

HUNDRED AND NINETY-FIRST MEETING

Held at Lake Success, New York, on Monday, 14 November 1949, at 3.15 p.m.

Chairman: Mr. LACHS (Poland).

Draft rules for the calling of international conferences: report of the Secretary-General (A/943) (continued)

DRAFT RULE 2

1. The CHAIRMAN invited discussion on rule 2 of the draft rules for the calling of international conferences (A/943). He noted that the Lebanese delegation, in its amendment (A/C.6/L.74), to

that rule, proposed the deletion of the words "unless it decides otherwise".

2. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) pointed out that, in consequence of the decision⁵ taken by the Committee to apply the rules only to international

³ For the full text of the USSR amendment to draft rule 1, see the Summary Record of the 187th meeting, paragraph 32.

⁴ See the Summary Record of the 189th meeting, paragraphs 46 and 54.

⁵ See the Summary Record of the 189th meeting, paragraph 46.

¹ See paragraph 12 above.

² See paragraphs 49 and 50 above.

conferences of States, the words "of States" should be added to the words "international conferences" whenever they occurred in the draft rules.

3. Mr. CHAUMONT (France) considered that to do so might convey the impression that there were international conferences which were not international conferences of States, a point on which discussion should preferably be avoided. It would therefore be preferable to use the expression "conferences of States".

It was so decided.

4. Mr. MATTAR (Lebanon) explained that his delegation was proposing the deletion of the phrase "unless it decides otherwise" because the inclusion of such a phrase would permit the Council not to settle the agenda, which would be inconsistent with the first part of draft rule 8. When the Council defined the conference's terms of reference, it should at the same time settle the conference's agenda.

5. Mr. LOUTFI (Egypt) inquired why the Secretariat had seen fit to include that phrase in the rule. Furthermore, he thought it would be preferable to specify that the agenda would be a provisional one so that the conference would have the possibility of modifying it if the need arose.

6. Mr. FELLER (Secretariat) said the Economic and Social Council itself had wished that phrase included so as to remain free either to draw up the terms of reference of the conference in general terms or to establish a definite agenda.

7. Whether, as suggested by the Egyptian representative, the agenda should be called "provisional" or not depended on the decision on draft rule 11. If it were adopted, the conference would be bound to conform to the agenda as established by the Council; in that case, therefore, the agenda could not be regarded as provisional. If, on the other hand, draft rule 11 were rejected, it would then be possible to insert the word "provisional" before "agenda" in rule 2.

8. Mr. LOUTFI (Egypt) said that he was satisfied with Mr. Feller's explanations. He agreed that his suggestion should be discussed after a decision had been taken on draft rule 11.

9. Mr. MAKTOΣ (United States of America) pointed out that the condition expressed by the phrase "unless it decides otherwise" was implicit in the whole set of draft rules (A/943); there was therefore no reason not to state it explicitly in that rule, as the Council wished.

10. Mr. MAÚRTUA (Peru) said that draft rule 2 showed, even more strikingly than had draft rule 1, a tendency on the part of the authors of the draft rules to grant what he regarded as excessive independence to the organs of the United Nations. The Council had been given the right to call international conferences without first consulting States; in addition, it was proposed even to empower that organ to settle the actual terms of reference of those conferences.

11. He felt that the Council should do no more than indicate what subject the conference should study and fix the conference's rules. It was surely for the Member States to decide to what extent the subject would be dealt with and, if the need arose,

to propose that its scope should be enlarged or restricted. The word *atribuciones* which appeared in the Spanish text of that draft rule was functional in nature and denoted the powers vested in a person or body for the purpose of the performance of his or its functions. That word should therefore be replaced by a term such as "rules", in order to make it clear that the Council only decided the procedure by which the conference could attain its objective.

12. Mr. FERRER VIEYRA (Argentina) thought that the difficulty was due to the not very satisfactory Spanish translation of the English "terms of reference" (French: *mandat*). The word *atribuciones* did not correspond exactly to "terms of reference". Moreover, the translation of the word "agenda" by *programa de trabajo* was not very good. The necessary alterations should therefore be made in the Spanish text.

