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*Chairman: Mr. Selim SARPER (Turkey).*

***Welcome to the representative of Japan***

1. The CHAIRMAN welcomed Ambassador Kase, representative of Japan, who was taking his place in the Special Political Committee for the first time. He was sure that he was voicing the feelings of the Committee in saying that Japan would make an important contribution to the work of the United Nations. On his own behalf, he wished to express a feeling of warm friendship for Japan and his personal admiration for Mr. Kase.

2. Mr. KASE (Japan) thanked the Chairman for the compliments to his country, and said that his delegation was prepared to take an active part in the work of the United Nations.

**AGENDA ITEM 64**

**Draft convention concerning a system of consultation (A/3201, A/SPC/L.1) (continued)**

3. Mr. STRATOS (Greece) thought that there were both advantages and disadvantages to the draft Convention concerning a System of Consultation submitted by the Argentine delegation (A/3201). Argentina had been led to propose the institution of a system of consultation on a world-wide scale by the effective operation of similar machinery within the framework of the Organization of American States. But the draft before the Committee was rather vague, for it was not clear whether a new organ was to be set up, or whether States were merely being invited to sign a convention on consultation. If the object of the Argentine proposal was to set up a new organ, its value was not clear, as the United Nations already served in that capacity and had at its disposal organs appropriate for the maintenance of international peace and security. If the purpose was to set up an organ purely for purposes of consultation, it might happen that in an emergency neither the Security Council nor the General Assembly would be able to play their part.

4. A thorough study of the question raised by the Argentine delegation could hardly be carried out at present. But it might be wondered why the system of consultation had operated so satisfactorily in the case of the organization of American States. The answer was simple: it was because that Organization was a regional organization. The "region" in question was indeed enormous, but the countries within it all had common interests and similar ideals. It would accordingly seem

better to apply the system of consultation at the regional rather than at the world-wide level. In that connexion, it must be pointed out that Article 52 of the United Nations Charter provided for the existence of regional arrangements as agencies. In the event of a dispute, the parties to regional agreements could consult each other, and if necessary convene a conference and seek a settlement. If that failed, they could bring the dispute before the United Nations.

5. He was prepared to support any proposal for a study of the draft Convention. Such a study might be entrusted to the Special Committee proposed in the draft resolution (A/SPC/L.1), or to an existing committee. In any case, the idea of a system of consultation should be considered primarily from the point of view of regional arrangements.

6. Mr. ZARUBIN (Union of Soviet Socialist Republics) commented on the Argentine draft resolution and the draft Convention concerning the System of Consultation, which he had studied with care.

7. According to the explanatory memorandum (A/3201) a system of consultation should be instituted because "the community of nations lacked machinery to permit consultations to be held among them, or by all jointly, with the necessary speed and efficiency when a situation arose which was likely to endanger international peace or security". In his delegation's view, the argument was based on inaccurate assumptions; the United Nations certainly provided the necessary machinery which operated through the General Assembly and the Security Council. Article 24 of the Charter provided that: "in order to ensure prompt and effective action by the United Nations, its Members confer on the Security Council primary responsibility for the maintenance of international peace and security". It was true that the Security Council and the General Assembly had sometimes been unable to take political decisions in keeping with the purposes and principles of the Charter; but that situation had arisen because certain States had tried to use the United Nations in their own interests rather than in those of the maintenance of international peace and security, and not because the existing system was inadequate. There was no need to set up any special procedure to remedy that state of affairs. All that was needed, was to follow the procedure laid down by the Charter, which was perfectly adequate, and, particularly in the case of the Security Council, to enforce strict respect for the principle of the unanimity of the permanent members.

8. The Argentine proposal would tend to replace the existing system by a new one and to diminish the powers conferred by the Charter on the Security Council and the General Assembly. That opinion would be confirmed by a study of the functions to be entrusted to the consultation system.

9. According to the draft Convention any State could, if it deemed it advisable, call a meeting of all the States of the world to consider situations likely to endanger

international peace or security. Such consultations might lead to a settlement, which would mean that there was no need to submit the dispute to the Security Council or the General Assembly. Thus international disputes could be examined within the general framework of the United Nations, without being brought before the Security Council or the General Assembly.

