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President: Mr. Amintore FANFANI (Italy).

AGENDA ITEM 39

Establishment of a United Nations capital development fund: report of the Committee on a United Nations Capital Development Fund

REPORT OF THE SECOND COMMITTEE (A/6145)

AGENDA ITEM 47

World campaign for universal literacy: report of the Secretary-General

REPORT OF THE SECOND COMMITTEE (A/6146)

AGENDA ITEM 48

United Nations Institute for Training and Research: reports of the Secretary-General

REPORT OF THE SECOND COMMITTEE (A/6147)

1. The PRESIDENT (translated from French): In the absence of the Second Committee's Rapporteur, Mr. Ramaholimihaso, the representative of Madagascar, we shall take up agenda items 39, 47 and 48 straight away.

In accordance with rule 68 of the rules of procedure, it was decided that the reports of the Second Committee would not be discussed.

2. The PRESIDENT (translated from French): In view of the decision which the General Assembly has just taken, I would remind representatives that statements will be confined to explanations of vote.

3. The Assembly will take up agenda item 39, on which the Second Committee has submitted a draft resolution [A/6145, para. 7]. Since no one wishes to take the floor, I shall put the draft resolution to the vote.

The draft resolution was adopted by 60 votes to 8, with 11 abstentions.

4. The Assembly will now take up agenda item 47, on which the Second Committee has submitted a draft resolution [A/6146, para. 12].

5. Mr. GALLARDO MORENO (Mexico) (translated from Spanish): The interest and effort of all countries which, to a greater or lesser degree, are struggling with the problem of literacy are self-evident. We must develop people's faculties and abilities, and the essential prerequisite for this is that they should be able to understand and make themselves understood, that they should be able to read and write.

6. In the Second Committee and in the general debate my delegation deemed it appropriate to describe the methods we have used and the successes we have achieved in our literacy campaign, because it felt that such information could be of use in attaining our common goal. In keeping with the draft resolution in paragraph 12 of the report of the Second Committee (A/6146), my country will make known through UNESCO the numerical results of its literacy campaign, together with the effects of the methods employed, particularly as regards the use of television, which has just begun. We shall also continue to collaborate with other countries which are interested in the programme.

7. Mr. MEGDICHE (Tunisia) (translated from French): On behalf of my delegation, I should like to say how pleased my Government is with the work that the United Nations has been doing to eradicate illiteracy. We fully appreciate the responsible way in which UNESCO is carrying out its noble mission. Thanks to the generous initiative of its Director-General, Mr. René Maheu, UNESCO can now claim to have found the one way, the one approach which can help the United Nations to rid mankind of this scourge.

8. Indeed, illiteracy is no longer regarded as an isolated phenomenon. To combat illiteracy is no

longer merely a matter of teaching people to read and write. Since the Teheran Congress,^{1/} as Mr. René Maheu pointed out in his brilliant statement in the Second Committee [980th meeting], the problem of illiteracy has been closely linked with development. To combat the scourge of illiteracy is to work methodically towards a better integration of citizens in the economic and social life of their country.

9. We are firmly convinced that this new view of the problem will be of definite assistance to the developing countries in their efforts to remove this obstacle to their progress and development.

10. Tunisia is giving pride of place to the literacy campaign in its general development efforts. All the national organizations—youth, women's and trade-union organizations etc.—are taking an interest in this question and are participating actively and regularly in the various literacy campaigns. This national effort requires constant sacrifices on the part of Tunisia, but such sacrifices alone, without increased assistance from international organizations, cannot enable Tunisia to attain the ultimate goal within the desired period of time. The action of UNESCO and the United Nations will not only have a catalytic effect but will guarantee the success of the venture.

11. My Government is convinced that, as a result of the draft resolution before us, the concerted action of the United Nations and its specialized agencies, combined with that of all Governments interested in eliminating the disastrous effects of poverty, ignorance and disease, will ultimately be crowned with success.

12. My Government, for its part, is ready, in accordance with the provisions of the draft resolution we are about to vote on, to mobilize all the necessary resources in order to attain the goals which we have set for ourselves. It is also willing to co-operate wholeheartedly with all other countries in order to derive the greatest possible benefit from our respective experiences in this field.

13. In conclusion, we wish to pay a tribute to the spirit of co-operation and understanding shown by all Member States with regard to this important question and we hope that this spirit will be reflected in a unanimous vote on the draft resolution.

