

United Nations  
**GENERAL  
 ASSEMBLY**

EIGHTEENTH SESSION

Official Records



**1281st  
 PLENARY MEETING**

Monday, 16 December 1963,  
 at 10.30 a.m.

**NEW YORK**

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AGENDA ITEM 71

Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations

REPORT OF THE SIXTH COMMITTEE (A/5671)

AGENDA ITEM 72

Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law: report of the Secretary-General with a view to the strengthening of the practical application of international law

REPORT OF THE SIXTH COMMITTEE (A/5672)

1. Mr. ZABIGAILO (Ukrainian Soviet Socialist Republic), Rapporteur of the Sixth Committee (translated from Russian): I should like to submit for consideration by the plenary meeting of the General Assembly the report of the Sixth Committee [A/5671] on agenda item 71 "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations".

2. This item was placed on the agenda in accordance with resolution 1815 (XVII) of 18 December 1962. This resolution contains, *inter alia*, a decision "to undertake, pursuant to Article 13 of the Charter, a study of the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter with a view to their progressive development and codification, so as to secure their more effective application".

3. The discussion in the Committee took several turns. First of all, stress was laid on the paramount importance of this question, which from the juridical and political standpoint was the most important of all those hitherto considered by the Sixth Committee.

4. The Committee's terms of reference were discussed. According to several representatives, these terms of reference were limited to a study of principles. Others considered that the Committee's task consisted not only in the study, but also in the progressive development and codification of principles of international law, with priority given to the following four principles: the principle that States shall refrain in their international relations from the threat or use of force, the principle of peaceful settlement of disputes, the duty not to intervene in matters within the domestic jurisdiction of any State and the principle of sovereign equality of States. In this connexion the initiative taken by the Czechoslovak delegation was noted [A/5671, para. 63].

President: Mr. Carlos SOSA RODRIGUEZ  
 (Venezuela).

5. A discussion also took place on the form in which the results of this study of progressive development and codification should be presented.

6. A discussion of the procedure to be adopted in considering these questions occupied an important place in the Committee's debates. It was finally decided to set up a special committee composed of representatives of States Members of the United Nations appointed by the President of the General Assembly having regard for the principle of equitable geographical representation and bearing in mind that the world's principal legal systems should be represented on the Committee. The task of the special committee is to draw up a report containing, for the purpose of the progressive development and codification of the four principles so as to secure their more effective application, the conclusions of the special committee and its recommendations.

7. The draft resolution is contained in the report [*ibid.*, para. 126, draft resolution I]. The Committee unanimously approved this draft resolution and recommends its adoption by the General Assembly.

8. The report also contains draft resolution II, which provides for the carrying out of a so-called study of methods of fact-finding, since its sponsors considered that this matter concerned the principle that States shall settle their international disputes by peaceful means. This draft resolution was adopted by forty-five votes to fourteen, with twenty-one abstentions; a number of representatives having stated that the question should not be considered by the Committee since it did not appear on the agenda and since the purpose of the "study" referred to was the establishment of an international centre of inquiry, i.e., a body which would be at variance with the Charter, which specifies what organs are responsible for the maintenance of international peace and security.

9. I should like, at the same time, to present the second report of the Sixth Committee. I have the honour to submit for consideration by the plenary meeting of the General Assembly the report of the Sixth Committee [A/5672] on agenda item 72, "Technical assistance to promote the teaching, study, dissemination and wider appreciation of international law". At its seventeenth session the General Assembly decided to place this question on the agenda of its eighteenth, or the present, session. In its resolution [1816 (XVII)] of 18 December 1962 it urged States Members of the United Nations to undertake broad programmes of training, including seminars, grants and exchanges of teachers, students and fellows, as well as exchanges of publications in the field of international law.

10. The Committee agreed on the need for States Members of the United Nations to co-operate in the development and implementation of suitable programmes. Various practical recommendations were made, among them a recommendation that all States should include in their curriculum on international law the principles of peace, peaceful coexistence, equality of rights, self-determination, and respect for the independence and sovereignty of States, contained in the Charter.

11. The Sixth Committee proposes that certain steps should be taken to work out practical measures and proposals concerning the implementation of the United Nations programme. Such a programme will be prepared by the special committee established for the

purpose. Certain measures are also proposed which the General Assembly can begin to put into effect in the current year.

12. The three relevant draft resolutions [A/5672, para. 29], two of which were adopted unanimously, are contained in the report with a recommendation that the General Assembly should adopt them.

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

13. The PRESIDENT (translated from Spanish): In accordance with the decision just taken by the Assembly, representatives' statements will be limited to explanations of vote on the draft resolutions before us.

14. We shall first consider item 71, under which the Sixth Committee recommends to the General Assembly the adoption of draft resolutions I and II, which are contained in its report [A/5671, para. 126].

15. I give the floor to representatives who wish to explain their vote.

16. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): Mr. President, in order to clarify the situation I should like to ask a question regarding our procedure. I should like to know whether I am obliged to explain my vote now on all the draft resolutions submitted by the Sixth Committee on agenda items 71 and 72, since I wish to explain our votes on both of these items, or whether I should now confine myself to explaining our votes on item 71, and thereafter make a second explanation of vote with regard to item 72.

17. The PRESIDENT (translated from Spanish): My intention is to give the floor first for explanations of vote on the draft resolutions under item 71 and then on those under item 72. However, the speaker may refer to both draft resolutions I and II under item 71 and then, in another statement, when we consider item 72, he may refer to the three draft resolutions recommended, A, B and C. Consequently, the speaker may now refer to the two draft resolutions relating to item 71.

18. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): Thank you, Mr. President. In connexion with draft resolutions I and II submitted by the Sixth Committee on item 71 [A/5671, para. 126], my delegation considers it necessary to make the following statement.

19. As everyone knows, the discussion in the Sixth Committee led to the unanimous adoption of draft resolution I, entitled "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations". It is most gratifying that, during the discussion of this question, most of the States of Asia, Africa and Latin America supported the idea advanced by the socialist countries at the fifteenth and sixteenth sessions of the General Assembly that there was a need to formulate the principles of international law relating to the peaceful coexistence of States with different social systems. It is widely known that the Soviet Union energetically pursues and supports the policy of peaceful coexistence among States. This has always been the general line of our foreign policy since the inception of the Soviet State.

20. The importance of elaborating principles of international law in this field with a view to their codification and progressive development was recognized by the General Assembly at its fifteenth, sixteenth and seventeenth sessions [resolutions 1505 (XV), 1686 (XVI) and 1815 (XVII)].

21. The broad discussion of certain principles of international law at the present session has led to the detailed study in the Sixth Committee of such important principles as those of non-aggression, non-interference, the obligation of States to settle all disputes by peaceful means and, lastly, the sovereign equality of States. To the principles which it was decided should be considered at the seventeenth session, we have now added, with a view to their codification and progressive development, such important principles as the duty of States to co-operate with one another in accordance with the Charter, the principle of the equal rights and self-determination of peoples, and the principle that all States should conscientiously fulfil the obligations assumed by them under the Charter.

22. We wish to stress particularly the encouraging fact that, although certain countries, particularly during the first stage of the discussion this year in the Sixth Committee, expressed doubts whether it would prove possible to arrive at an appropriate formulation of the above-mentioned principles of international law, on whose observance depends the maintenance of international peace and security, in the second stage of the discussion these countries altered their position somewhat, and there was a definite change of heart which enabled the Committee to reach a unanimous decision on this problem.

