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CONTENTS

Chairman: Mr. José María RUDA (Argentina).

AGENDA ITEM 70

Question of extended participation in general multilateral treaties concluded under the auspices of the League of Nations (A/5509, A/5528, A/C.6/L.532, A/C.6/L.533 and Corr.1 and 2, A/C.L.534) (continued)

1. Mr. HERRERA (Guatemala) said that his object in taking the floor was to dispel certain doubts concerning the possible legal effects of draft resolution A/C.6/L.532 of which his delegation was one of the co-sponsors and to explain why his delegation had joined with the delegations of Australia and Greece in proposing an amendment (A/C.6/L.534) to that draft.

2. Operative paragraphs 1, 2 and 3 of the draft resolution did not appear to present any technical difficulties; the first two paragraphs merely provided that the General Assembly should assume the functions relative to the treaties in question formerly carried out by the Council of the League of Nations and that the Members of the United Nations parties to the treaties assented by the resolution to the decision laid down. Operative paragraph 3 requested the Secretary-General of the United Nations to take certain non-controversial action, clearly defined in sub-paragraphs (a) to (d) of that paragraph, in order to implement the provisions of the preceding two paragraphs. The difficulty arose when efforts were made to extend the mandate of the Secretary-General as depositary of the treaties and representative of the General Assembly. As the foot-note to draft resolution A/C.6/L.532 explained, the sponsoring delegations were wholly in accord as to the desirability of adopting a procedure in accordance with the new suggestion made by the International Law Commission, but were not agreed as to the States to which the procedure should be applied.

3. The delegation of Guatemala, like its fellow sponsors of the proposed three-Power amendment (A/C.6/L.534), supported the principle of the universality of multilateral treaties, and wished to see among the parties to such treaties as many of the newly-independent States as possible, but if the five-Power amendment (A/C.6/L.533 and Corr.1 and 2) were adopted, the Secretary-General, instead of having the simple task of determining which of the Members of the United Nations and of the specialized agencies were not already parties to the treaties in question, would be faced with the virtually impossible task of deciding which of the countries not now Members of the United Nations or the specialized agencies were States in the sense of that word as used in the draft resolution and the suggested amendment. Such a task would be of an essentially political nature and would entail the recognition of the existence as States of territories which have not yet attained statehood. "In the opinion of the Guatemalan delegation, it would present difficulties for the Secretary-General, as depositary of the treaties. He therefore asked the Committee to consider what would happen if the Secretary-General should decline to assume that serious responsibility unless the General Assembly itself drew up an exhaustive list of the States which should be invited to accede to the treaties concluded under League of Nations auspices. He further asked the Legal Counsel to state whether the Secretary-General could or would assume that responsibility."

4. Mr. STAVROPOULOS (Legal Counsel) thanked the representative of Guatemala for raising the question. However, even if he had not done so, the Legal Counsel would have had to make a statement on behalf of the Secretary-General concerning the problem under discussion. It had arisen on various occasions in the past, and the Secretary-General's policy had been consistent: there was no reason to depart from it now.

5. There were areas of the world whose status was not clearly defined so far as the United Nations was concerned. For that reason, should the Committee adopt the "all States" formula, the Secretary-General, as depositary of the treaties which the Committee sought to open for accession, would have to refer the matter back to the Committee or to the Assembly itself and request it to make an exhaustive list of the States eligible to become parties to them. The Secretary-General was in no position to say which entities were States and which were not. The Committee itself would have to determine the specific States which came under the "all States" formula. It was more competent to do so than the Secretariat."

6. Mr. BENADAVA (Chile) said that his delegation, which was wholly in favour of the principle of the universality of technical, non-political multilateral treaties of the type under consideration, and which considered that the solutions proposed—the protocol of amendment and the three-Power draft resolution—were inadequate and excessively involved, was in favour, generally speaking, of draft resolution A/C.6/L.532, which proposed a solution legally impeccable and practical, in accordance with that suggested by the International Law Commission. He wished, however, to draw attention to some doubtful legal points raised by that solution.

