of dollars voluntarily in the form of an airlift and other services for the Force. Since a budget was established, the United States has contributed about $13 million in special financial assistance above the regular budgetary contribution. This special financial assistance of the United States has reduced by almost one-quarter the total amount which has had to be raised from all Members on the basis of the regular scale of assessments.

116. To present a more complete picture, I might mention the following facts: The Assembly authorized expenditures for the Force in 1957 and 1958 amounting to $55 million in all. The United States has already paid in cash, towards the costs of the Force, $26 million, or 47 per cent of the total authorization. If one looks at the actual cash receipts, one finds that 72 per cent of the cash received by the Secretary-General for the Force has come from the United States. I mention this only to demonstrate that the United States has not been insensitive to the financial burden and the financial difficulties of other Members of the United Nations. My Government has from the very first given thoughtful consideration to principles, to hard facts, and to the matter of equity, and has sought to lessen the burden on the smaller countries.

117. We only regret that the Soviet Union, certainly one of the most financially powerful Member Nations, has not made similar efforts. We have heard on several occasions the representative of the Soviet Union tell us that the creation of the Force was unlawful. This is indeed a strange statement, in view of the fact that the Soviet Union did not vote against the resolution creating the Force in 1956, and in view of the overwhelming votes in the General Assembly in support of the Force from its inception. One point should be made clear. Although the Soviet Union, and perhaps even others, may hold the view that the operations of the Force are illegal, and may even go so far as to vote against resolutions pertaining to the Force, such opinions and actions are quite separate and apart from the financial responsibilities of membership. Any Member holding views such as those expressed by the Soviet Union is not thereby relieved of any legal obligation or financial responsibilities under Articles 17 and 19 of the Charter. Because of the great interest of the United States in the success of the Force, and because we are concerned about the views of other Governments with respect to the heavy financial obligations imposed upon them, we are prepared again this year to make another special effort to lighten the total financial burden of the Force. The executive branch of the United States Government does not have available at this time authorized appropriated funds from which to grant special assistance towards the expenses of the Force for 1959. However, the executive branch is prepared to request the Congress of the United States to appropriate an amount equal to $3.5 million as special financial assistance toward the 1959 expenses of the Force.

118. We hope that other Governments will take action along similar lines in order to decrease the total amount which must be assessed by the membership as a whole. We would particularly invite the Soviet Union to make a voluntary offer of special assistance.

119. I must point out that any contribution of special assistance by the United States towards the 1959 expenses of the Fund is conditional upon the Assembly's deciding to assess the balance of such expenses over and above special assistance against all the Members on the basis of the regular scale of assessments.

120. It may be of interest to point out that this offer of special financial assistance by the United States will bring the United States contribution to the expenses of the Force for 1959 to a level of approximately 43 or 44 per cent. It should also be noted that this offer of special assistance by the United States will mean a reduction in the assessments of other Members of more than 15 per cent.

121. The United States delegation believes that the draft resolution before us is worthy of the support of all Members of the Assembly.

122. Mr. SOKIRKIN (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation will vote against the draft resolution providing for the appropriation of funds for the maintenance of the United Nations Emergency Force, in view of the position of principle which the Soviet Union holds with regard to the establishment and functioning of the Force.

123. Our arguments were set forth in detail by the Soviet delegation in the Special Political Committee. We are absolutely convinced that the present United Nations Emergency Force was set up in violation of the United Nations Charter. The Soviet delegation has on several occasions drawn the attention of the members of the Organization to this fact. It has pointed out in various organs of the General Assembly and wishes to stress once again that the only correct approach towards financing the Force would be for the Assembly to adopt a decision under which all the maintenance costs of the Force should be borne by the countries which committed aggression against Egypt.

124. The Soviet delegation is therefore empowered to declare that the Soviet Union, as before, will take no part in financing the Force.

125. Mr. CUEVAS CANCINO (Mexico) (translated from Spanish): The General Assembly has received from the Fifth Committee a draft resolution on the financing of the United Nations Emergency Force in 1959. This matter is now before us and I wish to restate the position maintained by the Mexican delegation from the outset.

126. The establishment of a system whereby the heavy expenditure entailed in maintaining mobile military forces is apportioned arithmetically among us has brought our Organization face to face with very serious financial problems. Expenditure which is extraordinary—in both senses of the word—has been incurred and has been met by applying automatically the assessment system set up for the apportionment of normal expenditure. This is the method with which my delegation has expressed disagreement on a number of occasions during the debates on this question.

