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President: Mr. Mongi SLIM (Tunisia).

Decision concerning procedure

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Third, Fifth and Sixth Committees.

AGENDA ITEMS 34 AND 82

Report of the United Nations High Commissioner for Refugees

Problem raised by the situation of Angolan refugees in the Congo

REPORT OF THE THIRD COMMITTEE (A/5018)

Miss Pelt (Netherlands), Rapporteur of the Third Committee, presented the report of that Committee.

1. The PRESIDENT (translated from French): I invite the Assembly to vote successively on draft resolutions I to III, which the Third Committee has recommended for adoption and which appear in its report (A/5018).

Draft resolution I was adopted by 67 votes to none, with 11 abstentions.

Draft resolution II was adopted by 78 votes to none, with 1 abstention.

Draft resolution III was adopted by 69 votes to none, with 14 abstentions.

AGENDA ITEM 12

Report of the Economic and Social Council

REPORTS OF THE THIRD COMMITTEE (A/5032) AND THE FIFTH COMMITTEE (A/5046)

Miss Pelt (Netherlands), Rapporteur of the Third Committee, presented the report of that Committee.

2. The PRESIDENT (translated from French): I now call upon the Assembly to vote on draft resolutions I to VI, which the Third Committee has recommended for adoption and which appear in its report [A/5032]. I shall first put to the vote draft resolution I.

Draft resolution I was adopted by 83 votes to none, with 1 abstention.

3. The PRESIDENT (translated from French): A separate vote has been requested on paragraph 5 of draft resolution II. I hereby put this paragraph to the vote.

Paragraph 5 was adopted unanimously.

4. The PRESIDENT (translated from French): I now put to the vote draft resolution II as a whole.

Draft resolution II was adopted by 71 votes to none, with 12 abstentions.

5. The PRESIDENT (translated from French): I shall now put to the vote draft resolutions III to V, in that order.

Draft resolution III was adopted unanimously.

Draft resolution IV was adopted unanimously.

Draft resolution V was adopted unanimously.

6. The PRESIDENT (translated from French): We shall now turn to draft resolution VI. I should like to remind members of the Assembly that they have before them for their information a report of the Fifth Committee [A/5046] on the financial implications of this draft resolution.

Draft resolution VI was adopted by 69 votes to none, with 14 abstentions.

AGENDA ITEM 85

Draft Convention and draft Recommendation on Consent to Marriage Minimum Age of Marriage and Registration of Marriages

REPORT OF THE THIRD COMMITTEE (A/5035)

AGENDA ITEM 36

Draft Convention on Freedom of Information

REPORT OF THE THIRD COMMITTEE (A/5041)

AGENDA ITEM 38

Draft Declaration on the Right of Asylum

REPORT OF THE THIRD COMMITTEE (A/5023)

AGENDA ITEM 37

Draft Declaration on Freedom of Information

REPORT OF THE THIRD COMMITTEE (A/5039)

AGENDA ITEM 86

Manifestations of racial prejudice and national and religious intolerance

REPORT OF THE THIRD COMMITTEE (A/5042)

7. The PRESIDENT (translated from French): We shall now proceed to consider agenda items 85, 36, 38, 37, and 86. I call upon the Rapporteur of the Third Committee to present in a single speech the various reports of that Committee on these five agenda items.

Miss Pelt (Netherlands), Rapporteur of the Third Committee, presented the report of that Committee.

8. The PRESIDENT (translated from French): I would point out that the Third Committee, having been unable to complete the consideration of these five agenda items, decided to recommend the General Assembly to defer their consideration until the seventeenth session.

9. If there is no objection, I shall take it that the recommendations to that effect in the reports of the Third Committee on these five items have been adopted unanimously.

It was so decided.

AGENDA ITEM 69

Report of the International Law Commission on the work of its thirteenth session

REPORT OF THE SIXTH COMMITTEE (A/5013)

10. Mr. USTOR (Hungary), Rapporteur of the Sixth Committee: The Sixth Committee has given thorough

and earnest consideration to the report of the International Law Commission. This Commission, as members will recall, is one of the most efficient organs of the United Nations, owing to the outstanding calibre of its members and their devotion to their important work.

11. The report of the International Law Commission covering the work of its thirteenth session contained a draft of seventy-one articles on consular relations, accompanied by commentaries, which the Commission had submitted to the General Assembly with the proposal that it should convene an international conference of plenipotentiaries to study the draft and conclude one or more conventions.