7. The first point concerned operative paragraphs 1 and 2 of the draft resolution. It was clear that those paragraphs required the agreement to the new proce-

dure proposed of all members of the United Nations who were parties to the former League of Nations treaties. It was not certain, however, that all those parties would agree to the proposed procedure, and the delegation of Chile wondered what the situation would be if some of the parties in question voted against, or abstained from voting on, the procedure proposed in the draft resolution.

8. In respect of operative paragraph 4 of the draft resolution, the delegation of Chile was convinced that the Secretary-General should be requested to invite only States which were Members of the United Nations or of the specialized agencies to accede to the treaties in question. The last thing which the delegation of Chile wanted to do was to deprive those treaties of their universality, but as the Legal Counsel himself had pointed out, an invitation to "all States" would raise great difficulties, and it was very unlikely that the Secretary-General would accept the responsibility of determining which "States" were to be invited to become parties to the treaties.

9. Mr. SPERDUTI (Italy) said that the solution to which the International Law Commission had referred, in paragraph 49 of its report (A/5509), had been taken as a basis for draft resolution A/C.6/L.532.

10. The crux of paragraph 49 was that the General Assembly was entitled to designate an organ of the United Nations to act in the place of the Council of the League of Nations, and was also entitled to authorize the organ so designated to exercise the powers of the Council of the League in regard to participation in treaties concluded under the auspices of the League. That evidently meant that the arrangements made in 1946 for the transfer of the League's powers and functions to the United Nations also applied to the participation clauses of twenty-one of the twenty-six treaties listed in document A/C.6/L.498,[1] under the terms of which it had been left to the Council of the League to decide which additional States should be allowed to accede to the treaties in question. It was to be noted that the powers and functions conferred directly by the clauses of the multilateral treaties concluded under the auspices of the League to a definite organ of the League (its Council) had not been transferred, under the 1946 arrangements, to a definite organ of the United Nations, but to the United Nations as such, and the United Nations General Assembly, in the first operative paragraph of General Assembly resolution 24 (I), had reserved the right to decide "which organ of the United Nations or which specialized agency ... should exercise each particular function or power" assumed from the League of Nations.

11. Draft resolution A/C.6/L.532 had not limited itself to proposing that the General Assembly should designate itself as the appropriate organ of the United Nations for exercising the power of inviting States to accede to the treaties in question, but had added a paragraph recording the consent of the original parties to the treaties to the foregoing proposal. In adding that paragraph, the sponsors of the draft resolution had followed a suggestion made by the International Law Commission in sub-paragraph (b) of paragraph 49 of its report (A/5509); in the opinion of the Italian delegation, however, that suggestion rather confused the issue, as it gave the impression that the assumption by an organ of the United Nations of the functions exercised by the Council of the League with respect to treaties would require the consent of all the parties to the treaties in question. If the functions had already been transferred to the United Nations in 1946, such consent was obviously not necessary, but it, on the other hand, it was considered that consent was necessary, that was equivalent to saying that there had been no transfer of powers in 1946. It would then be doubtful whether merely voting for the draft resolution in question would be sufficient to cover such consent. The Italian delegation did not, however, intend to belabour that point, as it did not consider it sufficient reason not to vote for the draft resolution.

12. There was, however, another matter which was so important that the Italian delegation considered it its duty to bring it to the attention of the Committee. In a number of the twenty-one treaties listed in document A/C.6/L.498, what was needed was not mere adaptation of the participation clauses to enable the United Nations to assume the functions of the League of Nations, but revision of those clauses in order to renew a possibility which had already ceased to exist long before the demise of the League of Nations.

