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UNITED NATIONS CONFERENCE ON THE ELIMINATION OR REDUCTION OF FUTURE STATELESSNESS

SUMMARY RECORD OF THE FOURTEENTH PLENARY MEETING

held at the Palais des Nations, Geneva,
on Saturday, 18 April 1959, at 10 a.m.

President:	Mr. CALAMARI (Panama)
later:	Mr. LARSEN (Denmark)
Executive Secretary:	Mr. LIANG

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A list of government representatives and observers and of representatives of specialized agencies and of intergovernmental and non-governmental organizations attending the Conference was issued as document A/CONF.9/9.

A list of documents pertaining to the Conference was issued as document A/CONF.9/L.79.

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(18 p.)

RESUMPTION OF THE CHAIR BY MR. LARSEN (DENMARK)

Mr. LEVI (Yugoslavia), supported by the PRESIDENT, proposed that Mr. Larsen (Denmark) be invited to resume the chair.

The Yugoslav proposal was adopted by acclamation.

Mr. Larsen (Denmark) resumed the chair.

The PRESIDENT explained that he had vacated the chair at the previous meeting because he had not felt capable of offering any solution to the difficulties that had suddenly arisen, and of leading the Conference to a successful conclusion.

EXAMINATION OF THE QUESTION OF THE ELIMINATION OR REDUCTION OF FUTURE STATELESSNESS (item 7 of the agenda)(continued)

Draft convention on the reduction of future statelessness (A/CONF.9/L.70 and Add. 1 to 16) (continued)

Article 8 (A/CONF.9/L.40/Add.3, L.76)(resumed from the previous meeting)

The PRESIDENT recalled that at the previous meeting the Conference had adopted an amendment submitted by the Federal Republic of Germany to article 8, paragraph 2. He now understood that a number of delegations were anxious that that decision should be reconsidered.

Mr. JAY (Canada) said that three delegations which had voted in favour of the amendment submitted by the Federal Republic of Germany, three which had voted against it and one which had abstained had met informally the same evening in an endeavour to find, in a completely dispassionate atmosphere, a compromise solution to the question which had aroused so much emotion at the previous meeting. The results of their endeavours were embodied in the amendment (A/CONF.9/L.76) submitted jointly by the delegations of Canada and the United Kingdom. Its object was to limit the scope of the German amendment, while still meeting the needs of the countries which had supported the latter, by introducing in paragraph 3 the words "of national security and public order" (ordre public). A provision had also been included requiring the grounds on which a State reserved the right to deprive a person of its nationality to be specified at the time of signature, ratification or accession, in order that the position of individual States would be known to all Parties to the convention. At the end of paragraph 4 provision was made for the submission of cases to a completely independent and impartial body. It had not been considered suitable

to treat the ground mentioned in article 7, paragraph 4, as adopted by the Conference (A/CONF.9/L.70/Add.13) and the ground of false representation or fraud, as reservations, and those two grounds were specifically mentioned in paragraphs 2(a) and 2(b) of the joint amendment.

Since it was undesirable to enumerate the "reserved" grounds, the general formula of "national security and public order" was employed. Those words were intended to cover all the grounds listed in the draft of article 8 as approved by the Committee of the Whole Conference (A/CONF.9/L.40/Add.3), as well as the grounds proposed by the representatives of Yugoslavia and Turkey (A/CONF.9/L.63 and L.64). Any delegation which thought that formula was not sufficiently clear could state its interpretation before the Conference, and, provided that no new point of substance was introduced and that no opposition to the interpretation was expressed, the formula would be deemed to admit the interpretations so given. He hoped that, if the Conference voted to reconsider its decision on the German amendment, delegations would recognize that the joint amendment was in harmony with the aims of the convention and at the same time met the needs of individual countries.

He moved under rule 23 of the rules of procedure, that the decision on the amendment submitted by the Federal Republic of Germany be reconsidered.

