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Chairman: Mr. Alexis KYROU (Greece).

**The Conciliation Commission for Palestine and its work in the light of the resolutions of the United Nations (A/2184, A/2216 and Add.1, A/AC.61/L.23/Rev.3, A/AC.61/L.25, A/AC.61/L.26/Rev.1, A/AC.61/L.27, A/AC.61/L.28) (*continued*)**

[Item 67]\*

1. Mr. MOE (Norway) introduced a revised text (A/AC.61/L.23/Rev.3) of the eight-Power draft resolution which his delegation had co-sponsored. The new draft had emerged after consultations with the movers of the various amendments to the original text, who had been satisfied that it incorporated their proposals and were therefore prepared to withdraw them. The parties directly concerned had been informed of the progress of the consultations, as had the Member States represented in the Conciliation Commission for Palestine and the sponsors of the four-Power draft resolution (A/AC.61/L.25). A comparison of the new text with the original eight-Power draft resolution would show that no attempt had been made to impose any preconceived ideas; on the contrary, the primary objective of the consultations had been to achieve genuine harmony between the various points of view and the specific proposals which had been put forward in the course of the debate. The movers of amendments were to be commended upon the substantial degree of agreement reached.

2. The first paragraph of the preamble of the revised text incorporated point 1 of the Chilean amendment (A/AC.61/L.26/Rev.1) and part of point 2 of the five-Power Latin-American amendment (A/AC.61/L.27). The second paragraph of the preamble covered the reference in the latter amendment to previous General Assembly resolutions as well as the similar mention in the Peruvian amendment (A/AC.61/L.28).

\* Indicates the item number on the agenda of the General Assembly.

The term "existing resolutions" referred to those which had been intended to have permanent effect and significance as part of a peace settlement, not to those of a purely temporary nature.

3. Paragraph 1 of the operative part embodied the suggestion made in both the five-Power Latin-American amendment and the four-Power draft resolution. Paragraph 2 took up point 3 of the Chilean amendment and rephrased the corresponding passage of the original eight-Power text in more positive terms. While paragraph 3 was simply a restatement from the original draft, it was in respect of paragraph 4 that there had been the greatest difficulty in harmonizing the various views. Paragraph 4 had emerged as a result of a supreme effort to resolve the crux of the debate: Israel's desire for unfettered negotiations juxtaposed to the desire of the Arab States that the negotiations should be based on the implementation of past General Assembly resolutions. Taking into account the relevant points raised in the Chilean and joint Latin-American amendments, the eight co-sponsors had agreed on the expanded text set forth in A/AC.61/L.23/Rev.3. That text included three new features: the principle that the direct negotiations should be without prejudice to the respective rights and claims of the parties, and reminders that the principal objectives of the United Nations in the Palestine question and the religious interests of third parties were to be kept in mind.

4. Paragraph 5 of the operative part, which had actually been based on paragraph 4 of the four-Power draft resolution, should be understood to mean that the Conciliation Commission remained available to both parties for assistance in the negotiations, if so desired. It also reflected point 3 of the five-Power Latin-American amendment. Operative paragraphs 6 and 7 reproduced the contents of point 4 of the latter amendment. The submission of progress reports by the Conciliation Commission had been provided for in paragraph 13 of General Assembly resolution 194 (III). In the past,

they had been submitted at irregular intervals at the Commission's discretion. There was nothing in the revised draft to preclude consideration of an agenda item concerning the Commission's report either at the eighth session, as the sponsors of the four-Power draft resolution had requested, or at any other time, if any delegation should so request.

5. Mr. MOE explained how the four-Power draft resolution, with the exception of its paragraph 3, had been taken fully into account. The exception had been made because in its most recent report, the Commission for the first time had been in a position to report concrete progress. In lieu of paragraph 1 of the four-Power draft resolution, the revised text explicitly referred both in its preamble and operative part to existing resolutions of the General Assembly and the Security Council, to the principal objectives of the United Nations, and to the tasks entrusted to the Conciliation Commission under Assembly resolutions. It was understood that the movers of the four-Power draft were prepared to delete its paragraphs 5 and 6.