13. The position was best explained by taking the example of the Protocol relating to Military Obligations in certain Cases of Double Nationality, signed at The Hague on 12 April 1930,[2] article 8 of which provided that the Protocol should remain open until 31 December 1930, for signature on behalf of any Member of the League of Nations or of any non-member State invited to the First Codification Conference or to which the Council of the League of Nations had communicated a copy of the Protocol for that purpose; article 10 of the same Protocol provided that as from 1 January 1931, any Member of the League of Nations and any non-member State mentioned in article 8 on whose behalf the Protocol had not been signed before that date might accede thereto. Thus, the non-member States which were eligible, under the terms of those articles, to sign the Protocol were those States to which the Council of the League had sent a copy of the Protocol before 31 December 1930. After that date, however, the Council of the League no longer had the right to send any non-member State a copy of the Protocol with a view to inviting that State's accession thereto. The participation clauses of such treaties would therefore have to be amended in order that any new States could accede to the treaties. There were at lease eight such treaties among the twenty-one listed in document A/C.6/L.498, including such important international instruments as the International Convention for the Suppression of Counterfeiting Currency, and Optional Protocol, signed at Geneva on 20 April 1929,[3] which was one of the conventions referred to by the International Criminal Police Organization (INTERPOL) in the resolution which it adopted at its 31st session in Madrid. (See A/5528, annex.)

14. It was therefore necessary for the Sixth Committee to decide exactly what it wished to achieve. Was the Committee going to be content to throw open only about a dozen treaties to the new States? That was all that would be achieved if the procedure envisaged in draft resolution A/C.6/L.532 was followed, even supposing that the doubts expressed regarding the legal basis of that procedure could be dispelled. If, on

[1] See Official Records of the General Assembly, Seventeenth Session, Annexes, agenda item 76.

[2] See League of Nations Treaty Series, vol. CLXXVIII, 1937, No. 4117.

[3] Ibid., vol. CXII, 1931, Nos. 2623 and 2624.

the other hand, it was desired to allow the new States to choose freely whichever of the twenty-one treaties concluded under the auspices of the League of Nations they wished to sign, it was essential that the participation clauses of the treaties in question should be revised. The procedure envisaged in sub-paragraph (c) of operative paragraph 3 of draft resolution A/C.6/L.532 was not to be recommended, as it was perfectly clear that immediate action was required to adapt certain treaties to contemporary conditions, and the matter should be dealt with without delay.

15. The Italian delegation had no intention of putting forward any formal proposals regarding a revision procedure, which it felt should take account of the real aspirations of the new States, but it was ready to support any reasonable proposals made by the delegations of the new States. All that was needed was for the Sixth Committee to be prepared to draft a general protocol of amendment which could be approved by the General Assembly at the present session. States which were already parties to the treaties could be asked, in the resolution approving the general protocol of amendment, to sign the protocol and put it into effect without delay.

16. The possible difficulties raised by such a protocol of amendment had been mentioned but the Italian delegation considered that was perhaps a little exaggerated. Such a protocol need only contain the following main provisions; first, the existing parties to the multilateral treaties in question should consent to throw open those treaties to accession by any Member of the United Nations or of the specialized agencies; secondly, accession, which should be permissible on the coming into force of the protocol, should be effected by depositing an instrument of accession with the Secretary-General of the United Nations; thirdly, the protocol should come into force as soon as a certain number of States (to be determined) had become parties to it, and, lastly, any accession to one or more multilateral treaties should take effect, with respect to States already parties to the protocol, as soon as the instrument of accession was deposited, or, with respect to States which later became parties to the protocol as soon as they became parties thereto.

17. It was to be noted that that solution was substantially similar to the proposal made at the seventeenth session by Australia, Ghana and Israel[4/] and did not appear to be likely to lead to any more serious complications than the earlier proposal.

18. Mr. STAVROPOULOS (Legal Counsel) said that the International Law Commission, after a thorough study of the matter, had suggested the procedure embodied in draft resolution A/C.6/L.532 as more expeditious than the traditional method of an amending protocol preferred by the Italian representative. The Italian representative had suggested, however, that a number of the twenty-one treaties in question were in fact closed. Under draft resolution A/C.6/L.532 the Secretary-General and the parties to the treaties would consult as to whether any of the treaties required action to adapt them to contemporary conditions. If the consultations disclosed that the treaties to which the Italian representative had referred possessed substantive value, the procedure of an amending protocol might then be adopted for such treaties. In any event, the Secretary-General would be able to report to the Sixth Committee at the nineteenth session of the General Assembly on any action needed.