14. The PRESIDENT (translated from French): I now invite the Assembly to take a decision on the draft resolution submitted by the Second Committee [A/6146, para. 12]. Since the Committee adopted the resolution unanimously, I shall consider, if there are no objections, that the General Assembly too adopts it unanimously.

The draft resolution was adopted unanimously.

15. The PRESIDENT (translated from French): We now come to agenda item 48, on which the Second Committee has submitted a draft resolution [A/6147, para. 10], which it also adopted unanimously. May I consider, if there are no objections, that the General Assembly adopts this draft resolution unanimously?

The draft resolution was adopted unanimously.

^{1/} World Congress of Ministers of Education on the Eradication of Illiteracy, held from 8 to 19 September 1965.

AGENDA ITEM 87

Reports of the International Law Commission on the work of its sixteenth and seventeenth sessions

REPORT OF THE SIXTH COMMITTEE (A/6090)

AGENDA ITEM 103

Amendments to the rules of procedure of the General Assembly consequent upon the entry into force of the amendments to Articles 23, 27 and 61 of the Charter of the United Nations

REPORT OF THE SIXTH COMMITTEE (A/6132 AND CORR.1)

16. Mr. ALCIVAR (Ecuador), Rapporteur of the Sixth Committee (translated from Spanish): It is an honour for me to submit to the plenary General Assembly the report of the Sixth Committee [A/6090] on agenda item 87, "Reports of the International Law Commission on the work of its sixteenth and seventeenth sessions".

17. As indicated in the report, the representatives who took part in the debate in the Sixth Committee congratulated the International Law Commission on the work it had done at its sixteenth and seventeenth sessions, especially with regard to the progress made in the progressive development and codification of the law of treaties and of special missions.

18. In the course of the debate, emphasis was placed on the urgent need to continue the work on the progressive development and codification of international law in accordance with current interests of the international community.

19. The importance of international law, its progressive development and codification was acknowledged by all as a powerful means of strengthening the rule of law in international life, peaceful coexistence and friendly relations among States and of maintaining international peace and security in accordance with the Purposes and Principles of the United Nations Charter.

20. The examination of the reports of the International Law Commission by the Sixth Committee constitutes an assurance that the Commission's work is directed towards the latest developments in the international community and takes into account the aspirations and interests of all States Members of the United Nations. At the same time, such examination makes it possible to associate the General Assembly with the codification and progressive development of international law, thereby contributing to its encouragement in accordance with the provisions of Article 13, paragraph 1 a, of the Charter.

21. It must not be forgotten that it is the task of the International Law Commission to define rules and draw up drafts, and that it is for States to establish international law and proclaim and sanction its rules.

22. The co-operation of the General Assembly and of Member States in the progressive development and codification of international law is an essential prerequisite for the attainment of such objectives.

23. The International Law Commission was congratulated on the quality, usefulness and value of the work that had been done with respect to the law of treaties and on its proposal to complete that work in the course of next year.

24. In stressing the importance of the progressive development and codification of such a fundamental part of international law as the law of treaties, a number of representatives emphasized that this codification should be fundamentally based on and inspired by the major principles of contemporary international law and that some excessively traditionalist elements should be eliminated.

25. It was also stated that the draft articles on the law of treaties could not acknowledge unjust, unfair or unequal treaties, which were often consequences of the colonial system.

26. Other representatives stated that the law of treaties should be based on the free will of the parties and should ensure that the confidence that should prevail in relations between States was not weakened.

27. In that connexion, it was stated that the draft of the International Law Commission should provide sufficient protection against the likelihood of unilateral or arbitrary action to release parties from observing the conventional obligations they had duly undertaken.

28. The majority of the representatives who spoke considered that the codification of the law of treaties should take the form of a single draft convention.

29. With regard to the formulation of the provisions of the draft articles, some representatives favoured brevity and simplicity, while others stated that the elimination of descriptive elements should not result in excessive generalization. Many considered that the provisions of the draft should be clear and precise, and link ideal solutions to the needs and realities of international life.

30. Some representatives considered that the codification of the law of treaties would not destroy the importance of the rules of customary law governing them. In addition, many comments were made on the general tenor and specific articles of part III (Application, effects, modification and interpretation of treaties) and on part I (Conclusion, entry into force, and registration of treaties), which are reproduced in paragraphs 31 to 62 of the report, and a number of suggestions were made relating to the preparation of a possible future diplomatic conference of plenipotentiaries on the law of treaties which is described in paragraphs 63 to 68 of the report.

