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CONTENTS

President: Mr. Frederick H. BOLAND (Ireland).

AGENDA ITEM 9

General debate (continued)

LETTER DATED 29 SEPTEMBER 1960 FROM THE PRESIDENT OF GHANA, THE PRIME MINISTER OF INDIA, THE PRESIDENT OF INDONESIA, THE PRESIDENT OF THE UNITED ARAB REPUBLIC AND THE PRESIDENT OF YUGOSLAVIA ADDRESSED TO THE PRESIDENT OF THE GENERAL ASSEMBLY (A/4522) (continued)*

1. The PRESIDENT: We shall continue consideration of the draft resolution submitted by Ghana, India, Indonesia, the United Arab Republic and Yugoslavia. A revised version of this draft resolution [A/L.317], has been circulated. Also before the Assembly is an amendment submitted by Australia [A/L.316]. Continuing the discussion on this subject, I call first on the representative of Cambodia.

2. Mr. SON SANN (Cambodia) (translated from French): H.R.H. Prince Norodom Sihanouk, our Head of State, speaking from this rostrum on 29 September 1960, has explained the position of Cambodia on the question of disarmament, a problem which is of major concern to all peoples. At that time, he said:

"... We think that the General Assembly will be able to contribute greatly, if not decisively, to it by reaffirming to the atomic Powers the feeling of all the peoples. This feeling, which cannot be doubted, quite clearly amounts to total and unanimous rejection of the use of atomic power for military purposes, including tests. We hope that these nations will thus be sensible of their immense responsibilities with regard to our civilization and the destiny of everything living on our planet, and will seek, with greater sincerity, a terrain for agreement and a sound policy for general disarmament. We think, in fact, that the General Assembly could exercise a great moral influence in this search for the settlement of a problem which has so far been rendered virtually insoluble because of the mistrust between the leading nations of the two blocs.

"However, given the complexity of this problem and the way in which an agreement would be applied, we think it would be desirable to leave to the great Powers responsible for war and peace, for over-armament and disarmament, the task of discussing it and getting to the root of it" [877th meeting, paras. 13 and 14].

3. The delegation of Cambodia favours a resumption of contacts between the atomic Powers, whether they take place between two or four of them or even with other great Powers such as China, or with great neutral Powers. It will therefore vote in favour of the revised draft resolution submitted by Ghana, India, Indonesia, the United Arab Republic and Yugoslavia [A/L.317].

4. Our delegation would also have voted for the Australian proposal [A/L.316] if it had been submitted to the General Assembly in the form of a draft resolution. Unfortunately, we note once again with regret that while the great Powers are unanimous on the principle that disarmament is absolutely essential, they no longer agree when it comes to giving practical effect to that unanimous desire. In the present instance, we regret that Australia decided to present its proposal—which we also support in substance—in the form of an amendment to the five-Power draft resolution, thus preventing a unanimous vote in the General Assembly on a resolution which might lead to a new meeting of the great atomic Powers at an early date. The situation calls for urgent action. Instead of doing nothing or frustrating each other's efforts, we should try to reach agreement promptly in order to achieve our common objective, namely, to put an end to the cold war, that being the essential prerequisite for general and controlled disarmament. Either the atomic Powers are willing to accept a United Nations decision and if so, they can have first a two-Power, then a four-Power meeting, or they do not want a meeting yet, in which case the Australian amendment would have no more effect than the five-Power draft resolution.

5. For all those reasons, the delegation of Cambodia will abstain in the vote on the Australian proposal if it should continue to be put in the form of an amendment to the five-Power draft resolution.

6. Mr. SOEBANDRIO (Indonesia): Since the other sponsors have already explained and defended the revised five-Power draft resolution [A/L.317] during this morning's debate, I do not think that I need elaborate again on the intent and purpose of the draft resolution—simple and self-explanatory as it is—nor on the motives which have compelled us to submit it as an urgent measure that seeks to overcome the present acute deadlock. President Nkrumah and Prime Minister Nehru have explained [877th meeting]

*Resumed from the 887th meeting.

eloquently, and indeed clearly, explained the position, the motives and the intent for our action in moving this joint draft resolution. They have expressed our deep conviction that the draft resolution, if adopted, would serve the right purpose in the right way.

7. It is not our intention to exclude other Powers, large or small, from negotiations in a kind of summit meeting of the two giant Powers of the world. Nothing of the sort has been written or suggested in our draft resolution. On the other hand, we also realize full well that no negotiations at any summit meeting of any kind will be possible in the absence of normal relations between the Government of the United States and the Government of the Union of Soviet Socialist Republics. Our draft resolution speaks of an initial, a first, step. It claims no more than that. And why should the initial step be concentrated on contacts between two Powers, the United States and the Union of Soviet Socialist Republics? Precisely because the relationship between the top leaders of these two great Powers is today not normal, one may even say it is rather belligerent. At the very least, they are not on speaking terms with each other. But there is no problem at the moment, no crisis, in the relationship of the United Kingdom and France with either the Union of Soviet Socialist Republics or the United States. There is a crisis, however, in the relationship between the United States and the Union of Soviet Socialist Republics. This is a fact that cannot be denied. It is a deplorable fact. Yes, it is a crisis, a serious crisis affecting the problem of war and peace, which is a problem deeply disturbing the world, and certainly all peoples of good will.

8. It is this serious crisis which, on the basis of the five-Power draft resolution, we can seek to overcome or at least try to ameliorate. This crisis does not involve only the two great Powers; this is a crisis that deeply concerns all the peoples of the world. And I believe that we, the uncommitted nations—indeed, the nations of Asia and Africa—have a special responsibility to contribute to the solution of this crisis. It is in response to this great responsibility which we feel, that we have tabled our draft resolution, hoping thereby to assist and to take an initial step in the removal of the present crisis.

9. Let us be aware that no solution of pressing international problems, and certainly the most urgent problem of disarmament, will be possible as long as the crisis persists. This is the reality, whether we like it or not.

10. In this connexion, I would like to make some observations as regards the so-called amendment tabled by Australia [A/L.316]. I naturally endorse fully what has been stated by the President of Ghana and the Prime Minister of India in their remarks on the Australian amendment. This amendment is, in effect, not an amendment but an actual new draft resolution, designed to push aside or prevent the adoption of the five-Power draft resolution.

11. What is the Australian amendment? It calls for a summit meeting of the big Powers at the earliest practicable date. I do not think for one moment that anyone here can have serious objections to this proposal, in so far as it merely advocates the resumption of the negotiations broken off in May 1960.

12. For our part, we wished well to the Summit Conference in Paris. We believed that such a Summit Conference could have been useful for paving the way to the solution of critical international problems of primary concern to the great Powers. But as President Sukarno also noted [880th meeting]—and I must say that he was quoted rather out of context by the Prime Minister of Australia [887th meeting]—we did entertain serious doubts about the exclusive moral right of the four big Powers to decide the fate of mankind.

13. This is a different matter. World peace is not the exclusive domain of the great Powers. The preservation of peace, the destiny of mankind is, as President Sukarno so aptly put it, of equal concern to all peoples and cannot be decided without their voices being heard.

14. There is, therefore, no contradiction at all between the views expressed by President Sukarno about the abortive Summit Conference in Paris and the five-Power draft resolution which he introduced before this Assembly [880th meeting] on 30 September 1960.

15. Let us assume that support for the so-called amendment to our draft resolution merely expressed the desire to see, some time in the future, the convening of a summit meeting of the four big Powers. But, as President Nkrumah and Prime Minister Nehru so lucidly pointed out, such a proposition misses the point altogether. It misses the urgent issue of this very moment for this General Assembly.

