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SIXTH COMMITTEE, 277th MEETING

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Chairman : Mr. Manfred LACHS (Poland).

Reservations to multilateral conventions (*continued*)

(*a*) Report of the International Law Commission covering the work of its third session (A/1858) (chapter II : Reservations to multilateral conventions)

[Item 49 (*a*)]*

(*b*) Reservations to the Convention on the Prevention and Punishment of the Crime of Genocide : advisory opinion of the International Court of Justice (A/1874)

[Item 50]*

1. The CHAIRMAN requested members to confine themselves to questions and explanations on the draft resolutions and amendments and to reserve their explanations of votes until the voting had taken place.

2. Mr. SASTROAMIDJOJO (Indonesia) said that, as the same division of opinion prevailed in the Committee as before the Christmas recess, his delegation did not anticipate a majority in favour of its draft resolution (A/C.6/L.196) and would therefore withdraw it.

3. Mr. VAN GLABBEKE (Belgium) observed that the effect of the Polish amendment (A/C.6/L.204) was not entirely clear, but it appeared to be that a State whose reservation had been accepted by another State would become a party to a convention in relation to all the other contracting parties. He wondered whether it was the intention that the accepting State in question could only be a State which was party, rather than merely a State which might become party or a signatory State. Further, if the reservation were accepted by a single other State, would the reserving State become a party as to all other parties, including those which objected to the reservation ?

4. Mr. MACHOWSKI (Poland), answering a question put by the Netherlands representative at the preceding meeting, said that, in moving its amendment to the revised United States draft resolution (A/C.6/L.188/Rev.1), his delegation had intended that the words " by any other State " should be interpreted as meaning by any other State party to the convention; such a position was in conformity with the practice in international law.

5. Mr. VAN GLABBEKE (Belgium) said that while the Polish representative's explanation was clear, he could not accept the Polish amendment, which would have the effect of bringing the convention into force as between a reserving State and all the other contracting parties, even if the latter objected.

6. Mr. HOLMBACK (Sweden) recalled that the matter of reservations to multilateral conventions had been brought before the General Assembly because the Secretary-General had not known whether a ratification containing reservations which had been objected to by other States which had ratified should be counted among the number of ratifications and accessions necessary to bring a convention into force. He found no answer to that problem in the joint amendment of Argentina, Belgium and Egypt (A/C.6/L.202), and he requested its sponsors to clarify the point.

7. Mr. VAN GLABBEKE (Belgium) said that the Swedish representative's question was in line with the remarks of the Assistant Secretary-General (276th meeting) to the effect that the Committee was concerned only with the problem of reservations and objections thereto and that the United States draft resolution went beyond that by introducing the question of ratifications and accessions. It would be noted that the joint amendment sought to rectify the United States draft resolution accordingly.

* Indicates the item number on the General Assembly agenda.

8. Mr. HOLMBACK (Sweden) observed that the Belgian representative had not explained whether the sponsors of the amendment in question would consider as valid for the purpose of deciding about entry into force of a convention, ratifications accompanied by reservations to which there had been objection.

9. Mr. FITZMAURICE (United Kingdom) also had some doubts in the matter. The status of a ratification depended upon the status of the reservation accompanying it, and until the latter was determined the former remained in doubt and the ratification could not be considered as valid. Under the revised United States draft resolution and the joint amendment, the Secretary-General was not entitled to form an opinion on the legal validity of reservations. It was therefore difficult to see how the Secretary-General could determine whether a ratification accompanied by a reservation was valid for the purpose of bringing a convention into force.

10. Mr. BUNGE (Argentina), answering the Swedish representative's question, said that the Secretary-General should not distinguish between a valid and an invalid ratification; all ratifications would be valid for the purpose of bringing a convention into force.

11. Mr. VAN GLABBEKE (Belgium) pointed out that both the revised United States draft resolution and the joint amendment invited the Secretary-General to continue to act as a depositary, without, however, pronouncing on the legal effect of the documents to which the two proposals respectively referred. They also invited him to communicate the text of the documents to which they each referred, it being understood that he would continue to exercise the general functions of a depositary as far as ratifications and accessions were concerned. But he would not pronounce on the legal effects of reservations or objections thereto, including the legal effects referred to by the representative of the United Kingdom. Both sub-paragraphs of the joint amendment took account of the point that the General Assembly could not make the law and, in line with the French representative's remarks, the joint amendment made no mention of ratifications or accessions, but merely spoke of reservations and of objections thereto.

