HUNDRED AND SEVENTY-FOURTH MEETING

Held at Lake Success, New York, on Wednesday, 26 October 1949, at 11.15 a.m.

Chairman: Mr. LACHS (Poland).

Registration and publication of treaties and international agreements: report of the Secretary-General (A/958)

1. The CHAIRMAN drew the Committee's attention to the Secretary-General's report on the registration and publication of treaties and international agreements (A/958), an issue dealt with by the General Assembly at previous sessions, and to the Iranian draft resolution (A/C.6/L.46) on the same subject.

2. He called on the Assistant Secretary-General in charge of Legal Affairs to introduce the report.

3. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) remarked that, as the Secretary-General's report was over two months old, supplementary information giving up-to-date statistics was being distributed to the members of the Committee.

4. He recalled that General Assembly resolution 254 (III) consisted of two parts. Part B of that resolution reminded Governments of their obligation, under Article 102 of the Charter, to register with the Secretariat every treaty and international agreement entered into by them after the coming into force of the Charter, and requested them to fulfil that obligation; while part A instructed the Secretary-General to take all the necessary steps to ensure that registered treaties or agreements should be published with the least possible delay, and that the translations should reach the highest possible level of accuracy and precision. The Secretary-General's report summed up the work carried out in compliance with that instruction.

5. Mr. Kerno added that, during the past year, considerable progress had been achieved with respect to the registration and the filing and recording of treaties; the number of treaties being registered by the Secretariat was steadily increasing. Thus, of the total of 932 treaties and agreements registered or filed and recorded, 490 had been registered during the past year and as many as 182 in the months of July, August and September. It would be seen, therefore, that the rate of registration was mounting steadily.

6. Similar progress had been achieved with respect to the publication of treaties and international agreements. Whereas, one year previously,

only five volumes of treaties had been issued, twenty-two volumes had now been published. Furthermore, the period elapsing between registration and publication had been reduced from fifteen months, the figure one year previously, to ten months; and it was hoped that the target of reducing this period to from four to six months might be attained in the near future.

7. He wished to acquaint the Sixth Committee with the fact that both the Fifth Committee and the Advisory Committee on Administrative and Budgetary Questions were anxious to effect certain economies with respect to the registration and publication of treaties. He had been asked to submit proposals to make such economies possible. It had been suggested, for example, that annexes to treaties might not be published or that the language requirements might be altered. He had replied that the Secretary-General had no choice but to comply with the regulations concerning the registration and publication of treaties and international agreements which had been adopted by the General Assembly itself in 1946 (resolution 97 (I)).[1] Nevertheless, in the report he intended to submit to the fifth session of the General Assembly on the subject, the Secretary-General would suggest any possible improvement of the regulations whereby economies might be effected. The possibility of amendments in the light of experience had been envisaged in 1946 when the regulations had been adopted. It was hoped that, by the end of one more year, sufficient experience would be available to make reasonable proposals.

8. Mr. Kerno remarked that the problem of effecting economies was not a simple one. In many cases, an annex to a treaty was more important than the treaty itself and, consequently, had to be published as, for example, in treaties on the demarcation of frontiers and in those regarding tariffs. He recalled that the language requirements were that each treaty should be published in the original language and in French and English translations; the General Assembly had attached great importance to publishing the original texts; as a result, a great number of languages was involved.

9. Paragraph 5 of the Secretary-General's report (A/958) contained a reference to the difficulties which had arisen in cases when the United Nations was the depositary of a multilateral agreement to which it had not been a party. Under the present regulations, such an agreement could not be registered *ex officio* unless it expressly provided for such registration.

10. That reference was included in the report of the Secretary-General in order to draw the attention of the General Assembly to the question which, it was believed, might present certain complications. The problem might not be a simple one, since it had been argued by some that registration could be effected only by States parties to a treaty and could not be effected by the Secretary-General unless the treaty contained a specific clause to that effect. That question could, at any rate, be examined next year together with other proposals or suggestions which the Secretary-General intended to submit to the fifth session of the General Assembly concerning a possible revision of the regulations on registration of treaties.