23. As is indicated in the report and in the draft resolution submitted by the Sixth Committee, it was decided to set up a special committee composed of representatives of Member States to be appointed by the President of the General Assembly. The Committee would prepare a report containing its conclusions on these principles and its recommendations with a view to the progressive development and codification of the above-mentioned four principles, so as to secure their more effective application. This means that the future committee would receive directives from the General Assembly requiring it to submit to the Assembly at its next session appropriate formulations representing the codification and progressive development of many important propositions directly connected with the further relaxation of international tension and the maintenance of world peace and security.

24. The USSR delegation supports draft resolution I, adopted by the Sixth Committee, and will vote for its adoption in the General Assembly.

25. Unfortunately, we cannot say the same with regard to draft resolution II proposed by the Sixth Committee, concerning a study of the feasibility of establishing an international body for fact-finding in cases of international disputes and conflicts among States. This draft, it will be recalled, was submitted originally by the Netherlands delegation [A/5470/Add.1]. When it was discussed in the Sixth Committee, many delegations, including the USSR delegation, advanced cogent arguments to show that there was no need for the General Assembly to adopt such a decision [831st meeting]. It is no accident that, as we have just been informed, only forty-five delegations, principally those of the Western countries headed by

the United States and of the Latin American countries, voted in favour of the draft in the Sixth Committee. Thirty-five delegations, including the socialist countries and many countries of Asia and Africa, in one form or another refused their support: fourteen voted against, and twenty-one abstained.

26. Speaking in the Sixth Committee, the USSR delegation observed that even procedurally, the Sixth Committee did not have the right, under the terms of reference given to it by resolution 1815 (XVII), to consider or adopt the draft submitted on the initiative of the Netherlands delegation. The General Assembly resolution give no instructions relating to the adoption of such special organizational measures as the establishment of a special international body for fact-finding in international disputes and conflicts among States. The task set by the Assembly in that resolution, as we have just pointed out, is limited to the codification and progressive development of the above-mentioned important principles of international law. But even setting aside this important formal consideration, it should be noted that during the discussion of this question in the Sixth Committee it became clear that the Netherlands delegation and several others were anxious to create a special body outside the framework of the United Nations which in essence would seek to usurp the functions of many important organs and, above all, the Security Council, which has primary responsibility under the Charter for the maintenance of international peace and security.

27. During the discussion in the Sixth Committee, it also became evident that some delegations were thinking in terms of replacing the formulation of the principles of international law with a view to their codification and progressive development, as provided in resolution 1815 (XVII), by a discussion about the establishment of a body whose very existence would be contrary to the provisions of the Charter and the basic principle of United Nations bodies which act—and are bound to act—in accordance with the Charter.

28. It is perfectly obvious that if a body such as that proposed in draft resolution II were to be created, it would inevitably claim a monopoly of fact-finding in international conflicts and disputes.

29. One need only imagine the situation that would arise, for example, if the question of apartheid or of the Portuguese colonies were brought, not before the Security Council, but before the above-mentioned body. One need only imagine this to see that such notions are wholly incompatible with the provisions of the Charter.

30. The slight softening of the initial wording of the Netherlands draft changes nothing in essence. It has been maintained, and will perhaps be maintained here too, that the draft merely calls for study of the idea. But it is surely obvious that if the idea is fundamentally unacceptable and at variance with the Charter, there is no need to organize any study of it.

31. Having said that, the USSR delegation wishes to emphasize strongly that it attaches the utmost importance to fact-finding in connexion with any dispute in any conflict between States.

32. It is perfectly obvious that without objective fact-finding it is impossible to consider an issue or adopt correct decisions aimed at the peaceful settlement of disputes and conflicts.

33. As everyone knows, the Soviet Union consistently supports the principle of the peaceful settlement of international disputes and the settlement of all disagreements and conflicts between States by peaceful means alone, without recourse to the threat or use of force. This is a sine qua non of peaceful coexistence.
34. Everyone is also aware of the various procedures which States have used and continue to use successfully for the purposes of fact-finding in international disputes and conflicts. Various fact-finding procedures are laid down in many international agreements, as well as in the charters of a number of international organizations. Everyone knows, too, that in appropriate cases principal organs of the United Nations such as the Security Council and the International Court of Justice, acting in accordance with the United Nations Charter and the Statute of the Court, can and should take appropriate steps to ascertain the facts in connexion with the international disputes which they consider.
35. Many of the international agreements concluded by the Soviet Union with other States—for instance, agreements concerning State frontiers—also provide for appropriate fact-finding procedures.
36. Thus, I want to make it absolutely clear that, if we object to the idea put forward by the Netherlands delegation, it is only because we consider it improper that for the purpose of fact-finding in disputes and conflicts among States there should be established a new special body outside the framework of the United Nations—I repeat, outside the framework of the United Nations—as a sort of universal and special organ called upon to carry out fact-finding investigation in circumvention and in disregard of the system which is already provided for in the Charter, in the agreements of many international organizations and in bilateral agreements, and also in such ad hoc agreements as may be concluded and adopted in accordance with the terms, and within the framework, of Article 33 of the Charter.
37. We repeat that the activities of such a special body, if it should be established—as is evident from the explanations with which this idea, advanced by the Netherlands, was introduced—could easily be used in particular, to by-pass the jurisdiction of an organ such as the Security Council, which bears such responsibility for the maintenance of international peace and security.
38. In view of these considerations, the USSR delegation requests a separate vote on the second part of operative paragraph 2 of draft resolution II, beginning with the words "and to any subsidiary organ . . .". It also requests a separate vote on operative paragraph 3 of the draft. We shall vote against these parts of draft resolution II and, whatever the outcome of the separate votes we are requesting, we shall vote against draft resolution II as a whole for the above-mentioned reasons.
39. Mr. PLIMPTON (United States of America): I wish to speak in explanation of our votes on the draft resolutions adopted and recommended by the Legal Committee under agenda item 71 [A/5671, para. 126] dealing with the principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations.
40. With respect to draft resolution I concerning principles of friendly relations generally and establishing a special committee of Member States to be appointed by the President of this Assembly in order to draw up a report containing the conclusions of its study and recommendations, little more need be said. Although the draft resolution is not exactly what each of us, or any of us, might have wished, it represents an acceptable compromise.
41. I would like to add that if I understood what the representative of the Soviet Union said a few moments ago about draft resolution I, my delegation does not agree with those remarks. The draft resolution if and when adopted would not be a directive to the special committee necessarily to produce codifications or formulations in detail or elaborate the four principles of the Charter. The mandate of the special committee speaks for itself. The special committee is to "... draw up a report containing, for the purpose of the progressive development and codification of the four principles so as to secure their more effective application, the conclusions of its study and its recommendations".
42. The special committee is directed to report, and that report is to include the conclusions of its study and its recommendations. The latter are not restricted; they can be recommendations for a codification of one or more of the four principles or recommendations against the codification of any one or more of those principles. The special committee is clearly free to use its own wise judgement, and we are confident it will use its wise judgement unfettered by a strait-jacket of instructions from the General Assembly.
43. With respect to draft resolution II originally sponsored in the Sixth Committee by Canada, Cyprus, Jamaica, Liberia, Mexico, the Netherlands, Pakistan and Sweden, providing for a study of the feasibility and desirability of establishing fact-finding responsibilities in an international organization, the United States delegation will also vote in favour of this draft resolution.
44. Calling as it does simply for a study of fact-finding responsibilities, the draft resolution is at the same time both a positive and a concrete proposal and one which does not prejudice the special committee's or, indeed, our own immediate decision on the matter. No one can deny that fact-finding is an important element in the peaceful settlement of disputes. Procedures for such fact-finding accordingly deserve our most careful attention. This draft resolution is a constructive proposal for study by the special committee of that important element of peaceful settlement. At the same time, however, and this must be quite clear, adoption of the draft resolution would not commit us to establishing fact-finding responsibilities in any particular organization.
45. The draft resolution purely and simply calls for a study. The results of that study must be reported back to us and judged by the States Members of this Organization. It is only after that study has been completed that a decision must be made as to what, if any, action should be taken.
46. It has been said that the study called for in this draft resolution is outside the scope of the special committee on principles concerning friendly relations and outside the spirit of this agenda item. In our view, this is not so. This draft resolution, calling for the study of a highly important factor which is involved in the peaceful settlement of disputes, is a concrete

proposal wholly within the letter and spirit of the agenda item on friendly relations and co-operation among States, and precisely within the mandate of the special committee.