12. Mr. HOLMBACK (Sweden) was satisfied with the Argentine representative's explanation, but considered that it did not automatically follow from the terms of the amendment in question.

13. Mr. FITZMAURICE (United Kingdom) said that, if a convention laid down that on receipt of a certain number of ratifications or accessions, the Secretary-General should issue to the States concerned a *procès-verbal* giving the date on which it should come into force, the Secretary-General must know whether he had received the appropriate number of valid ratifications or accessions. It did not matter whether the resolution was limited to reservations or not, because the status of a ratification accompanied by a reservation depended on the status of that reservation. The essential point was that the Secretary-General should have means of knowing whether a ratification was valid or not.

14. He asked whether the joint amendment meant that so long as one or more States had failed to object to a reservation, the ratification to which the reservation was attached was to be regarded as valid for the purpose of bringing the convention into force. If that was so, and if there was, for example, a reservation to which thirty States had taken objection and to which a number of other States had failed to take objection, the ratification in question would be regarded as valid for the purpose of bringing the convention into force, despite the thirty objections.

15. Mr. VAN GLABBEKE (Belgium) said that in such a case the convention would come into force as between the reserving State and the States which had not taken objection to the reservation, and not as between the reserving State and the thirty objecting States.

16. Mr. FITZMAURICE (United Kingdom) observed that the effect of the Belgian representative's understanding would in fact be that in the case of social and law-making conventions the reserving State would be a party to the convention for all purposes and *vis-à-vis* all States.

17. Mr. MAJID ABBAS (Iraq) observed that the Belgian and Argentine representatives did not seem to agree on the interpretation of the joint amendment which they had sponsored.

18. Mr. BUNGE (Argentina) said that his interpretation was in no way different from that of the Belgian representative. The latter agreed that, so far as the Secretary-General was concerned, all ratifications were valid. As to the effect of the amendment, he agreed with the Belgian representative that a convention would come into force as between a reserving State and those parties that had not objected to its reservation.

19. Mrs. BASTID (France) inquired whether the sponsors of the joint amendment regarded all ratifications accompanied by reservations which had been objected to as valid for the purpose of the entry into force of a convention.

20. Mr. VAN GLABBEKE (Belgium) replied that the clause in a convention governing entry into force would supply the answer to that question, taking into account the system adopted by the depositary.

21. Mr. FITZMAURICE (United Kingdom) thought that the Belgian representative's reply did not fully answer the French representative's question. The clause in a convention relating to its entry into force had nothing to do with the relations of the parties to the convention. The existing practice was to state that a convention came into force on the occurrence of certain events. If the system now under consideration was adopted, a very different type of clause would be required.

22. Mr. MAJID ABBAS (Iraq) could not accept the Argentine representative's view that there could be no invalid ratifications with reservations. A ratification accompanied by a reservation could only be valid if the reservation had been previously accepted by the other contracting parties.

23. Mr. VAN GLABBEKE (Belgium) said that the United States draft resolution contained a fundamental idea, supported in the joint amendment, that the Secretary-General as a depositary should not draw legal conclusions that would be binding upon States. The clause relating to the entry into force of a convention would naturally have to be modified in future conventions and adapted to the new system.

24. Mr. TARAZI (Syria) pointed out that ratification was a matter of domestic public law and that consequently neither the Secretary-General nor a party to a convention could question the validity of a ratification, whether or not it was accompanied by a reservation.

25. The CHAIRMAN said that, there being no further speakers, the Committee would vote on the revised United States draft resolution (A/C.6/L.188/Rev.1) with the amendments submitted thereto. The amendments would be voted upon first, in the following order: the United Kingdom amendment (A/C.6/L.190), the Venezuelan amendment (A/C.6/L.197/Rev.1), the amendment of Argentina, Belgium and Egypt (A/C.6/L.202), the Iranian amendment (A/C.6/L.203) and the Polish amendment (A/C.6/L.204).