31. With regard to special missions, many representatives mentioned the importance, utility and necessity of the progressive development and codification of the rules of international law governing such missions. It was stated that this would be a further step forward in the codification of modern diplomatic law initiated by the Vienna Conventions on Diplomatic Relations (1961) and Consular Relations (1963).

32. Some representatives pointed out that, apart from its historical interest, the institution of special missions—which antedate permanent diplomatic mis-

sions—had taken on new importance in contemporary international affairs, owing to the frequency with which States now employed such missions. The proliferation of special missions of every kind, resulting from the dynamism of the times, makes it more urgent to adopt a uniform and generally accepted system for their regulation.

33. The comments made on the draft articles as a whole and on individual provisions are given in paragraphs 71 to 85 of the report, in which the International Law Commission is congratulated on its praiseworthy work on the subject.

34. Lastly, before concluding, I should like to draw the General Assembly's attention to the fact that in view of the importance of the codification of the law of treaties and the law of special missions, the Sixth Committee has approved and endorsed the programme of work, dates and places of the next meetings of the International Law Commission, as described in paragraph 87 of the report.

35. It was considered appropriate, necessary and desirable that the International Law Commission should hold a four-week series of meetings in January 1966 and should reserve the possibility of extending its eighteenth session, scheduled to be held from 4 May to 8 July 1966, for an additional two weeks.

36. This would enable it to complete its consideration of the law of treaties and of special missions and submit final drafts on those two subjects to the next session of the General Assembly.

37. With regard to the invitation issued by the Government of the Principality of Monaco to hold the four-week session scheduled for January 1966 in that country, some representatives said that they had no objection, provided that the holding of the session complied with the rules adopted by the General Assembly respecting such invitations.

38. I now have the honour to submit for the consideration of the plenary General Assembly the draft resolution on the reports of the International Law Commission on the work of its sixteenth and seventeenth sessions, reproduced in paragraph 94 of the report [A/6090], which the Sixth Committee recommends for adoption by the General Assembly.

39. I also have the honour to submit to the General Assembly the report of the Sixth Committee [A/6132 and Corr.1] on agenda item 103, "Amendments to the rules of procedure of the General Assembly consequent upon the entry into force of the amendments to Articles 23, 27 and 61 of the Charter of the United Nations". This item was included in the agenda at the request of the Secretary-General. I would recall that with the entry into force of the amendments to Articles 23 and 61 of the Charter, increasing the membership of the Security Council and the Economic and Social Council, it became necessary to amend the rules of procedure—namely, rules 143 and 146—which specify the number of non-permanent members of the Security Council and the members of the Economic and Social Council who are elected each year by the General Assembly. It also became necessary to amend rule 8 (b), which contains a reference to the majority required for the adoption of decisions in the Security Council;

that majority has been increased from seven to nine by the amendment to Article 27 of the Charter.

40. This report of the Sixth Committee contains a summary of the discussion which led to the adoption by the Sixth Committee of its recommendations to the General Assembly. I need not, therefore, review that discussion and shall simply recommend that the Assembly adopt the three draft resolutions (A), (B), and (C) reproduced in paragraph 21 of the report. These resolutions are designed to bring the rules of procedure of the Assembly into line with the amended text of the Charter.

In accordance with rule 68 of the rules of procedure, it was decided that the reports of the Sixth Committee would not be discussed.

41. The PRESIDENT (translated from French): I would point out that, in accordance with the decision just taken by the Assembly, statements will be confined to explanations of vote.

42. We shall now take up agenda item 87, on which the Sixth Committee has submitted a draft resolution [A/6090, para. 94]. I would inform the Assembly that the Fifth Committee has submitted a report [A/6148] on the financial implications of this draft resolution.

43. I shall now put the Sixth Committee's draft resolution to the vote.

The draft resolution was adopted by 77 votes to none.

44. The PRESIDENT (translated from French): The Assembly will now take up agenda item 103, on which the Sixth Committee has submitted three draft resolutions [A/6132 and Corr.1, para. 45].

45. Mr. RESICH (Poland) (translated from French): My delegation will vote in favour of draft resolutions B and C, since it considers them to be the logical consequence of the entry into force of the amendments to the United Nations Charter.

46. Draft resolution A, however, has to do with paragraph (b) of rule 8 of the rules of procedure of the General Assembly. This rule is designed to sanction resolution 377 (V) entitled "Uniting for peace". My delegation will continue, as in the past, to regard this resolution as illegal and incompatible with the provisions of the United Nations Charter. According to the Charter, the Security Council is the only organ entitled to take action in the case of a threat to peace or an act of aggression. For these reasons, my delegation will abstain in the vote on draft resolution A.