47. It has also been contended that the study called for in this draft resolution might detract from other studies in the special committee. The draft resolution calls for no priority. The study of fact-finding responsibilities should receive no more and no less consideration than it deserves as one element of one of the four principles of friendly relations and co-operation among States under examination.

48. The contention that is sometimes made that a study of fact-finding would involve in some way a violation of the Charter or would be inconsistent with the Charter is so incorrect on its face that I need not give it any further consideration.

49. For the reasons I have indicated, my delegation will vote in favour of this draft resolution, as it will for each of the draft resolutions approved and recommended by the Legal Committee.

50. Mr. SCHURMANN (Netherlands): I have only two points to make. First of all I would like to say a few words in reply to what the representative of the Soviet Union has said and, secondly, I would suggest a small alteration in the text of draft resolution II [A/5671, para. 126].

51. To turn first to what the representative of the Soviet Union has just said, if I understood him rightly he said that he was very much in favour of the committee on fact-finding but that he was being troubled by his legal conscience because he thought that what we were proposing was contrary either to resolution 1815 (XVII) or to the Charter, or to both. We do not share this opinion, and I would like to say just a few words about it.

52. So far as the resolution is concerned, that resolution asked for a study of the principles in order to find out how they could be better applied. I suggest that when one is studying the principles of peaceful settlement and when one also has the aim of achieving a better application, fact-finding is certainly one of the means that should be studied and that could contribute to a further application. Therefore, it would seem to me that from that point of view draft resolution II contained in the report from the Sixth Committee is entirely within the scope of resolution 1815 (XVII).

53. As to the contention that it would be contrary to the Charter, I would like to point out that the Charter itself mentions in Article 33 various means of settling disputes, and one of the means mentioned is that of inquiry. That Article states definitely that the parties themselves should choose the manner in which they will do this, and that means they can have an inquiry within the United Nations or also have an inquiry outside the United Nations. Therefore, if the draft resolution in favour of which I am now speaking should now propose the establishment of a body that would do fact-finding outside the United Nations, that would be in complete accordance with Article 33 and would in no way infringe upon the Charter, and especially it would not try to substitute itself for the Security Council, as Mr. Morozov said a few moments ago. There is no question of that body trying to assume the functions of the Security Council which are mentioned in Chapters VI and VII. That body, if it should be decided upon and if it should be established,

would have no other task than pure fact-finding as a subsidiary to either the Security Council or the General Assembly, or to any other body or State that might invoke its assistance.

54. But we are not proposing at the present moment the establishment of such a body. We are merely proposing that a study should be made to find out whether there is any reason to establish such a body, and I suggest that as resolution 1815 (XVII) proposed a study of the means of peacefully settling disputes and of trying to achieve better application of the principles of international law, this draft resolution is entirely in accordance with that resolution and also with the Charter.

55. I have one proposal to make. It will be noticed that draft resolution II contains three operative paragraphs. Operative paragraph 2 is as follows:

"Requests the Secretary to study the relevant aspects of the problem under consideration and to report on the results of such study to the General Assembly at its nineteenth session and to any subsidiary organ that may be established at the eighteenth session in pursuance of the item entitled 'Consideration of principles of International Law concerning friendly relations among States in accordance with the Charter of the United Nations'."

56. The idea of this wording was that we expect that such a subsidiary organ would be established, and not that we wish to refer this matter to that organ. It will be found that according to draft resolution I such an organ would in fact be established, and it is called a special committee in operative paragraph 1 of that draft.

57. I would suggest that if draft resolution I is adopted we could simplify the wording of draft resolution II. If the special committee is established under draft resolution I, the wording of operative paragraph 2 of draft resolution II could be changed to read: "... the results of such study to the General Assembly at its nineteenth session and the Special Committee established under General Assembly resolution"—and here the number of the resolution would be inserted. The same amendment could be made to operative paragraph 3, the first phrase of which would read: "Requests of Special Committee", instead of "Requests such a subsidiary organ".

58. I have the honour to submit these amendments formally, in the event that draft resolution I is adopted.

59. Mr. DADZIE (Ghana): While the delegation of Ghana has great respect for the co-sponsors of draft resolution II [A/5671, para. 126] on the feasibility and desirability of establishing a special international body for fact-finding, it took the view in the Sixth Committee, and still maintains, that the subject of fact-finding is only remotely related to agenda item 71, "Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations". In other words, the subject of fact-finding, which is a method of inquiry, is only one of the many methods for the peaceful settlement of disputes within the meaning of Article 33, paragraph 1 of the Charter of the United Nations. That provision reads:

"The parties to any dispute, the continuance of which is likely to endanger the maintenance of international peace and security, shall, first of all, seek

a solution by negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their own choice."

60. It would appear, therefore, that fact-finding, which comes under inquiry, is one of many methods, the others being mediation, conciliation, arbitration and judicial settlement. The agenda item of the General Assembly which was allocated to the Sixth Committee was concerned more with the general structure of peaceful settlement, as one of the four principles of international law which we were called upon to examine, than with the individual methods of achieving peaceful settlements of disputes.

61. The delegation of Ghana would welcome the opportunity to examine fully the method of fact-finding before reaching a decision on whether fact-finding in the form proposed by the sponsors of the draft resolution is the best form to be recommended to the General Assembly or whether some other form should be recommended.

62. Accordingly, the sponsors would have been best advised to propose the item for inscription in the agenda of the nineteenth session of the Assembly, for our separate consideration at that session.

63. Therefore, without having had an opportunity to examine these questions, my delegation will not be in a position to support draft resolution II before the Assembly.

64. The PRESIDENT (translated from Spanish): We shall now proceed to vote on draft resolution I and then on draft resolution II, recommended by the Sixth Committee in its report [A/5671, para. 126].

65. We shall vote first on draft resolution I, which was approved unanimously by the Sixth Committee. May I assume that the Assembly also wishes to adopt it unanimously?

*Draft resolution I was adopted unanimously.*

66. The PRESIDENT (translated from Spanish): We shall now proceed to vote on draft resolution II.

67. Following the statements made by the representatives of the Soviet Union and the Netherlands, the situation with regard to this draft resolution is as follows: the representative of the Soviet Union has requested a separate vote on part of operative paragraph 2 and also on operative paragraph 3. The Netherlands representative has suggested that, as a consequence of the adoption by the General Assembly of draft resolution I, operative paragraphs 2 and 3 of draft resolution II should be reworded as follows.

68. In operative paragraph 2, for "and to any subsidiary organ that may be established at the eighteenth session in pursuance of the item ...", read "and to the Special Committee established under General Assembly resolution ... (XVIII)" and, in order to make the wording of paragraph 3 consistent with this amendment, for "Requests this subsidiary organ" read "Requests the Special Committee". In fact, this is not a substantive change in the text; it is an amendment which may be considered immediately in accordance with rule 80 of the rules of procedure.

69. Consequently, if there is no objection, I shall take it that the Assembly agrees to consider the oral amendment proposed by the Netherlands.