26. He called upon the United Kingdom representative to explain to the Committee how his delegation's amendment (A/C.6/L.190) to the original United States draft resolution (A/C.6/L.188) was affected by the revised text.

27. Mr. FITZMAURICE (United Kingdom) stated that points 1 and 2 of his delegation's amendment, relating to the first and second operative paragraphs of the original draft resolution, were withdrawn because the operative paragraphs in question did not appear in the revised draft resolution.

28. The introduction to point 3 of his amendment should now read " Amend operative paragraph 1 to read as follows ". Point 3 of the amendment was substantially identical with point 1 of the amendment of Iran (A/C.6/L.203), both texts having been drawn from the report of the International Law Commission (A/1858).[1] But his delegation maintained it because the amendment of Argentina, Belgium and Egypt (A/C.6/L.202) relating to the same part of the United States revised draft resolution was to be voted upon before the Iranian amendment.

29. Mr. MAKTOS (United States of America) asked whether the United Kingdom representative was willing to delete from his amendment the phrase " in accordance with paragraph 33 of the Commission's report ", since that was the only point of difference between the paragraph and the Iranian amendment.

30. Mr. ROLING (Netherlands) suggested the deletion of the words " in particular ", which had become redundant.

31. Mr. FITZMAURICE (United Kingdom) accepted both suggestions. Point 4 of his amendment remained unchanged, except that the introduction should read: " Amend operative paragraph 2 to read as follows ".

32. Mr. ABDOH (Iran) asked that sub-paragraphs 3 (*a*) and (*b*) of point 4 of the amendment should be voted upon separately.

33. The CHAIRMAN put to the vote the United Kingdom amendment (A/C.6/L.190) to the United States revised draft resolution (A/C.6/L.188/Rev.1), by paragraphs and sub-paragraphs.

Point 3 of the amendment, as amended, was adopted by 24 votes to 15, with 7 abstentions.

Point 4 of the amendment as far as the end of sub-paragraph 3 (a) *was adopted by 23 votes to 14, with 12 abstentions.*

Sub-paragraph 3 (b) *of point 4 of the amendment was rejected by 29 votes to 11, with 8 abstentions.*

34. The CHAIRMAN invited the Committee to proceed to vote upon the Venezuelan amendment (A/C.6/L.197/Rev.1) to the United States draft resolution.

35. Mr. ROBINSON (Israel) suggested that the phrase " and in framing other multilateral conventions of a humanitarian nature " should be voted upon separately from the remainder of the amendment.

36. The CHAIRMAN asked if there were any objections a vote in parts.

37. Mr. FITZMAURICE (United Kingdom), while not objecting to the division, felt that the phrase in question constituted the point of the Venezuelan amendment, since the remainder of the amendment was covered by the United Kingdom amendment to paragraph 2 just adopted, so that no useful object would be served by voting upon it separately.

38. Mr. ROBINSON (Israel) pointed out that there was a further difference between the two amendments: whereas the United Kingdom amendment made a request to the Secretary-General, the Venezuelan amendment made a recommendation to States.

39. The CHAIRMAN said that, there being no objections, the phrase would be voted upon separately.

40. Mr. STABELL (Norway) observed that the Venezuelan amendment appeared to apply to the same part of the draft resolution as the United Kingdom amendment, and wished to know what the position would be if it were adopted.

41. The CHAIRMAN explained that the Venezuelan amendment was for the addition of a new paragraph.

42. Mr. STABELL (Norway) felt that, nevertheless, since the Committee had already expressed its attitude to the Court's opinion [2] by adopting the United Kingdom amendment, it ought not to consider it again in the Venezuelan amendment.

43. Mr. PEREZ PEROZO (Venezuela) remarked that it was legitimate to consider the Court's opinion again because the United Kingdom amendment made a request to the Secretary-General regarding the opinion, whereas the Venezuelan amendment made a recommendation to States regarding it.

44. Mr. MAKTOS (United States of America) asked whether the Venezuelan representative would agree to the word " similar " being used in the separate phrase, since it was somewhat less difficult to interpret than " humanitarian ".

