

## HUNDRED AND EIGHTY-SEVENTH MEETING

*Held at Lake Success, New York, on Wednesday, 9 November 1949, at 11.18 a.m.*

*Chairman: Mr. LACHS (Poland).*

### **Reparation for injuries incurred in the service of the United Nations: advisory opinion of the International Court of Justice and report of the Secretary-General (A/960,<sup>1</sup>A/955) (concluded)**

1. The CHAIRMAN recalled that some delegations wished to explain their votes on the French draft resolution (A/C.6/L.71) on reparation for injuries incurred in the service of the United Nations which had been adopted at the 186th meeting.

2. Mr. GÓMEZ ROBLEDÓ (Mexico) stated that his delegation had voted in favour of the French draft resolution, as a whole, because it wished to show that it was not opposed to the United Nations presenting an international claim for reparation for damage caused directly to the United Nations in the event that an agent of the Organization, in the performance of his duty, suffered injury in circumstances involving the responsibility of a State. For reasons which he had explained during the general debate on the question, his delegation wished to make two reservations. First, the Government of Mexico did not recognize the legal capacity of the Organization, under existing international law, to bring a claim for reparation for damage caused to the victim or to persons entitled through him, especially in a case

involving Mexican citizens; between Mexican citizens and their Government there could be no legal relations other than those provided for in national legislation.

3. Secondly, with regard to claims of the first category, namely, those presented with a view to obtaining reparation for damage caused directly to the United Nations, the Government of Mexico would not accept the presentation of such claims except in cases of denial of justice, and after all legal recourse established in the Constitution and laws of the Republic of Mexico had been exhausted. That was the legal and political attitude invariably taken by Mexico in regard to all international claims.

4. Mr. ABDOLAH (Iran) explained that, after the withdrawal of the joint draft resolution (A/C.6/L.51), his delegation had voted in favour of the French draft resolution because it did not see any substantial difference between the two texts. The fact that it had voted for the French draft, which omitted the third paragraph of the joint draft resolution, did not mean that the delegation had changed its opinion. It considered that the idea of acceptance of the advisory opinion of the Court was also contained in the French draft resolution. He requested the Rapporteur to state in his report the circumstances in which the French draft resolution had been submitted.

5. Mr. MAÚRTUA (Peru) explained that he had abstained from voting on the whole of the draft resolution because the debate had not been conclusive; it had not dispelled his doubts concerning

<sup>1</sup> Under that symbol, the Secretary-General transmitted to the General Assembly the Court's advisory opinion of 11 April 1949: *Reparation for injuries suffered in the service of the United Nations, Advisory Opinion: I.C.J. Reports, 1949, page 174.*

the subject-matter. He made the same reservations as those made by the representative of Mexico.

### **Enforcement of the provisions of the Convention on Privileges and Immunities and the Headquarters Agreement**

6. Mr. CAICEDO (Colombia), on a point of order, said that on the preceding day, the representatives of Poland and Colombia had called the attention of the Fifth Committee<sup>1</sup> to the fact that certain provisions of the Convention on the Privileges and Immunities of the United Nations and of the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations were not being enforced. Those representatives had pointed out that the United Nations Headquarters was international territory to which the laws of the United States, including those of the State of New York, should not apply. It had been explained that those laws were applicable to the United Nations site but that, if the General Assembly wished to set aside any provisions of those laws, it could do so by passing a regulation. Mr. Caicedo considered that application of those laws put the United Nations in a position which was incompatible with the international character of the Organization. He pointed out that the Headquarters Agreement (section 8) provided<sup>2</sup> that local police regulations would not apply to the United Nations site if they were inconsistent with United Nations regulations. He would like the United Nations to adopt rules to provide for cases where New York police regulations should not be applied.

7. Various violations of the extra-territoriality of the United Nations site could be cited. For example, he thought that there should not be a polling booth in the United Nations Headquarters. He also questioned the advisability of his country assuming obligations which would enable the United Nations to reimburse employees who were citizens of the United States for income taxes paid by those citizens.

8. He requested that the Secretary-General should prepare and circulate a report on the matter of the enforcement of the provisions of the Convention on Privileges and Immunities and of the Agreement regarding the United Nations site.

9. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) replied that the Secretariat was studying all aspects of the Headquarters Agreement, which would be fully applied when the permanent Headquarters was occupied. A provisional agreement applied to the temporary Headquarters. The matter could be discussed when the Committee took up the 11th item on its agenda.<sup>3</sup> The Secretariat would provide all the necessary documentation.

10. The CHAIRMAN stated that, if the representative of Colombia had no objection, the discussion of the matter would be postponed until the 11th item of the agenda was considered.

<sup>1</sup> See *Official Records of the fourth session of the General Assembly*, Fifth Committee, 224th meeting, paragraph 3.

<sup>2</sup> See *Official Records of the second session of the General Assembly*, Resolutions, page 95.

<sup>3</sup> See the Summary Record of the 211th meeting.

<sup>4</sup> See *Rules of procedure of the General Assembly* December 1947, page 29.

11. Mr. CAICEDO (Colombia) agreed.

### **Draft rules for the calling of international conferences: report of the Secretary-General (A/943)**

12. The CHAIRMAN, in requesting the Committee to consider the 3rd item on its agenda, concerning draft rules for the calling of international conferences, recalled that the General Assembly, in its resolution 173 (II), had requested the Secretary-General to prepare those draft rules in consultation with the Economic and Social Council. He requested the Assistant Secretary-General to explain the Secretary-General's report (A/943) concerning that resolution.

13. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) recalled that, at the second session of the General Assembly, the Sixth Committee had been asked to put the provisional rules of procedure of the General Assembly into permanent form. The provisional rules of procedure contained a supplementary rule<sup>4</sup> on the calling of international conferences by the Economic and Social Council. The Sub-Committee of the Sixth Committee which had studied the matter had found it impossible during that session to draft rules on the calling of such conferences which would replace the supplementary rule, and it had been decided<sup>5</sup> that the Secretary-General should prepare them in consultation with the Economic and Social Council. As a result of their study of the matter, the draft rules under consideration (A/943) had been formulated.

14. The CHAIRMAN stated that those draft rules had been approved by the Council on 2 March 1949. Several amendments to them had been proposed and were before the Committee. The proposal of Israel (A/C.6/L.73) contained a draft preamble to the rules. He suggested that the Committee should begin immediately to discuss each draft rule separately, rather than to hold a general discussion on them.

15. Mr. RENOUF (Australia) considered that a brief general discussion would be advisable.

16. The CHAIRMAN invited the representative of Australia to present his general remarks on the rules.

17. Mr. RENOUF (Australia) stated that his delegation supported the draft rules, subject to the amendments which it had proposed (A/C.6/L.69)<sup>6</sup> and to the remarks he wished to make. The first Australian amendment was designed to make more flexible draft rule 3, which was closely connected with draft rule 11, because the Australian delegation was concerned about the rigidity of the former rule. He understood the reasons why the Secretary-General had drafted it in its existing form. A discussion had arisen at the Havana Conference on Trade and Employment concerning the

<sup>5</sup> See *Official Records of the second session of the General Assembly*, Resolution 173 (II).

<sup>6</sup> Under that symbol, amendments were proposed to draft rules 3, 6 and 8, and for a new rule 4. The text of the Australian amendment to draft rule 3 is incorporated in the Summary Record of the 191st meeting, paragraph 27, and the text of each of the other amendments is incorporated in the Summary of the discussion of the relevant draft rule. See the check-list of Sixth Committee documents in the *Annex to the Sixth Committee*.

right of invited non-member States to vote, and the Economic and Social Council had decided that they would not have that right. At the Conference, many States had considered that the Council's position on the subject should be reversed. The solution of the problem had been that the Conference had decided merely to ascertain the sense of the meeting on the questions under consideration and not to vote on them.

18. One difficulty that might arise if it were necessary for the Council to decide what States should be invited to international conferences, and on the extent of their participation, was that the Council met only once or twice a year. Consequently, if during such a conference it proved desirable to invite additional States or organizations to attend, the Council would not always be able to reconsider and decide the matter. It would therefore be advisable to make the rules less rigid. The Australian amendment to draft rule 3 would give the Council the right to authorize the conferences themselves to invite other States, experts or organizations, and to determine the extent of their participation, according to the circumstances.