11. Mr. ABDOH (Iran) wished to express the satisfaction of his delegation with the Secretary-General's report and the work performed by the Secretariat. Iran, being a small State, was vitally interested in the registration and publication of treaties, for Article 102 had been written into the Charter with the intention of promoting open diplomacy and preventing secret machinations by large nations against small.

12. He noted that considerable progress, with respect to both the registration and the publication of treaties, had been achieved during the past year. It was obvious from the number of volumes of treaties published that the Secretariat had made every effort to continue and accelerate publication.

13. He recalled, however, that when the Secretary-General's report (A/613) on the same subject had been discussed at the third session of the General Assembly,[2] there had been general agreement that treaties should be published with the least possible delay; and publication within six months after registration had been set as the target. Such an attitude was only logical; if the publication of treaties was greatly delayed, they would be of no more than historical interest.

14. It was for that reason that he had submitted his draft resolution (A/C.6/L.46) in the following terms:

"The General Assembly,

"Having studied the report of the Secretary-General on the registration and publication of treaties and international agreements,

"Notes with satisfaction the progress achieved in regard to the publication of treaties;

"Notes moreover that the number of treaties registered during the past twelve months has considerably increased;

"Requests the Secretary-General to take all necessary measures with a view to the earliest possible publication of all registered agreements and treaties."

Mr. Kerno had made it clear that certain financial difficulties existed; there could be no doubt, however, that the desire to adhere to the principles contained in Article 102 of the Charter must override budgetary considerations. The words "to take all necessary measures" in the fourth paragraph of his draft resolution were consequently meant to cover any steps, either administrative or budgetary, which were necessary to accelerate the publication of registered agreements and treaties.

15. In conclusion, he wished to congratulate the Secretary-General, and in particular the division of the Legal Department concerned, on the successful accomplishment of their task.

16. Mr. LOUTFI (Egypt) associated himself with the congratulations to the Secretariat, and stated that he would support the Iranian draft resolution.

17. Mr. FERRER VIEYRA (Argentina) also supported that draft resolution.

18. He wished, however, to suggest a few slight amendments. The words in the first paragraph, "Having studied" should be replaced by "Having considered"; in the second paragraph, the words "registration and" should be inserted before the words "publication of treaties"; the third para-

[1] See *Resolutions adopted by the General Assembly during the second part of its first session,* pages 189 to 194, inclusive.

[2] See *Official Records of the third session of the General Assembly, Part I,* Sixth Committee, pages 148 to 153.

graph should be deleted, as not being really necessary; and, inasmuch as the publication of treaties had been going on for some time, the words "the earliest possible publication" should be replaced by "continuing the publication".

19. Mr. MAKTOS (United States of America) also wished to thank the Secretariat and in particular the Division of Privileges and Immunities and Registration of Treaties, headed by Mr. Saba, for its admirable work.

20. He thought that the third paragraph of the Iranian draft resolution, the deletion of which had been proposed by the Argentine representative, might be retained. Mention of the increasing number of treaties registered indicated that the Secretariat was called upon to furnish a greater effort, and that fact might consequently influence the various authorities which determined the budget. He wished to know whether the Secretariat shared that opinion.

21. Mr. SABA (Secretariat) replied that the accelerated rate at which treaties were being registered would necessitate accelerated publication. If the Sixth Committee once more manifested its desire that treaties should be not only registered but also published as soon as possible, he was sure that that desire would be taken into account by the Committees and authorities which established and administered the budget.

22. Mr. ABDOH (Iran) accepted the Argentine representative's amendments to the first and second paragraphs of his draft resolution.

