



UNITED NATIONS
SECURITY
COUNCIL



Distr.
RESTRICTED

S/AC.16/SR.7
16 July 1970

ORIGINAL: ENGLISH

COMMITTEE OF EXPERTS ESTABLISHED BY THE SECURITY COUNCIL
AT ITS 1506TH MEETING

SUMMARY RECORD OF THE SEVENTH MEETING (CLOSED)

Held at Headquarters, New York,
on Thursday, 4 June 1970, at 10.50 a.m.

CONTENTS

Study of the question examined by the Security Council at its
1505th and 1506th meetings (continued)

Report of the Committee to the Security Council

Chairman:

Mr. BHATT

Nepal

STUDY OF THE QUESTION EXAMINED BY THE SECURITY COUNCIL AT ITS 1505TH AND 1506TH MEETINGS (continued)

Mr. JOUEJATI (Syria) said that the debate on the future relationship of independent micro-States with the United Nations had revealed a large measure of consensus on principles. All members of the Committee agreed that, in cases where micro-States joined the Organization, their financial obligation should be minimal; it was also generally agreed that it was preferable to enable the micro-States to enter into some form of association with the United Nations instead of permitting the financial burdens of full membership to prevent them from joining the Organization. What remained to be decided was the form of that association and the legal process necessary to put it into practice.

A status of associate membership seemed the most logical formula, since it would conform to legal practice relating to forms of partnership in organizations. The problem was, however, that the creation of such a status might necessitate amending the Charter. In view of the present state of international relations, that course should be avoided. The Committee's efforts should therefore centre on the possibility of creating a special status without amending the Charter. That could be achieved either by devising a formula that would elicit favourable opinion by the Legal Counsel of the United Nations or by creating new status that would institute a convenient arrangement rather than a legal norm requiring express provision to be made in the Charter. The Committee should seek the opinion of the Legal Counsel as to whether or not a resolution by the General Assembly would be an appropriate substitute for amendment of the Charter. He suggested that the Legal Counsel should first be asked to study such a possibility; if his opinion proved to be negative the Committee could explore other formulas for membership by micro-States.

The Committee should also discuss the criteria to be applied in determining whether a State was a micro-State. It should then decide whether the status to be offered to the micro-States could be requested by the States concerned or was to be imposed upon them. It should further decide whether an existing member of the Organization which fitted the definition of a micro-State could choose the new status. He suggested that the Committee should entrust the study of those questions to a smaller group.

/...

(Mr. Jouejati, Syria)

The financial implications of the new status must not be overlooked. In that connexion, the help of the appropriate organs of the Secretariat should be actively sought.

He suggested that the proposals which had so far been presented to the Committee should be transmitted to the Legal Counsel, together with the records of the debate, on the understanding that the proposals in question would be considered on their merits as possible alternatives which were subject to further discussion.

If his proposal met with the approval of the Committee, the interim report might indicate the degree of progress which had been achieved, mention that the Legal Counsel was now associated with the Committee in its consideration of the item, recommend that the criteria for defining a micro-State should be explored and state that the financial implications should be considered. Finally, it might express the hope that the Committee would be able to reach its final conclusions within three or four months.

Mr. MIKUCKI (Poland) said that his delegation was keenly interested in the question of the newly emerging States, since most of them had previously been under colonial rule. It agreed that the problem was a very complex and delicate one; it had given due attention to all the proposals made so far but was not yet prepared to take a position on the substance of the matter.

He shared the view that the report to the Security Council should reflect the present state of the Committee's work without taking up matters of substance.

Mr. PHILLIPS (United States of America) said he agreed with the representative of Syria that the proposals submitted so far should be transmitted to the Legal Counsel and that the Committee should try to formulate a final recommendation in the near future.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) said that his delegation understood that the Syrian proposal was based on a general feeling among the members of the Committee that it was undesirable to amend the Charter. The purpose of the request for legal advice would apparently be to ascertain whether or not the proposed formulas required such amendments. His delegation

/...

(Mr. Mendelevich, USSR)

was opposed as a matter of principle to amending the Charter, quite apart from the issues involved in the matter now under discussion.

He wished to have it clearly established that any recourse to the Legal Counsel would be aimed at obtaining legal advice rather than guidance. The Legal Counsel was not empowered to provide guidance, but merely legal opinions, and the Committee must not seek recommendations from him.

It must also be understood that although the Legal Counsel's conclusions had some force - that imparted by competence and expertise - they could not be considered binding on any Member State. He did not in any sense mean to challenge the competence or functions of the Legal Counsel, but it must be understood that the Committee was free to accept or reject his advice as it saw fit.

Although he had no objection in principle to the idea of requesting an opinion from the Legal Counsel, he wondered whether it might not be wiser to postpone such a request until all delegations that wished to do so had an opportunity to submit proposals on the item now before the Committee.

