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at 3 p. m.



NEW YORK

GENERAL ASSEMBLY

TWELFTH SESSION

Official Records

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President: Sir Leslie MUNRO (New Zealand).

AGENDA ITEM 16

Election of five members of the International Court of Justice (concluded)

1. The PRESIDENT: The General Assembly will begin its second meeting for the purpose of electing members of the International Court of Justice. There remains one place to be filled in the Court.

2. All those names on the ballot paper are eligible with the exception of those who I announced this morning were no longer available and the four gentlemen who have already been elected.

At the invitation of the President, Mr. de la Colina (Mexico) and Mr. Schurmann (Netherlands) acted as tellers.

A vote was taken by secret ballot.

<u>Number of ballot papers:</u>	80
<u>Invalid ballots:</u>	2
<u>Number of valid ballots:</u>	78
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	78
<u>Required majority:</u>	43
<u>Number of votes obtained:</u>	
Mr. Jean Spiropoulos (Greece)	37
Mr. Gaetano Morelli (Italy)	32
Mr. Jaroslav Zourek (Czechoslovakia)	8
Mr. Henri Rolin (Belgium)	3

3. The PRESIDENT: Since no candidate has received the required majority, the Assembly will proceed to a restricted ballot which will be limited to Mr. Spiropoulos and Mr. Morelli.

At the invitation of the President, Mr. de la Colina (Mexico) and Mr. Schurmann (Netherlands) acted as tellers.

A vote was taken by secret ballot.

<u>Number of ballot papers:</u>	83
<u>Invalid ballots:</u>	0
<u>Number of valid ballots:</u>	83
<u>Abstentions:</u>	0
<u>Number of members voting:</u>	83
<u>Required majority:</u>	43
<u>Number of votes obtained:</u>	
Mr. Jean Spiropoulos (Greece)	47
Mr. Gaetano Morelli (Italy)	36

4. The PRESIDENT: The Assembly has given the required majority to Mr. Spiropoulos.

5. I have received the following letter from the President of the Security Council:

"I have the honour to inform you that at the 794th meeting of the Security Council, held on 1 October 1957, for the purpose of electing a member of the International Court of Justice, Mr. Spiropoulos received an absolute majority of votes."

6. Mr. Spiropoulos is duly elected a member of the International Court of Justice.

AGENDA ITEM 8

Adoption of the agenda (continued)

SECOND REPORT OF THE GENERAL COMMITTEE (A/3683)

7. The PRESIDENT: The General Committee has submitted its second report [A/3683] on the adoption of the agenda and on the allocation of items.

8. In accordance with the usual practice of the Assembly, I request members to address themselves in the first instance to the question of the inclusion of items in the agenda. Once a decision in that respect has been taken, we shall then consider the allocation of the items.

9. The General Committee has recommended, by 11 votes to 1, with 3 abstentions, that the item proposed by the Soviet Union entitled "Declaration concerning the peaceful coexistence of States" should be included in the agenda.

10. If there is no objection, I shall assume that the item is included in the agenda.

The item was included in the agenda without discussion.

11. The PRESIDENT: The second item proposed by the Soviet Union, entitled "Discontinuance under international control of tests of atomic and hydrogen weapons" has been recommended without objection for inclusion in the agenda. I shall assume, unless I hear to the contrary, that the Assembly approves the inclusion of this item in the agenda.

The item was included in the agenda without discussion.

12. The PRESIDENT: In connexion with the allocation of agenda items, the General Committee has recommended that the item entitled "Declaration concerning the peaceful coexistence of States" should be allocated to the First Committee. If there are no observations I take it that the Assembly adopts the recommendation.

The recommendation was adopted.

13. The PRESIDENT: In connexion with the item entitled "Discontinuance under international control of

tests of atomic and hydrogen weapons", the Committee decided, by 12 votes to 3, to recommend that the item should be referred to the First Committee as sub-item (d) of item 24, which deals with disarmament.

14. Mr. KUZNETSOV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation notes with satisfaction that the General Committee yesterday unanimously decided to recommend the General Assembly to include in its agenda an item proposed by the Soviet Union, entitled "Discontinuance under international control of tests of atomic and hydrogen weapons". We consider that, in taking this decision, the General Committee acknowledged the importance and urgency of considering this question. Unfortunately, however, it recommended that the question should be included in the agenda not as a separate item, as the Soviet delegation urged and continues to urge, but as a sub-item of the item on disarmament. The General Committee is thus proposing that the question of discontinuing tests of atomic and thermonuclear weapons should be examined in conjunction with a large number of other disarmament problems. The Soviet delegation cannot concur in this and deems it necessary to propose that the General Assembly should include this question in its agenda as a separate item.