47. Mr. MONOD (France) (translated from French): The French delegation would like to explain its vote on draft resolution A, the purpose of which is to amend paragraph (b) of rule 8 of the rules of procedure of the General Assembly, by replacing the word "seven" by the word "nine" in order to take account of the recent changes in the composition of the Security Council.

48. Now rule 8, paragraph (b) of the rules of procedure provides for the convening of emergency special sessions of the General Assembly in accordance with resolution 377 A (V). As is generally known, my delegation considers that that resolution has the effect of altering the provisions of the Charter

concerning the division of powers between the General Assembly and the Security Council. It feels that no such change in the Charter can be validly made without recourse to the procedures prescribed by the Charter itself.

49. For this reason my delegation will abstain in the vote on draft resolution A, although it has no objections regarding the purely technical aspect of the amendment itself. It will vote in favour of draft resolutions B and C.

50. Mr. CHKHIKVADZE (Union of Soviet Socialist Republics) (translated from Russian): In explanation of its vote, the USSR delegation wishes to state that it will vote against draft resolution A [A/6132 and Corr.1] for reasons of principle, since the amendment it proposed relates to rule 8 (b) of the rules of procedure. That rule is based on General Assembly resolution 377 (V) which, in the opinion of the USSR delegation, is unconstitutional and illegal. Resolution 377 (V) seeks to undermine the very foundations of the United Nations by circumventing the Security Council and conferring on the General Assembly powers reserved by the Charter to the Security Council, the sole organ competent to take measures for the maintenance and restoration of international peace and security. Resolution 377 (V) is contrary to Articles 24, 39 and 51 of the Charter. For this reason, the USSR delegation will vote against draft resolution A.

51. Mr. ROGERS (United States of America): The United States would like to explain its vote for the report of the Sixth Committee [A/6132 and Corr.1]. The United States notes that certain views which were expressed in the Sixth Committee questioning the appropriateness of the amendment to rule 8 (b) have been repeated here. In the opinion of the United States, the constitutionality of General Assembly resolution 377 (V) is hardly relevant to the issue raised by the proposed amendment to rule 8 (b). The draft resolutions approved by the Sixth Committee proposed changes in rules 8 sub-paragraph (b), 143 and 146, made necessary by amendments to the Charter. These are purely procedural measures designed to bring these rules into conformity with the amended Charter. Any questions concerning the validity of the Uniting for Peace resolution (377 (V)) have no bearing on the need for these procedural measures.

52. However, since a question has been raised concerning the constitutionality of the Uniting for Peace resolution, the United States must reaffirm its belief about that resolution's constitutionality. The resolution provides a procedure which recognizes the primary responsibility of the Security Council for the maintenance of international peace and security, but enables the General Assembly to assume its responsibilities in that area when the Security Council has failed to exercise its rule. The Uniting for Peace resolution authorizes the General Assembly to meet in emergency special session when the Security Council is unable to act when there appears to be a threat to the peace, breach of the peace or act of aggression. Surely, the United Nations as a whole is not relieved of its responsibilities for the maintenance of international peace and security, when the Security Council has failed to perform its functions. The procedure established under the Uniting for Peace resolution has

received substantial support in United Nations organs such as the Special Committee on Peace-keeping Operations, and the International Court of Justice in its advisory opinion on certain expenses of the United Nations recognized the General Assembly's power to recommend certain peace-keeping measures. The general debate at this session has contained widespread support for the Uniting for Peace procedure. The legality of this resolution then is beyond any serious dispute. Given such a situation it is all the more inappropriate to raise such issues in connexion with the amendment to rule 8 (b).

53. The PRESIDENT (translated from French): We shall now vote on the three draft resolutions recommended by the Sixth Committee [A/6132 and Corr.1, para. 21]. I shall now put draft resolution A to the vote.

Draft resolution A was adopted by 69 votes to 9, with 2 abstentions.

54. The PRESIDENT (translated from French): Draft resolutions B and C were adopted unanimously by the Sixth Committee. If there are no objections I shall take it that the General Assembly too adopts them unanimously.

Draft resolutions B and C were adopted unanimously.

55. The PRESIDENT (translated from French): We have thus concluded our consideration of agenda item 103, which is the last item on the agenda for this afternoon's meeting. As representatives know, consultations are now being held concerning the elections to the Security Council and the Economic and Social Council. If they result in an agreement, the Assembly can hold these elections tomorrow, 9 December.

The meeting rose at 4.5 p.m.