19. Mr. CHA (China) said that his delegation supported draft resolution A/C.6/L.532 in essence. It also supported the three-Power amendment (A/C.6/L.534). There were some political entities which were not to be regarded as States. The Secretary-General, as the Legal Counsel had explained, was not in a position to decide which entities were States. In fact, it was the usual practice of the Secretary-General to send invitations only to States Members of the United Nations or of a specialized agency. For the sake of legal precision, the words "to these treaties" should be inserted after the words "of any party" in operative paragraph 3, sub-paragraph (a) of the draft resolution.

20. Mrs. KELLY (United States of America) agreed with the International Law Commission that an examination of the substance and utility of open-ended multilateral treaties concluded under the auspices of the League of Nations was needed. Draft resolution A/C.6/L.532 wisely called for such a study but did not, in the meantime, delay opening to extended participation the multilateral treaties in question. Some of the treaties might be of immediate interest to States and should be opened for accession. The International Convention for the Suppression of Counterfeiting Currency and the Optional Protocol, for example, as indicated by INTERPOL and as proved by the recent accession by the United Kingdom, remained useful and contemporary. Others might not be of interest to States or might be useful only if adapted to contemporary conditions. The procedure set forth in the draft resolution was a simple and expeditious method of determining the usefulness and adaptability of such treaties. If they were no longer useful, no further action was necessary. If they were out of date but adaptable to contemporary circumstances by substantive amendments, the procedure of an amending protocol might be adopted. The substantive examination of the treaties should not, however, delay extended participation; the treaties should be opened to accession forthwith. The procedure for opening the treaties proposed in the draft resolution was simplified and efficient. The participation clauses of the treaties in question indicated that the parties had intended them to be open-ended. What was involved was a simple adaptation of the participation clauses to the fact that the League of Nations had been succeeded by the United Nations.

21. As for the two amendments before the Committee, her delegation regretted that a highly controversial political issue had been injected into the consideration of extended participation in multilateral treaties. The United States delegation strongly supported the amendment in document A/C.6/L.534—the "Member States" formula for determining those States to which the multilateral treaties were to be opened. The Legal Counsel had explained to the Committee the difficult position in which the adoption of the "all States" formula in the amendment proposed in the five-Power amendment (A/C.6/L.533 and Corr.1 and 2) would place the Secretary-General under the "all States" amendment unless the Secretary-General was given precise directions by the Assembly, he would be put in the untenable position of having to decide which entities that were not Members of the United Nations should be invited to become parties to the treaties. The five-Power amendment would thus impose upon the Secretary-General the task of making highly controversial political decisions. Neither the Secretary-General nor the Sixth Commit-

[4/] Official Records of the General Assembly, Seventeenth Session Annexes, agenda item 76, document A/C.6/L.504/Rev.2.

tee had the competence to decide such political issues. The General Assembly had uniformly followed the principle that United Nations treaties and conferences were open to participation only by States Members of the United Nations and of the specialized agencies. Although proposals for inviting the participation of "all States" had been made since the beginning of the United Nations, no such proposal had ever been accepted.

22. The purpose of the draft resolution before the Committee was to welcome participation in League of Nations treaties by the great number of new States which had achieved their independence since the demise of the League. Those States were virtually all Members of the United Nations. The adoption of the three-Power amendment (A/C.6/L.534) would enable them to participate in those treaties if they so desired. On the other hand, it was doubtful whether the five-Power amendment A/C.6/L.533 and Corr.1 and 2) would be acceptable to many of the former Members of the League, whose assent was necessary under operative paragraph 2 of the draft resolution. Her delegation believed that most of the former Members of the League would be unwilling to accept the draft resolution if it implied that they would be required to enter into treaty relations with entities which they did not recognize as States. Adoption of the aforementioned amendment would thus destroy the chances of implementing the underlying resolution and would effectively negate the possibility of participation by the newer States.