10. The Argentine proposal had accordingly nothing new in substance and was reminiscent of certain other previous attempts. But the form of what it was proposing was different, namely that of a convention. An effort had been made to create the impression that it was in conformity with the Charter and had a legal basis, so that it should not be treated in the same way as those requests for revision of the Charter which had been made at the previous regular session of the Assembly. But the creation of a new procedure for the settlement of international disputes would obviously entail revision of the Charter. The proposed Convention would be binding only upon the States parties to it. Article 103 of the Charter provided that in the event of a conflict between the obligations of the Members of the United Nations under the Charter and their obligations under any other international agreement, their obligations under the Charter should prevail. Thus, any obligations assumed by States before the Charter had come into force that were contrary to the provisions of the Charter, and any such obligation they might have assumed subsequently that was contrary to the Charter, for example those assumed as a result of signing the draft Convention on a System of Consultation, would have no legal validity. The fact that the Argentine proposal referred to the conclusion of a convention did not give it a legal basis.

11. Article 52 of the Charter sanctioned the existence of regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as were appropriate for regional action, provided that such arrangements or agencies and their activities were consistent with the purposes and principles of the United Nations. The Argentine draft Convention picked out one of the means provided for in that article for the pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council. However, it should be noted that Article 52 did not in any way affect the application of Articles 34 and 35 which confirmed the responsibility of the Security Council in matters relating to the maintenance of international peace and security.

12. In the case in point, the draft Convention proposed by Argentina would give universal application to a procedure which was valid for local disputes, and would prevent the Security Council and the General Assembly from being seized of important questions. At best, the decisions taken during the meetings of consultation referred to in articles 3 and 4 of the draft Convention would prejudice the decision of the United Nations. The provisions of article 5 of the draft Convention, whereby the consultation procedure would not be applicable if the situation in question was being considered by the Security Council or the General Assembly, did not remove that objection.

13. The same held good of that part of the explanatory memorandum which emphasized the need for States to be able to meet round a table in order to try to settle a dispute. The USSR delegation felt that the idea was already implicit in the Charter and had already given excellent results, as in the case of the conference held

in Geneva in 1954. However, to engage in such procedures there was no need to conclude an international convention which, moreover, as article 3 of the draft Convention showed, would enable any signatory State to take part in the discussions being held by the parties directly concerned.

14. Moreover, the proposed machinery could not form part of the general United Nations system because it was in contradiction with the basic provisions of the Charter. Thus, the procedure of consultation, instead of securing the speedy settlement of international disputes, would diminish the prestige of the Security Council and the General Assembly, would cause delays and would reduce the Organization's effectiveness. It was not mere chance that the Charter prescribed the procedure which alone could make it possible to settle problems relating to the maintenance of international peace and security.

15. The USSR delegation could not, therefore, accept the draft Convention (A/3201) concerning a System of Consultation, nor the Argentine draft resolution (A/SPC/L.1).

16. Mr. SHARIF (Indonesia) paid a tribute to the praiseworthy intentions of the Argentine Government. The consultation procedure envisaged in the draft Convention submitted by Argentina was based on the system of consultation initiated in 1928 by the International Conference of American States on Conciliation and Arbitration, and embodied in 1948 in the Charter of the Organization of American States. The system had proved successful and other groups, such as the North Atlantic Treaty Organization (NATO) and the signatories of the Warsaw Treaty, had adopted it. Those Asian countries which had won their independence after the Second World War were not disinterested in systems of consultation and had followed so far an "unwritten" convention for consultation at the Colombo Conference in 1954, the Bandung Conference in 1955, and quite recently at the meeting at New Delhi in 1956 in which the Prime Ministers of Burma, Ceylon, India and Indonesia had taken part.

