

GENERAL ASSEMBLY

TWELFTH SESSION

Official Records



Friday, 29 November 1957,
at 11.40 a.m.

NEW YORK

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Chairman: Mr. Santiago PEREZ PEREZ (Venezuela).

Request by the Fourth Committee for an opinion by the Sixth Committee on the majority required for the adoption by the General Assembly of resolutions relating to matters referred to in Chapter XI of the Charter (A/C.6/355; A/C.6/L.408, A/C.6/L.411 to 414) (continued)

1. Mr. TABIBI (Afghanistan) introduced a new joint draft resolution submitted by his delegation together with those of Mexico and Poland (A/C.6/L.414), which superseded his previous proposals.
2. Mr. MALOLES (Philippines) said that the new joint draft resolution very properly gave a sober account of what had in fact happened. In principle his delegation was prepared to support the draft. At the same time, he thought that the second preambulatory paragraph should state that the item in connexion with which the Committee's advice had been requested had been disposed of indirectly by the General Assembly.
3. Mr. TABIBI (Afghanistan) said that, since the language used in the joint draft resolution represented a compromise, he was unfortunately unable to agree to the change suggested by the Philippines representative.
4. Mr. ALVES MOREIRA (Portugal) said the first preambulatory paragraph of the joint draft resolution suggested, wrongly, that the Fourth Committee had been discussing a question which had important legal aspects requiring the Sixth Committee's advice. Furthermore, the operative paragraph seemed to imply that the Fourth Committee had acted improperly in applying to the Sixth Committee.
5. In view of the foregoing, his delegation would oppose the joint draft resolution.
6. Mr. MAURTUA (Peru) said it was unfortunate that a discussion should continue concerning a matter which had been decided by the General Assembly. If any Member State desired to reopen the question, it was free to do so in accordance with the rules of procedure.
7. He could not agree with the text of the operative paragraph of the joint draft resolution, and would have preferred a statement to the effect that no reply was called for.

8. Mr. CHAUMONT (France) said that the joint draft resolution did not represent a compromise. By reproducing the terms of one of the clauses of General Assembly resolution 684 (VII) it tended to imply that the Fourth Committee had been within its right in asking for the Sixth Committee's advice in the particular case. Moreover, the correct procedure to be observed when a new problem arose was to place a new item on the Assembly's agenda, a course not mentioned in the joint draft.

9. For those reasons, the joint draft was open to serious objections and his delegation would vote against it.

10. Mr. MUFTI (Syria) said that his delegation withdrew its earlier amendment (A/C.6/L.411), which had become pointless.

11. His delegation supported the joint draft resolution. He thought, however, that the title which read "Request by the Fourth Committee for an opinion by the Sixth Committee on the majority required for the adoption by the General Assembly of resolutions relating to matters referred to in Chapter XI of the Charter" should be revised and brought into line with the language of documents A/C.4/L.501 and A/C.6/355. Instead of referring to matters referred to in Chapter XI of the Charter the title should speak of matters concerning Non-Self-Governing Territories. Perhaps the Secretariat could amend the title accordingly.

12. Mr. LACHS (Poland) said that the operative paragraph of the joint draft certainly represented a compromise. The text did not prejudice whatever might happen at future sessions.

13. The draft constituted no more than a plain statement of fact. In addition, by citing resolution 684 (VII), it emphasized the authority of the Sixth Committee in respect of legal questions. That was an important point, for the Committee had been criticized as reluctant to perform its advisory functions under the resolution in question.

14. Mr. CHAUMONT (France) said, in reply to the representative of Poland, that a statement of fact could be presented in various ways. By presenting the facts in a special way the new joint draft resolution gave no consideration to the views of a large fraction of the Committee, and could not be regarded as a compromise solution.

15. Mr. EL-ERIAN (Egypt) said that he would support the joint draft resolution as it was a simple statement of fact. The Fourth Committee's request for advice could no longer be dealt with inasmuch as the item to which that request had related was no longer on the Assembly's agenda. The draft resolution therefore correctly stated the position. Secondly, the propriety or impropriety of the Fourth Committee's

request should not be discussed; and on that point, too, the draft was correct in that it maintained silence.

16. The new draft resolution quite rightly omitted any request that the item should be placed on the agenda of a future session of the General Assembly.

17. Mr. ALVES MOREIRA (Portugal) said the reference, in document A/C.6/L.414, to resolution 684 (VII) was in effect a reference to annex II of the Assembly's rules of procedure. But surely it could be assumed that the Fourth Committee knew the rules of procedure as well as did the Sixth Committee.

18. He agreed with the representative of France that the proposed text was not a compromise. The Portuguese delegation would formally submit amendments to the joint draft.^{1/}

19. Mr. LACHS (Poland) said that the French representative had misunderstood the intention of the joint draft resolution. Any Member State was free to submit the question at any subsequent session as a specific item for inclusion on the agenda of the General Assembly. The substance of the question could then be discussed, there having been no opportunity for such a discussion at the current session.

20. He would be prepared, in deference to the French

representative's objections, to redraft the first preambulatory paragraph of the joint draft resolution to read: "Recalling General Assembly resolution 684 (VII) of 6 November 1952". He hoped that the revised wording would satisfy the French representative.

21. Mr. TABIBI (Afghanistan) said that he would be prepared to agree to the Polish representative's suggestion if the French representative accepted the revised wording.

22. Mr. CHAUMONT (France) said he appreciated the conciliatory gesture made by the Polish representative. He wished, however, to reserve the position of the French delegation until the various proposals and amendments had been circulated in writing.

23. Mr. LIANG (Secretary of the Committee), referring to the Syrian representative's remarks, suggested that the wording of the title might be amended to read: "Request by the Fourth Committee for an opinion by the Sixth Committee on the majority required for the adoption by the General Assembly of resolutions relating to matters concerning Non-Self-Governing Territories in accordance with Chapter XI of the Charter of the United Nations".

24. Mr. MUFTI (Syria) said the revised text of the title would be acceptable.

^{1/} The amendments were subsequently circulated in document A/C.6/L.415.

The meeting rose at 12.40 p.m.