45. Mr. PEREZ PEROZO (Venezuela) said that substitution of " similar " for " humanitarian ", so that the phrase would read " and in framing other multilateral conventions of a similar nature ", if that was what the United States representative meant, would be unduly restrictive. Very few conventions were of a similar nature to the Genocide Convention; " humanitarian " was much wider in scope. The word " humanitarian " would of course have to be interpreted by the States, and the text of a convention would have to indicate whether it was of that nature or not.

46. Mr. MAKTOS (United States of America) had not intended his suggestion to be restrictive. He suggested that the Venezuelan representative might add the wording of his delegation's original draft resolution (A/C.6/L.188): " so far as it may be applicable ".

47. Mr. PEREZ PEROZO (Venezuela) accepted the United States representative's amendment to his delegation's amendment.

[1] See *Official Records of the General Assembly, Sixth Session, Supplement No. 9*, paragraph 33.

[2] See *Reservations to the Convention on Genocide, advisory opinion: I. C. J. Reports 1951*, page 15 ff.

48. Mr. VAN GLABBEKE (Belgium) thought that views differed as to what a convention of a humanitarian nature was, and that it was therefore necessary to make it clear precisely what was being recommended to States in the Venezuelan amendment, particularly since some of the members of the Committee had appeared to be agreed that the system advocated by the Court was too flexible and too freely permitted reservations to be extended to all humanitarian conventions.

49. Mr. PEREZ PEROZO (Venezuela) pointed out that the Court's opinion emphasized the humanitarian character of the Genocide Convention, which implied that the system the Court advocated could be extended to other humanitarian conventions.

50. There would be no great difficulty in determining which conventions were humanitarian. Conventions to implement the Universal Declaration of Human Rights would clearly be of such a nature; also conventions dealing, not with particular national interests, but with the protection of individuals, such as conventions on refugees, prostitution, narcotic drugs and slavery.

51. Mr. FITZMAURICE (United Kingdom) said that the Venezuelan amendment as amended by the United States turned the United States revised draft resolution into virtually a new resolution which the Committee had not discussed. It vastly extended its scope by making a general recommendation of vague character to States; the only recommendation to States contained in the revised draft resolution was that in point 3 of the United Kingdom amendment, just adopted, concerning the reservation clause.

52. The CHAIRMAN observed that the phrase in its amended form read : " and so far as it may be applicable in framing other multilateral conventions of a humanitarian nature ".

53. Mr. MAKTOS (United States of America) suggested that the words " of a humanitarian nature " should be deleted; that had been his original intention.

54. Mr. PEREZ PEROZO (Venezuela) withdrew his acceptance of the addition of the words " so far as it may be applicable ", which had only been made on the understanding that the phrase " of a humanitarian nature " was to be retained.

55. Mr. MAKTOS (United States of America) proposed that the phrase should be amended to read as follows : " and in framing other similar multilateral conventions, so far as applicable ".

56. Mrs. BASTID (France) observed that the submission of amendments during the voting was out of order.

57. Mr. FITZMAURICE (United Kingdom) said that the United States amendment altered the entire character of the Venezuelan amendment and ought therefore, strictly speaking, to be submitted in writing and discussed. He would not insist on the point, however. Up to the present the Committee had felt that the Court's opinion should be strictly limited to the Genocide Convention, and it was on the assumption that the United States delegation had accepted that principle in the revised draft resolution, by omitting original operative paragraph 2, that the United Kingdom delegation had withdrawn point 2 of its amendment, which amended that paragraph. The amendment just proposed by the United States representative amounted to the re-introduction of original operative paragraph 2.

58. After a short procedural discussion concerning the admissibility of amendments during the voting procedure, Mr. MAKTOS (United States of America) withdrew his amendment to the Venezuelan amendment.

59. The CHAIRMAN put to the vote the Venezuelan amendment (A/C.6/L.197/Rev.1) to the United States revised draft resolution (A/C.6/L.188/Rev.1) in two parts.

The phrase " and in framing other multilateral conventions of a humanitarian nature " was rejected by 21 votes to 12, with 14 abstentions.

The remainder of the Venezuelan amendment was adopted by 17 votes to 6, with 24 abstentions.