23. He hoped, however, that the Argentine representative would not insist on the deletion of the third paragraph. That paragraph was necessary to show that an increase in registration would mean an increase in publication as well. Moreover, that paragraph was a fitting introduction to the fourth, in which the Secretary-General was requested to take all necessary measures to effect such publication as rapidly as possible.

24. With reference to the Argentine representative's amendment to the fourth paragraph of his draft resolution (A/C.6/L.46), the representative of Iran pointed out that the intent of the paragraph was to indicate that publication in the future should proceed more rapidly than it had in the past.

25. Mr. FITZMAURICE (United Kingdom) wished to associate himself with the congratulations extended to the Secretariat.

26. He pointed out that the Argentine amendment to the fourth paragraph of the Iranian draft resolution would defeat the purpose of that paragraph, which was not to ensure continuation of publication of registered treaties but to accelerate the tempo of publication and to reduce the time lapse between registration and publication. He suggested that the aim of the Iranian representative might be better expressed by amending the fourth paragraph of his draft resolution to read:

"Requests the Secretary-General to take all necessary measures to bring about the earliest possible publication of all registered agreements and treaties."

27. Mr. FERRER VIEYRA (Argentina) thereupon withdrew his suggestion that the third paragraph of the Iranian draft resolution should be deleted. He also withdrew his amendment to the fourth paragraph in favour of that submitted by the United Kingdom representative.

28. Mr. ABDOH (Iran) accepted the United Kingdom amendment to the fourth paragraph of his draft resolution.

29. Mr. TRUJILLO (Ecuador) referred to paragraph 5 of the Secretary-General's report (A/958) on the registration and publication of treaties and international agreements. In that paragraph, attention had been drawn by the Secretary-General to the difficulties arising from the fact that while, as pointed out by him on various occasions, it was most desirable that the depositaries of multilateral agreements should submit them for registration, in the case where the United Nations was the depositary of, but not a party to, such an agreement, it could not be registered *ex officio* by the United Nations since article 4 of the regulations to give effect to Article 102 of the Charter contained no provision in that regard. The Secretary-General had suggested, therefore, that another sub-paragraph might be added to article 4, paragraph 1,[1] of the regulations to permit registration *ex officio* in all cases in which the United Nations was the depositary of a multilateral treaty.

30. Mr. Trujillo, noting that the Iranian draft resolution did not take that question into consideration, proposed that a corresponding provision should be added to article 4 of the regulations.

31. Mr. KORETSKY (Union of Soviet Socialist Republics), in connexion with the point raised by the representative of Ecuador, asked Mr. Kerno whether it was not the Secretary-General's intention that the matter of broadening his powers should be discussed at the next session of the General Assembly, together with the general question of amending the regulations.

32. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) replied that, as he had already pointed out, the question might be considered at the next session in conjunction with a general review of the regulations. The question was not simple. Under the regulations, which gave effect to Article 102 of the Charter, the United Nations could register agreements *ex officio* only when it was a party to them or when the power to do so had been delegated to it under the treaty. A practical difficulty had arisen from the fact that, while the number of treaties of which the United Nations was depositary had increased, in some of those treaties no provision was made for their registration by the United Nations and it had therefore been doubtful with whom the initiative for registration lay. Consequently, the General Assembly might recommend at its following session that, for the sake of uniformity and convenience, multilateral treaties of which the United Nations was the depositary should include a clause delegating to the Secretary-General the authority to register them.

33. Mr. ABDOH (Iran) was of the opinion that it would be premature to take action on the question, which would be taken up at the next session of the General Assembly in connexion with a general revision of the regulations. At that time, the General Assembly would have before it a Secretariat report on the matter as well as a study of the budgetary implications. He therefore felt that no action should be taken on the matter until the following session of the General Assembly.

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[1] See *Resolutions adopted by the General Assembly during the second part of its first session,* page 190.

34. Mr. CHAUMONT (France) wished to congratulate the Legal Department on its work in the matter of registration and publication of treaties.