12. The Sixth Committee unanimously accepted the recommendations of the International Law Commission and congratulated it on its work in this matter. The Committee was pleased to accept the invitation of the Federal Government of Austria to hold a conference on consular relations again in Vienna in 1963. In connexion with the invitation to the conference, many delegations represented in the Sixth Committee wished to break with the practice introduced in recent years and proposed to invite this time all States to participate. This trend, however, was overruled in the course of the voting.

13. With regard to all the details and the exact wording of the recommendation of the Sixth Committee, I respectfully refer to the report [A/5013].

14. The PRESIDENT (translated from French): I shall call on any representative who wishes to explain his vote.

15. Mr. PERERA (Ceylon): The delegations of Ceylon, Czechoslovakia, Guinea, India, Indonesia and Poland have submitted an amendment [A/L.399] to the draft resolution contained in the report of the Sixth Committee [A/5013, para. 33].

16. The amendment was submitted even when the question was discussed in the Committee on the basis that at the forthcoming conference on consular relations all States should be invited. The issue is one which can no longer be left aside. It is also a matter regarding which the Assembly should not go on clinging to a formula that only States Members of the United Nations should be invited to participate. Increasingly as the years have passed Member States have acted on the basis that all States should be invited, even if a conference is summoned under the auspices of the United Nations. We are therefore very conscious of our responsibilities in this regard that certain States in the world that qualify under the term statehood or that are independent, sovereign and equal States with other States have been kept out either for political reasons or because some Member States of the United Nations have not recognized them.

17. In short, our submission is based on two cardinal points: first, that recognition of States by other States is not the criterion on which invitations should be issued by the United Nations, and secondly, that there is no difficulty whatever in the *de facto* recognition of these States in international conferences. There have been examples—as pointed out by several delegations in the course of the debate in the Sixth Committee—where even States not recognized by certain States have sat side by side in the discussion of common and mutual problems. It is on this basis that we have submitted this amendment. I do not wish to go into this matter at length. The legal as well as the political

arguments were made in the Committee. We have also taken the position that the Sixth Committee should set an example in this matter even if other Committees do not. It is also for this reason that we are asking members who voted against the amendment in the Committee to reconsider and rectify their position.

18. I therefore formally submit the amendment, and I request a roll-call vote when the relevant paragraph is put to the vote.

19. Mr. PLIMPTON (United States of America): The delegations of Ceylon, Czechoslovakia, Guinea, India, Indonesia and Poland have submitted an amendment [A/L.374] to the draft resolution recommended by the Sixth Committee in its report [A/5013]. The proposed amendment would change operative paragraph 5 of the draft resolution by inviting all States to attend the Vienna conference on consular relations, instead of the usual and customary invitation to "States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice".

20. I must state unequivocally and without reservation the opposition of the United States delegation to this amendment. This amendment would complicate immeasurably the work of the Secretary-General in convoking the Vienna conference. It would require him to make a determination as to what authorities or what entities which are not States Members of the United Nations and so on, are included within the phrase "all States". The amendment would thus impose upon the Secretary-General an extremely undesirable political burden, a burden whose assumption the Secretary-General, in a statement by the Legal Counsel in the Sixth Committee [711th meeting, para. 38] has indicated he would not wish to assume.

21. The amendment contains precisely, and in terms, the very proviso which the Secretary-General and a substantial majority of the delegations were unwilling to accept in the Sixth Committee.

22. During the debates in the Sixth Committee—and, if I may say so, those debates were extended and went into the subject very thoroughly and very carefully—my delegation and a great majority of other delegations referred to the fact that the General Assembly has, without exception, extended invitations only to "States Members" of the United Nations in connexion with international conferences on legal questions. There has been no deviation whatsoever from this practice. It is the States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice which ought by right to participate in United Nations international conferences. And that is what this conference will be.

23. As indicated in paragraph 28 of its report, the Sixth Committee, by a roll-call vote—45 votes to 26, with 13 abstentions—decisively rejected the so-called all States formula. I commend most strongly to the delegations at this Assembly the desirability and importance of reaffirming the wise recommendation of the Sixth Committee.

24. Mr. PECHOTA (Czechoslovakia): According to the draft resolution recommended by the Sixth Committee a conference of plenipotentiaries should be convened in Vienna in March 1963 to codify the rules of international law concerning consular relations and immunities. The conference will consider a question

which is of immense significance in the development of relations between States and the all-round expansion of contacts between them. The convention which will be elaborated by the conference will create a legal basis for the regulation of consular relations between States.