60. The CHAIRMAN called for a vote next on the amendment submitted by the delegations of Argentina, Belgium and Egypt (A/C.6/L.202).

61. Mr. VAN GLABBEKE (Belgium), speaking on behalf of all three sponsors, withdrew the amendment to operative paragraph 1, since its substance was already covered by the adoption of one point of the United Kingdom amendment.

62. Mr. MAJID ABBAS (Iraq) asked for a separate vote on the last part of sub-paragraph (*b*) of the amendment to operative paragraph 2, starting with the words " the Secretary-General shall not however... ".

63. The CHAIRMAN agreed to that request and pointed out that it would also involve a separate vote on sub-paragraph (*a*).

64. Mr. P. D. MOROZOV (Union of Soviet Socialist Republics) asked for a separate vote on the words " in respect of future conventions concluded under the auspices of the United Nations of which he is the depositary " in the introductory part of the amendment to operative paragraph 2.

65. Mr. VAN GLABBEKE (Belgium) explained that the purpose of the addition of the words referred to by the USSR representative in the joint amendment was to show that the instructions given to the Secretary-General were not to have any retroactive effect on existing conventions or conventions that had merely been signed, but were only to be applied with respect to future conventions. It was also important to include the phrase " of which he is the depositary " because the Secretary-General was not automatically the depositary of all conventions concluded under the auspices of the United Nations. Similarly, the phrase " concluded under the auspices of the United Nations " was important because the Secretary-General was the depositary of conventions concluded under other auspices.

66. Mr. P. D. MOROZOV (Union of Soviet Socialist Republics) thought that the United States text (A/C.6/L.188/Rev.1) was perfectly clear and that the addition proposed in the joint amendment might give the impression that the Secretary-General was not to follow the practice laid down in the case of existing conventions, but was only to follow it in respect of future conventions. Any draft resolution adopted should cover all the conventions of which the Secretary-General was the depositary, because otherwise some further instructions might be required in the future regarding conventions which were not covered. He personally preferred the simple phrase " invites the Secretary-General ". It was perfectly clear that he would not be invited to carry out the functions referred to in the amendment for any conventions of which he was not the depositary.

67. Mr. ROLING (Netherlands) pointed out that, if the introduction in the joint amendment was accepted,

the Committee would be giving no advice regarding the existing treaties of which the Secretary-General was the depositary. For sub-paragraph (*a*) he would prefer the simple introduction " invites the Secretary-General ", since the Secretary-General could not in fact " continue to act as depositary " in respect of future conventions. But when it came to sub-paragraph (*b*), his delegation was opposed to the substance in any case, and if it was adopted he would at least like its application to be restricted to future conventions. Consequently, if it was procedurally possible at that stage, he would like to divide the amendment into two paragraphs, giving paragraph (*a*) the short introduction and paragraph (*b*) the longer version.

68. Mr. P. D. MOROZOV (Union of Soviet Socialist Republics) did not see how the Committee could agree to consider the Netherlands proposal, since no new amendments could be submitted during the voting.

69. Mr. FITZMAURICE (United Kingdom) suggested that the difficulty referred to by the Netherlands representative might be met by the deletion of the words " to continue " from the beginning of sub-paragraph (*a*).

70. Mr. STABELL (Norway) supported the idea that the draft resolution should refer only to future conventions and should not establish any retroactive principles. At the same time, if the introduction in the joint amendment was adopted as it stood, he wondered what system the Secretary-General would apply to the multilateral treaties of which he was the depositary when they had not been concluded under the auspices of the United Nations.

71. Mr. MAKTOS (United States of America) suggested the deletion of the words " concluded under the auspices of the United Nations ".

72. Mr. VAN GLABBEKE (Belgium), speaking on behalf of the three sponsors of the amendment, agreed to delete that phrase, provided that the word " multilateral " was inserted before the word " conventions ".

73. Mr. FITZMAURICE (United Kingdom) pointed out that the proposal was now being changed by last-minute oral amendments in a way which vitally affected the substance. The Secretary-General was, in fact, the depositary of many conventions which were not concluded under the auspices of the United Nations. Consequently, the drafters of such conventions would have to consider very carefully whether they wished the Secretary-General to act as depositary if that meant that they would automatically have to accept the system of dealing with reservations laid down in the joint amendment. He therefore proposed formally that the words " concluded under the auspices of the United Nations " should be retained.