35. He saw no objection to the suggestion of the representative of Ecuador, which simply involved an amendment to article 4, paragraph 1, of the regulations of 1946.

36. Mr. GARCÍA AMADOR (Cuba) supported the Iranian draft resolution (A/C.6/L.46) with whatever amendments might be considered necessary.

37. With regard to the suggestion of the representative of Ecuador, his delegation considered it pertinent and in harmony with the spirit of Article 102, paragraph 1, of the Charter, which provided that every treaty and international agreement entered into by any Member State should be registered with the Secretariat and published by it as soon as possible. He would therefore vote in favour of an amendment to article 4, paragraph 1, of the regulations providing that the United Nations could register *ex officio* and immediately publish any treaties of which it was the depositary.

38. The CHAIRMAN noted, with regard to the Ecuadorean proposal, that paragraph 5 of the Secretary-General's report contained merely a general suggestion on a matter which was not urgent and which might therefore be considered by the General Assembly at a later time. The functions of the United Nations in regard to the registration of treaties were based on Article 102 of the Charter. The provision of that Article that Members of the United Nations alone had the right and duty to register treaties concluded by them had been taken as a basis for article 4 of the regulations dealing with the registration and publication of treaties. Under that article, *ex officio* registration of a treaty by the United Nations was possible only if the latter was a party to the treaty or had been delegated the power of registration by the signatories to the treaty.

39. The authority to register *ex officio* was by no means the same as that of being the depositary of a treaty; consequently, to include a provision for *ex officio* registration, by the United Nations, of treaties of which the latter was only a depositary would go much further than the original provision, and would imply a specific interpretation of Article 102 of the Charter. He therefore felt that the Committee should give serious consideration to the Ecuadorean suggestion to transfer the power of registration from Member States to the Secretariat of the United Nations.

40. Mr. GARCÍA AMADOR (Cuba) noted that, by the terms of Article 102 of the Charter, Member States had not only the right, but also the moral obligation to register treaties with the United Nations. The provisions of that Article were similar to those in the League of Nations Covenant which had been designed to prevent secret diplomacy through the official publication of treaties. Consequently, since the purpose of Article 102 of the Charter was not merely formal registration, but also publication of treaties, and since publication was impossible without prior registration, the United Nations had the moral obligation to register as well as publish treaties of which it was the depositary.

41. Mr. CHAUMONT (France) disagreed with the Chairman's view that only Member States could register treaties with the United Nations, and that *ex officio* registration of a treaty could only be effected by the latter if the treaty in question expressly authorized the United Nations to do so.

42. Indeed, under Article 102 of the Charter, treaties were registered and published by the Secretariat of the United Nations, and there was no provision stating that treaties to which the United Nations was not a party could not be registered by it.

43. The CHAIRMAN pointed out that Article 102 stated that treaties should be registered with, and not by, the Secretariat, which constituted an important legal difference.

44. Mr. TRUJILLO (Ecuador) explained that his proposal was based on a similar suggestion in paragraph 5 of the Secretary-General's report (A/958). If the matter had not been urgent, there would have been no reason for the Secretary-General to draw attention to it at the current session. Consequently, the fact that the problem had been discussed in paragraph 5 of the Secretary-General's report indicated that immediate consideration and solution were required.

45. Furthermore, as pointed out by the representatives of France and Cuba, Article 102, paragraph 1, of the Charter, in order to ensure open diplomacy, stated the obligation of Members of the United Nations to register treaties. Paragraph 2 of that Article provided that no treaty which had not been officially registered with the United Nations could be invoked before any organ of the United Nations. The United Nations should therefore clearly have the authority to register treaties of which it was the depositary, and what was required was merely to remedy an omission in the provisions of article 4 of the regulations. There was no need for lengthy consideration. Mr. Trujillo was disturbed by the Chairman's interpretation of Article 102 which put the emphasis on the right to register treaties rather than on the obligation to do so.