17. The Indonesian delegation had studied the draft resolution submitted by Argentina in that same spirit. From its preliminary survey it had concluded that certain aspects of the question, in particular the legal aspects, should be studied in greater detail. The Argentine delegation had itself recognized in its draft resolution that a study of that kind could not be carried out with adequate thoroughness during the present session. In principle, therefore, the Indonesian delegation would support any proposal which would make it possible to proceed at leisure to a complete study of the matter, leaving it to the Committee to decide whether that study should be carried out by the special committee provided for in the draft resolution or, in view of its many legal aspects, by the special committee set up by the General Assembly, at its sixth session, or by a joint committee of the Special Political Committee and of the Sixth Committee, provided for in paragraph 1 (d) of the General Assembly's recommendation as given in Annex II to its rules of procedure.

18. Mr. O'BRIEN (Ireland) recognized that the Argentine proposal was inspired by a sincere desire to make the United Nations a more effective instrument for the maintenance of international peace. However, the Irish delegation doubted whether the proposal measures were likely to attain that objective. Free negotiations between the parties to a dispute were the normal method of securing a settlement of the dispute and the

maintenance of peace. It would not appear that a convention of the kind proposed by the Argentine Government could facilitate that procedure. If the parties concerned had decided to negotiate, there was nothing to prevent them. If they were unwilling to do so, the United Nations could do very little, either with or without a convention.

19. Some delegations felt that even if the draft resolution could not achieve any important results, it could at least do no harm, and nothing would be lost if it was adopted. The Irish delegation did not agree. The United Nations was at the moment the object of sharp criticism in many countries because of its ineffectiveness in regard to the situation in Hungary and the General Assembly should not therefore, at the present moment give new ammunition to its critics by adopting somewhat impractical and visionary resolutions. If the Committee saw fit to approve the Argentine draft resolution, the Irish delegation would not oppose it, but it felt that the Committee ought to bear in mind the possible repercussions of such a decision on a critical world opinion.

20. Mr. BELLO (Argentina) recognized that the question of the procedure on consultation could not be dealt with as a whole at the present session of the General Assembly. That was why the Argentine delegation had proposed the establishment of a special committee which would study the matter in the light of the experience of the United Nations. Argentina had wished to submit a constructive proposal for the maintenance of international peace and security. The object should be, not to establish a new organ of the United Nations, as some representatives had claimed, but a system which would facilitate the settlement of international disputes.

21. The Secretary-General himself had emphasized, in the introduction to his annual report on the work of the Organization (A/3137/Add.1) the advantages of such a system, which was moreover in the spirit of Article 33 of the Charter, whereby the parties to any dispute should, first of all, seek a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice. It was in that spirit that the Argentine Government had submitted its draft Convention concerning the Procedure of Consultation. It had never been its intention, as some delegations had charged, to diminish the prerogatives of the Security Council and the General Assembly. Its only purpose was to strengthen the effectiveness and the prestige of the United Nations as an instrument for the maintenance of international peace.

22. The Argentine delegation would not object if its proposal was made subject to the procedure provided for in resolution 684 (VII) of the General Assembly, or if it was referred, as the Philippine representative had proposed, to the International Law Commission. However, it still believed that the best method would be to place the draft Convention before a special committee which would study it in the light of the experience gained from present international disputes, and bearing in mind those which might occur in the future.

23. Mr. MALOLES (Philippines) referring to the misgivings he had voiced at the 3rd meeting regarding the legal aspects of the question, said that after careful consideration he was convinced that the Argentine draft Convention had a sound juridical basis. The draft fitted

perfectly into the framework of Article 33 and Article 36, paragraph 2 of the Charter. With regard to the procedure for examining the draft Convention, he recalled that, with regard to the drafting of legal texts, the Special Committee on Methods and Procedures of the General Assembly had strongly recommended that small drafting committees should be resorted to whenever possible. The Argentine proposal that a special committee should be set up to study the draft Convention was in line with that recommendation. His delegation would therefore vote in favour of the Argentine draft resolution (A/SPC/L.1).

24. Mr. AZKOUL (Lebanon) said that his delegation was especially interested in the Argentine proposal since it had itself submitted to the Interim Committee of the General Assembly a draft (A/AC.18/15) designed to meet the same needs, which provided for the establishment of a permanent committee of conciliation. When the special committee proposed in the Argentine draft resolution examined the Argentine draft Convention (A/3201) it could take the Lebanese draft as a basis and refer to the discussions that had been held on that subject.