74. The CHAIRMAN appealed to members not to introduce new amendments in the middle of the voting. He did not think that the Secretary-General was actually the depositary of any bilateral treaties, so that the addition of " multilateral " was unnecessary. Those who wished to delete the phrase " concluded under the auspices of the United Nations " could achieve their purpose simply by a separate vote. Accordingly he put to the vote the joint amendment submitted by Argentina, Belgium and Egypt (A/C.6/L.202) in the various parts as requested.

The phrase " concluded under the auspices of the United Nations " was adopted by 29 votes to 7, with 12 abstentions.

The phrase " in respect of future conventions concluded under the auspices of the United Nations of which he is the depositary " was adopted by 32 votes to 5, with 12 abstentions.

The introduction as a whole was adopted by 33 votes to none, with 17 abstentions.

Sub-paragraph (a) *was adopted by 30 votes to 16, with 2 abstentions.*

The first part of sub-paragraph (b) *up to the words " from such communications " was adopted by 28 votes to 17, with 3 abstentions.*

75. Mr. BUNGE (Argentina) requested a roll-call vote on the second part of sub-paragraph (*b*).

A vote was taken by roll-call.

El Salvador, having been drawn by lot by the Chairman, was called upon to vote first.

In favour : Guatemala, Haiti, Lebanon, Liberia, Mexico, Nicaragua, Saudi Arabia, Syria, Uruguay, Venezuela, Yemen, Argentina, Belgium, Colombia, Cuba, Dominican Republic, Ecuador, Egypt.

Against: Ethiopia, France, India, Indonesia, Iran, Iraq, Israel, Netherlands, New Zealand, Norway, Poland, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Australia, Brazil, Byelorussian Soviet Socialist Republic, Canada, Chile, China, Czechoslovakia, Denmark.

Abstaining : Greece, Pakistan, Panama, Peru, Philippines, United States of America, Afghanistan.

The second part of sub-paragraph (b) *of the joint amendment was rejected by 24 votes to 18, with 7 abstentions.*

76. Mr. ABDOH (Iran) withdrew his amendment (A/C.6/L.203), since its purpose had been met by the decisions already taken.

77. The CHAIRMAN stated that the Polish amendment (A/C.6/L.204) was no longer applicable, since the text to which it was to have been added had now been superseded. Consequently there were no further amendments before the Committee, and he called for a vote on the amended text of the draft resolution as a whole.

78. Mr. ROBINSON (Israel) pointed out that the draft resolution as a whole was now a mixture of what had originally been four different texts. The various amendments adopted might require re-arrangement and might even contain certain contradictions. It was therefore essential that the Committee should see the text as a whole before taking its final vote and he accordingly proposed the adjournment of the meeting.

79. The CHAIRMAN urged the Committee to reach its decision during the current meeting. He would read the text as a whole and any subsequent drafting changes or re-arrangement that might prove necessary could easily be carried out by the Rapporteur.

80. Mr. BARTOS (Yugoslavia) supported the motion for the adjournment and asked that it should be put to the vote at once.

81. Mr. SPIROPOULOS (Greece) felt that if the Committee did not come to a final decision at the current meeting it would waste the whole of the following meeting on the same item. All the various parts of the final text had been adopted by a large majority and he saw no reason to wait until it had been circulated in writing before taking the vote on the draft resolution as a whole.

The motion for adjournment was rejected by 27 votes to 14, with 7 abstentions.

82. Mr. ROBINSON (Israel) proposed that the meeting should be suspended until the text of the draft resolution as a whole had been circulated.

The motion for suspension was rejected by 22 votes to 14, with 11 abstentions.

83. Mr. BARTOS (Yugoslavia), speaking on a point of order, considered that the complicated replacement of amendment texts for paragraphs of the original United States draft resolution made it desirable that a complete text of what had been agreed should be placed before the Committee before a vote on the draft resolution as amended and as a whole. He therefore proposed that at least a sub-committee composed of the Rapporteur and the sponsors of the draft resolution and the amendments thereto should be set up to prepare a full text for submission to the next meeting.