46. Mr. BARTOS (Yugoslavia) was prepared to support the Ecuadorean proposal on legal grounds. The obligation to register treaties with the United Nations, as set forth in Article 102, paragraph 1, of the Charter was, in view of the provisions of paragraph 2 of that Article, a legal obligation with a specific sanction, and not merely a moral one. Without such an obligation, the anomalous situation might arise that treaties deposited but not registered with the United Nations could not, under Article 102, paragraph 2, of the Charter, be invoked before any organ of the United Nations. The fact that a Member State deposited a treaty with the United Nations implied that it wished the treaty to be respected and officially noted, that was to say, registered.

47. In view of those considerations, he supported the Ecuadorean proposal, which was practical and logical.

48. Mr. FERRER VIEYRA (Argentina) recalled that the question of registration and publication of treaties had been extensively discussed in the Sixth Committee during the second part of the first session[1] and during the second session[2] of the

[1] See *Official Records of the second part of the first session of the General Assembly*, Sixth Committee, 15th and 33rd meetings, pages 68 to 70 and 176 to 178.

[2] See *Official Records of the second session of the General Assembly*, Sixth Committee, 54th meeting, pages 112 to 126.

General Assembly. A number of proposals, including several by his delegation, had been submitted on that subject. The question had been raised whether the function of depositary was the same as that of registering treaties and, after lengthy debate, the Sixth Committee had decided against granting the power of registration to the United Nations in cases where it was only the depositary of a treaty. Consequently, while the views put forward in paragraph 5 of the Secretary-General's report (A/958) deserved careful consideration, a solution of the problem would be by no means as easy as some representatives had asserted. He advocated a further study of the question.

49. Mr. BARTOS (Yugoslavia), referring to the views expressed by the representative of Argentina, drew attention to the situation which might arise if a dispute between two States were settled by conciliation under the auspices of the United Nations, and a treaty to that effect were signed, and deposited, but not registered, with the United Nations by the parties concerned. In that case, under Article 102, paragraph 2, of the Charter, in case of violation of the treaty, it could not be invoked before organs of the United Nations.

50. Mr. FERRER VIEYRA (Argentina) pointed out that if a treaty of conciliation were concluded under the auspices of the United Nations and the parties wished it to be registered *ex officio* by the latter, they might include a special clause to that effect in the treaty. Recalling the proposal submitted by his delegation at the second part of the first session of the General Assembly in favour of *ex officio* registration of treaties by the United Nations, he agreed that article 4 of the regulations should be amended. For that reason he had drawn attention to the difficulty of the matter and recommended that it should be given careful consideration.

51. Mr. FITZMAURICE (United Kingdom) saw no objection to postponing the discussion on registration *ex officio* until the following session. Since the question had been raised, however, he wished to say that he agreed with the view of the representative of Ecuador and would support his proposal.

52. With regard to the interpretation of Article 102 of the Charter, he partially agreed both with the Chairman and with the representative of France. In so far as Article 102 involved obligations, they were obligations for the States. The principal obligation was for the signatories to the treaties. On the other hand, nothing in the Article prevented the Secretary-General from registering treaties and agreements; and the granting to the Secretary-General of a general authorization to register treaties in certain cases would not be inconsistent with the provisions of that Article since it merely said that treaties "shall as soon as possible be registered", but did not specify who was to register.

53. In the case of a bilateral treaty, only the States concerned would know of the existence of the treaty and have knowledge of its provisions. The case was different with multilateral treaties, especially those deposited with the United Nations. There was no question of secrecy so no objection to registration by the Secretary-General could be raised. Moreover, making the United Nations the depositary almost amounted to registration, which was, thereafter, a pure formality. He believed that it would be advisable to provide that the Secretary-General should register such treaties because, in the case of multilateral treaties, it was difficult to know which party had the obligation to register. It had happened that no party wished to take the initiative. If it were provided that the Secretary-General should register all multilateral treaties of which the United Nations was the depositary, such registration would become automatic. Unless there were some good reason for not making registration automatic, or unless there were some reason for postponing action on the matter until the following year, the Committee might well make such a provision at the current session.

