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CONTENTS

Chairman: Mr. Vratislav PĚCHOTA (Czechoslovakia).

AGENDA ITEM 84

Reports of the International Law Commission on the second part of its seventeenth session and on its eighteenth session (continued) (A/6309 and Add.1, A/6348 and Corr.1, A/C.6/371, A/C.6/L.596/Rev.1, A/C.6/L.597 and Add.1, A/C.6/L.598, A/C.6/L.600 and Corr.1, A/C.6/L.601-603)

1. Mr. STAVROPOULOS (Legal Counsel) said that the pattern of conferences for 1968 provided for the holding of an International Conference on Human Rights, an international conference on the revision of the Convention on Road Traffic and of the Protocol on Road Signs and Signals, and a conference of ministers responsible for social welfare. According to the available information, those three conferences would not take place before April, so that there would apparently be no objection to choosing 1968 for the convening of the international conference on the law of treaties, on the understanding that it would take place in February and March, if it was held in two sessions, or in January if there was only one session. Concerning the rule laid down in General Assembly resolution 2116 (XX) that not more than one major special conference of the United Nations should be scheduled in any one year, there was still no criterion for determining what should be considered a "major conference". The essential thing was that the Sixth Committee should take a decision. By the next session of the General Assembly, some factors which were as yet unknown would probably have become clear.

2. Mr. BAL (Belgium) wished to express his Government's appreciation of the important work accomplished by the International Law Commission. Belgium was deeply interested in the holding of seminars on international law and in the co-operation of the Commission with other bodies, including the Council of Europe (see A/6309). It had shown the importance it attached to the question of special missions by submitting its first comments in writing (see A/CN.4/188).

3. Regarding the law of treaties, the best possible use must be made of the Commission's work; and Belgium supported the idea of holding an international conference of plenipotentiaries. That, however, would not be a mere formality. The general debate in the Sixth Committee had made it very clear that in its consideration of the draft articles the conference would have to deal with a number of knotty problems of substance. In the Belgian view, one such task would be a thorough study of such problems as the matter of reservations. If the rules of jus cogens were to be introduced into a convention of positive law, an attempt must be made to establish the scope of those rules and the authority that would be competent to settle problems of interpretation. It was essential, therefore, that the draft articles should be submitted to thorough examination in the light of experience and of State practice and bearing in mind that the rules that were formulated would have to remain applicable for a long time to many international relationships among States of all continents. The Committee should carefully study the draft articles at the 1967 session of the General Assembly; it should then have before it the further written comments which would have been received from Governments and which the Secretariat should have circulated as quickly as possible.

4. Belgium endorsed operative paragraphs 1 to 9 of the draft resolution contained in document A/C.6/596/Rev.1, concerning the organization of the work of the conference. The obstacles to the establishment of two main committees did not seem insurmountable, and the advantages of that procedure argued strongly in favour of its adoption. Furthermore, the conference should be divided into two sessions. Regarding participation in the conference, he noted that the question was by no means new for the Sixth Committee, which had already rejected the all-States formula in connexion with extended participation in general multilateral treaties concluded under the auspices of the League of Nations. The arguments advanced at the present session by the proponents of that formula were neither new nor convincing. Several delegations had pointed out the practical difficulties that it would raise, quite apart from political considerations; yet the sponsors of the amendment in document A/C.6/L.598, who did not deny that a practical problem existed, had still not proposed a solution for those difficulties. They seemed to be hoping that ultimately they would be surmounted; but he was not so sure that they would. In any event, it did not seem desirable to begin the conference with a long discussion on the participation of all the States that might wish to take part. For all those reasons, his delegation favoured the very flexible formula proposed in operative paragraph 4 of the draft resolution (A/C.6/L.596/Rev.1).

5. Mr. ENGO (Cameroon) said that his contacts with other delegations led him to believe that his Govern-

ment's concern regarding the organization of the proposed conference was shared by the other African countries. He hoped, therefore, that the sponsors of the draft resolution in document A/C.6/L.596/Rev.1 would give consideration to the difficulties of the developing countries, which would prefer a one-session conference with a single committee of the whole, on the understanding that the conference would be able to determine its working methods.