13. Mr. TRUJILLO (Ecuador) agreed with the Peruvian representative's criticism of the Spanish text of draft rule 2. That rule consisted of two parts, the first dealing with the actual aims of the conference, and the second with the agenda or, to follow the Spanish translation, the programme of work.

14. As regards the first part, obviously the terms of reference referred to were none other than the work which, under draft rule 1, the conference would be asked to do when the Council was satisfied that that work could not be done satisfactorily by any other organ of the United Nations. Now, although the Council was to define the work of the conference in its main lines, the same was not true of the detailed programme of work, which was a matter for the conference itself to determine.

15. Mr. Soto (Chile) also considered that the difficulties were due to the not very satisfactory wording of the Spanish text. The Spanish word *atribuciones* was much wider than "terms of reference", which only meant the work which a conference was asked to do. Similarly, "agenda" had been mistranslated by *programa de trabajo*. The Spanish text should be brought into line with the English and French texts.

16. He also supported the Lebanese amendment to delete the phrase "unless it decides otherwise", since the Council obviously had the right to choose the solution it thought most appropriate.

17. Finally, Mr. Soto proposed that consideration of draft rule 2 should be postponed pending a decision on draft rule 11; a decision on the Egyptian proposal to insert the word "provisional" depended upon what was decided with respect to rule 11.

18. Mr. TRUJILLO (Ecuador) did not agree that consideration of rule 2 should be postponed. The Egyptian proposal recommended only the inclusion of one word, upon which a decision might be taken later.

19. Mr. STABELL (Norway) supported the Chilean proposal since he considered that a decision on all the rules would depend on the decision on draft rule 11. If it was in fact adopted, the other rules would have to be drafted more liberally. If the present text of draft rule 11 was not adopted

and that rule was not to be mandatory, it would hardly be necessary to draft the other rules with so much caution.

20. Mr. FERRER VIEYRA (Argentina) said that at every conference the question of the agenda was one of the most important problems. The alternatives were as follows: the Council either drew up the conference agenda or simply indicated what subjects were to be dealt with by the conference. In the latter case, Member States would submit proposals regarding the final agenda.

21. He asked the Lebanese representative if his amendment implied that the Council should draw up in advance a fixed and unalterable agenda. As the conferences would include some States which were not represented on the Council, it would be logical and advisable to allow such States to suggest new items for the agenda.

22. Mr. MATTAR (Lebanon) agreed that the States taking part in a conference should be allowed to add new items to an agenda prepared by the Council. The difficulties might be solved if, as the Egyptian representative had suggested, such an agenda was to be provisional.

23. Mr. MAKTOΣ (United States of America) could not agree with the Norwegian representative that a decision on draft rule 11 had to precede consideration of the other rules, because the decision to be taken on rule 11 depended upon the contents of those other rules. One could hardly decide in the abstract, and before the rules of procedure were settled, whether the Council's decisions in respect of a conference under those rules would be mandatory. He felt very strongly that the rules should be mandatory and proceeded to show, by reference to various draft rules that, if they were not mandatory, the whole set of rules would be purposeless.

24. As regards the Council's power to define the conference's terms of reference, dealt with in draft rule 2, it should be remembered that the Council had deliberately laid down in very general language the terms of reference of the three international conferences which it had already convened. Moreover, before a conference's agenda could be settled, the question had first to be thoroughly studied. That should be left to the Council so that those participating in the conference wasted no time in discussing the agenda.

25. Mr. RENOUF (Australia) supported the United States suggestion that the rules should be discussed in the order in which they appeared in the draft set (A/943). In fact, although rule 11 was the foundation of that text, a decision could not be reached on it until the Committee knew what powers would be conferred on the Council in pursuance of the other rules.

26. The CHAIRMAN decided to postpone consideration of draft rule 2 pending circulation of the amendments submitted by the delegations of Peru and Egypt.¹

DRAFT RULE 3

27. The CHAIRMAN invited discussion on draft rule 3, to which two amendments had been submitted, one by the Australian delegation (A/C.6/

¹ Consideration of draft rule 2 was resumed at the beginning of the 199th meeting. For the texts of the amendments of Peru and Egypt, see the Summary Record of that meeting, paragraphs 2 and 6.

