*United Nations*
# GENERAL ASSEMBLY
**FOURTEENTH SESSION**
*Official Records*

**SIXTH COMMITTEE, 621st MEETING**

*Thursday, 29 October 1959, at 3.20 p.m.*

**NEW YORK**

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Chairman: Mr. Alberto HERRARTE (Guatemala).

## AGENDA ITEM 65

**Reservations to multilateral conventions: the Convention on the Inter-Governmental Maritime Consultative Organization (A/4188, A/4235, A/C.6/L.448 and Add.1, A/C.6/L.449 and Add.1, A/C.6/L.450) (continued)**

CONSIDERATION OF DRAFT RESOLUTIONS (A/C.6 L.448 AND ADD.1, A/C.6/L.449 AND ADD.1, A/C.6/L.450) (continued)

1. Mr. NISOT (Belgium) explained the reasons which had led his delegation to join the sponsors of the draft resolution contained in document A/C.6/L.449, the aim of which was to extend the application of resolution 598 (VI) to conventions concluded before the operative date of the resolution. Since the submission of instruments of acceptance of or accession to such conventions was becoming increasingly rare, the extension would not cause any trouble and would simplify the procedure by making it uniform. A uniform procedure would have the particular advantage of precluding the legitimate controversies which were apt to arise regarding which step in the creation of a convention should be decisive in determining the time at which, from the legal point of view, the convention had been concluded. For example, the question might have been raised in the discussion whether the IMCO Convention,[1] which had not come into force until 1958, might possibly have been classified as one of the treaties concluded after resolution 598 (VI), which had been adopted in 1952. Another reason which had prompted his delegation to associate itself with the sponsors of the draft resolution was that resolution 598 (VI) was based on the general principles of international law recognized by the International Court of Justice, principles which had been the basis of the Court's advisory opinion of 28 May 1951.[2]

2. With reference to the additional depositary functions of the Secretariat derived from special treaties, he had already expressed his opinion (616th meeting) on the functions of the Secretariat as a registering agent. Those were constitutional functions which stemmed directly from Article 102 of the United Nations Charter.

3. Mr. DE LA GUARDIA (Argentina) expressed satisfaction at the agreement which had been reached by the sponsors of the joint draft resolution contained in document A/C.6/L.448 and Add.1, which was entirely satisfactory to his delegation. He too hoped that an appropriate solution to regularize the position of India might be reached in IMCO at an early date. He wished, however, to add some remarks of a general character.

4. The assertion had been made that the Secretary-General had, in the case of India, acted contrary to resolution 598 (VI). But that resolution plainly stated that its provisions were applicable only to conventions concluded after its adoption. Consequently, the Secretary-General had rightly followed the practice which had prevailed before resolution 598 (VI). In that respect, the joint draft resolution did not satisfy one of the requests made by India in its explanatory memorandum (A/4188), namely, that the General Assembly should pronounce itself clearly on the principles and procedure to be followed by the Secretary-General in discharging his functions as a depositary of instruments of ratification, accession or acceptance of conventions concluded before the date of adoption of General Assembly resolution 598 (VI). For that reason Argentina, together with Belgium, Mexico, Peru and the United States of America, had sponsored the draft resolution contained in document A/C.6/L.449 and Add.1, which proposed not an interpretation of resolution 598 (VI) but an amendment, designed to render the applicable rule uniform. The draft resolution was far from a definitive solution, but if it was given retroactive effect the coexistence of two different systems would be eliminated. A definitive solution would, of course, still have to be found. His delegation thought that the International Law Commission might possibly find such a solution during its work on the law of treaties. However, it would be dangerous not to take temporary measures in the meantime.

5. Lastly, his delegation was of the opinion that emphasis should be placed on the recommendation contained in paragraph 1 of resolution 598 (VI), namely, that consideration be given to the insertion in multilateral conventions of provisions relating to the admissibility or non-admissibility of reservations.