127. A brief examination of the background will show that in 1956, at the 547th meeting of the Fifth Committee, the Mexican representative expressed his entire agreement with the attitude of disapproval taken by the

Chairman of the group of Latin American countries, who had spoken on behalf of those countries. In the following year, at the 721st plenary meeting, the Mexican representative again stated that he was opposed to the automatic application of the system governing normal expenditure to the costs incurred by the Force. At the present session my delegation's objections were voiced at the meeting of the Special Political Committee held on 31 October [98th meeting] and in the plenary meeting of 14 November [780th meeting].

128. On this occasion, my delegation once more protests against the automatic application of the scale laid down for normal expenditure to the expenses incurred by the Force. We feel that the sovereign equality of Members is a question of principle and does not necessarily imply equality of obligation. The legal principle of equating rights with obligations, which is proclaimed in many articles of the Charter and which is appropriate to this case, fully warrants the establishment of some degree of balance between the resources of each Member and the responsibilities which each must undertake. It follows that countries which are only in the early stages of industrial development are entitled to special treatment where economic and financial matters are concerned. For that reason my delegation is not prepared to believe that a strict application of the assessment system will ensure that fairness called for by a proper interpretation of the Charter.

129. My delegation will accordingly abstain in the vote on the draft resolution submitted to the General Assembly by the Fifth Committee, as it deems the proposed method of financing unacceptable. Moreover, we wish to place on record the fact that we view with approval, not merely the establishment of a committee to make a detailed study of the question—which is something that my delegation has been suggesting since 1957—but also the inquiry to be held by the Secretary-General into the views of Member States on this method of obtaining funds. We have every hope that the Secretary-General will take this opportunity to suggest some means of financing which would be more in accordance with the principle of equality of sacrifice, to which my delegation has so often lent its support.

130. Mr. GEORGIEV (Bulgaria) (translated from French): The attitude of my delegation towards the financing of the United Nations Emergency Force is perfectly clear; we have already made it known in the General Assembly and in the Fifth Committee, and it has undergone no change. For an explanation of our vote on this occasion, I would refer to what was said by the representative of the Soviet Union.

131. I would however like to add a further reason that is of particular interest to my country, namely, that circumstances have led to the United Nations Emergency Force being financed to an increasing degree by a single country which is one of the largest countries in the world. Imperceptibly and to an ever-increasing extent the Force is being transformed into what is in reality a military force financed to a very large extent by only one Member State, and this process may well be continuing today. What does this mean? It means that soldiers lent by various Member States are being transformed into what—if I may use the expression—are mercenaries of a single country, one of the largest countries in the world, and I feel that States lending troops to the Organization for incorporation in the United Nations Emergency Force should bear in mind this change that is taking place in the intrinsic nature of the Force.

132. If this change continues, it will have serious consequences for the Organization. This is yet a further reason that we can add to all those which have led us to the position we have adopted.

133. The PRESIDENT: The General Assembly will now vote on the draft resolution recommended by the Fifth Committee in its report [A/4072]. A roll-call vote has been requested.

A vote was taken by roll-call.

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

In favour: Liberia, Luxembourg, Netherlands, New Zealand, Norway, Pakistan, Paraguay, Peru, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Yugoslavia, Argentina, Australia, Austria, Belgium, Brazil, Burma, Cambodia, Canada, Ceylon, Colombia, Denmark, Ecuador, Federation of Malaya, Finland, France, Ghana, Iceland, India, Indonesia, Iran, Ireland, Israel, Italy, Japan, Laos.

Against: Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary.

Abstaining: Lebanon, Libya, Mexico, Nepal, Panama, Philippines, Portugal, Saudi Arabia, Tunisia, United Arab Republic, Venezuela, Yemen, Afghanistan, Bolivia, Chile, China, Costa Rica, Cuba, Dominican Republic, El Salvador, Ethiopia, Greece, Guatemala, Haiti, Honduras, Iraq, Jordan.

The draft resolution was adopted by 42 votes to 9, with 27 abstentions.

The meeting rose at 1.20 p.m.

Litho. in U.N. 77001-April 1959-2,200