*It was so agreed.*

70. The PRESIDENT (translated from Spanish): I now ask the Assembly whether it agrees to adopt the drafting changes which the Netherlands representative has proposed should be made in operative paragraphs 2 and 3 of draft resolution II.

*The amendments were adopted unanimously.*

71. The PRESIDENT (translated from Spanish): Having settled that point we shall now have a separate vote on operative paragraph 2, as requested by the Soviet Union. If there is no objection, I propose, in accordance with rule 91 of the rules of procedure, to put to the vote first operative paragraph 2, with the drafting change just adopted by the Assembly. We shall then also have a separate vote on operative paragraph 3, with the minor change which the Assembly has also adopted.

*It was so decided.*

72. The PRESIDENT (translated from Spanish): For the purposes of the vote on operative paragraph 2 of draft resolution II and for the sake of clarity, I shall read the Assembly the text of this paragraph with the change just adopted. It reads as follows:

"Requests the Secretary-General to study the relevant aspects of the problem under consideration and to report on the results of such study to the General Assembly at its nineteenth session and to the Special Committee established under General Assembly resolution ... (XVIII), in pursuance of the item 'Consideration of principles of international law concerning friendly relations and co-operation among States in accordance with the Charter of the United Nations'."

73. I give the floor to the Netherlands representative, on a point of order.

74. Mr. SCHURMANN (Netherlands): I am sorry to interrupt you, Mr. President, but I think the last part of the paragraph which you read out is no longer necessary because we talked about "any subsidiary organ that may be established at the eighteenth session in pursuance of the item entitled ...". Whereas, if we refer to the organ which has already been established, then it is enough to say "... and to the Special Committee established under General Assembly resolution" number such and such; it is not necessary to repeat "in pursuance of the item entitled", et cetera.

75. The PRESIDENT (translated from Spanish): That is in fact the correct wording; when I read out the amended text, as I did not have it in writing here, I read out the last part which is no longer necessary. With the amendment which has just been adopted to paragraph 2, the last part becomes redundant. I shall repeat the amended text of the paragraph for the sake of clarity. It reads as follows:

"Requests the Secretary-General to study the relevant aspects of the problem under consideration and to report on the results of such study to the General Assembly at its nineteenth session and to the Special Committee established under General Assembly resolution ... (XVIII)".

76. I give the floor to the representative of the Soviet Union on a point of order.

77. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): There is a saying that appetite comes with eating. That saying applies to the proposals put forward by the Netherlands re-

representative. He first assured us that the change he proposed was purely formal. Since we all realize that the Netherlands resolution was drafted before the Special Committee had been established, none of us, not even those who are against the Special Committee taking up the question referred to in draft resolution II, raised any objections, as there was no voting against the introduction of this formal change.

78. After we had agreed to have this formal change made, on the understanding that it signified nothing essentially new for those of us who take a negative stand on the Netherlands proposal or those unprepared to support it for one reason or another, we heard a further statement from the Netherlands representative who now proposes the deletion of the last part of the sentence for reasons known only to himself. The whole question now comes down to what he first proposed as a purely formal amendment.

79. I have no desire to complicate matters, and I would agree to this latest drafting change proposed by the Netherlands representative, as a matter of courtesy, although I am not in agreement with the Netherlands idea as such for the reasons I have stated. I repeat, I would agree to this if the assurance can be given that we shall not later find ourselves in a position where, having taken a separate vote on this paragraph as I requested, and having obtained a given result, we may be told that if the vote does not meet the Netherlands delegation's point of view, this provision may be regarded as a modification of the decision just adopted unanimously by the Assembly, based on the purely formal amendment proposed by the Netherlands representative.

80. If the Netherlands representative will not take this course—and I see that several members of the Netherlands delegation are shaking their heads—it would seem that I am given the assurance I asked for in order to have a certain margin of safety, as technicians put it, and so this question will not arise.

81. I should like to have it clear that, for instance, a negative result in the vote we shall now take on part of operative paragraph 2 will require a simple majority. If the results are negative, I take it that no further statements of the kind I just referred to will be forthcoming from the Netherlands delegation.

82. If my understanding of the situation is correct, I shall not object to having the second Netherlands amendment accepted at this time, since it is purely a drafting change, provided that this whole part of operative paragraph 2 is put to the vote and the decision on it taken by a simple majority.

83. If I have not made myself sufficiently clear, I am prepared to give the President or any delegation such further explanations as may be required. Afterwards, of course, as the President has already said, we shall have a separate vote on operative paragraph 3 of this draft resolution.

84. The PRESIDENT (translated from Spanish): In accordance with the statement just made by the representative of the Soviet Union and in view of the amended version of paragraph 2 and particularly the last part of it, on which a separate vote had previously been requested, and considering the explanation given by the representative of the Soviet Union concerning the position of his delegation which, in any case, has withdrawn its request for a separate vote on this phrase in operative paragraph 2 and is now asking for a separate vote only on operative paragraph 3, as a

whole, we shall vote on that paragraph which, with the amendment adopted this morning, reads as follows:

"Requests the Special Committee to include in its deliberations the subject-matter mentioned in the last preambular paragraph of the present resolution."

A roll-call vote has been requested.

*A vote was taken by roll-call.*

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

*In favour:* Luxembourg, Madagascar, Malaysia, Mauritania, Mexico, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Senegal, Spain, Sweden, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Central African Republic, Chad, China, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Gabon, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Ireland, Israel, Italy, Jamaica, Japan, Liberia.

*Against:* Mongolia, Nigeria, Poland, Romania, Syria, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Yugoslavia, Afghanistan, Albania, Algeria, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia, Chile, Congo (Leopoldville), Cuba, Czechoslovakia, Ethiopia, Ghana, Hungary, India, Indonesia, Iraq, Jordan, Kuwait, Lebanon.

*Abstaining:* Libya, Mali, Morocco, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sudan, Tanganyika, Togo, Tunisia, Uganda, Burma, Burundi, Cameroon, Ceylon, Congo (Brazzaville), Dahomey, Guinea, Ivory Coast, Laos.

*Paragraph 3 of draft resolution II was adopted by 58 votes to 28 with 21 abstentions.*

85. The PRESIDENT (translated from Spanish): We shall now vote on draft resolution II, as a whole. A roll-call vote has been requested.

*A vote was taken by roll-call.*

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

*In favour:* Iceland, Iran, Ireland, Israel, Italy, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Madagascar, Malaysia, Mauritania, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Pakistan, Panama, Paraguay, Peru, Philippines, Rwanda, Senegal, Sierra Leone, Spain, Sweden, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo (Leopoldville), Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Finland, France, Gabon, Greece, Guatemala, Haiti, Honduras.

*Against:* India, Indonesia, Mongolia, Poland, Romania, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Yugoslavia, Albania, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Ethiopia, Hungary.

*Abstaining:* Iraq, Ivory Coast, Jordan, Kuwait, Laos, Libya, Mali, Nigeria, Saudi Arabia, Somalia, Sudan, Syria, Tanganyika, Togo, Uganda, United Arab Republic, Afghanistan, Algeria, Burma, Burundi, Cambodia, Cameroon, Ceylon, Congo (Brazzaville), Dahomey, Ghana, Guinea.

*Draft resolution II was adopted by 65 votes to 15, with 27 abstentions.*

86. The PRESIDENT (translated from Spanish): With this decision, we conclude the consideration of agenda item 71. We shall now consider item 72, on which we have the report of the Sixth Committee [A/5672].

87. I give the floor to the representative of the Soviet Union for an explanation of vote.

88. Mr. MOROZOV (Union of Soviet Socialist Republics) (translated from Russian): The USSR delegation would like to explain its vote on the three draft resolutions submitted by the Sixth Committee under agenda item 72 [A/5672, para. 29].