6. Mr. PERERA (Ceylon) recalled that, at the very outset of the general debate, the question of competence had been raised. It was in that light that the Committee should consider both India's general request, as set forth in paragraph 3 of its explanatory memorandum (A/4188), and the particular request made by the Indian representative in his statement of 19 October (614th meeting), namely, that the Committee support the Indian point of view, make suitable recommendations to IMCO, and give appropriate instructions to the Secretary-General.

[1] United Nations Maritime Conference, Final Act and Related Documents (United Nations publication, Sales No.: 1948.VIII.2).

[2] Reservations to the Convention on Genocide, Advisory Opinion: I.C.J. Reports 1951, p. 15.

7. He thought that the joint draft resolution (A/C.6/L.448 and Add.1) met one of India's wishes; if the General Assembly could not command IMCO to act, it could at least express a hope. The Assembly was competent to discuss the item, which had been included in the agenda in conformity with rules 14 and 40 of the rules of procedure. In addition, although it had been asserted that IMCO was an independent body, IMCO had none the less been established by the United Nations. The Assembly should therefore jealously uphold its authority.

8. As to the question of reservations, he pointed out that reservations could not be made to certain instruments, such as the Protocol on the Pacific Settlement of International Disputes, signed at Geneva in 1924, whereas other instruments lent themselves to reservations. It was therefore necessary in each particular instance to take into consideration the instrument to which the reservation applied. Moreover, a distinction had to be drawn between a reservation and a simple condition. It was entirely clear from the Secretary-General's report (A/4235) that, in India's case, the stipulation in question was a condition.

9. The dispute regarding India's instrument of acceptance had raised the question of the depositary functions of the Secretary-General. In his report the Secretary-General had entirely vindicated himself. He had clearly not sought to take sides or to take a decision on the legal consequences of the condition made by India but had tried to be fair both towards India and towards any subsequent new members of IMCO. If the Secretary-General had exceeded his authority, it should not be forgotten that to err was human. Moreover, the reason for his uncertainty was that the Repertory of Practice of United Nations Organs said nothing regarding the functions of the Secretary-General as depositary. In the circumstances, then, it was the Sixth Committee's duty to take a decision. Perhaps the question of reservations might be included in the codification of the law of treaties. The Committee also had the right to amend resolution 598 (VI) and to make its meaning clearer. But a provisional solution had to be found at once. The joint draft resolution (A/C.6/L.448 and Add.1) offered a satisfactory compromise and his delegation hoped that it would be unanimously approved.

10. Mr. HU Ching-yu (China) said that there were only three questions in the wide item under discussion which called for the Committee's immediate attention: first, did the Indian declaration amount to a reservation? Secondly, if it did, was it compatible with membership in IMCO? Thirdly, as the depositary of the IMCO Convention, had the Secretary-General acted correctly in respect of the Indian declaration?

11. His delegation thought it inadvisable to question the competence of the United Nations General Assembly to discuss the issue raised by India with a view to finding a solution that would be fair and satisfactory to all the parties concerned. The question of the General Assembly's competence was a very serious and controversial one which should be discussed only in cases of extreme necessity. His delegation would prefer to approach the issue on the basis of common sense rather than of purely legal considerations.

12. It was true that the IMCO Convention said nothing on the question of reservations. But the IMCO Assembly had undertaken to fill that vacuum by adopting a resolution stating that, until the member States had expressed their views, India would be free to take part in its proceedings without a vote. Since the competence of the IMCO Assembly to take that interim step had not been challenged, there was no reason why that Assembly or any other organ authorized to act on its behalf should not take the final decision in the matter. His delegation, which considered that it was IMCO's responsibility to rule both on the nature of the Indian declaration and on the compatibility of that declaration with membership in IMCO, welcomed the joint draft resolution (A/C.6/L.448 and Add.1), which offered a very judicious solution.