L.69) and the other by the USSR delegation (A/C.6/L.72). The Australian amendment called for the addition, at the end of draft rule 3, of the following sentence (A/C.6/L.69): "The Council may decide to authorize the conference to invite other States, experts and organizations to attend and participate in such capacity as the conference may determine, if the need for the participation of such States, experts and organizations becomes evident in the course of proceedings at the conference."

The USSR amendment would replace the original text of draft rule 3 by the following text (A/C.6/L.72):

"International conferences called by the Council shall be open to the participation, under the same conditions, of all States Members of the United Nations.

"Non-Member States whose interests are directly affected by the matters to be considered at the conference may be invited to such conferences. Such States invited to the conference shall have full rights as members thereof."

28. Mr. RENOUF (Australia) recalled that he had previously explained² the reasons behind his amendment to rule 3 which his delegation considered to be too rigid. An international conference composed of sovereign States should be able to invite other States, or even experts and organizations, to take part in its work if, during its discussions, it became evident that their participation was necessary. Hence rule 3 should be so drafted as to provide for that contingency. The object of his amendment could also be attained if the Council were empowered to re-examine the problem at the request of the conference either by a direct vote, if the Council was in session, or by telegram. If the Committee felt that that procedure was more acceptable, his delegation would submit an amendment in that sense. However, if neither of those two proposals was accepted, his delegation could not vote for rule 11 in its present form.

29. Mr. KORETSKY (Union of Soviet Socialist Republics) explained that his amendment had been based on the assumption that the Committee would decide to apply the rules of procedure to conferences of States. The original provisions of draft rule 3, which might have been justified if experts or organizations were to participate, were no longer justified in respect of conferences in which sovereign States would take part on terms of equality.

30. Mr. FELLER (Secretariat) recalled that, when draft rule 3 was discussed, the Council had contemplated the possibility of calling international conferences on given subjects affecting only specified areas, such as a conference to standardize highway signs in the Americas, or a conference on the harmful effects of the chewing of the coca leaf. The Council had felt that it would be sufficient, in such cases, to invite the States directly concerned.

31. He pointed out that originally the Council had had before it a longer rule drafted as follows (E/836, rule E): "The Council shall decide whether any conference of States which it convenes shall be open to full participation by any Member of the United Nations or whether the right to participate should be granted only to those Members especially concerned." After consider-

² See the Summary Record of the 187th meeting, paragraphs 17 and 18.

ation, the Council had finally decided to adopt the present draft rule 3.

32. Mr. SORO (Chile) stated that, if the reference to the participation of experts and organizations was dropped from that rule, as it had been decided that it would be,¹ the second part of the rule became superfluous, since there could be no question of granting the Council the power to decide to what extent States would take part in a conference. The Council had no power to prevent States from freely expressing their points of view on a question under discussion.

33. Moreover, draft rule 3 was closely linked with draft rule 8, the second part of which referred to States which were not responsible for the conduct of their foreign relations. But, in the standard language of international law, a State was an entity endowed with sovereignty; consequently, a country which was not responsible for the conduct of its foreign relations could not be called a State. Conference membership should therefore be reserved to sovereign States. It might prove necessary, however, to invite representatives of Trust Territories or Non-Self-Governing Territories to take part in conferences by reason of the subject dealt with. If it were felt that that contingency should be provided for, then either draft rule 8 should be amended, or there should be a special rule covering that question.

34. Mr. CHAUMONT (France) said that draft rule 3 was not in conformity with the Committee's decision to restrict the application of the rules of procedure to conferences of sovereign States. To provide for the possibility, even theoretical, of discrimination between sovereign States, would be to infringe Article 2, paragraph 1, of the Charter which proclaimed the principle of the sovereign equality of the States Members of the Organization.

35. Moreover, from a practical point of view the Council, a body composed of eighteen States, could not be allowed to have the discretionary power to decide to what extent States might take part in a conference.