6. The eight co-sponsors had tried to render the revised text as neutral as possible. As the Conciliation Commission had done previously, they appealed to the parties to initiate and conduct direct negotiations without prior conditions. They feared that if such prior conditions were laid down, the negotiations would never get under way. As operative paragraph 4 expressly stated, neither of the parties was being asked to abandon its rights or claims; on the contrary, in the course of the negotiations, both were free to put forward whatever claims they considered justified. The sponsors of the revised draft were further encouraged in their hope that direct negotiations might bring about a settlement by the precedent of the negotiations which had resulted in the conclusion of the armistice agreements. At that time, the initial opposition had been overcome when the parties had entered into direct talks and had found it possible to reach agreement. They might make a similar discovery at the present stage, once negotiations had started. Their acquiescence to the eight-Power appeal would mean much for the peace of the Middle East and of the world.

7. The CHAIRMAN asked the movers of amendments to the original eight-Power draft resolution to confirm whether they were in fact withdrawing those proposals and were prepared to support the new revised text.

8. Mr. SOTO (Chile) commended the sponsors of the original eight-Power draft resolution upon the spirit of conciliation which had led them to seek an agreed text which would reflect the various points of view expressed during the debate, and hoped that the revised draft resolution would win the support of the parties directly concerned.

9. The core of the new text was paragraph 4 of the operative part. As it stood, the paragraph now met the requirements of all the movers of amendments and of the sponsors of the four-Power draft resolution. Read in the context of the whole draft resolution, in particular, together with the first paragraph of the preamble, it clearly specified that within the framework of the negotiations, the parties might take into account previous General Assembly resolutions, adhering not strictly to the letter of those decisions but rather to the

objectives which had led the United Nations to adopt them. Moreover, paragraph 4 protected the rights and claims of the parties and gave special attention to the religious interests of third parties. Thus, from the practical point of view, given the full co-operation of the parties, the revised draft resolution should prove to be the most effective method for achieving a solution.

10. The Chilean representative appealed to the parties to prove that they were not obstinate, to eschew dilatory actions, and in the same spirit of conciliation which had moved the Chilean delegation and all those who had contributed to the elaboration of an agreed formula, to accept the revised draft resolution as the most effective means of restoring peace in the Middle East and ensuring the progress of the peoples of that area. Chile supported the new text and withdrew its amendment (A/AC.61/L.26/Rev.1).

11. Mr. FOURNIER (Costa Rica) withdrew the five-Power Latin-American amendment (A/AC.61/L.27) on behalf of the sponsors. Its purpose had been to counteract the notion that all previous General Assembly resolutions were to be disregarded in the proposed negotiations and to reaffirm United Nations competence in the matter. The revised draft resolution recognized existing United Nations resolutions and promoted direct negotiations, bearing in mind the principal objectives of the Organization on the Palestine question, without restricting too much the freedom of action of the negotiating parties. Any injunction on the parties to adhere to the letter of the resolutions would impose unduly rigid criteria upon them and make direct negotiations impossible. The new text left the authority of the United Nations intact, protected the rights and claims of the parties and the religious interests of third parties and ensured respect for the principles of the Charter. No fairer terms could have been provided as a basis for negotiation.

12. Mr. Juan B. DE LAVALLE (Peru) withdrew his amendment (A/AC.61/L.28) to the original eight-Power draft resolution because it had been satisfactorily embodied in the revised text, as the Norwegian representative had so clearly explained. It was to be hoped that the parties directly concerned would approach the peaceful settlement of their differences in the same conciliatory spirit which had guided the groups of countries that had reached agreement on the revised draft resolution.

13. Mr. JOHNSON (Canada) said that the Committee would recall that the United States representative had said, when reviewing the work of the Conciliation Commission at the 28th meeting, that none of the parties had accepted the plan put forward by the Conciliation Commission in Paris in September 1951 and that the Commission had been disappointed that no counter-proposals had been made by either side to serve as a basis for negotiations in the ordinary sense of the term.

14. The representative of Israel, however, had now outlined (29th meeting) a possible peace settlement which might be described as a formulation of Israel's counter-proposals for which the Conciliation Commission for Palestine had asked.

15. While Israel had thus given the Committee its counter-proposals, the Arab representatives had re-

affirmed the offer which they had first made in Paris in January 1952, to enter into direct negotiations with Israel if the latter would accept previous General Assembly resolutions as a basis for negotiations.