84. Mr. MAKTOS (United States of America) thought that such a procedure would waste time.

85. Mr. MENDEZ (Philippines) supported the Yugoslav proposal, but suggested that the text submitted by the proposed sub-committee should be voted upon without further debate at the next meeting.

86. Mr. BARTOS (Yugoslavia) accepted that amendment.

87. Mr. SPIROPOULOS (Greece) considered it unnecessary to refer the matter to a sub-committee. It was merely a question of putting the various paragraphs together and that could be left to the Secretariat.

88. Mr. VAN GLABBEKE (Belgium) felt that members were fully aware of what had been agreed and that it would be sufficient if the Chairman read the final text, on which a vote should immediately be taken.

89. Mr. CORTINA (Cuba) proposed the closure of the debate on the Yugoslav motion.

90. Mr. P. D. MOROZOV (Union of Soviet Socialist Republics) submitted that the suggestion to set up a sub-committee to prepare a text of the draft resolution as amended was an unprecedented breach of the rules of procedure and, basing himself on rule 127 of the rules of procedure, suggested that the Chairman should rule the Yugoslav proposal out of order.

91. The CHAIRMAN put to the vote the Cuban proposal for the closure of the debate on the Yugoslav motion.

The Cuban proposal was adopted by 43 votes to none, with 6 abstentions.

The Committee decided by 16 votes to 14, with 18 abstentions, that the appointment of a sub-committee as suggested by the Yugoslav representative was not contrary to rule 127 of the rules of procedure.

92. The CHAIRMAN put the Yugoslav motion to the vote.

The Yugoslav motion was rejected by 30 votes to 9, with 8 abstentions.

93. The CHAIRMAN read the text of the United States draft resolution (A/C.6/L.188/Rev.1) as a whole and as amended, and put it to the vote.

94. Mr. COTE (Canada) requested a vote by roll-call.

A vote was taken by roll-call.

The United States of America, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: United States of America, Uruguay, Venezuela, Yemen, Afghanistan, Belgium, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Dominican Republic, Ecuador, Egypt, Greece, Haiti, Iraq, Lebanon, Mexico, Nicaragua, Poland, Saudi Arabia, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Against: Yugoslavia, Australia, Brazil, Canada, Chile, China, Denmark, Ethiopia, France, India, Indonesia, Israel, Netherlands, New Zealand, Norway, Peru, Sweden, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Argentina, Colombia, Guatemala, Iran, Liberia, Pakistan, Philippines.

The United States draft resolution as a whole and as amended was adopted by 23 votes to 18, with 7 abstentions.

95. The CHAIRMAN considered that the decision just taken by the Committee disposed of all the other draft resolutions submitted under that item of the agenda. He nevertheless drew attention to rule 130 of the rules of procedure.

96. Mr. ROBINSON (Israel) submitted that as the joint draft resolution proposed by Denmark, India, Iran, Israel, Mexico, Netherlands, Peru and Sweden (A/C.6/L.198) dealt with a different aspect of the matter and as the resolution just adopted had no bearing on the conventions of which the Secretary-General was already a depositary, that joint draft resolution should be voted upon.

97. Mr. MAKTOS (United States of America) considered that it would be out of order to go back on that question and to give the International Law Commission the mandate proposed in the draft resolution.

98. The CHAIRMAN, applying rule 130 of the rules of procedure, put to the vote the question whether the adoption of the United States draft resolution disposed of all the other draft resolutions on that item of the agenda.

That question was decided in the affirmative by 22 votes to 18, with 2 abstentions.

99. The CHAIRMAN believed that if he had erred at all in his conduct of the proceedings on that item of the agenda, it had been on the side of leniency, and that there had been no violation or at least no conscious violation of the rules of procedure.

100. Mr. MAKTOS (United States of America), Mr. FITZMAURICE (United Kingdom), Mr. MOUSSA (Egypt) and Mr. P. D. MOROZOV (Union of Soviet Socialist Republics) paid a tribute to the Chairman's fair-minded and patient handling of a difficult debate.

The meeting rose at 7.15 p. m.

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