19. The CHAIRMAN reminded the representative of Australia that his remarks were to be of a general nature, rather than a detailed analysis of particular rules, and requested him to postpone his remarks on the remaining Australian amendments until the draft rules to which they applied were taken up for consideration.

20. Mr. KORETSKY (Union of Soviet Socialist Republics) wished to make a few remarks concerning what he considered were serious defects in the draft rules. First, he thought that they distorted the concept of international conferences. An international conference was an inter-State conference; the conferences referred to in the draft rules, however, were to be attended not only by States, but also by experts or organizations. A meeting of experts was in the draft rules termed an international conference, but it could only play an auxiliary part. For instance, a meeting of the International Law Commission could not be called an international conference. Secondly, under the proposed rules, when representatives of States met in conferences, the rights of some States would be limited as compared with those of other States. The rules must provide for equal treatment of all members of international conferences. Thirdly, it was inadmissible that under the proposed rules the United Nations would sanction the dependent status of certain territories. That sanction would violate the principle of the self-determination of peoples, a principle set forth in the Charter. Finally, no rule was made concerning the payment of expenses connected with the holding of conferences.

21. Some of those defects could be corrected by the adoption of the proposed amendments. For that purpose, the USSR had submitted several amendments (A/C.6/L.72).<sup>1</sup>

#### DRAFT RULE 1

22. The CHAIRMAN declared open the discussion on draft rule 1 and the USSR amendment to it in the following terms (A/C.6/L.72):

"The Council may, after due consultation with the Members of the United Nations, decide to call conferences of States on any matter within its competence in all cases in which, in its opinion, the work to be done by such conference cannot be done successfully by the main or subsidiary organs of the United Nations or by the specialized agencies."

23. Mr. FELLER (Secretariat) explained that, when the Secretary-General had submitted to the Economic and Social Council the first draft of the rules (E/836), he had included several alternative drafts of rule 1. It was provided that the Council could call conferences of States only, conferences of States and/or experts, and conferences of States, experts and/or organizations. Attention was called to the fact that the rule involved the interpretation of paragraph 4 of Article 62 of the Charter, and that the General Committee of the General Assembly had discussed the paragraph and the meaning of the term "international conferences" in connexion with a proposal<sup>2</sup> of the Philippines that the Secretary-General should instruct the Council to call a conference of representatives of Non-Self-Governing Territories. The question was raised whether or not such a conference would be an international conference. The Secretary-General had not given an interpretation at that time, but had left it for the Economic and Social Council to decide. The draft rule under consideration represented, in effect, the Council's decision on the question.

24. Mr. RENOUE (Australia) stated that his delegation favoured the draft rule 1 submitted by the Secretary-General and saw no reason to construe the term "international conference" to mean a conference of States only. His delegation preferred the wording in the draft rule, "international conference of States, experts or organizations", to the wording suggested in the USSR amendment. He pointed out that the Council had already called the United Nations Scientific Conference on the Conservation and Utilization of Resources. If the Committee limited the Council to calling conferences of States only, it would be taking a decision contrary to that of the Council.

25. Mr. KORETSKY (Union of Soviet Socialist Republics) was unable to agree with the Australian representative that conferences composed entirely of experts or non-governmental organizations should be considered international conferences. Putting aside the special case of Non-Self-Governing Territories mentioned by Mr. Feller — in connexion with which the General Assembly might wish to take special decisions to assist their progress towards independence — he wished to raise the question who would be expected to bear the costs of a conference composed solely of experts invited not as representatives of States but in their personal capacity. Not only the living costs and travel expenses of the experts would have to be taken into account, but also the quite considerable administrative expenses connected with the calling of an international conference. Furthermore, unless the experts in question were governmental appointees — in which case they would be representatives of Governments — their

<sup>1</sup> Under that symbol, amendments were proposed to draft rules 1, 3, 5 and 8, and for the deletion of draft rule 11. The text of the USSR amendment to draft rule 1 appears in paragraph 22 below; and the other amendments are incorporated in the summary of the discussion of the relevant draft rule. See the check-list of documents in the *Annex to the Sixth Committee*.

