



GENERAL

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Sixth session
Agenda item 51Dual distribution

DESIGNATION OF NON-MEMBER STATES TO WHICH A CERTIFIED COPY OF THE
REVISED GENERAL ACT FOR THE PACIFIC SETTLEMENT OF INTERNATIONAL
DISPUTES SHALL BE COMMUNICATED BY THE SECRETARY-GENERAL
FOR THE PURPOSE OF ACCESSION TO THIS ACT

Report of the Sixth Committee

Rapporteur: Mr. D. ABDOL (Iran)

1. In his report to the General Assembly (A/1878), the Secretary-General referred to General Assembly resolution 480 (V) of 12 December 1950, whereby it had been decided to defer until the sixth session consideration of the question of the designation of non-member States to which a certified copy of the Revised General Act for the Pacific Settlement of International Disputes shall be communicated by the Secretary-General for the purpose of accession to this Act. He also mentioned that the Revised General Act had come into force on 20 September 1950 and set forth the status of accessions to the Act at the date of his report.
2. At its 342nd meeting on 13 November 1951 the General Assembly decided to refer this item for study to the Sixth Committee; the Committee considered it at its 298th and 299th meetings held on 25 January 1952.
3. Belgium submitted a draft resolution (A/C.6/L.221) in which it was proposed to request the Secretary-General to transmit a certified true copy of the Revised General Act to each non-member State which is or hereafter becomes an active member of one or more of the specialized agencies of the United Nations.
4. The representative of Egypt proposed an oral amendment to change a passage in the French text of the operative part of the Belgian draft so as to read: "à tout Etat non membre de l'Organisation qui est ou qui peut devenir membre d'une ou de plusieurs institutions spécialisées des Nations Unies".⁽¹⁾ The representative of Belgium agreed to this amendment with the

⁽¹⁾ English text no change.

exception of the words "peut devenir",⁽¹⁾ to which he preferred "deviendra".⁽¹⁾

5. The United Kingdom submitted a draft resolution (A/C.6/L.223) proposing to defer consideration of the question until at least one-third of the Members of the United Nations had become parties to the Act.

6. In the course of discussion in the Sixth Committee some representatives contended that if a copy of the Revised General Act were communicated to non-member States it would become possible to extend the procedure for the Pacific Settlement of International Disputes as described in the Act and that this communication would actually do no more than give effect to Articles 43, paragraph 1, and 46 of the Act. They pointed out that there were precedents in which non-member States had been invited to become parties to multilateral agreements concluded under the auspices of the United Nations whereas only three Member States were parties; the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others was a case in point.

7. Other representatives argued that only three Member States had acceded to the Revised General Act; Member States which had not themselves become parties to the Act could hardly invite non-member States to become parties and, furthermore, there was nothing to prevent non-member States from agreeing to arbitral or judicial proceedings for settling their international disputes.

8. On the United Kingdom representative's proposal, the Committee decided, by 19 votes to 11, with 9 abstentions, to put the United Kingdom draft (A/C.6/L.223) to the vote first.

9. The representative of Egypt thereupon proposed an oral amendment to the United Kingdom draft to replace the words "one-third of the" by the word "ten". The United Kingdom representative accepted this amendment.

10. The United Kingdom draft resolution (A/C.6/L.223) as so amended was adopted by the Committee by 24 votes to 13, with 5 abstentions.

11. Accordingly, the Sixth Committee recommends the General Assembly to give its approval to the following draft resolution:

(1) English text no change

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The General Assembly,

Considering that only three Members of the United Nations have become parties to the Revised General Act for the Pacific Settlement of International Disputes, and that in the circumstances its communication to Non-member States under Article 43, paragraph 1 of the Act would be premature,

Decides to defer further consideration of the matter until at least ten Members of the United Nations have become parties to the Act.