54. The CHAIRMAN recalled that the Committee had before it the draft resolution of Iran and the suggestion of Ecuador, which would amount to altering article 4, paragraph 1, of the regulations (General Assembly resolution 97 (I)) to give effect to Article 102 of the Charter.

55. As for his interpretation of Article 102 of the Charter, he had not intended to influence the wish of the Committee. He had merely called attention to an important issue which had a bearing on Article 102 of the Charter. He had not implied that the authorization under discussion would be impossible. He had only said that the interpretation of Article 102 was involved. If the Committee wished to give that Article the interpretation just suggested by some representatives, it was free to do so.

56. Mr. MAKTOS (United States of America) remarked that no violation of Article 102 was involved in the matter. In the first place, the parties to treaties might authorize the United Nations to register, if the treaty so provided. If that were a violation of the Charter, then the parties could not give such power to the United Nations. If three or four States might give that authorization by a provision in an agreement, then certainly fifty-nine States could, by a decision taken in the General Assembly, give the United Nations the power to register treaties.

57. Secondly, the purpose of the provision in Article 102 was really to avoid secrecy. In any interpretation of a provision, it was necessary to seek its purpose. Multilateral treaties of the kind envisaged could never be secret. In his opinion, there would be no violation of the provision concerned if the Secretary-General were permitted to register.

58. Thirdly, and by way of comparison, there was no provision in the Charter to authorize the United Nations to present an international claim. But the Sixth Committee and the International Court of Justice had agreed that, in order to perform its functions, the United Nations did not have to refrain from presenting an international claim. It was not necessary to find an express authorization in the Charter for everything. The Committee, if it considered that registration should be a proper function of the United Nations and that nothing in the Charter prevented it, should provide that the United Nations might register treaties. He saw no need to postpone such action until the following session.

59. The CHAIRMAN put to the vote the proposal submitted by the representative of Ecuador to give effect to Article 102 of the Charter of the United Nations by adding to article 4, paragraph 1, of the regulations (General Assembly resolu-

tion 97 (I)) the following sub-paragraph (*c*):

"Where the United Nations is the depositary of a multilateral treaty."

The proposal was adopted by 38 votes to none, with 6 abstentions.

60. The CHAIRMAN put to the vote the draft resolution submitted by the delegation of Iran (A/C.6/L.46), as amended by the representatives of Argentina and the United Kingdom.

The draft resolution was adopted unanimously.

Application of Liechtenstein to become a party to the Statute of the International Court of Justice: report of the Security Council (A/967)

61. The CHAIRMAN proposed that the Committee should take up consideration of the report (A/967) of the Security Council on the application of Liechtenstein to become a party to the Statute of the International Court of Justice. He recalled that, under Article 93, paragraph 2, of the Charter, the General Assembly, upon the recommendation of the Security Council, was to determine the conditions on which a non-member State might become a party to the Statute of the International Court of Justice.

62. In addition to the application of Liechtenstein and the report of the Security Council, the Committee had before it a joint draft resolution (A/C.6/L.47) submitted by the delegations of Australia and Belgium.

63. Mr. GLASHEEN (Australia) stated that his delegation was glad to sponsor, jointly with the delegation of Belgium, the draft resolution determining the conditions on which Liechtenstein might become a party to the Statute of the International Court of Justice. It was a non-controversial subject. The question had been thoroughly studied by the Security Council and its Committee of Experts. He hoped that the joint resolution would be adopted unanimously and without delay.