<sup>2</sup> See *Official Records of the second part of the first session of the General Assembly*, General Committee, page 89.

work could not be regarded as other than auxiliary to that performed by the United Nations. Similarly, a conference of non-governmental organizations could not properly be called an international conference but would be a congress; many such congresses were called in the course of each year. Inasmuch as such a conference was not composed of representatives of Governments, however, it would not answer the requirements of the "international conferences" which the Economic and Social Council was empowered to call under Article 62, paragraph 4, of the Charter.

26. Mr. Koretsky consequently maintained the amendment of his delegation to draft rule 1.

27. Mr. CHAUMONT (France) said that the USSR amendment to draft rule 1 (A/C.6/L.72)<sup>1</sup> had a firm legal basis.

28. He analysed paragraphs 1 and 4 of Article 62, both of which applied to the matter under discussion. The meaning of paragraph 1, which authorized the Economic and Social Council to make or initiate studies and reports with respect to subjects within its domain, was that the Council could do the following: place questions on its own agenda and proceed to study them; create organs for the purpose of doing preparatory work on those subjects; and have studies and reports prepared either by experts or by non-governmental organizations specializing in a particular field.

29. Consequently, if the Council was permitted to call on the assistance of experts and non-governmental organizations under paragraph 1, the expression "international conferences" in paragraph 4 of Article 62 should be taken in the third sense, in accordance with international tradition, that is, to signify conferences of States.

30. Other provisions of the Charter supported the same view, which he believed had also been accepted at the San Francisco Conference. Under Article 68, the Economic and Social Council was authorized to set up commissions. The Council thus had three means at its disposal when it required assistance: (1) to call international conferences composed of representatives of Governments; (2) to ask experts and non-governmental organizations to make studies and reports; and (3) to set up commissions operating under its supervision.

31. Furthermore, Article 71 of the Charter provided for consultation between the Economic and Social Council and non-governmental organizations concerned with matters within its competence. Clearly, the fact that the authors of the Charter had deemed it necessary to write a separate Article providing for consultation between the Council and the non-governmental organizations proved that they had not considered that such consultation, to be achieved by means of conferences of non-governmental organizations called by the Economic and Social Council, was already permitted by the provisions of Article 62, paragraph 4.

32. For those reasons, the French delegation considered the USSR amendment to draft rule 1 to be fully justified.

33. Mr. MAKTOŠ (United States of America) regretted that he was obliged to disagree with

the USSR amendment, which limited the composition of international conferences to States and excluded experts and non-governmental organizations.

34. In his view, if it was legally permissible to invite experts and non-governmental organizations to attend international conferences, and if there was any need for such attendance, the question of who would bear the costs was of no great importance.

35. To his knowledge, there was no rule of international law prohibiting the invitation of experts and non-governmental organizations to international conferences, and there was no reason why previous practice should not be modified in the light of current needs.

36. There was no express definition of the term "international conferences" in Article 62 of the Charter. The Sixth Committee had just decided, however, that the United Nations had the capacity to bring international claims; that had been done in the absence of any express provision in the Charter to that effect. A similar step could be taken at the present juncture.

37. Mr. MAKTOŠ failed to see why an international conference of possibly fifty States should lose its character and no longer fall into the category of international conference merely because it was also attended by a handful of experts or non-governmental organizations.

38. The French representative's reference to Article 71 appeared irrelevant; there was no reason why the Economic and Social Council, after consulting with non-governmental organizations, should not invite them to attend a conference at which some action directly concerning them might be taken. Similarly, Article 62, paragraph 1, merely authorized the initiation of studies and reports. If, after such studies and reports had been prepared, the Council found it necessary to invite the experts who had prepared them to a conference, it was logical that the Council should be able to do so.

39. Warning the Committee against too restrictive an interpretation of the Charter if not juridically necessary, he urged the adoption of a liberal interpretation.

40. While the question of financing the conference was of secondary importance, the United States had submitted an amendment (A/C.6/L.63)<sup>2</sup> to draft rule 5 which would bring that provision into accord with the Charter. In his opinion, the present draft violated the Charter. He would deal with that subject at a later time.