Mr. TYABJI (Pakistan) said that it had been obvious for some time that the Conference was divided into two groups, one consisting of the delegations which supported the inclusion of amendments suitable to their national circumstances, and the other of those which desired a general reservation clause in order to accommodate as many countries as possible. In general, the wishes of the first group had prevailed, but the consequence had been to jeopardize the success of the Conference. The Pakistan delegation had refrained from taking up an extreme position on articles 1 and 4, although it would have preferred the International Law Commission's draft of those articles. On the other hand, minor amendments proposed by his delegation had been rejected. Since it was clearly impossible to produce an ideal convention at the present juncture, it seemed preferable to adopt provisions which would permit as many countries as possible to ratify. A convention acceptable to only a small number of States, on the other hand, though perhaps superior, would in practice remain a dead letter.

Mr. GAERTE (Federal Republic of Germany) said it was precisely in order to further a compromise solution that his delegation had submitted its amendment at the previous meeting. In the same spirit he now supported the Canadian motion for the reconsideration of the decision on that amendment.

Mr. VIDAL (Brazil) said that he would support the Canadian motion, although he had abstained from voting on the German amendment at the previous meeting.

Mr. de la FUENTE (Peru) opposed the Canadian motion because the German amendment had been adopted after a full and satisfactory discussion.

Sir Claude COREA(Ceylon), also opposing the Canadian motion, said the German amendment had been discussed and adopted in an atmosphere of calm and decorum.

The PRESIDENT said that since two delegations had spoken against the motion, he must put it to the vote in accordance with rule 23.

At the request of the representative of Peru a vote was taken by roll call. Liechtenstein, having been drawn by lot, was called upon to vote first.

In favour: Liechtenstein, Luxembourg, Netherlands, Norway, Sweden, Switzerland, United Kingdom of Great Britain and Northern Ireland, Yugoslavia, Austria, Belgium, Brazil, Canada, Denmark, France, Federal Republic of Germany, Holy See, Japan.

Against: Pakistan, Peru, United Arab Republic, Ceylon, Indonesia, Iraq.

Abstaining: Panama, Portugal, Spain, Turkey, United States of America, Argentina, Chile, China, India, Italy.

The motion for reconsideration was carried by 17 votes to 6, with 10 abstentions.

Mr. JAY (Canada), formally introducing the joint Canadian and United Kingdom amendment (A/CONF.9/L.76), said that he hoped it would be possible to confine discussion to the elucidation of the meaning of the amendment in the way he had previously outlined.

Mr. BERTAN (Turkey) considered that the words "public order" had no recognized legal meaning; he was unable to accept the amendment, which went far beyond the special grounds which the Turkish delegation had wished to include in the article.

Mr. BESSLING (Luxembourg) said that the introduction of the phrase "national security and public order" would weaken the convention. The phrase might well be interpreted in different ways by successive governments. If it were added to the convention States would in effect be free, in reliance on an expression that was indefinable in legal terms, to deprive a person of his nationality in virtually any circumstances. He thought that both the German amendment and the joint amendment opened the door to such malpractices.

Mr. HERMENT (Belgium) said that the countries which had opposed the German amendment were those with the greatest number of stateless persons in their territories. The Canadian representative had said that all grounds of deprivation mentioned in earlier drafts of article 8 would be covered by the joint amendment. The ground of manifest unworthiness, which was much more serious than a number of others, was not, however, covered, and his delegation would not be able to vote in favour of the joint amendment if it denied to the State the possibility of making a reservation concerning that ground.

Mr. HILBE (Liechtenstein) agreeing with the representatives of Luxembourg and Belgium, said he opposed the joint amendment for the same reasons as those for which he had voted against the German amendment.

The PRESIDENT pointed out that if the joint amendment were rejected the German amendment would be a part of the convention.

Sir Claude COREA (Ceylon) said he could not agree that the joint amendment was equivalent to the German amendment; the force of the latter had been weakened in the new draft. He had been most impressed by the arguments put forward at the previous meeting by the representative of the Federal Republic of Germany. Those arguments had led to the adoption of the amendment, and he did not think that they had lost their validity. Some delegations, including his own, had adopted a consistent line from the beginning of the Conference, but had had to yield to the majority as far as articles 1 and 4 were concerned; he thought it was only just that their views should be reflected in article 8.