6. His delegation favoured Geneva as the site of the conference; but as some State might wish to invite the conference to meet on its territory, he suggested that operative paragraph 3 of the draft resolution (A/C.6/L.596/Rev.1) should be amended as proposed in document A/C.6/L.602 by inserting after the words "early in 1968" the words "at Geneva or at any other suitable place where an express invitation by a State Member of the United Nations is received". For the time being his delegation would not submit an amendment to operative paragraph 9, because it was waiting for the text announced by the Netherlands delegation (916th meeting) to be issued.

7. Mr. BEEBY (New Zealand) said that his delegation fully supported the draft resolution contained in document A/C.6/L.597. It also thought that the draft resolution contained in document A/C.6/L.596/Rev.1 had the necessary scope and expressed very broadly the majority view. He saw no objection to filling in the space in operative paragraph 3 of the latter, which had been left blank for the place of the meeting, with the word "Geneva"; but with regard to the rest of the Cameroonian amendment, he wondered whether the Secretary-General could apply that type of formula and whether a time-limit should not be set for the receipt of the invitation in question. He supported the Netherlands proposal (916th meeting) for a separate vote on operative paragraph 5; he pointed out, however, that the separate vote should be taken not on the words "in two main committees" but on the part of the sentence which read: "to send delegations of sufficient size to ensure representation in two main committees of the conference and".

8. Without minimizing the importance of the principle of universality, no one could deny that practical problems were raised by the fact that certain entities were recognized by some States and not by others. If the Secretary-General, applying an all-States formula, were to invite them to an international conference, that would inevitably involve him in a political controversy with one group of Member States. If he omitted to invite them that would start a controversy with another group of Member States. The Secretary-General, consequently, could not be asked—if the objectivity and impartiality so essential to his office was to be preserved—to take the responsibility on his shoulders. The invitation formula proposed in operative paragraph 4 of the draft resolution in document A/C.6/L.596/Rev.1 was a new advance in the sense that it offered the possibility of inviting States other than those covered by the traditional formula and left it to the General Assembly to determine which, among the entities that might be considered as States, should specially be invited. His delegation, accordingly, could not agree to the proposed amendment (A/C.6/L.598) to operative paragraph 4. Nor could it accept the amendment in document A/C.6/L.601, which would add a new preambular paragraph; for the resolutions cited in the proposed text, although indeed addressed to "all States", bore no relation to the question now being discussed by the Sixth Committee, namely, the convening of a conference of plenipotentiaries, and the expression "all States" was used there in an entirely different context.

9. Mr. KARIM (Afghanistan) said that he supported the draft resolution contained in document A/C.6/L.597 and hoped that at its next session the International Law Commission would give priority to the question of the succession of States and Governments, which was very important to all States, particularly the newly independent ones.

10. With regard to the draft resolution on the convocation of an international conference on the law of treaties (A/C.6/L.596/Rev.1), his delegation felt that it was unquestionably necessary to apply the principle of universality and to respect the right of every sovereign State to participate in a conference of that kind. It therefore supported the amendment proposed in document A/C.6/L.598. As to the questions of detail relating to the organization of the conference, it would support the majority view.

11. Mr. SINCLAIR (United Kingdom) said that after holding consultations the sponsors of the draft resolution contained in document A/C.6/L.596/Rev.1 had concluded that the majority of the members of the Committee did not favour the establishment of two main committees at the proposed conference; accordingly, they had decided to delete the words "to send delegations of sufficient size to ensure representation in two main committees of the conference and" from operative paragraph 5, and to delete operative paragraph 9. They recognized that that implied acceptance of the one-committee-of-the-whole concept; but, of course, in the final analysis, it would be for the conference itself to establish its own procedure. Furthermore, in accordance with the Israel representative's wish, they had decided to insert the words "and to submit written observations on the draft articles" after the words "observers" in operative paragraph 6.