16. More than that, the Australian amendment is obviously quite unrealistic. Normal relations do not now exist between the most powerful—one may almost say, the opponents, among the four Powers—which the Australian amendment wishes to bring together for negotiations at a summit meeting. How could anyone seriously envisage a meeting of the four great Powers if the two leading Powers are not even on speaking terms with each other? This makes the Australian amendment entirely unrealistic.

17. So long as the relationship between the leaders of the United States and the Union of Soviet Socialist Republics has not been restored to normal, so long as this abnormal situation is allowed to continue, a big-four summit meeting, as envisaged in the Australian amendment, cannot materialize. It means, further, that the implementation of the five-Power draft resolution is in fact the condition sine qua non for a future meeting of the big Powers, including a meeting such as is envisaged in the Australian amendment. In short, the Australian amendment cannot be implemented without prior adoption of the five-Power draft resolution.

18. The aim of our draft resolution is to pave the way, or at least establish the basic climate, for any future efforts of the big or small Powers to promote our work for peace. Consequently, support of the Australian amendment actually means the destruction of the five-Power draft resolution. Such support would be not only unrealistic but also dangerous and destructive, destroying all serious efforts to restore the relationship between the two great and mighty Powers, in the interest of preserving the peace now and for the future. Let us, indeed, ponder deeply the present state of affairs. Let us see the Australian amendment in its true

aspect and in the light of its true consequences for world peace—consequences for which we all shall be responsible.

19. The adoption of the five-Power draft resolution is the least we can do at this juncture. I believe, moreover, that whatever temporary difficulties the United States and the Soviet Union may have in meeting this draft resolution, both must realize the enormous responsibility they must shoulder to contribute, with deeds, to the promotion of peace and to the realization of the hopes of peoples all over the world.

20. Once again I appeal to this Assembly to adopt the five-Power draft resolution unanimously as it stands and to reject the Australian amendment which, in effect, undoes our efforts to alleviate the present grave crisis. The Assembly must not fail to produce the right resolution at the right moment for a right and vital purpose.

21. The PRESIDENT: Does any other representative desire to address the Assembly before the Assembly proceeds to take a vote on the proposals before it? If no other representative desires to speak, we will now proceed to the vote.

22. The Assembly has before it the revised five-Power draft resolution [A/L.317] and the amendment submitted by Australia [A/L.316]. The Chair proposes to put to the Assembly, first, the amendment submitted by Australia, on which I understand a roll-call vote has been requested, and then to proceed, depending on the result of that vote, to deal with the draft resolution.

23. If that is agreeable, we will now proceed to a vote on the Australian amendment.

24. I call on the representative of Argentina.

25. I call on the representative of India on a point of order.

26. Mr. Krishna MENON (India): The President just a moment ago said that the Assembly had before it a draft resolution and an amendment and asked us whether we were prepared to vote and took the sense of the Assembly for taking the vote. According to our rules of procedure, once a draft resolution has reached this stage no further speakers are permitted and no further amendments are admissible. The only points that can be made are points of order. I would submit that any further speakers are out of order.

27. The PRESIDENT: I call on the representative of Argentina on a point of order.

28. Mr. AMADEO (Argentina) (translated from Spanish): I am not going to make a speech or depart from the rules of procedure. I would merely request, under the rules, that in the vote on the draft resolution submitted by Ghana and four other countries [A/L.317], the words "the President of" and "the Chairman of the Council of Ministers of" in the operative part should be voted upon separately.

29. The PRESIDENT: The Assembly will proceed first to vote on the amendment submitted by Australia. When we come later, depending on the result of that vote, to vote on the five-Power draft resolution we shall take up the point just made by the representative of Argentina.

30. The Assembly is now called to vote on the amendment submitted by Australia [A/L.316]. A roll-call vote has been asked for.

A vote was taken by roll-call.

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

In favour: France, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Canada.

Against: Chile, China, Colombia, Congo (Brazzaville), Costa Rica, Cuba, Cyprus, Dahomey, Ethiopia, Federation of Malaya, Finland, Gabon, Ghana, Guinea, Honduras, India, Indonesia, Iran, Iraq, Ivory Coast, Jordan, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Niger, Pakistan, Paraguay, Saudi Arabia, Senegal, Sudan, Togo, Tunisia, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Afghanistan, Burma, Cameroun, Central African Republic, Ceylon, Chad.

Abstaining: Czechoslovakia, Denmark, Dominican Republic, Ecuador, El Salvador, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Laos, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Peru, Philippines, Poland, Portugal, Romania, Spain, Sweden, Thailand, Turkey, Ukrainian Soviet Socialist Republic, Union of South Africa, Union of Soviet Socialist Republics, Uruguay, Venezuela, Albania, Argentina, Austria, Belgium, Bolivia, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cambodia.

The amendment was rejected by 45 votes to 5, with 43 abstentions.

31. The PRESIDENT: The Assembly will now proceed to vote on the five-Power draft resolution submitted by Ghana, India, Indonesia, the United Arab Republic and Yugoslavia [A/L.317]. In connexion with this draft resolution a request has been made by the representative of Argentina for a separate vote on the words in the operative paragraph beginning with "the President of the United States" and concluding with the words "Union of Soviet Socialist Republics". In other words, a separate vote will be taken on the inclusion of the passage in the operative paragraph which reads: "The President of the United States".

32. I call on the representative of Argentina on a point of order.

33. Mr. AMADEO (Argentina) (translated from Spanish): I am afraid that I did not explain myself clearly enough a moment ago when I asked for a separate vote. The separate vote which my delegation is requesting does refer to the operative paragraph, but it concerns two groups of words in that paragraph. The first vote is on the words in the first line, "the President of". We are also requesting a separate vote on the words in the second line, "the Chairman of the Council of Ministers of". My delegation is asking that those two phrases, which I have just read out, should be voted upon separately.

34. The PRESIDENT: I call on the representative of India on a point of order.

35. Mr. Krishna MENON (India): My delegation is fully aware of the procedure in this Assembly where any part, with certain reservations, of a sentence or a paragraph can be voted upon separately. But that is governed by another consideration, namely,

that the removal of that part cannot reduce the resolution to absurdity. The representative of Argentina has asked for deletion of the words "the President of" and "the Chairman of the Council of Ministers of". That would leave the draft resolution to read:

> "Expresses the hope that, as a first urgent step, the United States of America and the Union of Soviet Socialist Republics renew their contacts interrupted recently ...".

36. That would distort the purpose of the draft resolution because we have not said that the Union of Soviet Socialist Republics and the United States of America have interrupted their relations. They maintain diplomatic relations and every day conversations go on. What has been interrupted in the conversations between these two gentlemen who, of their own volition, and apparently with the support of their countries, decided to occupy the entire place on what they call "the summit". That was of their own volition, their own action, and therefore when these words are taken out separately this draft resolution is reduced to absurdity. Any move of that kind is out of order, and the only step that is open to those who do not like this is to vote against it and have their names recorded—and they will have to be recorded because we are asking for a roll-call vote.

37. The PRESIDENT: Rule 91 of the rules of procedure of the General Assembly provides that any representative "may move that parts of a proposal or of an amendment shall be voted on separately". The rule goes on to provide: "If objection is made to the request for division, the motion for division shall be voted upon". Objection has just been made to the request for division put forward by the representative of Argentina. The Assembly will therefore vote upon the proposed deletion. I understood the representative of India to call for a roll-call vote in respect of this draft resolution.