He asked whether he was right in interpreting paragraph 3 of the joint amendment to mean that a State could specify any grounds for deprivation recognized in its national law, and whether a State would have the right to

specify grounds for deprivation that might be introduced into its national law after the date to be indicated at the end of paragraph 3.

Since public order could be regarded as included in the concept of national security it would be preferable to delete the words "public order" in paragraph 3 and replace them by the words "the interests of the State". It would also be preferable to end paragraph 3 at the words "(ordre public)" and delete the rest of the paragraph.

Mr. ROSS (United Kingdom) explained that the joint amendment attempted to preserve the principle of the German amendment. The phrase "national security and public order" was used in article 31 of the Convention on the Status of Stateless Persons; the French expression ordre public had been added in brackets because its connotation was a little different from and perhaps a little wider than that of the English expression.

Replying to the representative of Ceylon, he said that under the joint amendment as it stood it would not be possible for a State to introduce new grounds for deprivation of nationality after the date to be indicated at the end of paragraph 3. He could not accept the suggestion that the words "interests of the State" should replace the words "public order", since all national legislation purported to be in the interests of the State. Nor could he accept the suggestion that the concluding words of paragraph 3 should be omitted. Their omission would involve a substantive departure from the provisions of the German amendment. It might be difficult for a State at the time of signature to specify all the grounds it desired, but it would have good time to review the question before ratifying the convention.

Mr. FAVRE (Switzerland), speaking as the representative of a country of asylum which was keenly interested in any efforts to reduce statelessness, said that the Swiss delegation had agreed that the conditions to which the acquisition of nationality by application could be subordinated should be defined explicitly and exhaustively in the convention, and had opposed all proposals which would have conferred on the State discretionary power to lay down those conditions.

In the debate on article 8, it had stated that Switzerland did not agree to even a single person being deprived of his nationality if as a consequence that person might become stateless. It had voted against all amendments that tended to enlarge the right of the State to create new cases of statelessness. It had

abstained in the vote on the article as a whole in Committee because, even though it considered the reasons, expressed in the article, for which a person could be deprived of his nationality to be very wide, it nevertheless had no intention of challenging the right of jus soli States to get rid of persons who had acquired the nationality of such States solely in virtue of the accident of birth in their territory. And, consistently with that attitude, it had voted against the amendment submitted by the Federal Republic of Germany, which had destroyed the balance of the draft convention by giving the State discretionary power to define the reasons for depriving a person of his nationality.

The joint amendment, however conciliatory the intentions of the sponsors, did not restore that balance. On the contrary, it vested in the State a competence as general as the amendment of the Federal Republic had done to reserve all the reasons for depriving a person of his nationality that were recognized by the law of the State. The "public order" clause could hardly be regarded as limiting that competence, since it was the law of each State which defined the exigencies of public order; consequently, the door was left wide open for the creation of cases of statelessness. In the resulting legal situation, the State of birth which, by reason of the strict terms of article 1 would be compelled to admit an undesirable person to citizenship, would have the power to rid itself of that same person the very next day under the wide powers conferred on the State in the matter of deprivation of nationality. It might legitimately be asked whether a system so devised really took any account of the circumstances of stateless persons or of the purpose of the convention, which was to reduce statelessness.

The Conference should recognize that the turn taken by its discussions had disclosed very serious differences of opinion which could not be removed merely by adopting a makeshift text. The duty of the Conference was not just to find a majority to outvote a minority: its duty was to establish an international instrument that would secure world-wide acceptance.

The reasons for the Conference's difficulties were apparent. It had begun its deliberations on the basis of the International Law Commission draft, well-balanced, technically uniform and, so to speak, all of a piece. But discussion had disclosed demographic and political factors for which the Commission's draft

had not made sufficient allowance, and that was why the draft had been changed almost out of recognition. The provisions now before the Conference should, before being finally adopted, be subject to thoughtful study and searching analysis, and the Conference should not adopt the convention until it was convinced that it achieved as fully as possible the aim set for it by the General Assembly. Self-respect demanded that the Conference should perform that task conscientiously and should not shirk the difficulties.