13. The draft resolution rightly mentioned India's explanation that its declaration had been a declaration of policy and did not constitute a reservation. Had that explanation been given earlier, the situation might have developed differently. However, the Indian explanation should not be automatically accepted. Its acceptance or rejection was a matter for the IMCO authorities and members. In that connexion, he wished to make it clear that his Government, which was a party to the IMCO Convention, had not communicated to the Secretary-General any objections to the Indian declaration, but its silence should not be taken to mean that it viewed the declaration as not constituting a reservation. As he had not received instructions from his Government on that matter, he expressly reserved his position.

14. In its careful study of all the documents submitted and statements made during the debate, his delegation had found nothing improper in the steps taken by the Secretary-General with respect to the Indian declaration. He wished to say frankly, however, that the wording of the last paragraph of the note sent by the Secretary-General on 16 February 1959 to the Permanent Representative of India to the United Nations, reproduced in paragraph 8 of the Secretary-General's report (A/4235), was not altogether felicitous. It could easily be interpreted, as it had been by the Indian Government, to mean that the unanimity rule would be applied. The Secretary-General had fortunately dispelled all doubts on that matter by stating, in the same report, that he had not purported to demand unanimity. In any case, it seemed to him that undue importance had been attached to the measures taken by the Secretary-General as depositary. Those measures were administrative in nature and of no great juridical consequence. Had the Secretary-General listed India as a member of IMCO, India would have found itself practically in the same legal position. The IMCO Assembly resolution denying India the right to vote, and the objections raised by France and the Federal Republic of Germany, would all stand as they were. The other members of IMCO would not be precluded from adding their objections to those of France and Germany.

15. His delegation found the draft resolution contained in document A/C.6/L.449 and Add.1 generally acceptable. But he recalled that in adopting resolution 598 (VI) the General Assembly, after lengthy discussions, had deliberately decided that the resolution should be applied to "future conventions" only. If all the arguments had to be repeated again at the present time, he would prefer that the amendment contained in the draft resolution (A/C.6/L.449 and Add.1) be referred to the International Law Commission, which was then preparing a draft on the law of treaties.

16. He found the draft resolution contained in document A/C.6/L.450 also acceptable.

17. Mr. BARNES (Liberia) said that three considerations had impelled his delegation to co-sponsor the

joint draft resolution (A/C.6/L.448 and Add.1), which was designed to hasten a settlement of the controversy by the appropriate body. In the first place, it considered an early settlement to be of vital importance, for India must be enabled to make its valuable contribution to the realization of IMCO's objectives. Secondly, it was essentially up to IMCO to rule on the interpretation and application of the Convention so far as the Indian instrument of acceptance was concerned. Lastly, his Government did not regard the "conditions" raised in that instrument as constituting reservations to the Convention. Aside from the fact that they were simply a declaration of policy, they merely reiterated a stipulation contained in article 1 (b) of the Convention, a stipulation intended to ensure that IMCO's activities did not prevent members of the organization from taking measures to develop their national shipping or safeguard their security. The "conditions" were therefore completely compatible with the purposes and principles of the Convention and they neither excluded nor modified any of the Convention's provisions. Nor did they affect the obligations assumed by India, which, having accepted the Convention, was bound to execute every part thereof.

18. He hoped that the joint draft resolution would be unanimously adopted.

19. Mr. ROSENNE (Israel) said that his delegation would gladly support the joint draft resolution (A/C.6/L.448 and Add.1), which had been submitted by India and a number of other countries including both members and non-members of IMCO. He wished to congratulate the Indian delegation on having succeeded in devising an acceptable formula, which would make it possible to resolve the difficulties which its Government had encountered and which also reflected the Israel delegation's views both on the respective competence of the United Nations General Assembly and of IMCO and on the decision which should be taken in the matter.

20. His delegation believed that the Secretary-General had done nothing improper when, on receiving India's instrument of acceptance of the IMCO Convention and considering it as a whole in the light of the Indian statements in the IMCO Assembly, he had regarded that instrument as containing a reservation and had acted accordingly. Only after the Indian representative's explanations during the current debate had it become possible to appreciate the true scope of the Indian declaration. His Government hoped that nothing further would stand in the way of India's early and full participation in the work of IMCO.