38. I call on the representative of India on a point of order.

39. Mr. Krishna MENON (India): With great respect to the President, I did not raise an objection. I raised a point of order and said that this motion was out of order, and I request the President to rule on it. There is no need for me to raise an objection. This is a point that has been made to the President which my delegation submits is out of order, and therefore it is within the President's province to rule it out of order if he agrees with us; if he does not agree with us, then it is for any delegation to raise an objection.

40. The PRESIDENT: The Chair feels bound to follow the wording of rule 91 of the rules of procedure. A request for division has been made, and this has been challenged on the ground that it is out of order and absurd. That, in my opinion, is an objection within the terms of the second sentence of rule 91. We must therefore proceed in accordance with rule 91 of the rules of procedure. On the question of division under the terms of rule 91, two speakers may speak in favour of the proposed division and two speakers against.

41. The representative of the United States has asked to speak in favour of the division, and I now call upon him.

42. Mr. HERTER (United States of America): The United States supports the proposal made by the representative of Argentina that a separate vote be taken on the two phrases, "the President of" and "the Chairman of the Council of Ministers of". Our support for this proposal is a very simple one. The draft resolution [A/L.317] now before the General Assembly is unique in the annals of the United Nations in that for the first time it singles out individuals and asks those individuals to renew their contacts, not as the heads of their Governments, not the President of the United States for a given period of time, but only the President of the United States for the present moment and the Chairman of the Council of Ministers of the Union of Soviet Socialist Republics for the present moment. Those two individuals are being asked to get together.

43. We feel that this draft resolution, with which we have sympathy, would be greatly strengthened if, in place of two individuals, either of whom may be gone tomorrow, there could be substituted the words "the Government"; in effect, that the United States and the Soviet Union should get together. The whole draft resolution would be greatly strengthened. It would have a continuing value which at the present time it cannot have because it is entirely limited to individuals who, as I say, may be here tomorrow and gone the next day. We feel that for the draft resolution to have its maximum value the proposal made by the representative of Argentina should be supported.

44. Mr. BHUTTO (Pakistan): With great anxiety we have watched the proceedings of this session, because I think that all of us gathered here, each and every one of us, are anxious to achieve a relaxation of tensions. Inspired by what the Prime Minister of India said this morning [887th meeting] that we must get going, that we may not achieve spectacular results but nonetheless the stalemate must be broken, it is most imperative that we break the stalemate. If we are really anxious to see this invidious and unfortunate stalemate broken, we have to think dispassionately and calmly as to what would be the practical results in taking our stand.

45. Not only those gathered here in the Assembly, but the whole of mankind awaits our deliberation and what we do here. It is unfortunate that motives should be attributed. Motives should not be attributed when such vital issues are at stake, motives of some sub rosa conspiracies, of some designs directed in one direction or another, as was suggested this morning by certain delegations. All this vitiates the whole atmosphere.

46. For our part, we do not attribute any motives to any attempt to relax tensions or bring about a "détente" between the great Powers. Precisely for this reason, my delegation opposed most forcibly and in clear terms the Australian amendment [A/L.316]. We opposed the Australian amendment because we entirely concurred with the essence of what was said by the Indian Prime Minister this morning, that the amendment was not really an amendment, it was an altogether separate proposal. Although we were associated with Australia in the Commonwealth of Nations and in many other ways, we, nonetheless, and on merit alone, oppose the Australian amendment because it was a separate proposal altogether. We could have abstained, like

forty-four other delegations, but we did not because we felt that morally it could not be supported. Now, if we are really determined, with all our efforts and with all our zeal, to find a solution to our problems, to get going, to make a beginning, a modest but nonetheless constructive beginning, let us pause over it and consider what would be the most practicable, the most acceptable solution to the problem.

47. The Prime Minister of India this morning suggested that if there were certain variations which did not detract from the meaning of the five-Power draft resolution [A/L.317], then, with an open mind his delegation and the other delegations would be willing to consider those amendments. It was in harmony with that thinking that they themselves proposed an amendment which mentioned a hope rather than made a demand, in order to get greater support for the draft resolution. If we are to get greater support for the five-Power draft resolution, if we are to see that it succeeds and gets the necessary majority, then what is most essential is to see how this reacts on the two major Powers concerned, on the two Powers that we are beseeching to get together in order to make a beginning.

48. We have noted that, because it is concerned, one of the Powers has abstained all along. We have just heard the United States representative, who has indicated that if some marginal but not substantive changes are made, possibly the United States delegation is also willing to accept these changes. It is in the light of these considerations, guided by these factors and in our earnest desire to see this five-Power draft resolution successful, that the noble efforts which have culminated in this draft resolution do succeed, that I have been prompted to take the floor.

49. To bring the world together, to establish harmony, is a wonderful thing. It is very laudable and we all want it, but a marriage when the two parties are not willing to get married, is, I am afraid, impossible. Therefore, we must find a way whereby we can bring the two great Powers together in order to bring about a "détente" and, therefore, prompted by these virtues and imperative considerations ....

50. The PRESIDENT: I am sorry to interrupt the speaker, but we are proceeding under a rule which allows me to give the floor only to representatives who are either for or against the motion made by the representative of Argentina.

51. Mr. BHUTTO (Pakistan): I am just coming to that. For these considerations, my delegation would request a division of the vote.

52. Mr. NEHRU (Prime Minister of India): As I understand it, we are discussing the objection raised to an amendment proposed orally by Argentina to the operative part of the five-Power draft resolution [A/L.317]. The objection raised, I believe on a point of order, was that if this amendment is accepted, what is left is a completely incorrect statement, because by the acceptance of this statement that part would read,

> "Expresses the hope that, as a first urgent step, the United States of America and the Union of Soviet Socialist Republics renew their contacts interrupted recently, ..."

53. I do not understand what this means. I was not aware, and I believe that this Assembly was not aware of the formal, diplomatic official contacts of the United States of America and the Soviet Union having been interrupted. Therefore, this statement has no meaning at all. In fact, it would put the Assembly in the rather absurd position of making in a formal resolution a statement which is wholly incorrect. I submit that an amendment which reduces a draft resolution, or a part of it, to absurdity is not in order and certainly cannot be accepted.

54. I can understand some representatives of some countries not agreeing with this proposition and voting against it. That is understandable. But one cannot reduce it by an amendment to a meaningless jargon or indeed worse than that, to suggest something which is not a fact. It is not a fact. I trust all of us agree that the official, normal diplomatic relations of these two countries mentioned here have not been interrupted at any time, whatever their sentiments or feelings might have been on this issue.

55. I submit therefore that on this point alone such an amendment would be most unfortunate and would not bring great credit on those who have put it forward because it reduces a resolution of this General Assembly to something approaching absurdity.

56. I do not wish to say anything else except to point out again that when this draft resolution was put forward I ventured to express the hope that it would be unanimously passed because I did not see anything to which anyone could object. But that has not been so and it has been opposed, or amendments have been introduced—one amendment has been rejected. This amendment I feel should not be put forward at all because of this. But anyhow, because of this debate, this simple and, as I thought, non-controversial draft resolution has become rather a major issue attracting fully the attention not only of this Assembly but probably of a good part of the world.

57. We have to remember that whatever we may decide on this will have larger repercussions and consequences than otherwise might have been so. And if on this occasion, having attracted the attention of the world to a particular matter, we decide something which cannot be logically argued, which states a fact which is not a fact, I submit that it will not be good for the Assembly to put in this way before the world.

58. Some objection has been made; it has been stated that this brings in persons—individuals. I would submit that this is not quite correct. It refers to high offices. It is true that each high office at the present moment is occupied by an individual, as it must be. But the purpose is not to bring in individuals but rather to refer to the high offices concerned.