36. Draft rule 3 provided for the possibility of mixed conferences in which experts and organizations would take part in addition to States. Since that possibility no longer existed, that draft rule was unnecessary; it should either be deleted or adopted in the amended form proposed by the USSR (A/C.6/L.72).²

37. Mr. KERNO (Assistant Secretary-General in charge of the Legal Department) admitted that, as a result of the Committee's decision to apply the rules to conferences of States, draft rule 3 became less necessary, if not even redundant. The Committee should, however, bear in mind the possibility of a conference affecting a limited number of States only, to which other States might be invited as observers.

38. Moreover, the question of the participation of non-member States should not be overlooked. The Committee should decide whether non-member States might be invited to an international conference and, if so, whether they should take part on an equal footing with Member States, or

whether the latter should enjoy a privileged position by virtue of the obligations they had assumed under the Charter.

39. Mr. КНОМУСКО (Byelorussian Soviet Socialist Republic) considered that draft rule 3 infringed one of the basic rights of sovereign States — the right to sovereign equality. One of the fundamental objectives of the United Nations, as defined in Article 1, paragraph 2, and Article 2, paragraph 1, of the Charter, was the development of friendly relations among nations on the basis of the principle of sovereign equality. That principle should be extended to international conferences, at which each State should have only one vote.

40. He recalled that, as a result of the Economic and Social Council resolution 62 (V) of 28 July 1947, Pakistan and Yemen had been deprived of the right to vote at the Havana Conference on Trade and Employment for the reason that they were not at that time Members of the United Nations. Such discrimination was quite inadmissible. For that reason, the delegation of the Byelorussian SSR was opposed to draft rule 3 in its present form, and supported the USSR amendment under which all States would enjoy an equal status whether or not they were Members of the Organization.

41. Mr. МАКТОС (United States of America), while favouring some provisions in the USSR amendment, had nevertheless a number of objections to it. He agreed that non-member States should enjoy the same rights as Member States at conferences; but he could not support the proposal that only non-member States "whose interests are directly affected by the matters to be considered at the conference" should be invited. Such a proposal raised the question of who was to decide the extent to which the interests of States were affected. It therefore restricted the right which the Council at present possessed to invite all States whose presence was considered necessary, and would inevitably give rise to lengthy debates.

42. Finally, Mr. Maktos said he could not support the Australian amendment, which would be likely to reopen, during the conference, the question of the participation of States which had not been invited before the opening of the conference, as well as the participation of experts and non-governmental organizations.

43. Mr. АВДОН (Iran) said that the first part of draft rule 3, which authorized the Economic and Social Council to decide what States should be invited to the conference, was not entirely superfluous since, as the Secretary-General's representative had pointed out,³ it might in some cases be desirable to invite a limited number of States only to an international conference. Some delegations had raised the objection that such a provision would infringe the principle of the sovereign equality of States. He did not himself share that view and considered it quite logical that only those States whose interests were affected should take part.

44. It was clear from the explanation⁴ given by the Assistant Secretary-General that the second part of draft rule 3 could only apply to a mixed

¹ See the Summary Record of the 189th meeting, paragraph 54.

² See paragraph 27 above.

³ See paragraph 30 above.

⁴ See paragraphs 37 and 38 above.

conference, i.e., a conference in which States and experts or non-governmental organizations all took part. Since the Committee had decided to confine itself to rules for the calling of conferences of States, the phrase "and shall determine the extent of their participation" should be deleted. The Iranian delegation had submitted a formal amendment (A/C.6/L.83) to that effect.

45. Mr. LOUFI (Egypt) recognized that the original text of draft rule 3 no longer met the requirements of the situation resulting from the Committee's decision to apply the rules to conferences of States only. He considered, however, that the Economic and Social Council should be given directives with respect to the States which might be invited to participate in international conferences.

46. The Egyptian delegation held the view that non-member States should be eligible for invitation to international conferences and should in that case enjoy the same rights as Member States. It therefore supported the amendment submitted for that purpose by the USSR (A/C.6/L.72), subject to two minor modifications as follows: The deletion of the word "directly" in the second sentence, and the deletion of the third sentence, with the second sentence being modified to read: "Non-member States whose interests are affected by the matter to be considered at the conference may be invited to such conferences on the same conditions as Member States."

47. Mr. GARCÍA AMADOR (Cuba) shared the views of those who considered that draft rule 3, especially the second part of that rule, derogated from the principle of the sovereign equality of States.