21. He wished to comment on two extremely important questions that had been raised in the discussion. The first was the relationship between the United Nations and the specialized agencies and the second the functions exercised by the Secretary-General as depositary of multilateral conventions.

22. His delegation considered that, as a general rule, in cases involving either political or administrative issues of genuinely international significance, the specialized agencies should to the greatest extent possible follow the policies, practices and procedures laid down by the competent United Nations organs, and particularly by the Security Council and the General Assembly. He understood in that sense the relevant provisions of the Charter and of the relationship agreements between the United Nations and the specialized agencies. Co-ordination in that matter was essential. When a convention entrusted the functions of depositary to the Secretary-General of the United Nations—in other words, to the United Nations itself, for the Secretary-General had no independent international personality—the General Assembly had every right to give instructions, when necessary, on the exercise of those functions, within the framework, of course, of the provisions of the convention in question and subject to the terms of the Charter.

23. It had been said that the Secretary-General should not act as depositary without the explicit authorization of a competent organ of the United Nations. His delegation could not accept that view. It considered that the general powers conferred on the Secretary-General by the Charter and by the General Assembly were fully adequate in that respect. The same was true of specific provisions contained in conventions concluded by Member States. Moreover, resolutions 24 (I) and 598 (VI) indicated the manner in which the General Assembly considered that the Secretary-General should exercise his functions of depositary and it should not be forgotten that, in the annual reports submitted to the General Assembly on the work of the Organization, the Secretary-General gave information concerning that sphere of his activity.

24. The Secretary-General had stated on several occasions and, in particular, in paragraph 11 of his report (A/4235), that he endeavoured to carry out his functions without taking any action in favour of one Government's position or against that taken by another. His delegation fully agreed with that attitude.

25. It would be wrong to embark on an immediate examination of the general question of the Secretary-General's function as depositary, for that question went beyond the issue of reservations and the information available would not permit of a satisfactory solution. The Secretary-General or an interested Member State could have that question included in the agenda of a later session, provided that the appropriate documentation was made available.

26. Nor would it be advisable to study the question of the nature of a reservation, which would come before the General Assembly again when the International Law Commission had reported on its work on the law of treaties. However, his delegation wished to stress that there existed a regrettable tendency to make improper use of the reservations procedure in order to make declarations of policy and to consider that, in the absence of objections, that policy was approved.

27. The representative of Canada had asked (616th meeting) whether the functions of the Secretary-General as depositary of multilateral conventions amounted solely to post-office functions or included also some adjudicative attributes. He recalled that it was not only international secretariats that were required to act as depositaries, but also Governments; his delegation considered that, in both cases, the functions were essentially administrative and that consequently the post office theory should be accepted. That theory had the advantage of precluding the situation—like the one which had arisen shortly after the creation of the State of Israel—in which a Government designated as depositary of a convention refused to accept an instrument of accession on the grounds that it had not recognized the State which wished to adhere to the convention in question. In the case of a government depositary there might be room for confusion over the question of whether it was acting in its

capacity of depositary or in its capacity of party to the convention, but no such confusion existed for a secretariat which operated purely as administrative machinery. In its advisory opinion on reservations to the Genocide Convention, the International Court of Justice seemed to have admitted the administrative character of the function of depositary; it had even gone further in declaring, in its judgement of 26 November 1957,[3] that a State which deposited with the Secretary-General a declaration of acceptance of the compulsory jurisdiction of the Court was "not concerned with the duty of the Secretary-General or the manner of its fulfilment".

28. The adoption of the post office theory, however, would not entirely solve the problem. The Secretary-General might be required by the terms of the convention to take a provisional decision on the nature and scope of a document presented to him for deposit. If an interested Government did not agree with the Secretary-General's decision and if the disagreement subsisted after discussion between the parties, the matter could be brought before the General Assembly. Member States, as well as the Secretary-General, had the right to ask the General Assembly to help them to clear up their difficulties.