25. The codification and progress of the development of the rules of consular law, as well as international law in general, concern all members of the international community, all States without exception. The prevention of some States from participating in the preparation of international legal documents of a universal nature is a discriminatory measure affecting the interests of international understanding and co-operation. At the same time it is conducive to a reduction of the significance and legal value of accepted international treaties. Such discrimination emanates from paragraph 5 of the draft resolution, which invites only States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice to participate in the conference. Such a restrictive formulation is not in accord with present international law and with the Charter of the United Nations and represents a deviation from the responsibilities of the United Nations in the field of the codification and progressive development of international law. It excludes from the process of the creation of international law a number of States which are justifiably interested in the codification and whose participation is an indispensable requisite for the attainment of the universal application of the endorsed rules.

26. It is quite clear to all which States are involved. The unilateral nature of this restrictive formulation leads us to the logical conclusion that discrimination on the basis of differences in economic and social systems of States is involved. Yet it is clear that such a procedure is contrary to the principle of equality and to the principle of the peaceful coexistence of States, irrespective of their social systems and, consequently contrary to the principles and purposes of the Charter of the United Nations.

27. The Czechoslovak delegation holds that the continuation of this discriminatory practice is detrimental to the interests of peaceful international co-operation and undermines the effectiveness of international law in relations among States. That is why my delegation joined the delegations of Ceylon, Guinea, India, Indonesia and Poland in submitting the amendment, which proposes the participation in the conference of all States without exception or discrimination. The Czechoslovak delegation wishes to express its expectation that the amendment will be supported by a majority of delegations.

28. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): The delegation of the Soviet Union considers that the adoption by the General Assembly of a decision to convene an international conference of plenipotentiaries on consular relations will be a positive step, and will promote a further strengthening of the role of international law in relations between States, and will, consequently, contribute to friendly relations between peoples. This proposition is expressed, more particularly, in the draft resolution contained in the report of the Sixth Committee [A/5013] now submitted for your attention, in which the Sixth Committee expresses "its firm belief that the successful codification and progressive development of the rules governing consular relations would contribute to the development of friendly relations among

nations, irrespective of their differing constitutional and social systems".

29. I think that this part of the Sixth Committee's decision should be emphasized now in the light of the questions which were touched upon in the earlier explanations of vote. The Committee proposes that the General Assembly convene this conference with a view to its contributing to the development of friendly relations between nations, irrespective, I repeat, of their differing constitutional and social systems. This is absolutely correct.

30. In sharp contrast to—I would even say, in dissonance with—this correct assertion, we find operative paragraph 5 of this same draft resolution, which has been rightly criticized here in statements made by the representatives of Ceylon and Czechoslovakia.

31. It is impossible to go on tolerating this discriminatory practice, which conflicts with the principle of co-operation between States, irrespective of their social and political systems—a practice which a particular group of delegations is continuing to foist on the General Assembly.

32. We cannot any longer tolerate a practice which has resulted in the exclusion from a number of important international diplomatic conferences convened in recent years (for example, the Conference on the Law of the Sea, and other conferences), of a number of States which are incontestably possessed of the marks and attributes of States and, in the artificial withholding from these States, despite their desire and sincere endeavours to co-operate internationally in these particular spheres and in general, of the right to take part in such conferences.

33. Whatever the artificial arguments, such as those just advanced here by the United States representative, with which this policy may be masked, its substantive point is quite clear. If the General Assembly, despite the incorrect decision contained in this part of the resolution—the incorrect decision pushed through in the Sixth Committee—adopts a decision which will put an end to this discriminatory practice, an end to this political lobbying which quite unjustifiably prevents certain groups of States from participating in an international meeting on very important problems, particularly those which arise in the framing of international treaties, and also on a matter which, as I have already said and as is pointed out in the Sixth Committee's resolution, should contribute to the strengthening of friendly relations between nations—if, as I say, the Assembly puts an end to this practice, its action will be welcomed by all peace-loving peoples throughout the world.

34. That is why I appeal to delegates to vote for the amendment submitted here in document A/L.374.

35. Mr. MACHOWSKI (Poland): While the essential part of the report of the Sixth Committee which has just been submitted by its Rapporteur is the draft resolution on the forthcoming international conference of plenipotentiaries on consular relations, perhaps the most important provision of this resolution is its paragraph 5, relating to the composition of that conference. The composition of the conference will undoubtedly have a weighty bearing on its results.