89. Following as it does a consistent policy of peaceful coexistence, the Soviet Union favours the strict observance of the rules of international law in relations among States. It will be recalled that it supported the resolution on this question adopted at the last session by the General Assembly [resolution 1815 (XVII)].

90. It takes the view, in this regard, that technical assistance to promote the teaching, study and dissemination of international law should be conducted on a basis of equality and non-interference in the domestic affairs of States.

91. The Soviet Union provides extensive assistance to other countries in the study of international law by training undergraduate and post-graduate students from various countries at Soviet law schools and other higher educational establishments teaching the humanities, and it carries on extensive exchanges of specialists in international law under bilateral agreements with interested States.

92. Should Governments so wish, the Soviet Union is prepared to continue admitting undergraduate and post-graduate students from interested countries into its higher educational establishments, and to send instructors and professors from such establishments to the countries desirous of obtaining their services.

93. In this connexion, the USSR delegation takes a positive view of draft resolution C, in which UNESCO is asked to collect periodically from Member States information on possibilities of offering training in international law and in which Member States are invited to offer foreign students fellowships in the field of international law and to consider the inclusion in their programmes of cultural exchange of appropriate measures for the study and dissemination of international law.

94. The implementation of the measures set out in draft resolution C will further the study and dissemination of international law and will also provide specific information on the matter, which is to be studied by the Special Committee whose establishment is proposed in draft resolution A. Through a careful study of this information, the Special Committee should be able to draw conclusions on any further steps that ought to be taken by the United

Nations to promote the study and dissemination of international law.

95. Until this necessary preparatory work is done by the Special Committee, and hence until its report is received and considered at the next session of the General Assembly, it would in our opinion be premature to take any action on the financing of such operations in the future, since we do not know what recommendations the Special Committee will submit.

96. In this connexion, the USSR delegation considers that the measures proposed in draft resolution B are, to say the least, premature and therefore unwarranted.

97. As regards the substance of draft resolution B the USSR delegation considers that operative paragraph 2 contains provisions which are in obvious contradiction to the United Nations Charter. Under the Charter, the regular budget of the United Nations cannot be used to finance any technical assistance programmes, including programmes in the field of international law.

98. Appropriations for technical assistance cannot be regarded as obligatory expenses to be borne by Member States in the meaning of Article 17 of the Charter. Consequently the USSR delegation objected in the Sixth Committee and objects again now to the adoption of the provision set forth in operative paragraph 2 of draft resolution B and will vote against that part of the draft resolution.

99. As regards operative paragraph 1 of draft resolution B, my delegation wishes to point out to the General Assembly that in the discussions of the Expanded Programme of Technical Assistance in the Second and Fifth Committees some representatives of developing countries repeatedly stated the view that in redistributing EPTA funds the main stress should be on financing measures to promote the economic and industrial development of newly emerging States.

100. The USSR delegation therefore thinks it would be advisable at least to wait before adopting the provisions in operative paragraph 1 of draft resolution B and to revert later to the question whether it would be possible and advisable to use EPTA funds for assistance in the teaching and study of international law.

101. In the light of these considerations, the USSR delegation would request that operative paragraphs 1 and 2 of draft resolution B should be voted on separately, one vote being taken on operative paragraph 1 and another on operative paragraph 2.

102. We shall abstain in the vote on operative paragraph 1 of draft resolution B and vote against operative paragraph 2. If operative paragraph 2 is retained, we shall vote against draft resolution B as a whole for the reasons I have stated.

103. We are prepared to support and shall vote in favour of draft resolutions A and C.

104. The PRESIDENT (translated from Spanish): I have no further speakers listed for explanations of vote. We shall therefore proceed to vote on the three draft resolutions, A, B and C, recommended to the Assembly by the Sixth Committee, which appear in the latter's report [A/5672, para. 29].

105. Draft resolution A was approved unanimously by the Sixth Committee. May I therefore take it that the General Assembly also adopts draft resolution A unanimously?

*Draft resolution A was adopted unanimously.*

106. The PRESIDENT (translated from Spanish): We shall now proceed to vote on draft resolution B. In connexion with this draft resolution, the representative of the Soviet Union has requested separate votes: first on operative paragraph 1, and then on operative paragraph 2 of the draft.

107. In accordance with the provisions of rule 91 of the rules of procedure, if there are no objections, we shall proceed to vote first on paragraph 1 and then on paragraph 2 of draft resolution B.

108. The PRESIDENT (translated from Spanish): I accordingly now put to the vote paragraph 1 of draft resolution B.

*Paragraph 1 of draft resolution B was adopted by 89 votes to none, with 10 abstentions.*

109. The PRESIDENT (translated from Spanish): We shall now take a separate vote on paragraph 2 of draft resolution B.

*Paragraph 2 of draft resolution B was adopted by 83 votes to 10, with 2 abstentions.*

110. The PRESIDENT (translated from Spanish): We shall now vote on draft resolution B as a whole, including the two paragraphs which have just been adopted.

*Draft resolution B was adopted by 91 votes to 10, with 1 abstention.*

111. The PRESIDENT (translated from Spanish): We shall now proceed to vote on draft resolution C. This draft resolution was adopted unanimously by the Sixth Committee. May I take it that the General Assembly also adopts it unanimously?

*Draft resolution C was adopted unanimously.*

112. The PRESIDENT (translated from Spanish): We have thus concluded the consideration of agenda item 72 and the General Assembly has dealt with all the items allocated to the Sixth Committee.

#### Statement by the President

113. The PRESIDENT (translated from Spanish): We now have to consider agenda item 13. However, before taking up this item and the other items with which the Fourth Committee is concerned, I wish to make the following statement to the Assembly.

114. The Chairman of the Fourth Committee has advised me that certain doubts have arisen with regard to the statement which I made on 11 December 1963 at the 1277th plenary meeting following the adoption of the draft resolution [A/L.443 and Add.1 and 2] on the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples [A/5446/Rev.1]. This draft has now become resolution 1956 (XVIII). I stated then that with the adoption of the resolution, the General Assembly has concluded consideration of items 23, 55 and 75 of its agenda. No objection was made to that statement at the time.

115. Subsequently, in the Fourth Committee, the specific question was raised whether the consideration of the question of South West Africa, which arises under items 55 and 23, was definitely concluded as far as the eighteenth session of the General Assembly was concerned.

116. My statement was based on the terms of operative paragraph 4 of the draft resolution on the report of the Special Committee which requested the Special Committee "to continue to seek the best ways and means for the immediate and total application of the Declaration to all territories which have not yet attained independence, and to report to the General Assembly not later than at its nineteenth session". Furthermore, the absence of any arrangements to retain on the agenda of the eighteenth session any of the questions dealt with in the resolution appeared to support the view that the draft resolution adopted, which has now become resolution 1956 (XVIII), had the effect of concluding consideration of the questions dealt with in the report of the Special Committee and, specifically, of the questions of Southern Rhodesia, South West Africa and the territories under Portuguese administration, as far as the eighteenth session of the General Assembly was concerned.

117. However, it now appears that such was not the intention of those who supported the draft resolution which has now become resolution 1956 (XVIII), and that in spite of the fact that operative paragraph 4 of that resolution covers all the territories which have not yet attained independence, and that the resolution made no provision for retaining on the agenda of the eighteenth session any of the questions dealt with in the resolution, the intention of those who supported it was to maintain in force, *inter alia*, the provisions of operative paragraph 9 of resolution 1899 (XVIII) of 13 November 1963, by which the Assembly decided "to maintain the question of South West Africa on the agenda of its eighteenth session and to resume consideration of this question in the light of the reply of the Government of South Africa, given in accordance with paragraph 5 above, and immediately after receipt of that reply".