48. As regards the amendment proposed to that rule by the USSR delegation, the Cuban representative pointed out that the wording of the first paragraph seemed to exclude the possibility of calling regional international conferences. At a previous meeting, however, the USSR representative had admitted that there were regional conferences to which it was unnecessary to invite all States Members of the United Nations. Under the circumstances, it would seem advisable to make some change in the form of the paragraph, so as to allow for the calling of such conferences.

49. The second paragraph of the USSR amendment was a completely justified application of the principle of universality which was at the basis of the United Nations Charter. The Cuban delegation congratulated the USSR delegation on the liberal spirit it had shown in submitting its amendment and would vote for that amendment, even though it appeared from the records of the San Francisco Conference that the international conferences provided for under the Charter were intended to consist of Member States only, and that the participation in such conferences of States which were not Members of the United Nations had never been contemplated.

50. The Cuban delegation would also vote for the Australian amendment (A/C.6/L.69). Experience had demonstrated how advantageous it was to have experts and non-governmental organizations take part in international conferences.

51. Mr. FAWCETT (United Kingdom) supported the proposal of the French delegation¹ that draft rule 3 should be deleted. He thought that the power to decide which States should be invited to an international conference was contained in the more general power to convene the conference.

52. The principles set out in the USSR amendment (A/C.6/L.72) were excellent. It was clear that no Member State of the United Nations should be prevented from taking part in an international conference to which it had not been invited, if it expressed the wish to do so; and it ought to be possible to invite non-member States interested in the questions to be discussed at a given conference to take part in that conference. But all those principles were implicit in draft rule 1, which gave the Council, in deliberately general terms, the power to call international conferences of States; that power included the right to determine which States—Members or non-members of the United Nations—should be invited to a conference, but did not permit the Council to deny a Member State the right to take part in that conference if it wished to do so. There was no point, therefore, in laying down provisions such as those in the original text of draft rule 3, or in the USSR amendment.

53. With respect to the Australian amendment (A/C.6/L.69) the United Kingdom delegation pointed out that invitations sent out to States, experts or organizations during a conference might arrive somewhat late. That delegation would, however, be prepared to support the amendment if the Australian delegation would allow its text to be made into a separate rule.

54. Mr. TRUJILLO (Ecuador), although he recognized that the observations² of the representatives of Chile and France were well founded, thought that draft rule 3, instead of being simply deleted, should be amalgamated with draft rule 8, incorporating at the same time certain provisions of the USSR amendment. He therefore proposed replacing draft rule 3 by the following text (A/C.6/L.81):

"When the Council has decided to call a conference, it shall decide what States shall be invited to it. The Secretary-General shall send out the invitations, accompanied by copies of the agenda of the conference, as soon as possible.

"States which are not Members of the United Nations may be invited to participate in the conference and shall enjoy the same rights as States Members."

55. Mr. WENDELEN (Belgium) said that his delegation would accept the suggestion³ of the delegation of Iran that the last phrase of draft rule 3 be deleted. The delegation was even prepared to go further and agree to the entire rule being deleted, as proposed⁴ by the delegations of France and the United Kingdom.

56. The amendments proposed to draft rule 3 raised the question of the participation of experts and non-governmental organizations on the one hand, and of non-member States on the other. With regard to the first group, the Belgian delegation had already had an opportunity to state its opinion⁵ that it would be preferable that the rules governing the calling of conferences in which experts or non-governmental organizations were to

¹ See paragraph 36 above.

² See paragraphs 32 to 36 above.

³ See paragraph 44 above.

⁴ See paragraphs 36 and 51 above.

⁵ See the Summary Record of the 188th meeting, paragraphs 1 to 4.

take part should be drawn up separately and in detail. As for non-member States, the Belgian delegation considered that it would be better not to insert in the rules any explicit provisions in that connexion, since the Economic and Social Council had no doubt intentionally made no provision for the participation of such States in the international conferences which it called. Contrary to the opinion expressed by the representative of Egypt¹ it was not the business of the Sixth Committee and the General Assembly to issue directives to the Council or to take the initiative in that field; the Assembly should confine itself to approving or disapproving the draft rules submitted to it. If the Council thought additional provisions were required, it had only to submit new proposals to the General Assembly. Until that time, however, the Belgian delegation would not support any amendment which would add to the draft rules particulars which the Council itself had hesitated to lay down.

