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Chairman: Mr. Károly CSATORDAY (Hungary).

AGENDA ITEM 93

Question of Cyprus (*continued*) (A/C.1/L.336/Rev.1, L.341/Rev.1, L.358, L.359, L.361):

(a) Letter dated 13 July 1965 from the representative of Cyprus (A/5934 and Add.1);

(b) Letter dated 21 July 1965 from the representative of Turkey (A/5938 and Add.1)

CONSIDERATION OF DRAFT RESOLUTIONS (*continued*) (A/C.1/L.341/REV.1, L.358, L.359, L.361)

1. The CHAIRMAN said that there had been no response to the Iraqi representative's invitation to the sponsors of the thirty-one-Power amendments (A/C.1/L.358) to the four-Power draft resolution (A/C.1/L.341/Rev.1) to withdraw those amendments as constituting reconsideration of a proposal under rule 124 of the rules of procedure.

2. Mr. ROSSIDES (Cyprus) pointed out that rule 124 referred specifically to proposals. A clear distinction between proposals and amendments was made elsewhere in the rules of procedure—for example, in rule 121—and rule 124 was therefore not intended to apply to amendments.

3. With regard to the four-Power draft resolution itself, the operative part contained proposals which had already been adopted the previous day, when the Committee had endorsed the thirty-one-Power draft resolution (A/C.1/L.342/Rev.2 and Add.1-3). If its sponsors nevertheless wished those proposals to be taken up again, then, under rule 124, they would have to put forward a motion to that effect which would require a two-thirds majority vote.

4. Mr. BAROODY (Saudi Arabia) said that since the amendments which had been proposed were identical with the provisions of the draft resolution already adopted, the distinction between proposals and amendments could not be valid and the amendments in question must be regarded as proposals within the meaning of rule 124; that rule therefore applied.

5. Mr. RAMANI (Malaysia) said that every amendment was in fact a proposal for the modification of a previous proposal. If, in a draft resolution which was adopted, a particular operative paragraph was rejected, it was quite inadmissible to submit that same paragraph in the form of an amendment to a subsequent resolution.

6. Mr. PACHACHI (Iraq) said that the word "proposals" in rule 124 clearly included parts of proposals, and since the amendments to the four-Power draft resolution were the same as parts of the draft resolution already adopted, that rule must apply. It was inexplicable to him why the sponsors should insist on submitting amendments to the draft resolution, when the provisions of those amendments had already been adopted by the Committee. The Committee must surely be allowed to vote on the draft resolution as it stood, and he therefore appealed again to the sponsors of the amendments in document A/C.1/L.358 to withdraw them.

7. Mr. IDZUMBUIR (Democratic Republic of the Congo) said that rules 124, 130, 131 and 132 made a clear distinction between proposals, which in effect meant draft resolutions, and amendments; it was difficult, therefore, to see how they could be treated as one and the same.

8. Mr. USHER (Ivory Coast) supported that view. The sponsors of the amendments were asking for modifications in the draft resolution before the Committee, and were not taking up again proposals which had already been adopted. Rule 124 could therefore not apply.

9. Mr. ROSSIDES (Cyprus) said that while a discussion had developed over the distinction between amendments and proposals, his second point regarding the enforcement of rule 124 with respect to the four-Power draft resolution had not been fully taken up. That rule must apply, since the operative part of that draft resolution was identical with part of the resolution already adopted. Consequently, if the Committee wished to reconsider the previous draft resolution in that way, a motion must be made to that effect and carried by a two-thirds majority.

10. Mr. CORNER (New Zealand) said that his country contributed to the United Nations Peace-keeping Force in Cyprus and had therefore adopted a position of strict neutrality. It was for that reason that New Zealand had abstained in the vote on the thirty-one-Power draft resolution and would abstain on any other draft resolutions. Nevertheless, he felt bound to say that all draft resolutions should be voted on if they expressed significant nuances of opinion, and he considered that the four-Power draft should therefore be put to the vote. However, the thirty-one-Power

amendments made a mockery of the draft resolution and he sincerely hoped that the sponsors would not persist in their views, since that could only lead to further sub-amendments and a prolongation of the undignified and sterile debate now taking place.

11. The CHAIRMAN said that it must be assumed that there was a substantial difference between the draft resolution before the Committee and the draft resolution already adopted, since there would have been no debate if they were indeed identical. The Committee would therefore have to take a decision on the draft resolution. The amendments and sub-amendments should be considered together with it: the fact that some parts were identical with some parts of the draft resolution already adopted did not necessarily mean that they were a reiteration of that draft resolution. Rule 124 referred to the reconsideration of a proposal which had already been adopted or rejected, but the Committee had before it a new draft resolution together with amendments and sub-amendments, and must take a decision on them.