64. On 6 March 1949, the Government of Liechtenstein had requested to be informed of the conditions under which it could be admitted as a party to the Statute of the International Court. The request had been sent to the Security Council, which in turn had referred it to its Committee of Experts. After consideration by that Committee and the Council, the three conditions contained in the recommendation appearing in document A/967 had been recommended by the Security Council. The conditions were the same as those laid down for Switzerland when it had made the same application. At the time it had been stated that those conditions would not constitute a precedent,[1] but they had been found suitable. At the time when the Security Council had adopted its recommendation, no open opposition had been expressed, but two Members had abstained from voting because they questioned whether Liechtenstein was an independent State. The Australian delegation had agreed with the majority of the Security Council that Liechtenstein was a State possessing all the necessary qualifications for admission to the Statute of the International Court. His delegation had likewise agreed with the majority of the Security Council that admission was the more desirable because Liechtenstein was a small State, and needed the protection of the Court. It had always been Australia's policy to advocate the greatest possible use of the International Court, and the closest adherence to its decisions. He referred to the initiative of Australia[2] with respect to General Assembly resolution 171 (II) of 19 November 1947.

65. The sponsors of the joint draft resolution urged its unanimous acceptance by the Committee. He recalled that, in the case of Switzerland, the resolution had been unanimously adopted.

66. Mr. BARTOS (Yugoslavia) stated that his delegation would support the joint draft resolution, not only for legal reasons but for practical reasons as well. Only independent sovereign States could become parties to the Statute of the International Court. Taking into account the particular conditions of the union between Liechtenstein and Switzerland, he was satisfied that Liechtenstein was an independent State. Moreover, for years Switzerland and Yugoslavia had maintained close and friendly relations. They had concluded many agreements to which Liechtenstein also was a party. Since Switzerland and Liechtenstein were so closely connected, and the interests of Switzerland were bound up with Liechtenstein's, it would be of practical interest to enable Liechtenstein also to become a party to the Statute of the International Court of Justice, so that all parties could approach the Court.

67. Mr. KHOMUSKO (Byelorussian Soviet Socialist Republic) explained the attitude of his delegation to Liechtenstein's application. There could be no doubt that Article 93, paragraph 2, of the Charter applied only to independent and sovereign States. Therefore, only a sovereign State could become a party to the Statute of the International Court of Justice. A review of the economic and political situation of Liechtenstein would show that it had never been an independent State. It had been created in 1819. In 1822, it had formed part of the German Federation. From 1876 to 1918, it had remained under the powerful influence of Austria. It had formed a customs union with Switzerland, which country took care of Liechtenstein's post and telegraph service and its diplomatic representation. It had never been independent. In the opinion of the Byelorussian delegation, it must be considered a dependent State and therefore could not be a party to the Statute of the International Court of Justice.

68. Mr. LOUTFI (Egypt) said that his delegation would support the joint draft resolution of Belgium and Australia. In the Security Council, his delegation had voted for the admission of Liechtenstein to the Statute of the International Court. His delegation believed that the United Nations should apply the principle of universality, in accordance with which any State having the necessary qualifications should become a party to the Statute of the International Court. The delegation of Egypt considered that Liechtenstein satisfied those requirements, although it was a small State. Moreover, the small States were the ones that most needed the protection of the Court. The argument that Liechtenstein was not an independent State was not sound. The fact that it had formed a customs union with another State and that Switzerland represented it diplomatically did not make it a dependent State. There were several

[1] See *Resolutions adopted by the General Assembly during the second part of its first session*, Resolution 91 (I), annex, paragraph 6.

[2] See *Official Records of the second session of the General Assembly*, Sixth Committee, 44th meeting, page 46.

countries which were represented by other countries in international affairs, and that did not affect their independence.

69. The delegation of Egypt favoured the admission of Liechtenstein to the Statute of the International Court and would support the joint draft resolution of Belgium and Australia.

70. The CHAIRMAN put to the vote the joint draft resolution of Belgium and Australia (A/C.6/L.47).

The draft resolution was adopted by 42 votes to 4, with 1 abstention.

The meeting rose at 1 p.m.