118. The reply of the Government of South Africa [A/5634] was circulated on 2 December 1963. This document was submitted under agenda item 55. I have now been informed that at that time the Fourth Committee was engaged in consideration of other matters and could not, as it had previously decided, "resume consideration of this question, in the light of the reply of the Government of South Africa, immediately on receipt of that reply".

119. In the circumstances, and since the statement which I made at the end of the 1277th plenary meeting of the General Assembly does not constitute a proposal within the meaning of rule 83 of the rules of procedure of the General Assembly, but was merely an indication of the stage we had reached in our work, given in the light of the information available to the President at that time, I am prepared to consider that items 23, 55 and 75 remain on the agenda of the General Assembly until the closure of the eighteenth session.

120. This clarification having been given, we shall proceed immediately to the consideration of item 13 of the agenda.

#### AGENDA ITEM 13

Report of the Trusteeship Council

REPORT OF THE FOURTH COMMITTEE (A/5670)

## AGENDA ITEMS 49, 50, 51, 52, 53 AND 54

Information from Non-Self-Governing Territories transmitted under Article 73 e of the Charter of the United Nations: reports of the Secretary-General and of the Committee on Information from Non-Self-Governing Territories:

- (a) Political and constitutional information;
- (b) Information on educational, economic and social advancement;
- (c) General questions relating to the transmission and examination of information;

Dissemination of information in the Non-Self-Governing Territories on the Declaration on the granting of independence to colonial countries and peoples: report of the Secretary-General

Offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories: report of the Secretary-General

Question of the continuation of the Committee on Information from Non-Self-Governing Territories

Election, if required, to fill vacancies in the membership of the Committee on Information from Non-Self-Governing Territories

Special training programme for Territories under Portuguese administration: report of the Secretary-General

## REPORT OF THE FOURTH COMMITTEE (A/5673)

121. Mr. MARSH (Jamaica): The report of the Trusteeship Council was adopted unanimously by the Fourth Committee and the report to the General Assembly of the Fourth Committee's consideration of this item is contained in document A/5670. The discussion on this report was brief and I do not think that it needs much more introduction.

122. With regard to the report of the Fourth Committee on its consideration of the report submitted by the Committee on Information from Non-Self-Governing Territories, I have the honour to present to the Assembly the joint report of the Fourth Committee on agenda items 49 to 53 inclusive [A/5673].

123. With the exceptions of paragraphs 17 to 19 the draft report was unanimously approved by the Fourth Committee at its 1515th meeting, which was also its last meeting. As there was no time for the Rapporteur to seek the Committee's approval on the section of the draft report referring to the proceedings covered in these four paragraphs, the Fourth Committee entrusted me with presenting the section to the General Assembly directly.

124. The Fourth Committee discussed most of the agenda items just enumerated jointly and adopted five draft resolutions relating to some of the individual items. The texts of these draft resolutions as adopted by the Fourth Committee are contained in paragraph 28 of the report [A/5673] and are recommended for adoption by the Assembly.

125. Draft resolution I concerns the question of the continuation of the Committee on Information from Non-Self-Governing Territories. Draft resolution II calls for approval of the report of the Committee on Information on economic advancement in Non-Self-

Governing Territories. Draft resolution III deals with the situation in Aden and corresponds with that section of the draft report which is covered in paragraphs 18 to 21 inclusive. Draft resolution IV concerns the special training programme for Territories under Portuguese administration. In this connexion the attention of the Assembly is called to the report of the Fifth Committee concerning the financial implication of this draft resolution if it were adopted [A/5674]. Finally, draft resolution V contains certain recommendations concerning offers by Member States of study and training facilities for inhabitants of Non-Self-Governing Territories.

126. I conclude my introduction of the reports with the special hope that they will be adopted by the General Assembly without objections.

127. The PRESIDENT (translated from Spanish): In accordance with the decision just taken by the Assembly, representatives will confine their statements to explanations of vote on the various draft resolutions recommended by the Fourth Committee.

128. We shall first take up the draft resolution on agenda item 13 which appears in the report of the Fourth Committee [A/5670, para. 6]. This draft resolution was approved unanimously in the Fourth Committee. May I take it that the General Assembly also adopts it unanimously?

*The draft resolution was adopted unanimously.*

129. The PRESIDENT (translated from Spanish): We shall now take up agenda items 49, 50, 51, 52, 53 and 54 in respect of which the Fourth Committee recommends for adoption by the General Assembly five draft resolutions which appear in its report [A/5673, para. 28].

130. I now give the floor to those representatives who wish to explain their vote on any of the draft resolutions recommended by the Fourth Committee.

131. Mr. KING (United Kingdom): I should like to explain the vote of my delegation on the so-called emergency draft resolution on Aden, which is draft resolution III in the report of the Fourth Committee [A/5673].

132. When this draft resolution was adopted in the Fourth Committee [1515th meeting] on 13 December 1963 a number of delegations stated that they lacked information on the question under discussion. I should therefore like to set out the essential facts.

133. The British Government recently invited Ministers of Aden State and the Federation of South Arabia to visit London for constitutional talks. The purpose of these talks was to discuss the next stage in the peaceful and orderly political progress of Aden State and the Federation of South Arabia towards independence. There was no secret about these talks; indeed, my delegation had referred to them in its statement in the plenary debate on 4 December 1963 [1273rd meeting].

134. Some of the Ministers concerned in the talks had already left Aden. The remainder, accompanied by the High Commissioner, who was also attending the talks, were due to leave Aden airport on 10 December 1963 and a number of other Ministers who were remaining in Aden assembled to see them off and to wish them success in their mission.

135. At this moment a hand grenade was thrown at the group of Ministers. An innocent bystander, an

Indian lady, was killed, and forty-three persons were injured. Among those seriously injured were the Ruler of Fadhli State, Sultan Ahmed ben Abdullah al-Fadhli, who is the Minister of National Guidance and Information in the Government of South Arabia. The High Commissioner, Sir Kennedy Trevaskis, escaped with a slight hand injury.

136. As a result of this outrage, the Supreme Council of the Federation of South Arabia declared a state of emergency, and twenty-nine persons have been arrested. These persons have been arrested because the authorities in Aden consider that this is a necessary step in the immediate interests of public security, and there is reason to suppose that the bomb incident was part of an organized conspiracy rather than the work of an isolated individual.

137. The persons arrested are members of a political party which has never, so far as my delegation is aware, renounced the use of violence to achieve its aims, and which has indeed been constantly incited to violence by radio broadcasts from a neighbouring country. This same party has made no secret of its violent opposition to the present Constitution of Aden and to those who are Ministers in the Government of Aden and of the Federation of South Arabia. Moreover, this party is, for its own reasons, opposed to the holding of constitutional talks on the future progress of Aden and the Federation of South Arabia towards independence, as this would run counter to their declared intention of bringing the territory under Yemeni rule.

138. The measures taken by the authorities in Aden to detect the perpetrators of this outrage and to forestall further incidents of a similar kind were entirely justified in the circumstances, although my delegation naturally understands the concern that has been shown by delegations at the necessity for taking such measures. It cannot, however, understand the comparative lack of concern at the attempted assassination by this cowardly and indiscriminate means of the leading Ministers of Aden and South Arabia and of the British High Commissioner, nor the lack of sympathy for the innocent persons who were killed or wounded in the incident.