12. Mr. PAZHAWAK (Afghanistan) noted that the applicability of rule 124 of the rules of procedure had been questioned on the ground that there was a difference between proposals and amendments, and that the rule in question applied only to the reconsideration of proposals. Although it was true that some distinction was made at various points in the rules of procedure between proposals and amendments, there was basically no difference between the two, as everything proposed to a Committee was *ipso facto* a proposal. The distinction was only of importance in cases where it was necessary to decide which of a number of proposals or amendments to vote on first. Frequently, a two-thirds majority was required on an amendment of substance, thus placing such amendments on exactly the same footing as any other kind of proposal.

13. Mr. COLLIER (Sierra Leone) said that the proper procedure for any representative who did not agree with the Chairman's tentative ruling was to challenge it formally. The mere fact that words were bracketed together for certain purposes did not necessarily prove that they were identical or even similar in meaning. When an idea was put forward in the form of an amendment, it was an amendment, and when it was put forward as a proposal, it was a proposal and should be treated as such. The meaning of the words "proposal" and "amendment" in a procedural connexion was set out very clearly in the rules of procedure. In his opinion, the Chairman had acted quite properly in suggesting that the draft resolution and the amendments and sub-amendments should be put to the vote. Perhaps it was true that the amendments made nonsense of the resolution, but the sub-amendments made nonsense of the amendments, and in any case there were those who thought that the Committee was behaving nonsensically in voting on a matter which, in the eyes of many, had already been decided by the vote at the previous meeting.

14. Mr. ACHKAR (Guinea) said that he shared the Sierra Leonean representative's view that the proper procedure for anyone who did not agree with the

Chairman's tentative ruling was to appeal against it under rule 114 of the rules of procedure. The delegation of Guinea, for its part, considered that the rules clearly distinguished between proposals and amendments.

15. Mr. PACHACHI (Iraq) said that he was at a loss to understand why, if the sponsors of the draft resolution voted on at the previous meeting (A/C.1/L.342/Rev.2 and Add.1-3) had always intended to insist on a vote on their amendments (A/C.1/L.358), they had insisted on priority for their draft resolution in the voting. He had never seen anything of the kind in his whole career at the United Nations.

16. The delegations of Cyprus and Guinea had expressed diametrically opposite views as to whether or not the two draft resolutions were identical, but anyone could see that they were fundamentally different and were only similar at one or two points.

17. The best way out of the present impasse would be for the sponsors of the amendments in document A/C.1/L.358 to withdraw them.

18. Mr. BAROODY (Saudi Arabia) formally requested the Chairman to instruct the Secretariat to ascertain when, if ever, in the past proceedings of the United Nations a major part of a resolution adopted by a United Nations body had been resubmitted at the same session as amendments to another draft resolution. He also formally requested the Chairman to ask the Legal Counsel to come to the First Committee and interpret rule 124 of the rules of procedure as it applied to the present situation. He urged that immediate action be taken on those two requests.

19. The CHAIRMAN said that immediate action would be taken and the Committee would be informed of the results as soon as possible.

20. Mr. RAMANI (Malaysia) said that sometimes it was folly even to attempt to be wise, for further wrangling would achieve nothing. He therefore accepted the Chairman's suggestion regarding the draft resolution and the amendments and sub-amendments.

21. Mr. ROSSIDES (Cyprus) said that he, too, accepted the Chairman's suggestion. Some representatives had affected to see only minor similarities between the draft resolution adopted at the previous meeting and the draft resolution now before the Committee. It must be borne in mind, however, that any comparison between the two texts must be based on their operative portions, not on their preambles, and from that point of view there was no doubt at all that they were identical in meaning and almost identical in wording. The representative of Iraq himself had admitted at the previous meeting that the two drafts were not incompatible. The delegation of Cyprus therefore considered it abundantly clear that the requirement of a two-thirds majority was justified in the case of the four-Power draft resolution.

22. Mr. OWONO (Cameroon) said that the real question was not that of the degree of similarity of the drafts, but that of the procedure to be followed with respect to the vote on the four-Power draft resolution and the amendments and sub-amendments to it. The amendments were not identical with the draft resolution already adopted. The Committee

should therefore vote on the draft resolution and the various amendments, beginning with the amendment furthest removed in substance from the original proposal, as laid down in rule 92 of the rules of procedure, which was perfectly clear.