Mr. PHILLIPS (United States of America) said he agreed with the Soviet representative that the Committee was free to take whatever action it thought appropriate with regard to the opinion submitted by the Legal Counsel.

Mr. JOUEJATI (Syria) expressed agreement with the Soviet representative's view that it was not desirable to consider amending the Charter. He also agreed that the Committee was free to decide what action it wished to take after the Legal Counsel's opinion was received.

As for the Soviet suggestion that recourse to the Legal Counsel should be postponed, he felt that obtaining the latter's opinion might expedite the Committee's work by establishing at the outset whether or not the proposals that were before it would require revision of the Charter. However, he had no objection to delaying such action until other delegations had an opportunity to submit their proposals.

Mr. MORALES-SUAREZ (Colombia) said he agreed with the Soviet representative that the opinion of the Legal Counsel could not be considered binding on the Committee. As for the question of amending the Charter, his delegation greatly respected the views which had been expressed on the matter but it had serious doubts as to the possibility of avoiding such action. He

(Mr. Morales-Suarez, Colombia)

did not agree that recourse to the Legal Counsel should be postponed, since the work of the Committee had already suffered serious delays.

Mr. CHAYET (France) said that the opinion of the Legal Counsel would be most helpful to the Committee, since it would clarify the legal aspects of the proposals that had been made. Delegations could not be bound by the Legal Counsel's opinion on such a fundamental issue as revision of the Charter. Although his delegation doubted that the United Kingdom and United States proposals were compatible with the Charter, it was prepared to consider any views on the matter. He agreed with the Soviet representative that the Charter should not be revised.

As to the proper time to submit the matter to the Legal Counsel, he felt that if further proposals were to be made by members of the Committee, it would be wise to wait; otherwise, the matter should be settled immediately.

Mr. PHILLIPS (United States of America) said he agreed with the French representative that if there were to be no further proposals, the matter should be submitted to the Legal Counsel forthwith. He suggested that the Chairman should ascertain whether any other delegations planned to present proposals on the item, so that the Committee could reach a decision at the next meeting on the question of seeking a legal opinion.

REPORT OF THE COMMITTEE TO THE SECURITY COUNCIL

The CHAIRMAN suggested that, if the Committee agreed, he should circulate a draft of the Committee's interim report to the Security Council before the next meeting. Any members wishing to do so could submit corrections or amendments in writing before the meeting.

Mr. CHAYET (France) said that the Chairman's suggestion was acceptable to his delegation.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) said that he found the Chairman's suggestion acceptable. He wondered if the Chairman could give the Committee some indication of the type of draft report he had in mind. Would it merely enumerate the proposals that had been submitted and ...

/...

(Mr. Mendelevich, USSR)

stress that the Committee's work should be continued or would it deal more extensively with the proposals?

The CHAIRMAN said that he had planned to circulate a draft report containing merely an enumeration of the proposals submitted, with no details concerning their substance. If the Committee decided that the report should go into detail, additional information could be incorporated at the next meeting.

Mr. PHILLIPS (United States of America) asked the Chairman whether the reference to the proposals in the draft report would be in the form of brief factual summaries.

The CHAIRMAN said that the proposals would be merely mentioned, not summarized.

Mr. PHILLIPS (United States of America) said he felt that unless a brief summary of the proposals was included in the report, the latter would be totally lacking in information of a substantial nature.

Mr. CHAYET (France) said that any discussion of the content of the report should be deferred until the Committee had the draft before it.

Mr. HILDYARD (United Kingdom) said he agreed with the representative of France that it was inadvisable to engage in substantive discussion of the report before the draft was available. However, he shared the United States representative's view that some form of summary of the proposals should be included in the report. His delegation would be willing to have its proposal presented in the form of an annex.

Mr. JOUEJATI (Syria) suggested that the Chairman should change his ruling so as to permit delegations to submit amendments to the report at the next meeting as well as during the interval between meetings.

Mr. MENDELEVICH (Union of Soviet Socialist Republics) supported the French representative's view that any actual discussion of the report should be deferred until the draft was available. He felt that the report itself should be very succinct, since the Committee was at a very preliminary stage in its work.

/...

(Mr. Mendelevich, USSR)

He supported the United States suggestion that the Committee could reach a decision at the next meeting on the question of seeking an opinion from the Legal Counsel.

The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed that he should circulate the draft report in the next few days, that members were free to submit amendments either before or during the next meeting, and that at that meeting the Committee would decide how the proposals were to be presented.

It was so decided.

The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to adopt a decision at its next meeting on the question of seeking legal advice.

It was so decided.

The meeting rose at 11.40 a.m.