29. With reference to the question of resolution 598 (VI), he recalled that in 1952 the Israel delegation had stated in the Sixth Committee that it voted against the draft resolution which was to become resolution 598 (VI) because it contained no instructions concerning conventions concluded before the resolution's adoption, either under the auspices of the League of Nations or under those of the United Nations (278th meeting).

30. With regard to conventions concluded under the auspices of the League of Nations, his delegation took the view that the Secretary-General should follow the practice of the League of Nations, as had been implicitly contemplated in the measures taken in 1946 for winding up the League. The 1927 report of the League of Nations Council[4] had established a well-defined legal régime for those conventions and it was within the framework of that régime that the contracting parties had accepted the obligations which derived from those conventions. The General Assembly should not, therefore, apply resolution 598 (VI) to conventions concluded under the auspices of the League of Nations, conventions of which the Secretary-General was currently the depositary by succession, by virtue not only of General Assembly resolution 24 (I) but also of a resolution adopted by the League of Nations Assembly on 18 April 1946, the text of which appeared in the official documents of the twenty-first session of that Assembly.[5] His delegation hoped that the Committee would examine the question more fully before making a definite decision.

31. It was unfortunately certain that resolution 598 (VI) contained no indication regarding conventions concluded before 12 January 1952 under the auspices of the United Nations. Nevertheless, that resolution was the starting point of the administrative practice followed by the Secretary-General. In 1952, it had been applied retroactively to the Genocide Convention adopted by the General Assembly itself, the International Court of Justice having decided in 1951 that, in the case of conventions concluded under the auspices of the United Nations, the League of Nations practice in the matter of reservations was not valid. What applied to one convention concluded in 1948 could also apply to another, unless the contracting parties had contemplated otherwise. The IMCO Convention and the preparatory work on it should therefore be examined to see what the contracting parties had intended in the matter of reservations.

32. He stressed that he was alluding to the administrative practice established by paragraph 3 (b) of resolution 598 (VI) and not to the special instructions which that resolution contained concerning the Genocide Convention. He thought that the criterion of the compatibility of reservations with the object and purpose of the convention was not applicable ipso facto to all conventions in general or to the IMCO Convention in particular. So far as that Convention was concerned, since it had created an international organization, the notion of the integrity of the constituent instrument should prevail. On that point, his delegation was in entire agreement with paragraph 23 of the Secretary-General's report (A/4235).

33. He reserved the right to speak when the Committee took up the discussion on the draft resolutions other than the joint draft resolution (A/C.6/L.448 and Add.1), which his delegation strongly supported.

34. Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) said that he would confine himself to practical considerations concerning, in particular, the question whether conventions concluded before 1952 should be governed by the "unanimity rule" or by the provisions of resolution 598 (VI). If the Secretary-General had applied to the IMCO Convention the rules laid down in that resolution, there would have been no need for the current discussion. But in order to ensure that the Secretary-General discontinued the League of Nations practice, which could only give rise to difficulties, the Committee had to make clear what procedure should be followed.

35. The discussion had shown that the majority of delegations agreed that the unanimity rule should be rejected, even in the case of conventions concluded before 1952; the majority also considered that, when a convention did not contain any mention of reservations, the Secretary-General, as depositary, should on receiving from a State a document containing a reservation—whatever the date of the convention—act as he would have acted if the document had not contained a reservation. In other words, he should accept the document in deposit without delay, inform the States parties to the convention of the date on which it had come into force with respect to the depositing State, and transmit to them the text of the document containing the reservation.

36. It was important that the conclusions reached on that question of principle should be affirmed by a decision of the General Assembly, with the support of the vast majority of Members. Minor differences of view should not prevent agreement being reached on the main question or be permitted to serve the ends of the few countries which wished to revise the principles laid down in resolution 598 (VI) or revive the practice followed by the League of Nations.

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[3] Case concerning right of passage over Indian territory (Preliminary Objections), Judgment of November 26th, 1957: I.C.J. Reports 1957, p. 146.