16. At the 30th meeting he had asked the Arab delegations whether they would be willing to specify to the *Ad Hoc* Political Committee which resolutions of the United Nations organs and which paragraphs of those resolutions they would prefer to use as a starting point for direct negotiations.

17. The representative of Iraq (35th meeting) had given a succinct answer to his question and the representative of Syria (35th meeting) had classified the various resolutions on Palestine which had been adopted by the organs of the United Nations since April 1947.

18. Only five General Assembly resolutions out of the many United Nations resolutions on the various aspects of the Palestine question were now regarded by the Arab States as pivotal to the proposed negotiations. The last three of those resolutions served chiefly to confirm the first two, namely, General Assembly resolution 181 (II) adopted on 29 November 1947 and resolution 194 (III) adopted on 11 December 1948. The representative of Syria had defined the position even more clearly when he stated that only paragraph 11 of resolution 194 (III) together with resolution 181 (II) were now considered essential as a starting point for the negotiations. He had thus explained not only which resolutions and paragraphs were considered essential but why the choice had been made, and the Canadian delegation was most grateful to the representative of Syria for the trouble he had taken to reply to their question.

19. The *Ad Hoc* Political Committee was not a conciliation commission and there was a limit to what it could usefully do to draw the parties closer together with a view to creating an atmosphere in which direct negotiations could be undertaken. The Canadian delegation felt, however, that the Committee might go one step further before coming to a vote on the question and asked whether there was anything the Israel delegation would like to say at that point which would open the way to at least partial agreement on the usefulness of direct negotiations within the areas covered by the two specific General Assembly resolutions which the Arab States regarded as essential.

20. The Israel representative (20th meeting) seemed to feel that his Government's attitude to past resolutions of the General Assembly had not been completely understood by some members of the Committee. He had said at the time that his country did not wish to brush aside all past United Nations resolutions. Now that the Arab position with regard to the United Nations resolutions had been clarified the Israel representative might wish to add something further with a view to making it easier for direct negotiations to begin in accordance with paragraph 4 of the operative part of the revised eight-Power draft resolution. If so, he was sure that the Committee would be most interested to hear what the Israel representative had to say on that subject.

21. Mr. EBAN (Israel) said that after careful discussion within the Committee and informal consulta-

tions outside it, which had taken place by unanimous consent, the Committee had before it for final action a revised draft resolution the first attribute of which was the variety of opinion which it represented. Discussions in the Committee and elsewhere had shown that it reflected a policy fully acceptable to the Powers which had been charged with the conciliation effort and which had a special responsibility for the maintenance of peace and security in the Middle East.

22. The processes of free discussion had produced an extraordinary volume of agreement expressed in a form which all disinterested and neutral peace-loving States in the United Nations could conscientiously support. All who had followed the record of the debate would notice the complete conformity between the major themes of that discussion and the draft resolution now before the Committee. It was clear that the United Nations desired a directly-negotiated peace settlement between Israel and the Arab States and that it did not wish its past policies and objectives to be swept aside. On the other hand, it did not desire the peace negotiations to lack the flexibility and innovation which had marked all successful negotiations in political history. The eight sponsors of the draft resolution, the seven authors of the amendments and the States concerned with the security of the Middle East appeared to have found a precise balance between those considerations.

23. No government with a genuine sense of responsibility would wish to disturb that impressive result. Although his delegation would have supported the original draft, it would co-operate sincerely in the revised resolution in tribute to the processes of conciliation and mutual adjustment evinced by the entire neutral body of the United Nations.

24. Referring to the Canadian representative's observations, Mr. Eban said that the pledge undertaken included his country's readiness to recognize and respect the principal objectives pursued by the United Nations in the matter and to seek the means by which those objectives might yet be fulfilled in the context of his country's present situation. Israel would certainly consider that in the forthcoming negotiations, international measures to solve the refugee question, with full co-operation by his country and the Arab States, within the framework of a general international policy, should have a high priority of discussion.

25. The Israel delegation had also noted the phrase which had been inserted in the revised draft resolution to remind the Middle Eastern Governments of the overriding religious interests which had their home in the Holy Land. His delegation welcomed the reminder and would have that sacred concern constantly in its mind in the impending peace negotiations.