23. Mr. JACOVIDES (Cyprus) said that his delegation, during the debate on the report of the International Law Commission, had welcomed the simplified and expeditious method suggested in paragraph 49 of the Commission's report (A/5509). The Commission had done an excellent piece of work, and a long academic controversy on the problem in the Sixth Committee would serve no useful purpose. Therefore, he would simply state his delegation's support for the draft resolution.

24. The conflict reflected in the amendments submitted had made its appearance in the Committee before in a similar context and had had to be settled by a vote after an exacerbating discussion. It was particularly regrettable that the controversy should arise again at a time of general relaxation of tensions and in connexion with a matter of limited significance. His delegation was, of course, much impressed by the argument of universality, but it could not overlook the practical and theoretical difficulties which the adoption of the formula in the five-Power amendment would create. The Secretary-General would be placed in the untenable position of having to determine which States should receive invitations under operative paragraph 4 of the draft resolution. Moreover, it would be unrealistic to tackle such important and complex political problems as the Chinese representation question and the questions of the divided countries in the context of a resolution on a matter of limited significance in the Sixth Committee. He appealed to the Committee to approach the matter with moderation and a sense of proportion, and hoped that the draft resolution before the Committee would soon be adopted.

25. Mr. TUKUNJOBA (Tanganyika) observed that the question before the Committee involved a fundamental principle that wherever possible the bonds that united the international community should be reinforced. All States, independently of membership of or recognition by the United Nations were under a duty to observe general rules of international law, including the rule of pacta sunt servanda. In the construction of any written instrument of a contractual nature, an attempt should be made to carry out what might be presumed to be the intention of the parties. In the present case, the original intention of the majority of the parties to the multilateral treaties in question had been to invite any State to participate, provided that an invitation was issued by the council of the League of Nations. As the Council had been superseded by the United Nations in certain respects, the presumed intention of the parties could be carried out by opening the treaties to participation by any State invited by the Secretary-General, as envisaged in operative paragraph 4 of draft resolution A/C.6/L.532, amended by document A/C.6/L.533 and Corr.1 and 2. The fact that the treaties in question were technical rather than political in nature should allay the fears of Member States that participation in the treaties by a non-Member State might imply recognition of that country's statehood or its eligibility for membership in the United Nations. Moreover, universality was an especially desirable goal in treaties dealing with technical matters. States with differing ideological beliefs, histories, aims and ambitions must not merely coexist in peace but also co-operate with one another in all fields where the challenges could not be met by individual States. Such co-operation had to be based on the rules of international law, and therefore international law must not discriminate between States. To deny any State the opportunity of acceding to multilateral treaties concluded under the auspices of the League of Nations was to make international law exclusive and thus to deprive it of the chance to become a powerful instrument of co-operation among States. Because it attached great importance to the future of international law, his delegation would vote for the five-Power amendment (A/C.6/L.533 and Corr.1 and 2).

26. Mr. USTOR (Hungary) considered that the newly independent States could not be prevented from participating in the general multilateral treaties concluded under the auspices of the League of Nations if they wished to do so; participation was a fundamental right based on the principle of the sovereign equality of States. The question before the Committee was how a purely technical impediment to the participation of the new States, arising from some provisions of those treaties, could be removed quickly and effectively. He thanked the sponsors of draft resolution A/C.6/L.532 for having simplified the Committee's task. His delegation supported the aims and essence of that draft resolution.