12. Speaking as the United Kingdom representative, he proposed that in order to take account of the Lebanese representative's comment at the 915th meeting, the words "so far as possible" should be inserted in operative paragraph 5 after the words "to include".

13. Although the conference was to have only one committee of the whole, it would seem difficult to schedule only one session, as proposed in the Cameroonian amendment (provisional document A/C.6/L.602), because of the practical problems that would be created by one session of at least thirteen weeks. It would be advisable to ask the Secretariat to indicate the practical disadvantages involved in the one-session, one-committee-of-the-whole formula.

14. Mr. KIBRET (Ethiopia) said that his country's position on the question of participation in an international conference remained unchanged; in the name of the principle of universality it would vote in favour of the amendment contained in document A/C.6/L.598.

The Commission had given a new dimension to treaty law by introducing peremptory rules of jus cogens, thus recognizing the inalienable right of States to live in independence and dignity. The proposed convention must be binding, and if it was to have a universal basis, all States must participate in its preparation. The very nature and scope of the proposed convention thus necessitated a universal invitation formula. Of course, his delegation was aware of the practical difficulties that might arise; but in order to act without discrimination it was necessary to adopt an objective attitude and to take account of the contribution that each member of the international community could make. The Tanzanian representative had suggested, at the 915th meeting, that all States parties to treaties registered with the United Nations should be invited. That was a very sound idea; but in view of the information provided by the Legal Counsel, it would be preferable to adopt the all-States formula.

15. Mr. CHAMMAS (Lebanon) thanked the sponsors of the draft resolution contained in document A/C.6/L.596/Rev.1 for having agreed to delete from their text the references to the two committees of the conference. He was grateful to the United Kingdom representative for his suggestion concerning operative paragraph 5, which took his delegation's wishes into account; that would make it possible to avoid a separate vote on the substance of that paragraph and to obtain the widest possible agreement on the point concerned.

16. With regard to the convocation of the conference, dealt with in operative paragraph 3, the Committee must take a definite decision, and he was not entirely satisfied by the formula suggested by Cameroon. Although the idea of one committee of the whole had been accepted, it was not certain that the conference would be able to hold one uninterrupted session, for the 1968 conference schedule was already heavy, owing to the second session of the United Nations Conference on Trade and Development and the International Conference on Human Rights. He therefore wished to propose a new amendment (A/C.6/L.603) to operative paragraph 3, which was based partly on the Cameroonian amendment but specified that a second session would be held early in 1969.

17. With regard to the phrase which the sponsors had decided to insert in operative paragraph 6, he did not think that it could have been their intention to complicate the conference's task by according a special privilege to the specialized agencies and the interested intergovernmental organizations, particularly as attempts were being made to simplify the organization of the conference. If those agencies and organizations were to be invited to send observations, that invitation would be acceptable only if it was combined with that addressed to Member States in operative paragraph 10.

18. Mr. ABDULLA (Sudan) said that he supported the amendment proposed in document A/C.6/L.598, which sought to ensure the necessary universality of the conference by avoiding all discrimination with regard to participation by States in the preparation of the future convention. He also supported the Cameroonian formula with regard to the number of sessions and committees of the conference, which corresponded to the preferences of the African countries in general.

19. Mr. YANKOV (Bulgaria) said that the draft resolution contained in A/C.6/L.597 on the reports of the International Law Commission was satisfactory and should be unanimously approved by the Committee. His delegation hoped that the practical indications given in operative paragraphs 3 and 4 with regard to the continuation of the Commission's work would be taken into consideration.

20. With regard to the organization of the conference on the law of treaties, dealt with in the draft resolution in document A/C.6/L.596/Rev.1, he wished to stress that the participation of all States in the conference's work was of the greatest importance. The amendment submitted by the Hungarian and Ukrainian delegations (A/C.6/L.601) was designed to establish that fact in the preamble by recalling the General Assembly resolutions dealing with international agreements which, in the past, had been addressed to all States and thus related to the principle of universality with regard to treaties. His delegation would vote in favour of that amendment. To the argument that those resolutions dealt with a variety of subjects and were thus unrelated to the convocation of the conference the reply should be that the conference was to deal with treaties, which were themselves extremely varied. The important thing was the application of the principle of universality to the various activities of the international community.