25. His delegation wholeheartedly approved of the spirit and purpose of the Argentine draft Convention but considered that it needed very careful study for as it stood it presented certain dangers.

26. Article 2 provided that any of the States Parties could convene a meeting of consultation. To allow a single State to exercise that right seemed rather dangerous; a different formula should therefore be found. Under article 3 not only all the States Parties but all States which considered that the situation affected them directly could attend the meeting; in other words, States would be free to decide whether the issue concerned them. There was reason to fear that some States which were not directly affected might wish to attend a meeting of consultation, not in order to facilitate negotiations but to hinder them. Article 4 presented a similar danger: although neither the number of participating members nor the number constituting a quorum was specified, the States Parties which were affected or claimed to be affected, could take a decision. There would be, then, not merely consultation but a decision which the States participating in the meeting would be empowered to offer informally to the Parties in question or officially to the United Nations. In that way it would be possible for a group of States to bring a question before the General Assembly. As those States would constitute a recognized group, vested with a certain authority by the Convention, that provision raised a delicate political question, for the group might represent a way of infringing the authority of the General Assembly, which should consider only questions submitted by its own Members. With regard to article 5, it would probably be advisable to prescribe that the procedures provided in the Convention could not be applied in cases where the parties concerned had embarked upon direct consultations among themselves.

27. He had another more general comment to make. The Argentine delegation had apparently been impressed by the fact that the proposed procedure functioned satisfactorily in certain cases (the inter-American system, NATO, the Warsaw Treaty). It was impossible, however, to draw a general conclusion from such examples, for in each of the cases mentioned the countries composing the groups were linked by established and harmonious ties. The situation would be different in the case of a world group whose members had different

points of view, objectives and interests. The proposed procedure might perhaps be useful, but the question should be given very careful study. It would therefore appear to be essential, as indeed the Argentine draft resolution provided, that the proposed special committee should study the draft Convention "and other methods and procedures which may emphasize the role of the Organization as an instrument for negotiation of settlements of international disputes". For its study of those methods and procedures, it would be useful for the committee to refer to the records of the Interim Committee regarding the peaceful settlement of disputes.

28. Mr. JOUBLANC RIVAS (Mexico) said that he saw no danger in the Argentine proposal, which he considered to be completely compatible with the principles of the Charter. The proposed System of Consultation had been successfully applied in the American republics and there was therefore reason to believe that similar results might be achieved on a world-wide basis. Nevertheless its application might give rise to legal and practical difficulties and it should accordingly be submitted to a very thorough study by a special committee, as the Argentine draft resolution provided. His delegation would vote in favour of the draft resolution.

29. Mr. KASE (Japan) said that he had not had time to study the draft Convention in detail but he approved of the step the Argentine delegation had taken. He considered that the draft Convention was worthy of consideration and that the best course would be to refer it to a special committee for study. He hoped that the

draft resolution would not be put to the vote immediately, so that he would be able to obtain instructions from his Government.

30. The CHAIRMAN said that delegations would be allowed some time before the draft resolution was put to the vote, so that they could obtain instructions from their Governments.

31. Mr. DE LOJENDIO (Spain) considered that the Argentine proposal was based on a very important idea. He would not discuss the proposal in detail, but merely sought clarification on one point. The Argentine draft Convention provided for the establishment of a body along the lines of the conference of foreign ministers of the American republics. That was a permanent body; he wondered what kind of body was contemplated in the draft Convention. If all countries were members and it was a permanent body, it would be analogous to a United Nations assembly or committee.

32. Mr. BELLO (Argentina) explained that his delegation had wished to propose a means of negotiation, a procedure which might facilitate the settlement of certain international disputes. Consequently, the new body would not be permanent; if it were, it might affect the structure of the United Nations. What his delegation had in mind was the possibility of convening a provisional body in certain cases, for the examination of a particular dispute; when the dispute was settled the body would cease to exist.

The meeting rose at 4.55 p.m.