59. Therefore, I submit that this amendment is not in order; it is not logical and will put this Assembly in considerable difficulty in passing something which cannot be justified on the facts of the situation. On its merits, I submit also that it is undesirable.

60. The PRESIDENT: What the Assembly has before it is a request from the representative of Argentina that the two phrases, which he read out, in the operative paragraph of the five-Power draft resolution

[A/L.317] should be voted on separately. I did not understand him to propose any amendment. He proposed that those two phrases should be voted on separately. Two speakers have spoken in favour of the request, and one against. Does any other representative desire to speak against the request made by the representative of Argentina?

61. Mr. CABA (Guinea) (translated from French): My delegation is against the proposal just made by the Argentine representative. As explained by the representatives of India, who spoke before me, we cannot understand why an attempt is being made to divest this draft resolution of its positive content. It is suggested that the worlds "the President of" before "the United States of America" and "the Chairman of the Council of Ministers of" before "the Union of Soviet Socialist Republics" should be deleted, leaving a skeleton text which commits nobody. Let us assume that the draft resolution is adopted in that form and Argentina is satisfied. Who could then come before this Assembly and say that it should be implemented? We know that the initiative taken by the five leaders of neutral Powers does not please those who are still keeping alive the cold war; we know that they do not want to help ease international tension and that, by putting such a proposal, their intention is to have the Assembly adopt a resolution totally devoid of meaning. That is why we shall vote against the proposal made by Argentina.

62. The PRESIDENT: The Assembly will now proceed to the vote. The representative of Argentina has proposed, within the terms of rule 91, that two phrases in the operative paragraph of the five-Power draft resolution [A/L.317] should be voted on separately. The two phrases are, first, that consisting of the words, "the President of", and second, that consisting of the words, "the Chairman of the Council of Ministers of".

63. The Assembly will now proceed to vote on the proposal made by the representative of Argentina. A roll-call vote has been requested.

A vote was taken by roll-call.

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

In favour: Japan, Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, France, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy.

Against: Jordan, Libya, Mali, Morocco, Nepal,* Niger, Saudi Arabia, Senegal, Sudan, Sweden, Togo, United Arab Republic, Upper Volta, Venezuela, Yemen, Yugoslavia, Bolivia, Burma, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Cuba, Dahomey, Ethiopia, Federation of Malaya, Finland, Gabon, Ghana, Guinea, India, Indonesia, Iraq, Ivory Coast.

Abstaining: Laos, Liberia, Madagascar, Mexico, Panama, Poland, Romania, Somalia, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Afghanistan, Albania, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Ecuador, El Salvador, Greece, Hungary, Iran.

64. The PRESIDENT: The result of the voting on the request for a separate vote is 37 in favour, 36 against and 22 abstentions. Therefore, the request for a separate vote is carried by one vote.

65. I give the floor to the representative of India on a point of order.

66. Mr. Krishna MENON (India): My delegation does not question the counting of the numbers that have voted for or against; but I submit that the conclusion drawn that the proposal has been adopted is erroneous, because this requires a two-thirds majority. I invite the President to refer to rules 86 and 87 of the General Assembly's rules of procedure. Rule 86 reads as follows:

> "Decisions of the General Assembly on amendments to proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting."

Rule 87 reads as follows:

> "Decisions of the General Assembly on questions other than those provided for in rule 85, including the determination..."

may be by a simple majority.

67. I submit that this is in the nature of an amendment; it relates to parts of a draft resolution. And what is more, by the very fact that we are sitting here at this time of night and everybody is participating, it is obviously a matter of great importance. I therefore submit that the proposal made by the representative of Argentina has not been adopted.

68. The PRESIDENT: The Assembly will wish to be quite clear as to what exactly it has just voted on. It has not voted on an amendment. What it has voted on is the question whether or not it wished to grant a request for a separate vote made by the representative of Argentina. It therefore decided simply how it would vote—a procedural question.

69. I shall now ask the Assembly to take the separate vote which was requested by the representative of Argentina. That separate vote will require a two-thirds majority, in accordance with rule 86, which provides that:

> "Decisions of the General Assembly on amendmends to proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting".

70. The position is the following. The Assembly has just decided a purely procedural question, and for that decision only a simple majority is required. The separate vote which the Assembly will now take, however, will require a two-thirds majority.

71. I now call on the representative of Afghanistan on a point of order.

72. Mr. PAZHWAK (Afghanistan): The Assembly has just voted on a request by the representative of Argentina for a separate vote on certain phrases of the draft resolution [A/L.317] before us. My dele-

*The delegation of Nepal subsequently informed the Secretariat that it had intended to vote in favour, not against.

gation abstained in that vote, and I wish to explain that abstention so that, before the Assembly proceeds to any other decisions on this matter, my delegation's position may be quite clear.

73. The vote which the Assembly has just taken related strictly to the request for a separate vote. That is why my delegation abstained. Although we do not agree that a separate vote should be taken, we believe that any Member has the right to request a separate vote on certain parts of a proposal.

74. Certain representatives have clearly explained that this separate vote can lead to an absurdity. But, adhering strictly to the Assembly's rules of procedure, my delegation, as I have said, maintains the principle of not voting against a Member State's request for a separate vote. This does not mean, however, that we shall vote for the proposed deletion of the phrases in question.

75. I would repeat that my delegation abstained from the vote on the request for a separate vote because any Member has the right to make such a request, but we shall vote against the deletion of the suggested phrases—if such a deletion is what the representative of Argentina had in mind in making this request for a separate vote.

76. The PRESIDENT: I now ask the Assembly to vote on the two phrases in the operative paragraph of the five-Power draft resolution [A/L.317] on which the representative of Argentina requested a separate vote. Those who are in favour of the retention of the two phrases will vote "Yes", those who are in favour of the deletion of the two phrases will vote "No", and those who wish to abstain will so vote. A roll-call vote has been requested.

A vote was taken by roll-call.

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

In favour: Laos, Liberia, Libya, Madagascar, Mali, Morocco, Nepal, Niger, Saudi Arabia, Senegal, Somalia, Sudan, Sweden, Togo, United Arab Republic, Upper Volta, Venezuela, Yemen, Yugoslavia, Afghanistan, Bolivia, Burma, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Cuba, Dahomey, Ethiopia, Federation of Malaya, Finland, Gabon, Ghana, Guinea, India, Indonesia, Iraq, Ivory Coast, Jordan.

Against: Luxembourg, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Spain, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Argentina, Australia, Belgium, Brazil, Canada, Chile, China, Colombia, Costa Rica, Cyprus, Denmark, El Salvador, France, Guatemala, Haiti, Honduras, Iceland, Ireland, Italy, Japan.

Abstaining: Mexico, Panama, Poland, Romania, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Albania, Austria, Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Dominican Republic, Ecuador, Greece, Hungary, Iran.

77. The PRESIDENT: The result of the voting on these two phrases in the operative paragraph is 41 in favour, 37 against and 17 abstentions. As the two phrases have failed to secure a two-thirds majority, they do not stand as part of the draft resolution.

78. I call on the representative of India on a point of order.

79. Mr. Krishna MENON (India): It is not very clear what we voted on, because the request of the representative of Argentina was that the draft resolution should be put to the vote in parts, that is to say a separate vote on each part of the draft resolution, and as it came out it is not quite clear what we are voting on. I therefore submit that the President should kindly make it clear and put it to the General Assembly again.