21. The reasons invoked to justify the restrictive provisions of operative paragraph 4 of the draft resolution in document A/C.6/L.596/Rev.1 concerning participation in the conference were equally unfounded. The sovereign equality of States was a cardinal principle of contemporary international law and should be expressed in all aspects of the life of the world community, whether temporary, as in the case of conferences, or permanent, as in the case of organizations. The fact that the draft articles had been drawn up within the framework of the United Nations could not justify the application, for their adoption, of rules similar to those of an exclusive club, for, with a few exceptions, they contained no provisions establishing political or social criteria for limiting the capacity of States. Ratione materiae, they applied to all treaties and ratione personae, to all States. The States that were being excluded had a rich store of experience with regard to treaties, having concluded many bilateral and multilateral agreements, and that experience would contribute greatly to the attainment of the conference's goals. His delegation would vote in favour of the amendment submitted by Czechoslovakia, Poland and the USSR (A/C.6/L.598) because, from the moral, political and legal point of view, it offered the only possible solution to the problem. The sponsors of the draft resolution in document A/C.6/L.596/Rev.1 argued that they had taken account of the principle of universality to the greatest possible extent, but that practical difficulties must be avoided. It was true that the formula employed in operative paragraph 4, although restrictive, represented a measure of progress in that it enabled the General Assembly to increase the number of States invited; but that progress was too limited. It was time to take

a decisive step forward. The difficulties referred to were incommensurate with that of preventing States which had proved their capacity from exercising their natural prerogatives. During the debate it had been alleged that the Secretary-General would be unable to make the decision involved in applying the all-States formula. The Secretary-General had often said that he favoured universal participation in the United Nations; for example, in the introduction to his annual report on the work of the Organization presented at the eighteenth session of the General Assembly.[1] The application of the principle of universality was at least as important in the case of the proposed codification conference as in the case of the membership of the United Nations. Moreover, it was unwise to link the question of participation in the conference with that of the recognition of Governments by other States. There was a great difference between the recognition of a State, which was a unilateral act producing effects only as between the States concerned, and the admission of that State to a conference that was to formulate general rules applicable to the law of treaties. As early as February 1950, in a memorandum concerning the relationship between the question of the representation of States in the United Nations and that of recognition, the Secretary-General had said that to link the two things together was "unfortunate from the practical standpoint, and wrong from the standpoint of legal theory", for "from the standpoint of legal theory, the linkage of representation in an international organization and recognition of a government is a confusion of two institutions which have superficial similarities but are essentially different".[2] If, in applying the principle of universality in the present case, the criterion of proven capacity to conclude treaties was taken into account, there would be no danger whatsoever of having to invite Southern Rhodesia; the Southern Rhodesian régime had been condemned by many States and had no foundation in morals, politics or law, and it would be interesting to know what treaties it had ever concluded, and for what purpose.

22. As to paragraph 3 of the draft, he observed that if proper use was made of the experience gained at preceding conferences on international law it would be easily possible to achieve as good results with a single committee of the whole as with two main committees; but he would prefer the conference to be held in Europe, not later than the first half of 1968. It should be able to decide its own procedure and take its own decisions on its organization of work.