26. Although some of the Arab States' representatives might not appear to be ready to enter into peace negotiations, Mr. Eban was confident that within the ensuing year they would see the advantage to the entire region of establishing peaceful and normal relations between Israel, on the one hand, and Egypt, the Hashemite Kingdom of Jordan, Lebanon and Syria, on the other. He was also confident that reconciliation could be achieved within the framework of the draft resolution which fully conserved the vital interests of all the parties concerned.

27. There had been a similar occasion when the Security Council had been about to adopt resolutions, first calling for a transition from hostilities to a truce, and later from a truce to an armistice system. In each case those steps had been taken against the opposition and negative votes of the representatives of the Arab States. The United Nations had, nevertheless, gone ahead and within a few months the Arab States' representatives had been in full agreement with the actions which had been taken. The United Nations had thus written some of the proudest chapters in its history of conciliation. The Organization was again confronted with such a decision, except that the prize to be won by honest determination was not a mere truce or provisional settlement; it was peace and harmony, progress and a new birth of freedom across the land of Israel and the wide expanse of the Middle East.

28. In deference to that prospect, he would refrain from replying to the discordant words which the representatives of some of the Arab States had uttered against Israel's rights and honour. His delegation had reason to believe that the authentic voice of Arab statesmanship today was not faithfully represented by some of the more extreme utterances heard in the Committee. There was no doubt whatsoever that the resolution before the Committee would in time transform Arab-Israel relations.

29. The Israel Government regarded the draft resolution before the Committee as an adequate incentive to maintain and indeed to elaborate further the specific peace proposals which Mr. Eban had laid down before the Committee (29th meeting), not a single one of which had been rejected by any authoritative spokesman of the governments concerned.

30. The draft resolution in question prejudged no issue of substance between the parties. It was a victory only for the cause of pacific settlement itself. It was nothing but the Charter translated into contemporary Middle Eastern terms. In adding that draft resolution to the one already adopted for the urgent solution of the refugee problem (A/2246), the *Ad Hoc* Political Committee would make a most decisive contribution to the cause of peace in the Middle East. Israel would advance with humility and hope towards the negotiations which that draft resolution, which clearly represented the will of the majority in the Committee, would open up by its action.

31. Mr. SHUKAIRI (Syria) expressed appreciation of the statement made by the Canadian representative, to whose analysis of the fifty-four resolutions hitherto passed by the United Nations on the Palestine problem he had listened with attention. The Canadian representative had asked an extremely pertinent question when he had requested the Israel representative to give his observations on the statement made by the Arab representatives: that General Assembly resolution 181 (II) of 1947 and paragraph 11 of resolution 194 (III) of 1948 must be the starting point for direct negotiations. Israel's absolute failure to reply to that leading question was an indication of the attitude of the party with whom the Arab States were being urged to negotiate, and Mr. Shukairi hoped that no vote would be taken on the draft resolutions before the Committee until Israel had answered satisfactorily concerning the respect it held for those resolutions.

32. In reply to the statement made by the representative of Norway, Mr. Shukairi expressed appreciation of the ability revealed in them, and pointed out that he had believed his delegation to be meeting the Norwegian representative more than half way in declaring its readiness to accept direct negotiations on the basis of General Assembly resolutions. In doing so, it had had no intention of laying down conditions but had merely been emphasizing the attitude of the United Nations that its resolutions should be respected.

33. The Syrian representative then proceeded to make a detailed analysis of the revised joint draft resolution before the Committee.

34. He stressed, first of all, that the reference to Article 33 of the Charter in the first paragraph of the preamble was out of place. That Article applied only to fresh disputes, and the Palestine problem had been before the General Assembly since 1947. Furthermore, a solution had already been found and embodied in resolutions of the General Assembly, so that the problem was no longer the settlement of a dispute by peaceful means but the finding of ways to implement decisions already taken. Machinery for implementation, namely, the Conciliation Commission for Palestine, had also been set up under General Assembly resolutions. Resolution 194 (III) of 11 December 1948 had quite clearly instructed the Conciliation Commission to facilitate the repatriation of refugees, and the procedure laid down in paragraph 11 of that resolution was clearly independent of the agreement of the parties to the dispute. He begged the Committee to consider the fact that a solution had been found and that the time to seek a solution was therefore past.