80. The PRESIDENT: As I understand the position, and I hope the General Assembly was under no misapprehension, a request was made by the representative of Argentina for a separate vote on two parts of this draft resolution. He asked for a separate vote on the phrase "the President of" and on the phrase "the Chairman of the Council of Ministers of." We took a separate vote on those two phrases; we took a separate vote on that part of the draft resolution and it failed to secure a two-thirds majority. In those circumstances, it does not stand as part of the draft resolution.

81. I call on the representative of India on a point of order.

82. Mr. Krishna MENON (India): The position is that those words stand part of the draft resolution now, and if you want to remove them you want a two-thirds majority to do so. There can be no rule of procedure under which words in a draft resolution, which are already part of a draft resolution, require a two-thirds majority to stand part of it. The vote should be put in such a way that if you want to remove a part you should get a two-thirds majority. We do not want to remove these words; Argentina wants to remove them, and Argentina must get a two-thirds majority.

83. The PRESIDENT: I must remind the Assembly, and I hope the position was clear to every delegation, that the representative of Argentina did not, in my understanding, propose any amendment. He did not propose an amendment of the draft resolution; what he did was to make a request in accordance with rule 91 that a separate vote should be taken on the two phrases which he mentioned. He asked that a separate vote be taken on the part of the draft resolution made up by those two phrases. The General Assembly has now taken that separate vote, and the vote failed to yield a two-thirds majority in favour of that part of the draft resolution.

84. I call on the representative of India on a point of order.

85. Mr. Krishna MENON (India): There is a draft resolution before the Assembly and one delegation wants to take out something. If representatives will read the appropriate rule—I have forgotten the number of it—it is to the effect that an amendment seeks to add, delete or revise. An amendment under our rules of procedure seeks to add something, to delete something, or to revise. In this particular case, a deletion is asked for, and if the text of the draft resolution is to be changed to take away a substantial part or some part of it, then under our rules that is an amendment and a two-thirds majority is re-

quired. The President's ruling would mean that by a simple majority the whole sense of a draft resolution could be changed. This is totally against the spirit of the rules of procedure and against the letter of the rules themselves and whatever may be the conclusion of the voting, this matter must be put right. Nothing can be taken out of a draft resolution, in my submission, unless there is a two-thirds demand for it.

86. The PRESIDENT: I hope there is no misapprehension in the General Assembly, because certainly my understanding was—and I hope the representative of Argentina will correct me if I am wrong—that there was no proposal of any amendment. There was no proposal to delete any part of this draft resolution or to revise it. All that I heard, and all that I put to the General Assembly, was a request that a separate vote should be taken on those two parts of the draft resolution. That has been done, and as I understand it those two phrases failed to secure the necessary two-thirds majority.

87. I call on the representative of Ceylon on a point of order.

88. Sir Claude COREA (Ceylon): Might I suggest that probably there was a very serious misconception with regard to the question that the President put to the Assembly. I believe a number of representatives understood the explanation which he made before the vote to mean that those who wished to have the phrases in question retained should vote "yes" and those who wished to delete them should vote "no". There were no intentions, I think, in the minds of several delegations that they were voting on the draft resolution as such; and that makes a very big difference.

89. If the President did definitely put to the vote the proposal, in part, or the draft resolution, in part, then a part of such proposal must get the two-thirds majority. But there was a serious misconception as to that. I suggest that that factor should be taken into consideration by the President and that the question be put, perhaps, in a different form, so that we may clear up the Argentine proposal, whether the phrases in question could remain as part of the draft resolution or not, in the first instance. Once that is decided then, perhaps, the draft resolution could be put to the vote, either with these two phrases or without these two phrases. The complication could then be overcome and a reasonable decision, satisfactory to all delegations arrived at.

90. The PRESIDENT: I would certainly regret very much to think that there was any misapprehension in the Assembly, but I do think I did my very best to avoid the possibility of any misapprehension occurring. I stated quite clearly, I think, at an early stage that we were not concerned with a proposed amendment, that what we were confronted with was a request for a separate vote under rule 91. The Chair is entirely in the hands of the Assembly.

91. I call on the representative of India on a point of order.

92. Mr. Krishna MENON (India): I would like to call to the attention of the President and to the attention of his advisers that this procedure of separate parts of a sentence or a line being voted upon is not normal in the Assembly. I would like to state that if we are required to vote from one point to the next point and then on a little piece afterwards, that this procedure stands apart and is a new procedure. If the President was going to adopt it, it should have been put to us. That is one point.

93. I request the President to look at rules 85 and 87, read together. Rule 85 prescribes what is required for a two-thirds majority. For example: "recommendations with respect to the maintenance of international peace and security". Well, of course, everything relates to that. Also, "the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council", etc. The simple majority for all other questions is covered by rule 87.

94. Therefore, I would say that this question should have been put in the formal way to which this Assembly is accustomed, by putting to the vote the lines up to whatever is the first division; and then a little piece should have been put; and then another line, and another one. And if the President does not accept that, then I would submit that the decision which has been taken did not call for a two-thirds majority but for a simple majority.

95. The PRESIDENT: The Chair is not aware that there is anything novel about the procedure that was followed. It is a procedure commonly and, indeed, frequently adopted in committees, and in fact, whenever delegations wish to have votes on separate parts of draft resolutions.

96. As regards the second point, in the view of the Chair the provisions of rules 85, 86 and 87—particularly rule 86—make it clear that in this case the vote should be by a two-thirds majority.

97. I call on the representative of Pakistan on a point of order.

98. Mr. BHUTTO (Pakistan): There is no intention whatsoever on the part of my delegation to stifle or throttle the debate, which is a very important one; but if we are to abide by the rules of procedure, then I would draw the attention, most respectfully, of the President and of the Assembly to rule 73, which refers to points of order. It says:

> "During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote and the President's ruling shall stand unless overruled by a majority of the Members present and voting."

99. I believe that the President has given a ruling. If that ruling has been given and if there is any disagreement on it, it is necessary immediately to put that to the vote and not to carry on a discussion ad nauseam.

100. The PRESIDENT: I give the floor to the representative of Cyprus on a point of order.

101. Mr. ROSSIDES (Cyprus): I am merely taking the rostrum on a legal point. Rule 85 provides that for important questions there shall be a two-thirds majority in the General Assembly. Rule 86 makes it clear that decisions on parts of such proposals—that is, proposals on the important question which are

referred to in rule 85—put to the vote separately shall be made by a two-thirds majority.

102. As I understand it, the President put to the vote separately that part of the draft resolution to which the Argentine proposals refer, and that part, separately, clearly requires, under rule 86, a two-thirds majority.

103. I think it is very clear from rule 85—and we should not waste time on something which is entirely clear—that "decisions of the General Assembly on important questions shall be made by a two-thirds majority of the Members present and voting". In this case the two phrases in question were put to the vote separately. This requires a two-thirds majority. I merely say this from the point of view of legal argument.

104. The PRESIDENT: The Chair has done its best to clarify this matter and has endeavoured to make its views with regard to the procedural situation clear to delegations.

105. As the representative of Pakistan said just now, it is open to any delegation to request an Assembly vote on the Chair's ruling. The Chair is quite ready to accept that or any other formal proposal. For the moment, however—as I hope I have made clear—it seems to me to be the clear effect of the rules of procedure under which we work that what we have dealt with just now was not an amendment; the vote was taken on a part of an important draft resolution. The Chair has ruled that that vote, on that part of the draft resolution, required a two-thirds majority and that having failed to receive the two-thirds majority, that part of the draft resolution does not stand.