23. Mr. YAKIMENKO (Ukrainian Soviet Socialist Republic) disputed the New Zealand delegation's statement that the resolutions referred to in the amendment contained in document A/C.6/L.601 did not concern treaties. Those resolutions were addressed to all States and related to the conclusion or application of international agreements or to accession to treaties; that applied equally to resolution 1665 (XVI) on the prevention of the wider dissemination of nuclear weapons, resolution 1910 (XVIII) concerning the urgent need for suspension of nuclear and thermonuclear tests, resolution 2028 (XX) concerning the non-proliferation of nuclear weapons, resolution 2032 (XX) concerning the urgent need for suspension of nuclear and thermonuclear tests, and resolution 2077 (XX) concerning the question of Cyprus. His delegation would vote in favour of the amendments contained in documents A/C.6/L.601 and A/C.6/L.598 because it was convinced that they would facilitate efforts to find equitable solutions to the problems connected with the codification of the law of treaties on the basis of the principle of universality, which had often been applied by the General Assembly. With respect to paragraph 6 of the draft resolution in document A/C.6/L.596/Rev.1, it did not see why the specialized agencies and the interested intergovernmental organizations should be invited to send written comments; inasmuch as most of the States members of those organizations would themselves have submitted their comments that would mean duplication.

24. Mr. MATSUNAGA (Japan) said that he had no objection to the draft resolution contained in document A/C.6/L.597 and would vote in favour of it.

25. In the draft resolution in document A/C.6/L.596/Rev.1, of which his delegation was a sponsor, the formula used in operative paragraph 3 appeared satisfactory. However, he would have no objection to accepting the French delegation's request that in view of General Assembly resolution 2116 (XX), the convening of the conference should be postponed until 1969 (916th meeting); provided that the plan to hold two separate sessions was still maintained. A single session would last more than three months, which would create problems of staff, not only for certain countries, including his own, but for the Secretariat. Moreover, a conference on as crucial a question as that of the law of treaties would inevitably be marked by various important questions and proposals that would need careful study. It would therefore seem wiser to suspend the conference after debates have taken place on those questions and proposals and resume it after an interval of one year, which would enable delegations to communicate all the data to their respective Governments and enable the latter to examine them in all their aspects.

26. The question of participation raised two separate problems. On the one hand, it would have to be specified in the text of the convention on the law of treaties what States would be invited to accede to it. The drafting of that formula should, of course, be left to the conference itself. On the other hand, it had to be decided, for the purposes of the organization of the conference, which States were to participate in it. In that respect, his delegation, without disputing the importance of the principle of universality, especially in such a sphere as that of the law of treaties, was strongly opposed to the amendment in document A/C.6/L.598, under which all States would be invited, and it considered that the formula set out in paragraph 4 of the draft resolution in document A/C.6/L.596/Rev.1 was the best one. The all-States formula had arguments of a practical nature against it that had been very well stated by the Canadian delegation (915th meeting), not to mention objections of a juridical nature connected with the very definition of the concept of "State". The additional category

[1] See Official Records of the General Assembly, Eighteenth Session, Supplement No. 1A, p. 6.

[2] See Official Records of the Security Council, Fifth Year, Supplement for 1 January through 31 May 1950, document S/1466, p. 19.

suggested by the Tanzanian delegation (915th meeting), which would include States parties to treaties registered with the United Nations, was also unacceptable, first, because the number of treaties registered was far below the number of treaties actually concluded, and, second, because the parties to registered treaties included both States and other entities; accordingly, it would be necessary to define the word "State" in that context as well, a responsibility which the Secretariat, as it has clearly indicated, could not venture to assume.

27. As to the organization of the conference's work, his delegation would, in principle, prefer a division into two main committees; but if the majority of the Sixth Committee was inclined to favour a single committee, his delegation would raise no objection and would accept the oral amendment to paragraph 5 submitted by the United Kingdom.

28. Mr. HERRAN MEDINA (Colombia) observed that the discussion on the draft resolution contained in document A/C.6/L.596/Rev.1 had mainly revolved around operative paragraph 3, which the sponsors had left incomplete, and paragraph 4.

29. With respect to the venue of the conference, his delegation could accept the formula proposed by Cameroon (A/C.6/L.602), as amended by Lebanon (A/C.6/L.603).

30. As to the actual organization of the conference, he said that there was generally an inverse correlation between the number of committees in a conference and the length of its proceedings. His delegation, therefore, in principle, would favour the establishment of two committees; and in so far as that arrangement might perhaps make a second session unnecessary, it would have preferred the retention in paragraph 3 of the expression "if it is necessary", which had been included in the original text (A/C.6/L.596). If the majority of the Committee decided in favour of two successive sessions, however, his delegation would bow to that decision.