27. The draft resolution had been based on the conclusions of the International Law Commission set out in chapter III of its report. The Commission, in turn, had based its consideration of the question on a working paper prepared by the Secretariat (A/C.6/L.498), entitled "List of multilateral agreements concluded under the auspices of the League of Nations in respect of which the Secretary-General of the United Nations acts as depositary and which are not open to new States by virtue of their terms or of the demise of the League". The wording of that title implied that there were also similar treaties which were open to new States. Paragraph 3, sub-paragraph (c) of draft resolution A/C.6/L.532 called for an examination of treaties concluded under the auspices of the League of Nations to determine whether they had ceased to be in force or required action to adapt them to contemporary conditions. That proposal was based on paragraph 22 of the Commission's report (A/5509), in which the Com-

mission had pointed out that no re-examination of the treaties had been undertaken with a view of ascertaining whether, quite apart from their participation clauses, they might require any changes of substance in order to adapt them to contemporary conditions and had suggested to the General Assembly that a process of review should be initiated. Since, as the Commission had pointed out, the examination of the treaties had no connexion with their participation clauses, there seemed to be no reason for confining to the closed treaties the examination of substance provided for in operative paragraph 3, sub-paragraph (c) of the draft resolution. On the contrary, it was in the interests of the new States and the community of nations for the examination also to cover League treaties of a technical and non-political character that did not have restrictive participation clauses. Consequently, while the expression "treaties referred to above" in operative paragraph 3, sub-paragraph (a) related to the twenty-one treaties mentioned in the second preambular paragraph, the expression "any of the treaties in question" in operative paragraph 3, sub-paragraph (c) should apply to all general multilateral treaties of a technical and non-political character concluded under the auspices of the League of Nations, irrespective of the contents of their participation clauses. The title of the agenda item set out in operative paragraph 5 should also be interpreted broadly. If that interpretation was acceptable to the sponsors of the draft resolution, the text might be amended to state the point clearly. The extensive interpretation of paragraph 3, sub-paragraph (c) and paragraph 5 would not put an undue burden on the Secretariat, since there were not many League treaties with open participation clauses. There were six valid treaties which dealt with bills of exchange, promissory notes and cheques and a few other open treaties of doubtful validity.

28. With regard to the States which would be invited under draft resolution A/C.6/L.532 to become parties to the treaties concluded under League of Nations auspices, he recalled that the uncommitted and socialist countries had consistently defended the principle of international law deriving from the sovereign equality of States. Under that principle, it was the inherent right of every State to participate in all treaties dealing with matters of general interest. Certain States, however, had repeatedly sought to prevent the socialist countries from exercising that right and another such attempt was being made by the proponents on the three-Power amendment (A/C.6/L.534). Their pseudo-legal argument to the effect that the Secretary-General, as depositary of the League treaties, would encounter insurmountable difficulties in deciding whether certain entities purporting to be States were in fact States had been refuted on numerous occasions and should be rejected by the Committee. Moreover, the participation clauses of the open-ended treaties concluded under the League's auspices which were still valid, opened those treaties for accession by any State Member of the League and any non-member State. Thus, there was nothing to prevent any entity purposting to be a State from acceding to those instruments. In the interest of the universality of treaties, the Committee should seek to place certain closed treaties concluded under League auspices on an equal footing by making the same participation clause applicable to them. He would have hoped that the improved political atmosphere in which the Assembly was meeting would encourage the opponents of the universality of treaties to alter their rigid position and withdraw the amendment in document A/C.6/L.534.

29. Mr. DADZIE (Ghana), replying to a question put earlier by the representative of Chile, pointed out that under operative paragraph 2 of draft resolution A/C.6/L.532, Member States which voted in favour of the draft resolution and were parties to the treaties in question would thereby be given their assent to the decision stated in operative paragraph 1. Indeed, the sponsors of the draft resolution did not anticipate that States parties to those treaties would withhold their assent. However, should any such State choose to abstain in the vote on the draft resolution, that abstention would be recorded and efforts would be made to persuade the State concerned to alter its position.

30. With regard to the preference expressed by the representative of Italy for a protocol of amendment in order to extend participation in certain of the treaties under consideration, he pointed out that under operative paragraph 3 (c), it had been recognized that further action might be necessary following consultations in respect of certain treaties and such action might well take the form of a protocol of amendment where necessary.