106. I call on the representative of India on a point of order.

107. Mr. Krishna MENON (India): It is well known to the Assembly that my delegation hardly ever challenges a ruling of the Chair and asks for a vote from the Assembly. Even now we do it with great hesitation. But we do not want to make another mistake. It is not even now clear what the President's ruling is that we have got to challenge. We say, first of all, that the way of putting this—by asking something to stand as a part that already is a part—that is not, in our view, a correct ruling. These words are part of the draft resolution and Argentina is asking to take them out. It should have been put in that way. Otherwise, the President should have put the first few words to the vote and we should have voted on them, and then the next few words and the next few words, and so on. That is the first point.

108. Second, there is the point I raised, that under no interpretation of the rules of procedure, from a substantive point of view can an amendment of a draft resolution be brought about by this procedure, by a simple majority. Therefore, we would wish the President to make very clear to us what his ruling is. We have a grievance; that is to say, a draft resolution has been put before us, and unless the party that wanted to amend that draft resolution has a two-thirds majority in the Assembly, that draft resolution goes through. The purpose of the rules of procedure is that the two-thirds majority shall be maintained in substantive questions. Now, the result here is that the draft resolution has in fact been amended without the party wanting to amend it getting a two-thirds majority. Therefore, we think that the whole of this procedure and the several rulings made here in this matter are erroneous, and my delegation challenges them.

109. The PRESIDENT: I think it is necessary that the Assembly be quite clear on one point, and that is, what precisely it was that the representative of Argentina put before the Assembly. The Chair did not understand him to propose any amendment, revision or deletion in the five-Power draft resolution. The Chair understood him to ask, in accordance with the provisions of rule 91, that the part of the draft resolution which he indicated should be the subject of a separate vote. If the Chair is wrong in that, then I think it should be corrected without delay. I should be glad if the representative of Argentina would correct me if I am mistaken.

110. Mr. AMADEO (Argentina) (translated from Spanish): The Chair's interpretation of the Argentine delegation's intention in proposing a separate vote is perfectly correct. I have nothing to add.

111. The PRESIDENT: The position is, therefore, as I said: a request for a separate vote was made under rule 91. The Assembly decided by a simple majority to grant the request for that separate vote. The separate vote was taken. The separate vote failed to get the two-thirds majority required by rule 86, and the effect of that is that the two phrases mentioned by the representative of Argentina no longer form part of the draft resolution before us. What we are called upon to vote on now, therefore, is the draft resolution without those two parts in it.

112. I call on the representative of Afghanistan on a point of order.

113. Mr. PAZHWAK (Afghanistan): When I asked for the floor and requested the President's permission to intervene once again, it was before the representative of India had asked for the floor to explain the situation he was in, which forced him to mention challenging the President's ruling. At that time I had the intention of saying, first of all—as is, perhaps, known to all members of this Assembly—that my delegation does not intervene at all unless it is essential and necessary for us; and even when we do intervene, we always respect the rules of procedure, as all our colleagues may see by referring to the records of my country in all the years that we have been members of the United Nations and for the thirteen years that I have been associated with this Organization.

114. I requested the floor in order to say that a vote by division was requested, and in the explanation of my vote on this I said that we respected fully the right of a representative to ask for a vote by division. That is why my delegation, although in favour of retaining the phrases, did not vote against the request. But then we explained that we wanted these phrases to remain in the draft resolution because we believed, as was explained by one of the sponsors, that without these phrases the draft resolution would become something absurd. We did not vote against the request for division because we were quite sure that when the Assembly considered the draft resolution itself and saw that with the deletion of certain phrases the text would become absurd, all members would understand and vote for maintaining the text as it was. It was quite obvious.

115. Now, from the procedural point of view, the situation is that we should find out what was the meaning of this request for a division of the vote. A separate vote has never been asked for the retention of part of a proposal. The real essence and meaning of a separate vote is that certain representatives may not like to see a part in a draft resolution. So what has been suggested to the Assembly? Something has been suggested in the form of a division of vote, but it means the deletion of a part of the text. That is what has been suggested by one representative, so it is the proposal of that representative to have these phrases deleted. A vote has been taken. Now is it for those who have not made a request as far as this draft resolution is concerned, or is it for the person who makes a proposal, to get a two-thirds majority?

116. With all respect to the person of the President, I should like to take this opportunity to say that it is the maker of a proposal who should obtain the two-thirds majority—and that is the person who wants this text deleted. Unless the representative of Argentina tells us that he suggested the division of the vote in order to maintain the phrases, unless he says that he suggested the division of the vote to maintain these phrases, his proposal is deletion and the deletion did not receive the two-thirds majority. Thus it is his proposal that is rejected, not the maintenance of these phrases in the draft resolution.

117. I hope that the members of the Assembly will give full consideration to this, and in conclusion I should like to make an appeal and state that it is true that the rules of procedure entitle the President to make a ruling and also entitle other representatives to challenge his ruling. We should like the President's ruling to be made in the light of the rules of procedure and in accordance with the wishes of the members of the Assembly, and not to see that the President just has made a ruling; if he has, we would appeal to him to withdraw it. I am quite sure that it is not the desire of any member—including the representatives of India with whose intentions we are quite acquainted—and I am quite sure that they are not willing, unless they are forced, to challenge the President's ruling. Therefore, I think that the proposal made by the representative of Argentina, that is, the sense of it, was the deletion of certain phrases. This deletion has not received the two-thirds majority and therefore the draft resolution remains as it is.

118. The PRESIDENT: I should perhaps remind the Assembly that there is no procedural motion before it, and speakers are only entitled to be heard at this stage on points of order.

119. I call on the representative of Ceylon on a point of order.

120. Sir Claude COREA (Ceylon): What I have to say now follows on the point of order I raised earlier, but I submit that this is a point of order which I should like to place before the Assembly. Let us admit that the two-thirds majority is required for part of a proposal, but what rule 86 says is that it is the decisions on parts of such proposals that are put to the vote that require a two-thirds majority. The word "decisions" there is not defined as to a decision on what. The representative of Afghanistan, who preceded me, indicated very clearly that the idea should be that the two-thirds rule is required by the person who asks for a certain vote. It is true, as the President stated, that there is no amendment; I am not insisting that there was an amendment. I am taking this on the basis on which the President has put it to us, namely, that it was a part of a proposal. But when somebody moves that the part of the proposal should be put to the vote, then that decision must be the decision on the proposal that has been made to the President, and the decision which requires the two-thirds majority is the decision on the proposal. If the President gives any other interpretation, we face a very serious situation in the conduct of all our business in Committees and in the Assembly because if some Member submits a draft resolution or a motion, all that a person opposed to it, who cannot get his opposition to succeed needs to do, is to ask for a separate vote on a part of that draft resolution. If he asks for a separate vote on a part of that draft resolution, he can completely fade out of the picture and when the vote is taken, the person who proposed the motion has to win by a two-thirds majority. That seems to me to be a most unjust proposition, apart from anything else.

121. I am sure that this rule of procedure could not have been contemplated as accepting a position of that kind because, after all, if that is allowed it would be impossible to carry on the business of any committee or of a plenary meeting, because anyone who wanted a proposal to be defeated and who could not muster a majority to obtain that objective, need only to ask for a separate vote; if he asked for a separate vote and the person who introduced the draft resolution failed to get a two-thirds majority, then the person who was against that special part of the draft resolution would succeed in his object. This is certainly unfair and unjust, and appears to me to be so ridiculous that the drafters of the rules of procedure could not have contemplated a situation of that kind. Surely the rules must have been drafted with a view to simplifying procedures and not to complicating them, not in order to provide a weapon in the hands of people who would like to obstruct the work of the Assembly at any time or to defeat any draft resolution by resorting to this device. It is only a device to get out of that difficulty, and I submit that the word "decisions" has to be interpreted in the sense I indicated, namely, that it is a decision on the proposal made which requires the two-thirds vote, and the proposal is to put this to the vote in parts; therefore, the decision which requires a two-thirds majority is that decision and not the original draft resolution.