57. Mr. Soto (Chile) appreciated the spirit of compromise in which the representative of Ecuador had submitted his amendment.² He desired to point out, however, that the Council should decide which States should be invited to regional conferences or conferences on special subjects that did not concern all nations, and that, if the Council decided to invite non-member States to participate in international conferences because it considered their interests directly affected by the questions to be dealt with, it should determine the extent of their participation. A very clear distinction should be drawn between international conferences dealing with questions of interest to the whole community of nations and those concerning certain States only. Moreover, it could not be admitted that non-member States participating with Member States in an international conference should in every case enjoy the same rights as the latter. It should not be forgotten that, when the General Assembly or the Security Council invited Member States to attend their meetings, they did not grant them the same rights as their own Members. It was for the Economic and Social Council to decide whether non-member States participating in a conference should have fewer rights than Member States or whether they should be treated on an equal footing.

58. Mr. Soto stated that he would arrange for the circulation to Committee members of an amendment which would substitute for draft rule 3 a text drafted in the manner he had outlined.³

59. Mr. KORETSKY (Union of Soviet Socialist Republics) said that, before dealing with the substance of the problem, he wished to draw attention to the complications that would result from the proposal⁴ of the representative of Ecuador that draft rules 3 and 8 should be considered simultaneously, with the object of combining them, and of adding the second part of the USSR amendment to the former rule. That was simply a question of drafting. It would therefore be preferable to consider each of those draft rules in turn and only contemplate combining them when the texts adopted by the Committee were finally adjusted. Mr. Koretsky, for his part, was not in favour of combining the two rules, for rule 8 was merely a

rule of procedure and should not be placed on the same level as rule 3. He reminded the Committee, since the representative of Ecuador had not taken it into account in his amendment, that the USSR delegation had proposed that draft rule 8 should be amended (A/C.6/L.72)⁵ so as to fix a minimum time-limit of sixty days between the sending out of invitations and the opening of the conference. States should be given adequate advance notice to allow them time to make suitable preparation for their participation in the conference.

60. The representative of the USSR then commented on his own amendment⁶ to draft rule 3. The first part of his amendment embodied two principles: first, that international conferences would be open to all Members of the United Nations and, secondly, that they would participate under the same conditions.

61. In regard to the first principle, some delegations had objected that the amendment would not allow the calling of regional conferences the existence of which, according to the representative of Cuba,⁷ the Soviet delegation had acknowledged at a recent meeting. If the USSR representative had spoken of regional conferences, he could only have been referring to conferences convened by regional agencies such as the Organization of American States or the Arab League; he had certainly not contemplated the possibility that the Economic and Social Council should convene conferences of that nature. The Charter provided only for international conferences to be called by the Council, and made no mention of regional conferences. When regional economic problems arose, they were settled within the framework of the United Nations by the regional commissions, such as the Economic Commissions for Europe, for Asia and the Far East, and for Latin America. When the United Nations had been established, the authors of the Charter must certainly have taken into account the existing regional agreements and agencies. Article 52 mentioned such agencies, but did not include them within the framework of the United Nations; it made provision for the establishment of relations between such agencies and the United Nations, but only in regard to the maintenance of international peace and security. It could therefore be said that the Charter, recognizing historical facts, tolerated regional agencies without, however, favouring regionalism. In fact, the United Nations was by its very nature opposed to the grouping of States into regional blocs which might become rivals of the Organization itself. That was only too true of the economic groups that very quickly become blocs of States bound together by political interests which, sooner or later, led them to adopt an aggressive attitude towards other States. The history of the Marshall Plan furnished an example of that evolution.

62. At the level of the United Nations, there could therefore be no question of regional conferences, and the Economic and Social Council, as an organ of the United Nations, could convene only international conferences in which all Member States should be able to participate. The San Francisco records corroborated that point of view, for they dealt with international conferences of Member States, and not of groups of Member States.

¹ See paragraphs 45 and 46 above.