31. Mr. MOROZOV (Union of Soviet Socialist Republics) emphasized that the question under consideration was not one of particular urgency, especially as a number of treaties concluded under League of Nations auspices had lost much of their interest for States (A/5509, para. 50 (d)), and operative paragraph 3 (c) of the draft resolution clearly indicated the need to examine the content of certain others and their applicability to contemporary conditions. The Soviet Union's participation in the Committee's consideration of the question was subject to the reservation that it did not bind the Soviet Government with respect to any further steps which might have to be taken with respect to the substance of the treaties in question.

32. The difference of opinion which had arisen in the Committee with respect to the States which should be invited to accede to those treaties was significant for it had a direct bearing on the progressive development of international law as an instrument for strengthening co-operation between States and for promoting coexistence irrespective of differences in political and economic systems. Certain delegations were attempting to undermine the Charter principle of the sovereign equality of States and, by artificial means, to exclude from participation in multilateral general treaties countries whose political structure was not to their liking. Such attempts were in conflict with the principle of the universality of agreements between States and had proved detrimental to international co-operation in the past.

33. It should be noted that the International Law Commission itself had recognized in article 8 of part I of the draft articles on the law of treaties [5] that in the case of a general multilateral treaty, every State might become a party to the treaty unless it was otherwise provided by the terms of the treaty itself or by the established rules of an international organization. It was understandably possible to discuss the question of what States should be eligible to accede in those cases where the treaty itself placed some limitation on accession but there were no grounds for undermining the position stated by the International Law

[5] Ibid., Seventeenth Session, Supplement No. 9.

Commission in any other circumstances. Moreover, the opponents of the universality of treaties who supported the three-Power amendment (A/C.6/L.534) had no reason to assume that the Secretary-General lacked the political wisdom to decide what entities would be eligible to accede to the treaties concluded under League auspices. They had invoked the difficulties he would encounter only as a pretext for excluding a specific group of States. He would remind them that their attitude was harmful particularly at a time when there had been a marked improvement in the climate of international relations and when important steps were being taken to solve the problems creating international tensions.

34. He appealed to those States which shared the view that any State might become a party to a multilateral general agreement concluded under League of Nations auspices to support the five-Power amendment (A/C.6/L.533 and Corr.1 and 2). If the amendment was adopted, the Soviet Union would be prepared to vote in favour of draft resolution A/C.6/L.532.

35. Mr. SPERDUTI (Italy) said that his primary concern was to discover the most effective method of enabling new States to accede to some of the treaties concluded under League of Nations auspices. Draft resolution A/C.6/L.532 which Italy generally supported failed to ensure accession to certain specific conventions to which new States might wish to become parties. To achieve that end, it might for example be necessary, under operative paragraph 3 (c) to consider not only whether any of the treaties in question had ceased to be in force, had been superseded by later treaties or had otherwise ceased to be of interest for accession by additional States, but also which participation clauses might have to be revised and adapted to new conditions either because they restricted the number of parties to the treaty or because they provided specific periods of time within which accession was possible. On the other hand, if the Committee were to content itself as a first step, with opening only a few of the League treaties to accession by new States, he would not press his point. He would point out, however, that the assent required of States already parties to the treaties concluded under League auspices under operative paragraph 2 of draft resolution A/C.6/L.532, was not absolutely necessary because the powers of the League of Nations had already been transferred to the United Nations under the arrangements concluded in 1946. In any event, Italy was prepared to vote in favour of any proposal regarded as satisfactory by the States concerned and by the new States which had not been in existence at the time of the League of Nations.

36. Mr. YASSEEN (Iraq) suggested that a somewhat more liberal interpretation of the participation clauses of treaties concluded under League auspices might not exclude accession by new States, provided, of course, that it was based on the spirit of the parties. Under such an interpretation, it might be considered that the task of the Council of the League to transmit copies of the treaties for possible accession by other States had not been strictly limited in time.

The meeting rose at 5.32 p.m.

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