23. Mr. PACHACHI (Iraq) said he agreed that the present discussion on voting procedure was a sterile and unhappy one. The Cypriot representative's already untenable submission that the draft now before the Committee was identical with that adopted at the previous meeting was still further invalidated by the fact that he had apparently forgotten that the sponsors of the four-Power draft resolution had announced their acceptance of the Algerian amendment (A/C.1/L.359), which added a further operative paragraph. While it was true that the representative of Iraq had said that the two drafts were not incompatible, the Cypriot representative had omitted to mention the very important fact that the representative of Iraq had gone on to say that they were not identical either. The sponsors of the four-Power draft resolution appealed once again to the sponsors of the amendments to withdraw them.

24. Mr. Orhan ERALP (Turkey) said that many of the points which he wished to make had already been made by the representative of Iraq. The Cypriot representative's arguments were indeed specious, and the drafts were far from identical, particularly in view of the inclusion of the Algerian amendment in the four-Power draft. If the two drafts were identical, why had the Committee failed, after two days, to strike a compromise between them? The representative of New Zealand had said that countries contributing to the United Nations Peace-keeping Force in Cyprus should not vote or express opinions on matters of substance affecting Cyprus, but the draft resolution now before the Committee was largely procedural and completely unexceptionable, and refusal to take a position on it would be evidence of indifference rather than of impartiality.

25. The CHAIRMAN ruled that the four-Power draft resolution (A/C.1/L.341/Rev.1) and all the amendments should be put to the vote in the normal manner.

26. Mr. TINE (France) drew attention to the Saudi Arabian representative's request for legal advice; it was indeed not clear whether rule 124 applied to the reconsideration of proposals in the form of actual proposals or in the form of amendments.

27. Mr. BAROODY (Saudi Arabia) pointed out that his request for legal advice had not yet been met.

28. Mr. VELLODI (Secretary of the Committee) said that it would take time to do the requested research on the subject of precedents. The Legal Counsel would be available to assist the Committee in the afternoon.

29. Mr. BARNES (Liberia) thought that the Saudi Arabian representative's request might set a dangerous precedent. It was for the Chairman to rule

on the interpretation of the rules of procedure. The Chairman's ruling stood unless it was challenged and overruled.

30. Mr. BAROODY (Saudi Arabia) said that he would be obliged to challenge the Chairman's ruling if it was based on an interpretation of rule 124.

31. The CHAIRMAN explained that his ruling had been simply that the Committee should vote on the four-Power draft resolution and all amendments.

32. Mr. ACHKAR (Guinea) said that it had been his impression that the Chairman's ruling had been based on rule 124. Rulings should not be given merely to expedite work but should have some legal basis.

33. Mr. CORNER (New Zealand) challenged the second part of the Chairman's ruling and asked that the ruling should be put to the vote in two parts: firstly, the question whether the Committee should vote on the four-Power draft and, secondly, the question whether it should vote on the amendments and sub-amendments.

34. Mr. MISHRA (India) opposed the New Zealand representative's motion for separate votes on the two parts of the Chairman's ruling.

35. Mr. PACHACHI (Iraq) said that in his view the second part of the Chairman's ruling had been to the effect that amendments did not require a two-thirds vote in order to be reconsidered and were not covered by the provisions of rule 124.

36. Mr. GEBRE-EGZY (Ethiopia) said that it was important to clarify whether a two-thirds vote was in fact required. It was his delegation's understanding that amendments were not covered by rule 124.

37. The CHAIRMAN said that his ruling had been that the draft resolution and all the amendments should be put to the vote in the normal way, that is, that a simple majority would be required for adoption.

38. Mr. RAFAEL (Israel) considered that the Committee should vote not on the Chairman's ruling but simply on whether or not it wished to put the amendments concerned to a vote.

39. Mr. PACHACHI (Iraq) said that the real issue was indeed whether or not the Committee wished to vote on the amendments before it.

40. Mr. OTEMA ALLIMADI (Uganda) shared the Indian representative's view: the Chairman's ruling was indivisible and could not be the subject of separate votes.

41. Mr. COLLIER (Sierra Leone) agreed with the representative of Uganda. He moved the adjournment of the meeting under rule 119 of the rules of procedure.

The motion was adopted by 43 votes to 6, with 44 abstentions.

The meeting rose at 1.10 p.m.