[4] League of Nations, Official Journal, 8th Year, No. 7 (July 1927), pp. 880-882.

[5] Ibid., Special Supplement No. 194 (1946), p. 278.

37. His delegation would not follow the example of countries which placed prestige above all else, and would do everything to bring about an agreement which would strengthen international co-operation. For that reason, his delegation would support any decision which invited the Secretary-General to conform to the procedure laid down in resolution 598 (VI) with regard to conventions concluded before the date of that resolution as well as those concluded after its adoption.

38. In that connexion, he wished to stress that the form in which such a decision should be expressed was important. While it was necessary to take into account all the various shades of opinion, the Committee should also make certain that the terms employed in no way diminished the value of the principle stated in resolution 598 (VI). In that context, he recalled that a small number of States favouring the unanimity rule, knowing themselves to be in the minority, had tried in 1952 to delay the adoption of a decision, by proposing that the question should be referred to the International Law Commission for study. A draft resolution to the same effect (A/C.6/L.450) had just been submitted by a few States which favoured the unanimity rule, such as the Netherlands and the United Kingdom, in an attempt to thwart the delegations which favoured the principles underlying resolution 598 (VI). His delegation hoped that the Sixth Committee would reject that proposal, for its adoption would only complicate the situation and imply that the Assembly to some extent endorsed the League of Nations practice. Moreover, the International Law Commission did not require special instructions to study the question, for it was part of the law of treaties.

39. At the 620th meeting, the Italian representative had said that, in the case of a convention which did not prohibit reservations but failed to set forth the procedure to be followed with respect to them, the Secretary-General, upon receipt of an instrument of acceptance accompanied by a reservation, could only act as depositary and accept the reservation, by including the accepting State on the list of parties to the convention, if there were no objections from the other parties. But, as the USSR representative had explained at the 615th meeting, that point of view conflicted with both the spirit and the letter of paragraph 3 (b), (i), of resolution 598 (VI). The Italian representative had then stated that, in the case of the Genocide Convention, the International Court of Justice had declared that it was necessary to ascertain the will of the parties and that, on that basis, the reservations formulated in the case before the Court were acceptable. The Court had also stressed, however, that the unanimity rule could not be regarded as a rule of international law. And finally, it could not be deduced from the Court's ruling that it was necessary in each particular case, whenever a convention was silent on that subject, to ascertain whether the parties had intended to apply the unanimity rule. In fact, resolution 598 (VI) clearly stated that, so far as future conventions were concerned, the Secretary-General must exercise his functions of depositary in respect of documents containing reservations without passing upon the legal effect of such documents.

40. The adoption of the joint draft resolution (A/C.6/L.448 and Add.1) and of a decision affirming the principle that, in all cases, the procedure to follow must be the one prescribed by resolution 598 (VI), would be of great importance and should satisfactorily solve India's problem. His delegation would approve the draft resolution, on the understanding that it would not imply any approval of the Secretary-General's conduct with regard to the Indian Government's stipulation.

41. Mr. TUNCEL (Turkey), speaking on a point of order, said that the Ukrainian representative had given an erroneous interpretation of the draft resolution contained in document A/C.6/L.450, of which Turkey was a co-sponsor, by saying that it represented an endorsement of the unanimity rule. The sponsors of the draft resolution, particularly Turkey, had never intended to give it that meaning.

42. The CHAIRMAN, supported by Mr. GLASER (Romania), pointed out to the Turkish representative that he was not raising a point of order but exercising his right of reply, which he would be given the opportunity to do at a later stage.

43. Mr. NEDBAILO (Ukrainian Soviet Socialist Republic) stressed that he had merely stated that the draft resolution (A/C.6/L.450) had been sponsored by delegations which defended the unanimity rule and not that the draft itself amounted to an endorsement of that rule.