The question then inevitably arose whether it was not indispensable that the Conference should adjourn, and should not resume and complete its work until after a thorough study of the whole subject in the light of a report by independent experts, in the calmer atmosphere appropriate to the drafting of an international instrument. If the Conference agreed that that was the proper course, it might adopt a resolution asking the General Assembly of the United Nations to reconvene it for the purpose of completing the task it had begun. He would be glad to hear the views of other delegations on his suggestion.

Mr. CARASALES (Argentina) moved the closure of the debate.

Mr. HERMENT (Belgium) said that the issues were too important to be left without further discussion.

Mr. BEN-MEIR (Israel) opposed the motion for closure as he wished to make a statement regarding his delegation's interpretation of the expression "national security and public order".

The Argentine motion for the closure was rejected by 11 votes to 4, with 17 abstentions.

Mr. BEN-MEIR (Israel) said he wished to put on record his delegation's interpretation of "ground of public order" as covering residence abroad for not less than seven consecutive years, accompanied by the establishment of an effective link with another State.

Mr. BERTAN (Turkey) supported the Swiss representative's suggestion, since the discussions had shown that the situation was not yet sufficiently mature for a satisfactory convention to emerge. A vote on the joint amendment would not satisfy most delegations.

Mr. HUBERT (France) said that he had been much impressed by the Swiss representative's suggestion. The Conference had great responsibilities to the

United Nations and to public opinion, and the expression of moral courage would be to adjourn rather than to adopt an unsatisfactory convention.

Mr. CORIASCO (Italy) supported the views expressed by the Swiss and the French representatives.

Sir Claude COREA (Ceylon) said the Swiss representative's suggestion brought out into the open what had been latent for several days. The Conference should not be ashamed of failing to work out in hardly more than three weeks a convention on a subject which had engaged the attention of the International Law Commission for three years. It would be better to reconsider the convention on some other occasion than to issue an unsatisfactory document which might meet very serious criticism both from United Nations bodies and from other quarters.

Mr. JAY (Canada) said that the Swiss representative's suggestion deserved very careful consideration. It should, however, be made clear that, although the suggestion had been put forward immediately after the submission of the joint amendment, the latter had not provoked it. The joint amendment had been an attempt, not to terminate the Conference, but to save as much of it as could be saved.

Mr. FAVRE (Switzerland) said he entirely agreed and paid a tribute to the Canadian delegation's comprehension, throughout the Conference for the problems of States of asylum. He had certainly not put forward his suggestion because of the attitude of either the Canadian or the United Kingdom delegation. He now formally moved that the Conference resolve to adjourn and request the United Nations Secretariat to make arrangements for reconvening it when the time was ripe.

Mr. WILHELM-HEININGER (Austria) proposed that the Conference should immediately proceed to discuss article 13.

Mr. TYABJI (Pakistan) observed that, had the German amendment not been adopted, the Conference would have reached a successful conclusion. He opposed the adjournment.

Mr. GAERTE (Federal Republic of Germany) said that it was normal procedure for a Conference dealing with a complicated convention and unable to complete its work within three or four weeks to adjourn and to reconvene some months later. The German amendment had not been the reason for the adjournment,

but it had had the merit of bringing to the surface profound disagreements which had been lurking beneath the surface from the very beginning. He supported the Swiss delegation's motion for the adjournment.