41. Mr. MAKTOŠ drew attention to the fact that the USSR amendment<sup>3</sup> to draft rule 1 also eliminated the phrase, "after consultation with the Secretary-General and the appropriate specialized agencies", which appeared both innocent and useful in view of the fact that the result of such consultation might be to make it clear that the conference should be called not by the Economic and Social Council but by some other organ of the United Nations.

<sup>2</sup> See the Summary Record of the 195th meeting, paragraph 44.

<sup>3</sup> See paragraph 22 above.

<sup>1</sup> See paragraph 22 above.



42. The United States delegation would vote in favour of draft rule 1, as submitted.

43. Mr. FERRER VIEYRA (Argentina) stated that, in the view of his delegation, the Economic and Social Council could at any time call a conference of States, but that it could call conferences of experts and non-governmental organizations only after consultation with the Governments of Member States. He therefore thought that draft rule 1 and the USSR amendment to it could be reconciled by stating that Governments should be consulted before conferences composed entirely of experts or non-governmental organizations were called. To that effect, he would submit a written amendment to draft rule 1 as follows (A/C.6/L.76):

"The Economic and Social Council may at any time decide to call an international conference of States, and, after consultation with Member States, conferences of experts or non-governmental organizations, on any matter within its competence provided that, after consultation with the Secretary-General and the appropriate specialized agencies, it is satisfied that the work to be done by the conference cannot be done satisfactorily by any organ of the United Nations or by any specialized agency."

44. Mr. MAÚRTUA (Peru) remarked that the USSR amendment (A/C.6/L.72) unduly restricted the scope of international conferences by limiting them to conferences of States on any matter within the competence of the Economic and Social Council in those cases in which the work could not be done successfully by the United Nations or by the specialized agencies. Such conferences could also be called on any subject of interest to all States, or on regional questions, whether or not the same work could be performed by the United Nations. However, it should be considered whether there was a possibility of preventing such conferences when they would duplicate work done by United Nations conferences.

45. Mr. CHAUMONT (France) said, in reply to the objections raised to his preceding statement<sup>1</sup>, that the rules of procedure of the Economic and Social Council contained no provision permitting the calling of international conferences of experts or non-governmental organizations. In view of the fact that rules 78 to 81 inclusive of the Council's rules of procedure outlined in great detail the Council's relationship with the various non-governmental organizations, such an omission could only be explained by the fact that the Council was not empowered under Article 62, paragraph 4, of the Charter to call conferences of non-governmental organizations. If, on the other hand, the Council were to be permitted to call conferences in which States, experts and non-governmental organizations participated jointly, the draft rules before the Committee would be inadequate to determine the powers of each. Draft rule 3, which stated that the Council should determine the extent of the participation of States, experts and organizations, was extremely vague; it was not even clear whether all of them would have the right to vote. On the one hand, an individual expert might find himself on the same footing with the representative of a State. On the other hand, the rule opened the door to discrimination, not only between the three categories of those

attending but also between the representatives of different States. It was impossible, on so vague a basis as that presented by draft rule 3 to accept attendance of representatives of Governments and private individuals on a footing of equality at conferences which might be of great political or economic import.

46. In reply to a question by Mr. MATTAR (Lebanon), Mr. FELLER (Secretariat) stated that, under draft rule 1, the Economic and Social Council would be empowered to call conferences of States alone, of experts alone, of organizations alone, or of all three jointly, and had in fact already called a conference of experts only.

47. Mr. MATTAR (Lebanon) stated that, in that case, he agreed with the USSR representative. Conferences composed only of experts or organizations and excluding States could not properly be termed international conferences. He was consequently unable to accept draft rule 1 and would support the compromise amendment (A/C.6/L.76)<sup>2</sup> suggested by the Argentine representative.

48. Mr. ORIBE (Uruguay) observed that the objections raised by the French representative in his last statement<sup>3</sup> applied only to mixed conferences. Surely in such conferences, composed chiefly of States but attended also by a few experts and non-governmental organizations, the Council could be permitted to determine the extent of participation of the latter two.