15. Permit me briefly to present the arguments in support of our proposal.

16. The question of discontinuing tests must be considered apart from other disarmament questions for the reason that their continuation can no longer be tolerated. They must be halted mainly because they are accompanied by radioactive fall-out which is harmful to human health. Furthermore, this danger increases with every new atomic and hydrogen explosion. I should like to remind you that competent scientists in various countries, including the United States, the United Kingdom, France, India, Japan and others, have proved convincingly that continuation of tests of weapons of mass destruction may create a serious threat both to present and future generations. I am sure that everyone in this hall will agree that the sooner we put an end to tests of this weapon the better it will be both for us and for our descendants.

17. The increased level of radioactivity is therefore causing legitimate alarm to world public opinion. This explains why the largest mass organizations, many members of parliaments, numerous Governments, and hundreds of thousands of scientists in many lands are demanding with increasing insistency that the testing of atomic and hydrogen weapons should be ended forthwith.

18. In addition to eliminating the danger to human health, which is extremely important in itself, the immediate discontinuance of nuclear weapons tests would contribute to ending the dangerous race to develop ever new and more lethal types of nuclear weapons. This would be a first and extremely important step towards the main objective of outlawing atomic and hydrogen weapons completely and towards a successful solution of the problem of disarmament as a whole, a solution which the Soviet Union has steadfastly advocated.

19. We believe that there are a number of favourable circumstances, which are conducive to consideration of the question of discontinuing nuclear weapons tests

separately from other disarmament questions and to the conclusion of an agreement on this question, the chief of these being the fact that at present only three States -- the United States, the United Kingdom and the Soviet Union -- are conducting tests of atomic and hydrogen weapons. Since the Soviet Government has declared its readiness to sign an agreement on the question at any time, the consent of only two States -- the United States and the United Kingdom -- would be needed to bring about the immediate discontinuance of tests of these weapons.

20. Another circumstance conducive to separate consideration of this question is the fact that the interested parties have accepted the Soviet proposal to establish control posts in certain areas. This proposal would make it possible to verify the fulfilment by States of the obligation they would assume to discontinue tests of nuclear weapons, should an agreement to this effect be concluded.

21. On the other hand, whether we wish it or not, to include the question of discontinuing nuclear weapons tests as a sub-item of item 24 on the Assembly's agenda will undoubtedly detract from its importance as a separate question. Item 24 in fact contains three sub-items, and, as you know, the report of the Disarmament Commission covers all disarmament problems, on many of which serious differences of opinion exist among the States. Naturally, this may have the effect of precluding the Assembly from giving the question of discontinuing nuclear weapons tests the attention it undoubtedly deserves.

22. There have been many instances in the work of our Organization in which a seemingly straightforward and extremely urgent question has been lost sight of and postponed indefinitely as a result of being appended to a group of other questions. To combine a large number of items for consideration is not the quickest way to achieve a constructive solution of individual items. This arrangement may be to the taste of some, but it does not meet the insistent demands of the peoples, who are pressing for immediate consideration of the question of discontinuing nuclear weapons tests and the adoption of a positive solution.

23. These are the arguments which compel the Soviet delegation to insist that its proposal for the immediate discontinuance of atomic and thermonuclear weapons tests should be included in the agenda as a separate item and should not be linked with other disarmament questions.

24. In view of what I have just said, the Soviet delegation proposes that the last sentence of paragraph 3 of the General Committee's report [A/3683] should be amended by replacing the words "as sub-item (d) of item 24" by the words "as an independent item". The recommendation would then read as follows: "... to recommend that the additional item proposed by the USSR be referred to the First Committee as a separate item."

25. Mr. DAVID (Czechoslovakia) (translated from Russian): The Czechoslovak delegation considers that the question of test explosions of atomic and hydrogen weapons should be detached from the general problem of disarmament and considered as a separate item, independently of other aspects of disarmament.

26. We cannot agree with the General Committee's report, which recommends that the Soviet Union's

proposal should be linked with the disarmament question. The main argument in favour of discussing the question of discontinuing atomic and hydrogen tests as a separate item at the current session of the General Assembly is the need for an immediate solution of this urgent contemporary problem.

27. To discuss this item as part of the whole complex of disarmament measures inevitably has the effect of linking it with further problems. This merely serves to delay the attainment of agreement on the prohibition of test explosions, as was, for example, demonstrated by the discussions on this question in the Sub-Committee of the Disarmament Commission.

28. The question of working out a system of measures for controlling the discontinuance of thermonuclear weapons tests can also be dealt with as a separate item.

29. The Czechoslovak delegation will vote for the USSR proposal that the question should be considered as a separate item.

30. Mr. LODGE (United States): The United States favours inclusion in the agenda of the Soviet item on nuclear tests. We want to solve this problem safely, sanely and quickly, and we believe that the sharing of views in this Assembly can contribute to that end.