35. Since the General Assembly had already, in its resolutions, made definite decisions concerning the repatriation and the resettlement of refugees, and the internationalization of Jerusalem, it was clear that none of those questions could be included in the "outstanding differences" referred to in paragraph 3 of the operative part of the revised joint draft resolution or the "questions outstanding" between the parties referred to in paragraph 5 of General Assembly resolution 194 (III). Those questions should therefore be considered as outside the dispute subsisting between the parties, otherwise the General Assembly would not have made a specific provision for them.

36. Several paragraphs of the revised joint draft resolution were substantially the same as parts of the previous year's General Assembly resolution 512 (VI). Mr. Shukairi referred particularly to the third paragraph of the preamble of the draft resolution and to paragraph 3 of the operative part. There was, however, one notable deletion which was so important that the draft resolution might be said to have lost with it the very corner-stone of its fabric and therefore to have collapsed. He was referring to the key phrase in resolution 512 (VI) which stated that the parties had the primary responsibility for settling their outstanding differences "in conformity with the resolutions of the General Assembly on Palestine". He did not feel the General Assembly resolutions could thus be lightly cast aside, and wondered what had led the Committee to change its attitude from that of the previous year.

37. With reference to paragraph 2 of the operative part of the draft resolution, he pointed out that all



signatories to the Charter had pledged themselves to refrain from acts of hostility, and that the Arab States and Israel had made similar pledges by adopting the armistice agreements. Whether the draft resolution was adopted by the Committee or not, the Syrian delegation declared its intention to refrain always from any act of aggression.

38. Mr. Shukairi felt that paragraph 4 of the operative part of the draft resolution was an unsatisfactory combination of fragments drawn from various amendments. There again the vital phrase "in conformity with the resolutions of the General Assembly on Palestine" had been omitted. He feared that such repeated deletion of that phrase from the draft might encourage the belief that the United Nations did not want a settlement in conformity with its own resolutions. On the other hand, he saw no need for inclusion of the phrase "bearing in mind the principal objectives of the United Nations on the Palestine question" because the United Nations must obviously always bear in mind its own objectives, and it made no difference whether the problem referred to Palestine, Korea or some other region of the world. He thought it was self-evident that parties would undertake negotiations without prejudice to their rights and claims, while the final reference to the religious interests of third parties appeared to him to have no meaning. If the United Nations was the third party, that should be explicitly stated, although he felt that the draft resolution would in that case be compromising the rights of the United Nations by exposing them to the negotiations of two parties. If the phrase did not refer to the United Nations, it was not at all clear to whom it referred, and in any case if the interests were simply to be "borne in mind" it was unlikely that they would be respected as a result of the draft resolution.

39. The Syrian representative drew the Committee's attention to the role of the Conciliation Commission as defined in General Assembly resolution 512 (VI). It had been said that it was the primary duty of the parties to come to an agreement and in the event of one or both parties proving totally intransigent, the United Nations would be reduced to adopting the attitude of a mere spectator. From resolution 194 (III) of 1948 and 512 (VI) of 1952, it was clear that the Conciliation Commission had been established for the purpose not only of conciliation but of implementation of General Assembly resolutions.

40. The representative of Norway had expressed the fear that the imposition of conditions would lead to a refusal by Israel to accept negotiations. If the Arab States would only negotiate on the basis of General Assembly resolutions, then, proceeding on the assumption that those resolutions constituted conditions, it might as well be said that there would be no negotiations at all. He saw no reason, however, why conditions should be waived for the sake of Israel and not for the sake of the Arab States, who were the parties endeavouring to submit an acceptable resolution.

41. Under the General Assembly resolutions, the Conciliation Commission had been instructed to facilitate the repatriation of refugees and to prepare a draft statute for the internationalization of Jerusalem. Mr. Shukairi recalled the Norwegian representative's statement (26th meeting) that the Committee should seek

a solution rather than a resolution. The Syrian representative felt that the revised joint draft resolution was not such a solution. He saw no reason why it should be based on the wishes of Israel rather than on the wishes of the Arab States. The latter were not opposing it on the grounds of their own desires, but on the grounds that the General Assembly resolutions should be respected, an attitude which Mr. Shukairi would have imagined to be in line with the policy of the United Nations. While respecting the motives of the Norwegian representative, he could only urge him not to produce a resolution which took into account the attitude of only one party to the dispute. That attitude might be criticized but it could never be said that it was inconsistent with United Nations resolutions.