49. By accepting the advisory opinion<sup>4</sup> of the International Court of Justice on the subject of international claims, the Sixth Committee had recognized that international organizations, as well as States, were the subjects of international law. Consequently, a conference composed exclusively of international organizations should also be regarded as an international conference, and the same reasoning would apply to conferences of experts, which could also be considered subjects of international law. He could not help feeling that the interpretation of the term "international conferences" given by the representative of the USSR was too conservative.

50. Mr. MAÚRTUA (Peru) inquired whether a conference of experts would be composed of governmental appointees possessing expert knowledge or of private persons chosen for their personal qualifications. If the first were the case, the conference could properly be considered one of States.

51. Mr. FELLER (Secretariat) replied that under draft rules 1, 3 and 6, it was the Economic and Social Council which determined in what manner invitations to experts would be issued. In the case of the one conference already called by the Council — the United Nations Conference on the Conservation and Utilization of Resources — experts had been invited in their personal capacity. The Council would be free to follow that method again or to ask experts to be nominated by Governments or by organizations.

52. Mr. MAKTO (United States of America) said with regard to the observations of the representative of France that it was frequently necessary to interpret the Charter in the light of need

<sup>1</sup> See paragraphs 27 to 32 above.

<sup>2</sup> See paragraph 43 above.

<sup>3</sup> See paragraph 45 above.

<sup>4</sup> See *I.C.J. Reports*, 1949, page 174.

and common sense. Thus, there had been no express provision in the Charter that the United Nations could present international claims. Yet, the Committee had decided to uphold the Court's advisory opinion to that effect based on an interpretation of the Charter. The view taken by the French representative would tie the hands not only of the Economic and Social Council but of the United Nations itself.

53. If the Council was to be given the power to call conferences of States, why be afraid to authorize it to invite experts if it so desired? The Council was an organ composed of representatives of Governments who, although limited in number for reasons of expediency, would reflect the wishes of their own Governments and of all Members of the United Nations. Consequently, the Council's decision would represent the will of States and would be based on common sense.

54. Regarding the question of mixed conferences, he pointed out that that part of draft rule 3 to which the representative of France had referred raised a different problem, which was not who should be invited to conferences, but what the powers of those invited should be. The French representative had felt that experts should not be invited because the extent of their participation had not been determined. Under draft rule 3, however, the extent of their participation would be determined by the Council which, composed as it was of representatives of Governments, would surely not give individual experts at such conferences equal rights with States, unless that were absolutely necessary. Consequently, the apprehensions of the representative of France were unfounded. If his views were carried to their logical conclusion, no action would ever be possible in the United Nations unless the minutest details were worked out.

55. Mr. MAKTOS therefore felt that the Council should be permitted to convoke conferences of experts, non-governmental organizations or States if it considered them to be necessary and desirable.

56. Mr. ABDON (Iran) noted that the draft rules (A/943) before the Committee permitted the Council to call international conferences of experts. He wished to know, in that connexion, the difference between conferences composed exclusively of experts and the commissions of experts which the Council could establish under Article 68 of the Charter.

57. The CHAIRMAN replied that the question involved interpretation of the Charter, and that no individual interpretation in the matter could be authoritative. The Secretariat might be consulted, however, on what was intended under draft rule 1.

58. Mr. FELLER (Secretariat) stated that, in the practice of the Economic and Social Council, the Commissions set up under Article 68 of the Charter were of limited membership. They advised the Council and, as in the case of the Commission on Human Rights, prepared instruments and reports to the Council, some of which were then transmitted to the General Assembly for further action. The one conference of experts already called by the Council — UNSCCUR — had been characterized by wide participation and terms of reference. It had been devoted exclusively to an exchange of scientific information and views; and had adopted no resolution.

59. The Council had utilized that conference for a purpose quite different from that for which it utilized its Commissions.