36. The Polish delegation has decided to take the floor at this advanced stage of the debate mainly because it feels, as do the delegations of Ceylon, Czechoslovakia, Guinea, India and Indonesia, which

together with the Polish delegation, have co-sponsored the amendment [A/L.374], that we should not leave paragraph 5 of the operative part of the draft resolution in its present form. In particular, we cannot agree that participation in a conference on such a universal problem as that of consular relations should be limited to States that are Members of the United Nations, States that are members of the specialized agencies, and States that are parties to the Statute of the International Court of Justice as envisaged in the present wording of the draft resolution.

37. This discriminatory formula excludes many States which have broad consular relations with many other States, including Members of this Assembly. If we want citizens of Member States of the United Nations, while on the territory of the excluded country, to be accorded due consular protection—and I am sure this is the wish of every Government represented here—we cannot refuse to give those countries the right to take an active part in deciding upon such questions as the scope of consular protection and the rights and duties of States in this regard.

38. As has already been pointed out by the Polish delegation during the debate in the Sixth Committee, the institution of consular relations is based upon the concept of universality itself, for even those countries which, for various reasons of a political or sometimes only of a financial nature, have no diplomatic relations with other States, frequently have consular relations with them. Consular relations are a rather non-controversial domain, far removed from political disputes. As such they seem to be most suitable for breaking with the harmful practice which, in contravention of the United Nations Charter, has barred access to various international conferences to countries not belonging to the United Nations or its specialized agencies.

39. For these reasons, the Polish delegation, as one of the co-sponsors of the amendment, reiterates its appeal that all countries, without any distinction, be invited to the conference on consular relations. We hope that this proposal will find sufficiently wide support to make the Vienna conference, which is to be convened in March 1963, a truly representative and universal one, so as to enable it to carry out the important tasks entrusted to it in the draft resolution which is about to be put to the vote.

40. Sir Patrick DEAN (United Kingdom): My delegation cannot vote in favour of the amendment which has been submitted by the delegations of Ceylon, Czechoslovakia, Guinea, India, Indonesia and Poland to paragraph 5 of the operative part of the draft resolution contained in the report of the Sixth Committee.

41. Under the draft resolution, as it now stands, States Members of the United Nations, States members of the specialized agencies and States parties to the Statute of the International Court of Justice would be invited to participate in the conference on consular relations which it is proposed to convene in Vienna early in March 1963. The effect of the amendment now before us is to extend this invitation to all States. It is a well known fact of international life that there are some entities claiming to be States which are recognized as such by some Governments but are not recognized as such by other Governments. There must be some test to deal with these controversial issues in order to guide the Secretariat in issuing invitations to the conference and to guide the conference itself when it convenes.

42. The test that has been consistently adopted by the United Nations is that found in operative paragraph 5 of the draft resolution adopted by the Sixth Committee. It proceeds on the assumption that every entity which has achieved general recognition as a State will be a Member of the United Nations or of a specialized agency or a party to the Statute of the International Court of Justice. It thus provides a convenient and practical test, and indeed the only convenient and practical test for determining who shall be invited as States to the conference. It is a test, moreover, that is entirely appropriate for a conference convened under the auspices of the United Nations.

43. The alternative formula, which is that contained in the amendment which is now before us, includes no test and gives no clear directive to the Secretariat in issuing invitations. Moreover, it paves the way for a long and heated debate on the question at the opening of the conference itself. For these reasons, which my delegation believes will be approved by a number of delegations here, my delegation will vote against the amendment [A/L.374].

44. The PRESIDENT (translated from French): I invite the Assembly to take a decision on the draft resolution which the Sixth Committee recommends to us for adoption and which is contained in its report [A/5013] on agenda item 69, and also on the amendment [A/L.374] to this draft resolution. In accordance with rule 92 of the rules of procedure, I shall first put to the vote the amendment [A/L.374] on which a roll-call vote has been requested.

A vote was taken by roll-call.

Canada, having been drawn by lot by the President, was called upon to vote first.

In favour: Ceylon, Cuba, Czechoslovakia, Ethiopia, Ghana, Guinea, Hungary, India, Indonesia, Iraq, Mali, Mongolia, Morocco, Nepal, Poland, Romania, Syria, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia, Afghanistan, Albania, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia.

Against: Canada, Chile, China, Colombia, Cyprus, Denmark, Dominican Republic, Ecuador, Federation of Malaya, Finland, France, Greece, Guatemala, Haiti, Iceland, Iran, Ireland, Israel, Italy, Japan, Jordan, Lebanon, Liberia, Luxembourg, Madagascar, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, South Africa, Spain, Sweden, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Cameroon.