42. The representative of Norway had cited the armistice agreements as a precedent for direct negotiations. Mr. Shukairi reminded the Committee that there had been many direct negotiations between the parties, both in connexion with the armistice agreements and with the unfreezing of blocked accounts belonging to refugees. But in each case the success of the negotiations and the very negotiations themselves, had been based on preliminary acceptance by both parties of a certain principle. In the absence of such agreement on principle, there could be no direct negotiations.

43. With regard to the three main questions outstanding between the parties, namely, the repatriation of refugees, the internationalization of Jerusalem and the cession of territory taken over by Israel as a result of military conquest, all the Israel authorities were agreed in refusing to accept the principles laid down in United Nations resolutions. In the face of such refusal, the Syrian representative did not see how the Arab States could be asked to enter into negotiations. The failure of the Conciliation Commission to carry out its task during the past four years was due not to the procedure adopted but to the refusal of the parties or rather one of the parties to find a common ground for agreement.

44. Mr. Eban, the representative of Israel, had stated that the parties should rise above the heat and dust of the controversy. Mr. Shukairi agreed with that view, but pointed out that the controversy, besides heat and dust, involved 80 per cent of a nation's people, uprooted and denied the elementary human right of living in their own country. He repudiated Mr. Eban's view that the adoption of the draft resolution would be a victory for pacific settlement. It would be rather a victory for the principle of brushing aside the resolutions hitherto adopted on the subject by the United Nations. The Arab people, for whom the establishment of the State of Israel had involved a great sacrifice, were now being asked to accept all that had been achieved. They had made every possible compromise.

45. The Syrian delegation had instantly responded to the Norwegian representative's appeal for negotiations, though it had insisted that those negotiations should be in the United Nations and on the basis of its resolutions. In the light of Mr. Eban's statement that he wished to be freed from the General Assembly resolutions, Mr. Shukairi wondered whether acceptance of direct negotiations would not be a betrayal of the Arab cause. The Palestine question had entered its second era. In 1947, the sovereignty of a people had been shelved, and an

attempt was now being made to shelve the rights of individuals. The Arab States could not accept that.

46. Mr. Shukairi advised the Committee not to adopt the draft resolution proposing direct negotiations between the parties, since the only basis for such negotiations would appear to be a complete negation of principles, which the Arab States would not accept. He appealed to Israel not to be intransigent and to adhere to the resolutions of the General Assembly. He warned that country that it might be losing its final opportunity of finding peace and tranquillity. As he had said previously (35th meeting), the loss of the Arab refugees from the population would involve a loss of only one person out of sixty. However, in the hour of danger which might affect the whole world, the entire State of Israel might be imperilled. Mr. Shukairi hoped that Israel would give sincere and serious consideration to his counsel and warning.

47. Mr. AL-JAMALI (Iraq) had not been aware that the movers of the amendments intended to withdraw their proposals in favour of the revised eight-Power draft resolution, and felt that it was only fair to the parties directly concerned to give them a further opportunity to negotiate with the sponsors regarding the revised draft before putting it to the vote. Moreover, it was the practice, when a new draft resolution was submitted, to ask for a twenty-four-hour adjournment before acting on it.

48. He therefore formally proposed that the Committee should postpone the vote on the joint draft resolution and take up another item on its agenda.

49. Lord LLEWELLYN (United Kingdom) suggested that the Committee might take up the item on Eritrea, which was short and fairly non-controversial, after which the Committee could resume discussion of the present item.

50. Mr. SHUKAIRI (Syria) pointed out that, although the revised draft resolution before the Committee was, strictly speaking, not new, its essential point was new, namely, whether the direct negotiations were to be based on the resolutions of the General Assembly or on the objectives of the United Nations. Since the text introduced new elements, he requested the Chairman, under rule 119 of the rules of procedure, to postpone the vote for twenty-four hours to enable delegations to study the new proposal.

51. Mr. SOTO (Chile) supported by Mr. QUINTANILLA (Mexico) and Mr. RODRIGUEZ FABREGAT (Uruguay) suggested that the meeting scheduled for the evening might be cancelled and that the debate on the item before the Committee should be continued and possibly concluded by a vote on the following morning.

*The Committee decided by 35 votes to 2, with 12 abstentions, to cancel the night meeting.*

The meeting rose at 1.25 p.m.