60. Mr. FAWCETT (United Kingdom) stated that he would support draft rule 1 in its present form. He noted that the Council, the organ most directly concerned, had decided that the rule was desirable. There was no reason to upset that decision except the restrictive interpretation of the Charter given by the USSR representative — and he agreed with the Chairman that no individual interpretation of the Charter could be valid — an interpretation which, in the present case, would defeat the purpose of Article 62 as a whole and frustrate the efforts of the Council to give effect to Chapter X of the Charter. It would be almost absurd to limit the powers of the Council to calling conferences of States alone when a conference of experts or non-governmental organizations would be more effective. There was no international tradition that international conferences could consist of States only; many conferences composed of experts had been called international. Therefore, the expression "international conferences", as used in Article 62, paragraph 4, of the Charter, should be given its normal meaning. The provisions of Article 71 constituted no reason to the contrary, because they provided for consultation between non-governmental organizations and the Council, whereas conferences of the nature discussed would represent consultation among non-governmental organizations themselves.

61. With regard to the amendment (A/C.6/L.76)<sup>1</sup>, proposed by the representative of Argentina, he saw no reason for a consultation of Governments before the calling of a conference. Non-governmental organizations existed and operated independently and on their own funds, and would continue to hold conferences whether or not Governments and the Council participated.

62. Furthermore, in considering the rule, it should be pointed out that the main task of the Council under the Charter was to act as a clearing-house for the work of non-governmental and inter-governmental organizations, which would be improved if supervised and co-ordinated by the Council. The latter should therefore be given wide powers to effect such co-ordination. That in no way meant, however, that the Council had dictatorial powers over non-governmental organizations and could determine what conferences they should or should not hold.

63. Mr. KORETSKY (Union of Soviet Socialist Republics) disagreed with the United States representative, and pointed out that there should be clarity in the matter of the calling of conferences. First, it was necessary to consider for what purposes conferences were to be called, and next, what composition would help them to carry out those purposes and to assist the Council in its work. The representative of France had given an excellent analysis of the pertinent Articles of the Charter and had shown that, in accordance with the letter and meaning of the Charter, only States could be invited to conferences.

64. The purpose of the Council in calling a conference was not to obtain information from experts or non-governmental organizations but to carry out concrete measures in the fields within its juris-

<sup>1</sup> See paragraph 43 above.

diction. Thus, conferences might be called for the preparation of conventions, which would have to be signed by States. It was clear, therefore, that such conferences should be composed of States.

65. The representatives of the United States and the United Kingdom had construed the word "international" as referring to "nationality" rather than "State". The correct meaning of "international conferences", however, was inter-State conferences and not conferences in which a number of nationalities were represented.

66. The Council would not be wasting its time by dealing with States directly. When it merely wanted consultation on a question, it had other methods open to it under other Articles of the Charter.

67. The United States representative had pleaded that the Council should be given a free hand, and the Uruguayan representative had called the view<sup>1</sup> of the representative of the USSR conservative. If to be conservative meant to be anxious to protect and conserve the Charter against those who wished to exceed and destroy its provisions, then Mr. Koretsky could be so considered.

68. The United States representative had confused the issue when he had accused the USSR representative of being opposed to the presence of a few experts at a conference attended by a large number of States.<sup>2</sup> An international conference could, of course, be attended by any number of experts sent by their Governments in an official

or advisory capacity and whose presence would not affect the essential nature of the conference. The point at issue, however, was whether the Council should call international conferences composed exclusively of experts. Mr. Koretsky strongly objected to such conferences; they would be contrary to the Charter, which used the term "international conferences" in the sense of conferences of States.

69. He did not object to the establishment of commissions, such as the Commission on Narcotic Drugs, which were composed of experts. Such bodies, however, had never been called international conferences.

70. With regard to the question of mixed conferences, he pointed out that any organ of the United Nations could be attended by experts or representatives of specialized agencies or non-governmental organizations in an advisory capacity. But that would not imply that its composition was mixed. The same applied to international conferences.

71. Consequently, he felt that, in principle as well as for reasons of logic and practicability, international conferences should be composed of States alone. Non-governmental organizations and individual experts might, however, attend in a consultative capacity.

72. In conclusions, Mr. Koretsky reserved the right to speak on the Argentine proposal later.

The meeting rose at 1.10 p.m.

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<sup>1</sup> See paragraph 25 above.

<sup>2</sup> See paragraph 37 above.

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<sup>a</sup> See document E/AC.28/SR.29.