31. It seemed wise to request written comments from the specialized agencies, which could make a useful contribution to the work of the conference; but it would be more appropriate to include that invitation in operative paragraph 10 than in paragraph 6 (A/C.6/L.596/Rev.1).

32. The keenest debate had taken place on the subject of paragraph 4. Like other countries of Latin America, Colombia by its very origins had links with Asia, Europe and Africa, and that alone predisposed it towards universality. However, the invitation procedure provided for in paragraph 4 seemed to be the most acceptable one. It had the twofold merit of resting on firmly established precedents and of having improved on those precedents by adding to the three traditional categories an additional category of States that would be invited by special decision of the General Assembly. If the formula was made even broader, who would determine which of the entities not included in those categories were actually States? To give the Secretary-General that responsibility would put him in an impossible position by obliging him to take political decisions that were outside his province. Moreover, there seemed to be some confused thinking in asserting that the principle of the universality of treaties obliged the Sixth Committee to affirm the universality of the conference. The former did not necessarily imply the latter; and, conversely, even a conference that was not open to all States would be perfectly free to decide to include in the convention a provision permitting States that were not participants in the conference to accede to the convention subsequently. His delegation, therefore, would be satisfied with the formula set out in the draft resolution contained in document A/C.6/L.596/Rev.1, and would not vote for the amendments proposed in documents A/C.6/L.598 and A/C.6/L.601.

33. His delegation considered the draft resolution contained in A/C.6/L.597, as amended on the proposal of Israel (915th meeting), entirely satisfactory and would vote for its adoption.

34. Mr. MOTZFELDT (Norway), on behalf of the five Nordic delegations, said that they would vote for the draft resolution in document A/C.6/L.597. They were also generally in favour of the draft resolution contained in document A/C.6/L.596/Rev.1, as orally amended by the United Kingdom. They were inclined to favour a single committee of the whole, and, in principle, a conference of two sessions, which would obviate the need for a session of excessive length and provide delegations with a useful interval for reflection.

35. Mr. KRISPIS (Greece) said that his delegation had not spoken in the general debate because on the question of substance it had preferred to reserve its comments until the re-examination of the draft articles, which it was rightly proposed to place on the provisional agenda for the twenty-second session, and because on the procedural issue it had not yet come to any definite conclusion. At the beginning of the debate it had been inclined to favour the establishment of two committees, which would permit more thorough study, and a single session, because experience showed that the prospect of a second session usually made the first one much less productive; but it was now prepared to bow to the views of those who preferred a conference with a single committee and two sessions. It also agreed that the conference should be held at Geneva or at any other suitable place to which it was invited by a State Member of the United Nations.

36. Operative paragraph 5 of the draft resolution contained in document A/C.6/L.596/Rev.1 should be retained in the new form given it by the sponsors, as it was important that every delegation to a conference of the kind envisaged should include at least a few specialists in international law.

37. The treaty on the law of treaties must finally be prepared very carefully and expertly, because such a treaty would be, in reality, a peculiar (sui generis) piece of international legislation ("law on the law") and destined to exercise an influence on the evolution of international law. There was a general feeling that the conference under debate would succeed in drawing up a treaty; but whether such a treaty would strengthen or weaken the effectiveness of international law seemed to be a matter of speculation.

38. As to the question of which States would be invited to the conference, his delegation was unable to accept the all-States formula proposed in the amendment contained in document A/C.6/L.598, for there was no generally accepted definition of a State. Every minister for foreign affairs regarded as States only those entities that his own Government recognized as such; and each jurist had his own criteria (for example, as to whether recognition of States was only declaratory), which in many cases were partly subjective. It would be unreasonable, therefore, to expect the Secretary-General to take decisions in a matter on which he had in any event already declared himself to lack authority. Moreover, the amendment contained in document A/C.6/L.598 did not put upon the Secretary-General a heavy burden; it was asking the impossible of him.