122. The PRESIDENT: I give the floor to the representative of Nepal on a point of order.

123. Mr. SHAHA (Nepal): I am a child in these matters of procedure, but to me the parliamentary situation in the debate seems to be clear enough. The representative of Argentina moved that the draft resolution sponsored by the five Powers should be voted on in parts. The President put that motion to the vote and announced the results of the vote on it. As far as I know, there has been no appeal against the ruling of the President, and I must say that the President has already made his ruling as the President. If there has been an appeal against the ruling—and I am not aware of this—the President should put that appeal against his ruling at once to the vote and then abide by the decision of the house. I do not think that we should waste any more time

on this procedural wrangle, and I should like to suggest that if there has been an appeal against the President's ruling, he should just put that appeal to the vote under rule 73 of the rules of procedure which states that the appeal should be immediately put to the vote and the President's ruling shall stand unless overruled by the majority of the Members present and voting. I think this is clear, and if the President acts under rule 73 I think we could save a great deal of time. At least we could get of this procedural impasse.

124. The PRESIDENT: It is not, of course, for the Chair to formulate any proposal. What the representative of Nepal has just said is right. The President in the exercise of his functions remains under the authority of the General Assembly and a procedure is provided whereby rulings by the Chair, if not acceptable to the Assembly, may be changed. The only suggestion I would make is that if it is desired to vote on this matter, to challenge the ruling of the Chair or to have a vote by the Assembly on the ruling, it should be on the basis of a proposal which would make it quite clear what the procedural position would be if the General Assembly did not agree with the ruling of the Chair; in other words, it should provide a clear procedure on which we could then go forward to dispose of this draft resolution.

125. I give the floor to the representative of Cyprus on a point of order.

126. Mr. ROSSIDES (Cyprus): I reluctantly take the floor again because I know it is getting late with this wrangling, but I feel there is a misunderstanding because of the fact that some of the representatives who have spoken did not realize that the word "proposals" in rule 86 really stands for "draft resolutions". If we replaced the word "proposals" by "draft resolutions" the matter would become quite clear. What is meant by "proposals" appears from rule 80, and when it speaks of "proposals and amendments" it means "draft resolutions and amendments". Some of the representatives have taken "proposals" to mean proposals for a separate vote, but the word "proposal" in rule 86 does not mean a proposal for a separate vote upon a draft resolution, it means the draft resolution itself.

127. It is quite clear, therefore, when we understand the word "proposal" to mean the draft resolution itself, it means the draft resolution of the five Powers. It is obvious that decisions by the General Assembly on parts of such draft resolutions put to the vote separately shall be made by a two-thirds majority, and that allows for no misunderstanding. If there is any objection to the idea that "proposals" in this rule means "draft resolutions", I would say that the rules of procedure show that when the word "proposal" is used, it means "draft resolution" and not a motion.

128. The PRESIDENT: I call upon the representative of Yugoslavia on a point of order.

129. Mr. VIDIC (Yugoslavia): Before the President goes on with the question of the challenge to this ruling, would he, for the benefit of my delegation and of the Assembly, explain what he meant in connexion with his ruling when he said that the representative of Argentina did not propose any amendment or deletion. If that is so, how is it that the result of the voting is a deletion? At the same time, that reduces the draft resolution, as the Prime Minister of India said, to an absurdity. At the same time, the deletion was brought about, if that is the result, by a minority; forty-one were for the phrase to stand in the draft resolution as the sponsors wrote it. Thirty-seven were for deletion. I beg the President to help my delegation to understand this situation.

130. The PRESIDENT: I am sure the Assembly does not wish to prolong this procedural discussion. The Chair has done its best to make the position clear. As the representative of Argentina made clear, he asked for a separate vote as he was entitled to do under rule 91. The Assembly agreed by a majority to give him that separate vote. We took a vote on the separate part of the draft resolution, and that part failed to get a two-thirds majority. That meant, of course, as the representative of Yugoslavia said just now, that that part of the draft was defeated by a minority. That often happens where the two-thirds rule is involved. It is inherent in the operation of the rule. I do hope that the Assembly will now assist the Chair either by proceeding straight away to put the draft resolution as it now stands to the vote or by making some other formal proposal.

131. I now call upon the representative of India on a point of order.

132. Mr. Krishna MENON (India): My delegation wishes to challenge the President's ruling or rulings which make it possible for any delegation to demand from the sponsors of a draft resolution that they require a two-thirds majority for this retention. The draft resolution ultimately has to be put to the vote as a whole, and then it requires a two-thirds majority. The question that should have been put to us was with regard to those parts, and if they had failed to get a majority, then it would stand as it is. The remedy, so far as others are concerned, will come when the draft resolution is put to the vote as a whole. If this is not done, there is no opportunity for those who would rather have the draft resolution voted by a two-thirds majority. If it is not to their satisfaction, then throw it out. Therefore, my delegation challenges the ruling which puts to us the question, "will you decide by a two-thirds majority whether you want any part of it which is already part of it to stand part?"

133. The PRESIDENT: Under the terms of the rule, the President is bound to put a challenge to his ruling to the vote immediately. As I understand it, the representative of India has asked me to put to the vote my ruling under rule 86. This rule reads:

> "Decisions of the General Assembly on amendments to proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting".

134. I ruled that the part of the draft resolution, which the representative of Argentina had asked to be put to the vote separately, required a two-thirds majority under that rule. That ruling has now been challenged and I now put that to the Assembly.

A vote was taken by roll-call.

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

In favour: Argentina, Australia, Austria, Belgium, Brazil, Canada, China, Colombia, Costa Rica, Cyprus,

Denmark, Dominican Republic, France, Greece, Guatemala, Haiti, Honduras, Iceland, Iran, Iraq, Ireland, Italy, Japan, Lebanon, Luxembourg, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Pakistan, Paraguay, Peru, Philippines, Portugal, Spain, Sweden, Thailand, Turkey, Union of South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Against: Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cambodia, Cameroun, Central African Republic, Ceylon, Chad, Congo (Brazzaville), Cuba, Czechoslovakia, Dahomey, Ethiopia, Federation of Malaya, Ghana, Guinea, Hungary, India, Indonesia, Ivory Coast, Madagascar, Mali, Nepal, Niger, Poland, Romania, Senegal, Sudan, Togo, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Yemen, Yugoslavia, Afghanistan.

Abstaining: Albania, Chile, Ecuador, El Salvador, Finland, Gabon, Jordan, Laos, Liberia, Libya, Morocco, Panama, Saudi Arabia, Somalia, Venezuela.

The President's ruling was sustained by 43 votes to 37, with 15 abstentions.

135. The PRESIDENT: The Assembly will, therefore, by its own vote proceed in accordance with the ruling of the Chair.

136. I understand that the representative of El Salvador has asked for the floor on a point of order.

137. Mr. URQUIA (El Salvador) (translated from Spanish): My intention is not to raise a point of order, but to explain why my delegation abstained in the vote on the Indian representative's appeal against the President's ruling.