31. We support the recommendation of the General Committee that the item be included as sub-item (d) of the disarmament item. We consider, in fact, that it is already on our agenda in that connexion, for the report of the Disarmament Commission [A/3685], as approved for submission to the Assembly, transmits two reports of its Sub-Committee, which deal extensively with nuclear tests. Draft resolutions dealing with tests have already been submitted under the disarmament item. Discussion of this question in past sessions has by common consent been held in connexion with disarmament. Few would contend seriously that testing weapons has nothing to do with disarmament. We therefore oppose the Soviet amendment, while we favour the inclusion of the Soviet item.

32. We have made in the Sub-Committee, we have made in the Disarmament Commission and we make in the General Assembly this offer to the Soviet Union: We will suspend nuclear tests for an initial period, expected to be two years, but also subject to further extension, provided that you, the Soviet Union, agree on establishing an effective inspection system, air and ground, on stopping production of fissionable material for weapons purposes and reducing present stocks, on starting outer-space missile control and on reducing armed forces.

33. Let me make this clear: We do not insist that all these things be done at once. Moreover, there are no political strings attached. An agreement that they should be done in acceptable stages is enough to get this programme under way, and suspension of testing would be the first thing to happen.

34. This proposal brings out clearly the two big issues of the disarmament problem today. First, are the nations of the world prepared to take steps to reduce the danger of surprise attack; secondly, are the nations of the world ready to take steps to stop the piling up of nuclear weapons and their spreading throughout the world. In the Sub-Committee, the United States, the United Kingdom, France and Canada

have answered "Yes" to these questions. It is now up to the Soviet Union to make the same reply.

35. Mr. NOBLE (United Kingdom): My delegation supports the decision taken by the General Committee that the additional item proposed by the Soviet Union, calling for a cessation of testing of atomic and hydrogen weapons should be inscribed as sub-item (d) of item 24 on the agenda of this session. My Government has always considered that the question of testing such weapons should not be discussed in isolation, but only as one aspect of the wider problem of disarmament.

36. As I said in the General Committee, in particular, my Government considers that the cessation of tests should not be separated from the cessation of production of nuclear material for weapons purposes. The proposals put forward jointly by the Governments of Canada, France, the United Kingdom and the United States of America, which we hope will be fully discussed during the debate in the First Committee, already provide for the cessation of tests of nuclear weapons for an initial period of two years, subject to adequate safeguards. A separate item on this question is not, therefore, in our opinion, necessary and we consider that the item proposed by the Soviet Union should be considered as part of the general disarmament item. I therefore oppose the Soviet amendment.

37. The PRESIDENT: As no other member wishes to speak, I must inform the General Assembly that, according to the general practice, the report of a Committee has priority at the time of the vote. It seems to me that that has always been the practice. In those circumstances, I intend to follow the precedents of my predecessors and put to the vote first the recommendation of the Committee.

38. I call on the representative of the Soviet Union on a point of order.

39. Mr. KUZNETSOV (Union of Soviet Socialist Republics) (translated from Russian): The Soviet delegation would like to call the attention of the President and of the General Assembly to the fact that the modification which the Soviet delegation is introducing is essentially an amendment and as such should be voted on first in accordance with the rules of procedure. There is no rule of procedure which provides that, in certain circumstances, an amendment should not be voted on first; on the contrary, the rules of procedure stipulate that amendments should be voted on before any substantive proposals.

40. I shall not touch upon the substance of the question, but I should like to ask that the Soviet delegation's amendment should be voted on first.

41. The PRESIDENT: In order to clarify the situation, I propose to put my ruling to the vote. My ruling is that the report of the General Committee should be put to the vote first.

The ruling was sustained by 42 votes to 13, with 21 abstentions.

42. The PRESIDENT: I call on the representative of the USSR on a point of order.

43. Mr. KUZNETSOV (Union of Soviet Socialist Republics) (translated from Russian): In view of the fact that the General Assembly has decided to vote first

on the General Committee's recommendation, the Soviet delegation requests a separate vote on the last phrase of paragraph 3: "as sub-item (d) of item 24".

44. The PRESIDENT: In accordance with the request which has just been made, I shall now put to the vote the phrase, "as sub-item (d) of item 24", contained in paragraph 3 of the General Committee's report [A/3683].

The phrase was adopted by 42 votes to none, with 22 abstentions.

45. The PRESIDENT: I shall now put to the vote the recommendation as a whole, that is, the recommendation, in paragraph 3 of the General Committee's report, that the item entitled "Discontinuance under international control of tests of atomic and hydrogen weapons" be referred to the First Committee as sub-

item (d) of item 24 of the agenda, which deals with disarmament.

The recommendation was adopted by 69 votes to none, with 2 abstentions.

46. The PRESIDENT: Finally, the General Committee in paragraph 4 of its report, has recommended that items 64 and 65, which relate, respectively, to the clearance of the Suez Canal and the United Nations Emergency Force, and which the Assembly has already decided to include in the agenda, should be considered directly in plenary meeting. I take it that there is no objection to that recommendation.

The recommendation was adopted.

The meeting rose at 4.15 p.m.