Abstaining: Central African Republic, Chad, Congo, (Brazzaville) Congo, (Leopoldville) Dahomey, Gabon, Laos, Libya, Mauritania, Nigeria, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sudan.

*There were 28 votes in favour, 50 against and 15 abstentions.**

The amendment was not adopted, having failed to obtain the required two-thirds majority.

45. The PRESIDENT (translated from French): I shall now put to the vote the draft resolution which the

Sixth Committee has recommended for adoption and which appears in its report [A/5013].

The draft resolution was adopted by 90 votes to none, with 2 abstentions.

46. Mr. ZENKER (Austria): On behalf of the Austrian Government I should like to express our sincere appreciation for the decision just taken by the General Assembly, as a consequence of which Vienna will be host in March 1963 to the international Conference of Plenipotentiaries, to consider the question of consular relations.

47. The Austrian Government considers it a great pleasure and a distinct honour indeed to be host to this important international conference and will do its utmost to assist the Conference in every possible way in the successful accomplishment of its work. My Government is confident that the Conference which the General Assembly, without a single dissenting vote, has just decided should be convened, will be able to accomplish its task successfully, and thus contribute towards friendlier relations and closer co-operation among nations.

AGENDA ITEM 70

Future work in the field of the codification and progressive development of international law

REPORT OF THE SIXTH COMMITTEE (A/5036)

Mr. Ustor (Hungary), Rapporteur of the Sixth Committee, presented the report of that Committee and then spoke as follows:

48. Mr. USTOR (Hungary), Rapporteur of the Sixth Committee: The report of the Sixth Committee on the item entitled "Future work in the field of the codification and progressive development of international law" pertains to the most important topic on the Committee's agenda this year. The report reflects the sincere and constructive efforts of the members of the Committee to bring about a unanimous decision in this matter. After careful and thorough consideration the Sixth Committee succeeded in reaching agreement. The conclusions reached, I respectfully submit, give a balanced and sound guidance for the future work of the International Law Commission. The Committee, however, wishes to request the International Law Commission itself to discuss and consider the problem of its own future work. The Sixth Committee will take up the matter again, in the light of the report of the International Law Commission, at the seventeenth session of the General Assembly. The Committee itself, however, will deal with the problem of paramount importance. It wishes to place on its own agenda the question entitled, "Consideration of principles of international law relating to friendly relations and co-operation among States in accordance with the Charter of the United Nations".

49. Thus, the Sixth Committee wishes to approach from the legal angle the main problem of mankind at the seventeenth session of the General Assembly.

50. The draft resolution prepared, and unanimously adopted, by the Sixth Committee emphasizes the important role of codification and progressive development of international law, believing that international law becomes thereby a more effective means of furthering the purposes and principles of the Charter of the United Nations.

*The delegation of Sudan subsequently informed the President that Sudan wished to appear among the countries which voted in favour of the amendment. See 1082nd meeting, para. 2.

51. The PRESIDENT (translated from French): I invite the Assembly to take a decision on the draft resolution contained in the report of the Sixth Committee [A/5036]. This draft was adopted unanimously in the Committee and, if there are no objections, I shall also regard it as unanimously adopted by the General Assembly.

The draft resolution was adopted unanimously.

AGENDA ITEM 71

Question of special missions

REPORT OF THE SIXTH COMMITTEE (A/5043)

52. Mr. USTOR (Hungary), Rapporteur of the Sixth Committee: The Vienna Conference on Diplomatic Intercourse and Immunities succeeded in adopting a Convention on Diplomatic Relations. The Convention pertains to diplomatic relations based on permanent diplomatic missions, but it does not settle all questions connected with special diplomatic missions. These questions need further study and consideration.

53. The Sixth Committee, upon the recommendation of the Vienna Conference, wishes to request the Inter-

national Law Commission to deal with the matter and report on its study to the General Assembly. The recommendation of the Sixth Committee to this effect is to be found in my report, set out in document A/5043.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Sixth Committee.

54. The PRESIDENT (translated from French): I invite the Assembly to take a decision on the draft resolution which the Sixth Committee has recommended for adoption and which appears in its report [A/5043] on agenda item 71. This draft was adopted unanimously by the Sixth Committee and, if there are no objections, I shall also regard it as unanimously adopted by the General Assembly.

The draft resolution was adopted unanimously.

55. The PRESIDENT (translated from French): In view of other work to be done by the General Assembly and of the meeting of the Security Council which is to be held this afternoon, the next plenary meeting of the Assembly will be held this evening at 8.30 p.m.

The meeting rose at 1.10 p.m.