138. Frankly, my delegation feels that the appeal was not in order. I should say, at the outset, that we regard the President's ruling as fully in conformity with the rules of procedure. I do not wish to dwell on this point, but I should like to say that when a vote is to be taken on a draft resolution, every delegation which wishes to vote against a specific part of the text has two choices open to it. It may submit an amendment to delete those portions which it feels should not appear in the draft resolution—that is, an amendment for deletion. "A motion is considered an amendment to a proposal", says rule 92 in its last sentence, "if it merely adds to, deletes from or revises part of that proposal". Thus, there are amendments which call for a deletion.

139. On the other hand, there is rule 91, which has been invoked by the Argentine representative and on several occasions by the President. That rule establishes the right of all delegations to request a separate vote on specific parts of a proposal. It reads: "A representative may move that parts of a proposal or of an amendment shall be voted on separately". And it adds: "If objection is made to the request for division, the motion for division shall be voted upon". All that we have done. "Permission to speak on the motion for division", the rule reads further, "shall be given only to two speakers in favour and two speakers against". That too has been done. The rule goes on to say, "if the motion for division is carried, those parts of the proposal or of the amendment which are subsequently approved shall be put to the vote as a whole". That means that each part of the proposal may be adopted and that a vote will then be taken on the whole. That is the procedure which should have been followed in this case.

140. In order for the Chair to determine whether the parts on which Argentina requested a separate vote were adopted or not, the President should have applied rule 86 and he did just that. The rule reads:

> "Decisions of the General Assembly on amendments to proposals relating to important questions, and on parts of such proposals put to the vote separately, shall be made by a two-thirds majority of the Members present and voting."

141. Under an earlier rule in the rules of procedure, the President is to announce the result of the voting. Rule 35 states:

> "In addition to exercising the powers which are conferred upon him elsewhere by these rules, the President shall declare the opening and closing of each plenary meeting of the session, shall direct the discussions in plenary meeting, ensure observance of these rules, accord the right to speak, put questions and announce decisions ..."

It is therefore the function of the President, under the rules, to announce the decisions adopted as a result of a vote.

142. The rule invoked here, on the other hand—I do not know whether Mr. Menon mentioned it specifically, but I do believe that the Pakistan representative referred to it—is rule 73. It was invoked to justify a challenge of the President's ruling. My delegation abstained in that vote because it considers that legally rule 73 does not apply. Rule 73 states:

> "During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure ..."

143. We were not discussing any matter. We were in the process of voting and it was after the voting that we had this long debate, which was frankly unnecessary. Nothing was under discussion; the debate was closed from the moment the President announced that we were going to proceed to the vote. Consequently, any appeal against the ruling was out of order.

144. That is the first procedural point I wished to make with regard to the appeal against the ruling and I should like this to go on record as the position of El Salvador, because an important legal matter is concerned and because the error made today may serve as a precedent at some later date.

145. My second point is also a legal one: the President said that he would put his ruling to the vote, but actually, it is not his ruling that was put to the vote, but rather the appeal against that ruling. We should have been in a very strange position which would have given rise to lengthy debate if there had been a tie vote. Rule 73 states:

> "A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote ..."

It is the appeal which is put to the vote and not the President's ruling against which the appeal has been made.

146. My delegation would like those comments to be included in the record of this meeting because they relate to two points which are, in its view, two serious mistakes in procedure and therefore two legal errors made before the entire General Assembly.

147. The PRESIDENT: The General Assembly now has before it the five-Power draft resolution, without the two parts on which a separate vote was taken. I now propose to put the five-Power draft resolution in that form to the vote.

148. I call on the representative of India on a point of order.

149. Mr. Krishna MENON (India): As a result of the decision of the Assembly, the present state of the draft resolution is one which we regard as not conforming to facts and as making the whole thing ridiculous, as my Prime Minister has already said. In these circumstances, the sponsors of the draft resolution, finding themselves in this situation, will request the President, to allow them a short respite to consider the position in regard to the draft resolution. It is not possible for us to vote on a truncated draft resolution which means something very different from what it was intended to mean. It would be wrong for me to go back into the question of what was an amendment and what was not an amendment. Therefore, I request an adjournment of the Assembly for a quarter of an hour.

150. The PRESIDENT: If there is no objection, may I take it that the General Assembly is prepared to recess for a quarter of an hour to enable the matter to be considered?

It was so decided.

The meeting was suspended at 11.15 p.m. and resumed at 12.05 p.m.

151. The PRESIDENT: The sponsors of the draft resolution before the Assembly have had an opportunity during the recess to consider their position. I am prepared to give the floor to any one of the sponsors who wishes to inform the Assembly of the position now existing.

152. Mr. NEHRU (Prime Minister of India): The President was good enough to allow the sponsors of the draft resolution an opportunity to consult amongst themselves on the position that has been created because of certain changes that have been made in this draft resolution. The sponsors have taken advantage of this opportunity and have consulted amongst themselves and with others, many others, who have supported this draft resolution. We feel that the changes that have been made are of such a character as to make a difference to the purpose of this draft resolution. I ventured to say earlier today that if any verbal changes were made without affecting the substance of it, we would gladly accept those changes. But the present changes that have been made, according to our thinking not only make part of this draft resolution contrary to fact, as we ventured to point out earlier today, but also make an essential change which, according to our thinking, takes away, as I have said, from the main purpose underlying that draft resolution.

153. That draft resolution was drafted under great stress of feeling, almost oppression, at what it describes as "the recent deterioration in international relations". And further, all over the world people will be looking to this Assembly to give them a lead, to indicate some step to prepare the way for the easing of this world tension. Again, the draft resolution refers to "the grave and urgent responsibility that rests on the United Nations to initiate helpful efforts". As it has now been changed, it seems to us that that essential urgency has gone, that that passionate feeling that something should be done has faded away in the wording of the draft resolution as it is. And something has been said in it which is not true to fact, that is to say, that these two great countries, the United States and the Soviet Union, should renew their contacts. As I stated before, there has been no break in those contacts politically, diplomatically or otherwise. Therefore it is not a correct statement. It does not seem proper that the Assembly should be responsible for a statement which is so patently incorrect. At any rate, the sponsors of this draft resolution do not wish to associate themselves with such a statement. But that is a relatively minor matter. The major point is that the draft resolution as it stands now lacks that sense of passion and energy and dynamism which we thought this situation required.

154. We have had a considerable discussion over procedural matters. It was far from our intention to take up the valuable time of the Assembly in discussions about procedure. But, as has become evident during these discussions, behind those procedural matters lay high questions of policy. We held certain opinions about the procedural matters also, but I shall not refer to that now. It transpired throughout the discussion at this late hour in the evening that there were differences of opinions on basic matters, and that those differences were sought to be expressed in these changes which now form part of this draft resolution. For us, therefore, the purpose for which we had submitted this draft resolution is not being served. It may indeed create an impression that, shall I say, this Assembly has taken up these matters without that sense of urgency which we thought was necessary.

155. From another point of view, all this discussion has seemed to us to raise major moral issues. I shall not go into them in any detail and take up the time of the Assembly in regard to them but we do consider that this draft resolution did involve a moral issue and the way it has been changed has deprived it of that moral approach.

156. Because of all these reasons, the sponsors of this draft resolution feel that they cannot associate themselves any longer with this draft resolution as it is now after these changes. Therefore, I would like to withdraw this draft resolution because its sponsors are unable to support it as it is.

157. The PRESIDENT: The Assembly has heard the statement just made by the Prime Minister of India that in the circumstances he and the other sponsors of the draft resolution submitted by Ghana, India, Indonesia, the United Arab Republic and Yugoslavia [A/L.317] wish, in view of the changes that have taken place, to withdraw the draft resolution.

The meeting rose on Thursday 6 October at 12.15 a.m.

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