39. The formula proposed by Tanzania (915th meeting) was also unsatisfactory and in itself discriminatory, inasmuch as it would exclude such States as Monaco, Liechtenstein, San Marino and the Holy See, which were not parties to any of the treaties registered with the United Nations (regardless of the fact that some of them might participate in the conference in their quality as parties to the Statute of the International Court of Justice), and would include such territories as Andorra, Newfoundland, the Saar and Muscat and Oman. His delegation, therefore, would have to vote against the amendments in documents A/C.6/L.598 and A/C.6/L.601.

40. In his view the decision adopted by the General Assembly in its resolution 2116 (XX) that not more than one major special conference should be scheduled in any one year should not be regarded as restricting the choice of a date for the conference of plenipotentiaries. Inasmuch as the Assembly itself would choose the date, any decision it made which contradicted that rule would, ipso facto, be regarded as expressing its desire to modify its previous resolution.

41. Regarding the invitation addressed in operative paragraph 6 (A/C.6/L.596/Rev.1) to the specialized agencies and the interested intergovernmental organizations to send observers and the suggestion that they submit written observations to the conference, he wondered what criteria would be used to define the term "interested intergovernmental organizations". The question he had in mind was not only whether invitations would be extended to such organizations as the International Commission on Civil Status, the Hague Conference on Private International Law, the Council of Europe and the International Institute for the Unification of Private Law at Rome, but whether the definition could not also be extended to cover intergovernmental military organizations, which, despite their interest in treaties, would be hardly in place at a conference of the sort contemplated.

42. His delegation was in favour of the draft resolution in document A/C.6/L.597 and regarded the order of topics it recommended in operative paragraph 4 for study by the International Law Commission as an order of priority.

43. Mr. WERSHOF (Canada) said that he wished to comment on the amendments submitted to the draft resolution contained in document A/C.6/L.596/Rev.1.

44. So far as concerned the Cameroonian amendment providing that the conference should be held in a single session (A/C.6/L.602), it seemed to his delegation, in the light of the information provided by the Secretary-General, particularly in paragraphs 24, 26 and 28 of his memorandum (see A/C.6/371), that a separation into two sessions would be the more sensible course. It would not necessitate employing additional staff, and it would have the advantage of dividing a conference which, if it had only one committee, would last at least thirteen weeks, and of providing an interval between the two sessions which could profitably be used for reflection. He hoped that the Chairman would find a separate vote procedure that would enable the Sixth Committee to decide on that issue independently of others. His delegation was prepared to accept the majority view.

45. As to the Cameroonian amendment on the venue of the conference (A/C.6/L.602), as modified by Lebanon (A/C.6/L.603), Canada would gladly agree to holding the conference at Geneva, or even elsewhere, provided in the latter case that the host Government agreed, in accordance with the financial rules of the Organization, to defray the supplementary costs entailed, and provided also that a formula was found which did not make it necessary to defer a decision on the point until the twenty-second session of the Assembly and did not impose on the Secretary-General alone the burden of settling the matter.

46. In the amendment proposed in document A/C.6/L.601, the resolutions referred to had only a very remote connexion with the draft resolution under consideration. Although those resolutions addressed themselves to all countries—and they were not the only ones to do so—each constituted a very general exhortation by the Assembly to the world at large and required no particular action by the Secretary-General. In the present case, however, the Secretary-General was being asked to send invitations to States. Such a request, if formulated in terms of the all-States formula, would be impossible to fulfil. The Secretary-General would be compelled to refer the question back to the General Assembly, thus opening the way to endless procedural argument. However desirable the principle of universality was, the Sixth Committee was not the right body to settle the essentially political problems it raised; and it would therefore be best to adhere to a well-established formula, which, as modified by the sponsors of the draft resolution, would enable any delegation to suggest to the General Assembly that a particular State not included in the three traditional categories of participating States should be invited to the conference.

The meeting rose at 6.10 p.m.

Litho in U.N. 77601—May 1967—2,050