44. Mr. NUGROHO (Indonesia) welcomed the fact that the parties had made an effort to reach a compromise in a spirit of objectivity and international co-operation. His delegation approved the joint draft resolution (A/C.6/L.448 and Add.1) unreservedly, in the hope that it would contribute to a settlement of the question before the Committee. It was important that India, which had a great maritime tradition and should soon regain its place among the great maritime Powers, should not be excluded from IMCO. His delegation was fully satisfied with the Indian representative's statement (614th meeting), which corresponded with the opinion of the United States, that the condition accompanying India's instrument of acceptance constituted not a reservation but a mere declaration of policy. The Indonesian delegation wished to pay tribute to the conciliatory attitude adopted by the representatives of India, the United Kingdom and France.

45. Some representatives had questioned the General Assembly's competence in the matter, contending that, in dealing with the question, the Assembly would be intervening in the internal affairs of IMCO, which, as an autonomous agency, had sole competence to decide whether or not India should be considered a party to the Convention, especially as certain members of IMCO were not members of the United Nations and vice versa.

46. Those who advanced that argument forgot, however, that the General Assembly had come into the picture precisely because IMCO itself had, of its own free will, decided to entrust to the Secretariat, which was an organ of the United Nations, the functions of depositary of instruments of acceptance. It had thus implicitly consented to submit to the rules governing the Secretary-General's functions as depositary. That would be true even if there was no legal link between the United Nations and IMCO. The General Assembly was competent to consider all questions that might arise regarding the application of those rules. There was no question of any act of intervention by the General Assembly in the affairs of IMCO, as the only issue discussed was whether the Secretary-General had discharged his functions as depositary in a proper manner.

47. The Sixth Committee's debates had also served a useful purpose in revealing that the subject of reser-

vations to multilateral conventions, which the International Law Commission had to consider in dealing with the law of treaties, raised several questions to which the Commission should devote its attention.

48. Indonesia attached special importance to the question of reservations. Like other States which had recently won independence, it hoped to contribute, whenever possible, to the strengthening of international co-operation, but was still in a state of transition which might prevent it from fully appreciating the consequences of the ratification of a multilateral convention. Such States also had to bear in mind that they were generally economically under-developed. Consequently, they often felt obliged to formulate reservations to conventions which they ratified. The application of the unanimity rule would frequently prevent those states from becoming parties to a multilateral convention, but, as the Canadian representative had stated (620th meeting), it would also be undesirable to veer to the other extreme by adopting a rule of "unilateralism" which would permit a State to make excessive reservations. It was thus necessary to arrive at a compromise.

49. While it was true, as the Danish representative had stated (617th meeting), that reservations to conventions concluded before 1952 would become increasingly rare, it was nevertheless necessary to dispel all doubt regarding the scope of resolution 598 (VI). Accordingly, his delegation would willingly support the draft resolution contained in document A/C.6/L.449 and Add.1, which sought that objective, but reserved its right to speak again on that question.

50. Mr. DADZIE (Ghana) stressed that the problem was threefold. To begin with, it raised two specific questions: first, the question whether, in the light of the special circumstances of its acceptance, India should not be considered a party to the IMCO Convention, and secondly, the question of the Secretary-General's functions as depositary of India's instrument of acceptance.

51. The first question had to be answered by IMCO itself, not only because some members of the United Nations did not belong to that organization but particularly because several members of IMCO were not represented in the United Nations. It was only fair that all those concerned with the matter should be able to give their opinion. That was why Ghana unreservedly supported the joint draft resolution (A/C.6/L.448 and Add.1) and wished to appear on the list of its sponsors.

52. As to the second question, his delegation believed that the Secretary-General had had only one course of action open to him and that he had, at all times, displayed the greatest impartiality.

53. The third, more general, question was that of the effects of reservations to multilateral conventions. Ghana was one of the sponsors of the draft resolution (A/C.6/L.450) relating to that question.

54. His delegation reserved its right to speak again at a later stage on the various draft resolutions before the Committee.

The meeting rose at 6 p.m.

Litho in U.N. 77601—February 1960—1,975