139. Finally, my delegation cannot understand the reasons why these matters were not raised when this Assembly was discussing the draft resolution on Aden last week [1277th meeting], although references were made to it during the debate preceding the adoption of that resolution [1949 (XVIII)], unless the sponsors hoped by delaying until the last moment of the Assembly to force through a resolution with the minimum of discussion and based on inadequate information. Whatever the motives of the sponsors, this draft resolution is clearly not justified by any information before this Assembly, and is couched in terms which might appear to condone the outrage and sympathize with its perpetrators. My delegation will therefore vote against it.

140. Mr. TARCICI (Yemen) (translated from French): My delegation would like to repeat what it has already said in the Fourth Committee [1515th meeting] in condemnation of the act of violence committed in Aden. My delegation would be glad to see the criminal brought to justice and sentenced under the law.

141. Contrary to what was stated by the honourable representative who spoke before me here (to use his own expression), contrary to what was stated by the

honourable representative of the United Kingdom (to use the expression that we usually adopt here), my delegation, at the time of the vote in the General Assembly [1277th meeting] on the draft resolution on Aden [A/L.436 and Add.1], was not yet in a position to know exactly what the situation in Aden was. Since then, information has reached us and has been communicated to the Press and a petitioner representing political parties and trade union organizations in Aden has appeared before the Fourth Committee [1515th meeting].

142. After the Fourth Committee had heard the petitioner, representing the People's Socialist Party and the trade unions, and had approved the draft resolution now before the General Assembly in that Committee's report [A/5673, para. 28, draft resolution III], the situation in Aden has considerably worsened and is becoming more and more critical.

143. Indeed, in the face of these acts of repression, deportations and mass arrests, the people's organizations have reacted and those deputy leaders who have not been imprisoned or deported and have been able to meet have addressed a cable to their representatives here which I shall now read out:

*[The speaker continued in English.]*

"Following the explosion of a bomb in the civil airport, the British authorities launched a series of mass arrests and deportations, at the same time declaring a state of emergency in the region. In a few moments, our country has been turned into a police state. Citizens have been arrested and deported over the borders and others deposited in concentration camps by the hundreds.

"In the same night, during the late hours, all executives of the Aden Trade Union Congress and leaders of trade unions were rounded up by the police, arrested and thrown into military concentration camps and consequently alienated into deserted regions in the Aden Protectorate. Families were horrified by the inhuman midnight attacks and the removal of the breadwinners of families. Today, wives, children and parents are left without maintenance or anybody to look after them.

"Aden Trade Union Congress has always followed a course of peaceful strife towards liberation and has always condemned all forms of violence. These principles are still cherished by the Trade Union Congress and all its followers, and therefore the arrest of its leaders is unwarranted, unjustified and out of place ...

"An emergency meeting of the delegates to the Trade Union Congress was held this evening and it was resolved:

"1. The Trade Union Congress condemns the inhuman arrests, detention and deportation of peaceful citizens and demands immediate release of all and the repeal of the state of emergency;

"2. The Trade Union Congress supports Government in its search for culprits, but disapproves mass arrests of innocent citizens;

"3. Calls upon all citizens, workers and trade unionists to stand firmly by their respective unions with patience and confidence;

"4. Calls all international organizations to extend all help and support to Aden workers and the people of Aden.

"Aden Trade Union Congress raided by police. Arabic typewriters and roneo stencils confiscated. Arrests continue."

[The speaker resumed in French.]

144. Thus, the arbitrary acts of repression and the arrests continue, which further aggravates the situation. This situation is described by the Fourth Committee in draft resolution III according to which the General Assembly is

"Deeply concerned at the critical and explosive situation obtaining in Aden and the Aden Protectorate as a result of the state of emergency, and at the arrests and detention of nationalist leaders and trade unionists as well as the deportations of others, a situation which constitutes a denial of fundamental rights and endangers peace and security in the region."

This is the text which was approved by the Fourth Committee on 13 December 1963 [1515th meeting] and since then there has been the cable dated yesterday which indicates that the arrests are continuing. Moreover, the number of deportees runs into several hundreds, contrary to the figure given by the United Kingdom representative in the Fourth Committee in his statement on 13 December. He mentioned only 29 party leaders and 142 arrests or deportations. When the United Kingdom representative spoke of 29 party leaders he appeared to regard that as a very small number. He also seemed to consider that the figure of 142 arrests and deportations was minimal. However, in spite of the figures of 142 and 29 which have been given, we have received cables showing, as I have just stated, that by Friday the arrests had reached several hundreds and that the arrests and deportations are continuing.

145. These acts remind us all of the policy followed by the colonialists at the height of the colonial period, which is now over. Moreover, they create on what is called the frontier between the occupied part of Yemen and the free and independent part of that country an extremely dangerous and explosive situation because the number of deportees and refugees has increased as a result of the state of emergency which now exists in Aden.

146. As we said in our statement of 28 November 1963 [1266th meeting] on Aden during the general discussion of agenda item 23, the United Kingdom authorities are seizing every opportunity to maintain an artificial division of Yemen by all possible means in pursuance of their colonial policy of "divide and rule".

147. Allow me to quote the following passage from the statement made by my delegation at a plenary meeting of the General Assembly:

"To ensure the continued presence of the British, the total isolation of this region must be achieved, and not only a physical isolation but also an intellectual and emotional isolation. Even more than this, a spirit of hostility should be aroused towards the Arab countries, and especially towards the Yemen Arab Republic in order to set it apart once and for all and sanction an artificial division." [1266th meeting, para. 88.]

This attempt to create a state of mind on the basis of a single incident is clearly designed to encourage this emotional division between the southern and northern parts of our country. Quite clearly, the

authorities intend to profit from such an act to bring into play their police machinery of repression against the groups and organizations which are fighting for national liberation and which do not approve of this neo-colonialist policy.

148. My delegation has described this situation, which is becoming worse every day, in order to address an appeal to the General Assembly to vote in favour of draft resolution III. It has also done so in order that the British colonialists—who unfortunately still exist—may realize that the great colonialist era is over and that the policy of "divide and rule" is not consistent with the aspirations of our people in the occupied part of Yemen. It is therefore useless to try to use a single incident, which should be dealt with according to existing jurisprudence, to try to check, silence and even disrupt the trade union parties and organizations whose policy of adopting the most legal and peaceful methods available is demonstrated by the cable which I read out.

149. The PRESIDENT (translated from Spanish): We shall now proceed to vote successively on draft resolutions I to V recommended by the Fourth Committee in its report [A/5673, para. 28]. First of all, I put draft resolution I to the vote.

*Draft resolution I was adopted by 84 votes to none, with 26 abstentions.*

150. The PRESIDENT (translated from Spanish): We shall now vote on draft resolution II. This draft was approved unanimously by the Fourth Committee. May I take it that the General Assembly also wishes to adopt it unanimously?

*Draft resolution II was adopted unanimously.*

151. The PRESIDENT (translated from Spanish): We shall vote now on draft resolution III.

*Draft resolution III was adopted by 53 votes to 23, with 31 abstentions.*

152. The PRESIDENT (translated from Spanish): We now take up draft resolution IV. Pursuant to rule 154 of the rules of procedure, the Assembly has before it a report of the Fifth Committee [A/5674] on the financial implications of this draft resolution.

153. We shall now proceed to vote on draft resolution IV.

*Draft resolution IV was adopted by 102 votes to 2, with 1 abstention.*

154. The PRESIDENT (translated from Spanish): We now take up draft resolution V. This draft resolution was approved unanimously by the Fourth Committee. May I take it that the General Assembly also adopts it unanimously?

*Draft resolution V was adopted unanimously.*

155. The PRESIDENT (translated from Spanish): I give the floor to the representative of Portugal for an explanation of vote.