² See paragraph 54 above.

³ Subsequently issued as document A/C.6/L.82. See the Summary Record of the 192nd meeting, paragraph 4.

⁴ See paragraph 54 above.

⁵ See the Summary Record of the 193rd meeting, paragraph 4.

⁶ See paragraph 27 above.

⁷ See paragraph 47 above.

63. The first principle necessarily led to the conclusion that all States should participate in international conferences on an equal footing, and that the Economic and Social Council should not be asked to decide the extent to which each of them should participate. Otherwise, there would be discrimination against certain States, and one of the basic principles of the United Nations would be undermined.

64. The second part of the USSR amendment concerned the participation of States which were not Members of the United Nations. The text had led to criticism of two kinds. Some delegations had questioned the advisability of granting those States the same rights as Member States; others had expressed doubts on the formula that non-member States whose interests were directly affected by the matters to be considered should be invited to those conferences. While it was important that all Member States should participate in the international conferences convened by the Economic and Social Council, it was equally important that only those non-member States directly affected by the problems to be dealt with should be invited. It was, naturally, the Economic and Social Council which should make the decision on that point. Once invited, however, these States should be treated on an equal footing with Member States. An invitation of that kind could not be compared, as had the Chilean representative,¹ with the invitations sent out by the General Assembly to certain States to participate in the meetings of subsidiary organs in order to facilitate their task by providing information. It was normal, for instance, that in the Security Council, which was an organ established by the Charter and entrusted by it with a special task of the highest importance, the States invited should not enjoy the same rights as the Security Council members. The situation was quite different in an international conference in which all States should participate on an equal footing, that was, not merely in an advisory capacity but with the right to speak and vote.

65. In conclusion, alike from the legal point of view and that of logic, both parts of the USSR amendment were perfectly well-founded.

66. Mr. MAKROS (United States of America) said that the slight ambiguity in the meaning of the first part of the USSR amendment had been elucidated by Mr. Koretsky. It might have been thought that the USSR wished to allow a State that desired to take part in a conference on a subject which did not directly affect it, to request that it should be included in the list of States to be invited. From the explanation given by the USSR representative, however, it was clear that whenever the Economic and Social Council wished to call an international conference, it would, regardless of the subject of the conference, have to invite all fifty-nine Member States, even if that conference was to deal with a matter of such local interest as the highway signal system in North America. The USSR amendment therefore admitted only international conferences on a universal scale.

67. To impose such an obligation on the Economic and Social Council would be unjustifiable and would only hamper the speedy execution of its work. The Council should, on the contrary, be free to determine the composition of each conference, taking into account its special interest for par-

ticular Member States and limiting it, if necessary, to a regional group.

68. Regional economic conferences were certainly valuable. Moreover, it was difficult to understand why suspicion had been thrown in passing on the Marshall Plan, which had nothing to do with the matter. The United States had every right to help other countries to improve their economic situation, in other words, to attempt to achieve on a regional basis what each State was trying to do within its own frontiers.

69. The second part of the USSR amendment would unreasonably restrict the Economic and Social Council's freedom of choice in the matter of inviting non-member States to participate in international conferences. The proposal provided explicitly that only States whose interests were directly affected by the matters to be considered at the conference should be invited. Such a provision would certainly give rise to serious difficulties, since it was not specified who was to decide whether those matters directly affected a given State. Endless discussions would begin and they would only serve to delay the conference to no purpose. The Economic and Social Council, which was responsible under the Charter for calling international conferences, should be left free to exercise that power and to determine, with full knowledge of the facts, what non-member States should be invited.

70. In the circumstances, the United States delegation could not support the USSR amendment.

71. Mr. DUYNSTEE (Netherlands) considered that the two questions raised by the USSR amendment might give rise to many difficulties.

72. First, if all Member States were to participate automatically in all international conferences, the exclusion of regional conferences would only promote a differentiation between those conferences and the Economic and Social Council, and thus aggravate a situation which the USSR delegation apparently wished to avoid.

73. Secondly, if the participation of non-member States was made conditional on their interests being directly affected by the matters considered at the conference, such a condition would give rise to subtle distinctions that would lead to interminable discussions.

74. For those reasons, the Netherlands delegation would support the amendments proposed by Iran.²

75. Mr. CHAUMONT (France) could not support the USSR amendment, the scope of which had just been clearly indicated. There was no justification in the Charter for a rule that all Member States should take part in international conferences. There was nothing in that document which would prevent the limitation of certain conferences to those States which were affected by the matters included in the agenda of those conferences. The USSR amendment admitted that restriction with respect to non-member States; why it should not recognize that some Member States also might have no interest in the work of a conference was difficult to understand. The contradiction was striking; the same reasoning should surely apply to both categories of States.

¹ See paragraph 57 above.

² See paragraphs 43 and 44 above.

It should be remembered that conferences called by the Economic and Social Council would not deal with the maintenance of international peace and security, which did affect all Member States of the United Nations. They would be technical conferences on matters falling within the competence of the Economic and Social Council and might, therefore, concern only some Member States. Furthermore, the amendment would result in an inadmissible discrimination between Members of the United Nations and non-member States.

76. He considered that the original text of draft rule 3 became superfluous when it was decided that the draft rules were only to apply to conferences of States. It added nothing to draft rule 1, which authorized the Economic and Social Council at any time to call an international conference of States, to which the Council, taking into account the purpose of the conference, could invite some States or all States, as it thought appropriate. Naturally, any States which had not been invited, and which considered that its interests were directly affected by the matters to be dealt with by the conference, could approach the Economic and Social Council, or the conference itself, and ask to be admitted to, and participate in, the meetings. Finally, all the participants would obviously be treated on an equal footing since the Charter had established the principle of the sovereign equality of States. Draft rule 3 might therefore very well be omitted.

77. Mr. FAWCETT (United Kingdom) considered that the principle enunciated in the first paragraph of the USSR amendment could be expressed by inserting at the end of the first sentence of draft rule 8 the following passage: "and shall give notice of the conference to every Member of the United Nations not invited. Such Member may send either a delegation or observers to the conference".¹

78. Mr. STABELL (Norway) noted that there seemed to be general agreement on deleting the last phrase of draft rule 3 and the second sentence of draft rule 8. He pointed out, however, that if the Committee should decide that States which were not responsible for the conduct of their foreign relations could be invited to an international conference, obviously a provision to that effect should be inserted in draft rule 3. He hoped, how-

ever, that the Committee would decide to omit the second sentence of draft rule 8.

79. He shared the views of the representative of France² that the provisions of draft rule 1 were ample to enable the Economic and Social Council to determine which States should be invited to participate in a conference. Draft rule 3 therefore served no useful purpose.

80. He likewise agreed with the representatives of the United States and France on the first paragraph of the USSR amendment,³ since it might be desirable to call a conference consisting of a limited number of States. His delegation would therefore vote against that paragraph. If it was rejected, there would be no need to take a decision on the second paragraph of the USSR amendment since the power to invite States not Members of the United Nations to an international conference was already implicit in draft rule 1.

81. With regard to the Australian amendment (A/C.6/L.69),⁴ he recalled that the Committee had decided to limit the scope of the draft rules to calling international conferences of States. Therefore the Council could not invite experts or non-governmental organizations to attend or take part in the work of those conferences. Since the Council did not possess that power, it could not confer it on the conference itself. Apart from that reservation, however, his delegation considered that the Australian amendment could be adopted since the participation, in the work of an international conference, of States other than those invited before its opening, could contribute materially to its success.

82. In conclusion, he said that his delegation would vote for the French amendment and against the USSR amendment, and would vote for the Australian amendment if it was modified in the way he had indicated.

83. The CHAIRMAN noted that the Committee had before it seven amendments to draft rule 3. Since the text of some of those amendments had not been distributed to the members of the Committee, he proposed to postpone the vote until the next meeting. He also proposed to set 15 November 1949 as the time-limit for the submission of amendments to the various draft rules.

It was so decided.

The meeting rose at 6 p.m.

¹ The suggestion for the present insertion subsequently was included in the United Kingdom amendment issued as document A/C.6/L.84.

² See paragraph 76 above.

³ See paragraphs 27, 66, 67 and 75 above.

⁴ See paragraph 27 above.