156. Mr. MOREIRA (Portugal) (translated from French): I should like to explain the reasons why the Portuguese delegation voted against draft resolution IV.

157. One of Portugal's greatest and deepest concerns is to ensure the cultural advancement of all the peoples living in overseas Portugal, by giving all social classes access to education at the various levels. In order to bring about that advancement, a

network of schools at different levels is provided in the overseas territories, which are devoted to primary, secondary, vocational, technical and higher education. This network is extended considerably every year and the schools are attended by students of all races, without any discrimination.

158. Primary education is free and at the other levels of education a very reasonable enrolment fee is all that is required, as everywhere else in the world. That does not mean that poor people cannot attend the schools, because those who show ability but lack the necessary funds are granted assistance of all kinds by the Government, such as waiving of the enrolment fee, free books and school equipment. The granting of such assistance depends only on these two considerations: the ability shown by the student concerned and his lack of resources, without any discrimination.

159. As to scholarships, they are awarded not only by the government in each of the provinces, but also by a number of official and private organizations and by the central Government itself. The number of such scholarships is growing. They are granted sometimes for study in the province itself and sometimes for study in the metropolitan country.

160. In some areas it is impossible to set up certain types of schools for various reasons, e.g. the population density or the fragmentation of the territory into islands. In such cases, scholarships are granted for use in the province. Scholarships in subjects which cannot be studied in the overseas territories are granted for use in metropolitan schools.

161. Scholarship holders are allowed free round-trip travel for their vacations, and receive board and lodging, medical care, hospitalization and medicine. They can take part in sports, borrow or be given school equipment and enjoy the moral and material support of organizations such as the university hostels, homes for students, Portuguese Youth, and the Student Administration.

162. All the provinces support scholarship holders, of whom there are a considerable number. Many of them are indigenous Africans who are studying in colleges in Lisbon, Oporto, Coimbra and other cities where they take courses in fine arts, forestry, veterinary science, agronomy, medicine, law, teaching, pharmacy, social science, etc. Thanks to the facilities provided, the number of these indigenous students is increasing annually. For the academic year just begun, the central Government has provided 100 new scholarships, a large proportion of which will be awarded to students from Portuguese Guinea.

163. Now that the universities of Angola and Mozambique have been set up, the number of Africans who have taken higher education courses will very soon increase.

164. That is the general picture of education in overseas Portugal and of the facilities provided for those who live there, without distinction of race or of any other kind, which the Portuguese political philosophy condemns.

165. What has been achieved so far is not yet commensurate with the needs, not because of a lack of desire to promote the cultural advancement of the peoples, but because of the size of the task and the difficulties of carrying it out. Portugal is nevertheless engaged in a serious effort worthy of the respect of those who are familiar with it.

166. Moreover, what State in Africa or any other continent can really claim that it has solved its educational problems? The difficulties which Portugal is encountering in the overseas territories are no worse and no greater than those facing the African States which met at the Addis Ababa Conference. In order to solve these difficulties, Portugal has drawn up and is now carrying out both short- and long-term plans for the development of education, in the same way as the African Powers which met at Addis Ababa. In the first four years of the short-term plan, to be completed in 1967, nearly 3,500 million escudos will be spent on building and equipping schools, training primary school teachers, etc., without prejudice to the regular expenditure on education in the various provinces. The fulfilment of these plans will enable overseas Portugal to keep its place in the van of African States.

167. In the light of the considerations which I have just put forward, I should now like to make some comments on draft resolution IV. The Portuguese delegation maintains all the objections it has already raised on the subject during the discussion at the seventeenth session of the General Assembly.

168. We say that the draft resolution is discriminatory because it singles out Portugal when the situation in many African States regarding the cultural advancement of the population is in most cases worse than in the Portuguese overseas territories. Furthermore, the draft is unfair because it fails to acknowledge Portugal's efforts in this field, which are sincere and are guided by an ideal of human dignity. The draft resolution is directed to selfish, political and predetermined ends.

169. Every man has the right to an education. It is an inherent right of the human individual, granted to man to enable him to achieve full development of his personality. It is at one and the same time a right and an end in itself. To invoke this right but to attribute other objectives to it is to diminish and discredit it.

170. For all these reasons, and leaving aside other motives, the draft resolution does not further either the establishment of more schools for the indigenous peoples of overseas Portugal or co-operation and understanding among peoples, which is one of the aims of the United Nations.

171. In the circumstances my delegation was obliged to vote against draft resolution IV, despite our policy of active co-operation in the cultural advancement of the indigenous populations of overseas Portugal.

172. The PRESIDENT (translated from Spanish): I give the floor to the representative of Liberia to exercise her right of reply.

173. Miss BROOKS (Liberia): I would like briefly to say that the true representatives of the peoples in the territories under Portuguese administration desire that technical assistance be given to them in the light of the resolutions which have been adopted. It is regrettable that the representative of Portugal would wish to deny the assistance that can be given by the United Nations to his people.

174. The PRESIDENT (translated from Spanish): We have thus concluded consideration of items 49, 50, 51, 52, 53 and 54 of the agenda of the eighteenth session.

## AGENDA ITEM 86

## Admission of new Members to the United Nations

175. The PRESIDENT (translated from Spanish): We shall now take up item 86 of the agenda.

176. The General Assembly has before it the recommendations of the Security Council [A/5677 and A/5678] concerning the applications for admission to membership of the United Nations submitted by Zanzibar [A/5661] and Kenya [A/5662].

177. In connexion with these recommendations, the Assembly has before it two draft resolutions: one concerning Zanzibar [A/L.447] and another concerning Kenya [A/L.448].

178. Before we take up these two draft resolutions, I wish to announce that I have been informed that all the African States belonging to the African-Asian Group which are not already listed as co-sponsors of the two draft resolutions have expressed the desire to be so listed. Consequently, these two drafts are now sponsored by, among others, all the African States which are members of the African-Asian Group. The Secretariat will in due course make the necessary changes to the documents concerned.

179. We shall now take up the two draft resolutions; first of all the one which recommends the admission of Zanzibar to membership of the United Nations [A/L.447 and Add.1]. If I hear no request for a vote, may I take it that the General Assembly adopts the draft resolution by acclamation?

*The draft resolution was adopted by acclamation.*

180. The PRESIDENT (translated from Spanish): As a result of the decision just taken by the Assembly, I declare Zanzibar admitted to membership of the United Nations.

*The delegation of Zanzibar was escorted to its place in the General Assembly Hall.*

181. The PRESIDENT (translated from Spanish): We now turn to the draft resolution which recommends the admission of Kenya to membership of the United Nations [A/L.448 and Add.1]. May I take it that the General Assembly again decides by acclamation to adopt the draft resolution?

*The draft resolution was adopted by acclamation.*

182. The PRESIDENT (translated from Spanish): As a result of the decision just taken by the Assembly, I declare Kenya admitted to membership of the United Nations.

*The delegation of Kenya was escorted to its place in the General Assembly Hall.*

183. The PRESIDENT (translated from Spanish): As President of the General Assembly, I have great pleasure in welcoming to the General Assembly the delegations of Zanzibar and Kenya, States which have just been admitted to membership of the United Nations. I am sure that they will make a valuable contribution to the work of the Organization.

184. Those representatives who have signified their desire to welcome the new Member States on behalf of their own country and on behalf of groups of States will have an opportunity to do so at the plenary meeting which will start this afternoon at 3.30 p.m. instead of 3.00 p.m. because it is now already late.

185. I wish to announce also that the flag-raising ceremonies in honour of Zanzibar and Kenya—originally scheduled for 2.45 p.m.—will take place at 3.15 p.m.

*The meeting rose at 1.45 p.m.*