Mr. LIANG, Executive Secretary, said that, as the representative of the Secretary-General, he must point out that the Conference could not be reconvened automatically. The General Assembly had discussed the convening of the Conference as early as 1954, but the conditions laid down by it had not been fulfilled until 1958. That alone showed that to convene a conference under contemporary conditions was no easy task. The General Assembly would have to be requested to reconvene the Conference and, owing to its very heavy agenda, might be unable to take a decision on the matter for some time. The experience of the Codification Conference of The Hague, 1930, convened by the League of Nations, should be borne in mind. That Conference had achieved certain results on the subject of nationality, but had not adopted any text on the subjects of territorial waters and State responsibility. The League had never considered reconvening that Conference, and nearly thirty years had elapsed before the United Nations had given those topics its attention. As an alternative, the Conference might consider that the convention would not be entirely useless if one particular article were omitted. There was no reason why the Conference should not preserve the results of several weeks of arduous negotiation. Agreement had been reached on certain important aspects of the reduction of statelessness. There was no need for undue pessimism; to attempt to unify the public law of the States, for example, the laws of nationality, was an extremely complex and arduous task. An effort should be made to preserve what had been gained, since it might never be recaptured.

Mr. JAY (Canada) said that, before reaching a final decision on the adjournment, the Conference should first decide whether the General Assembly should be asked to convene a new conference or a further session of the present Conference. The latter course would be preferable, since it would then be possible to proceed on the basis of the work already completed, though, of course, any delegation would be free to propose that the discussion on any of the articles adopted by the present Conference should be reopened. While realizing the financial and other difficulties militating against a further conference, he thought that, if a sound resolution were drafted, it should not be too hard to find space and time for a further conference within a year.

Mr. TSAO (China) said it was most important that the Conference should keep in mind its primary purpose - the reduction of future statelessness for humanitarian reasons. Some form of compromise was inevitable, and any such compromise would benefit stateless persons. It was with that idea in mind that the Chinese delegation had participated in the Conference, and, although it had pressed its own views on certain aspects of the convention, it had always tried to accommodate the views of other delegations.

Some delegations felt that the present text was too liberal, others that it was too restrictive, so that a further compromise was required. Article 8 was the only important article still left to be dealt with. The Conference should therefore first vote on the joint amendment, dispose of the formal clauses and then vote on the convention as a whole. The Chinese delegation would probably vote for it, not because every article represented the position of its own Government, but because the articles represented an attempt at compromise. In fairness to the stateless persons themselves, the Conference should continue.

Mr. HERMENT (Belgium) said he agreed with the Executive Secretary that the work already done should not be jettisoned; it could be used as a basic document for a second session of the present Conference.

Mr. TYABJI (Pakistan) said that the Executive Secretary's statement had confirmed his view that the Conference should continue. The only important article outstanding was article 8. A vote had already been taken on paragraph 1. The German amendment to paragraph 2 had been adopted, and even if that was no longer generally acceptable an alternative existed in the joint amendment. Paragraph 3 should not cause much difficulty as it had already been discussed. All that would then remain for debate would be article 13 concerning reservations.

The PRESIDENT said that at the previous meeting he had vacated the chair precisely in order to avoid the present position, since he had been convinced that if the Conference continued as if nothing had happened with regard to article 8, delegations might very well either vote against the convention or propose that the Conference be adjourned and that it be left to some other conference to conclude the business on which four weeks had already been spent. The object of his action had been to oblige the Conference to reconsider its decision on article 8, paragraph 2. It would be most regrettable

if the Conference broke up without completing its work. It might well be preferable to adopt a convention without an article on deprivation of nationality which some delegations strenuously opposed than to achieve nothing at all. It was no secret that the General Assembly had decided to convene the Conference only with great hesitation and that it had taken some years for twenty States to decide to participate. It would be most unsatisfactory if the Conference broke up without having made some contribution to remedying the plight of stateless persons. The Conference should therefore carefully weigh the motion for the adjournment. It might perhaps not be of vital importance if no article was included dealing with deprivation of nationality, since there would undoubtedly be many countries in which that problem created few difficulties.

Mr. LEVI (Yugoslavia) moved the suspension of the meeting.

The motion was carried by 16 votes to 4, with 12 abstentions.

The meeting was suspended at 12.25 p.m. and resumed at 12.55 p.m.

Mr. LEVI (Yugoslavia) said that when the informal group had agreed on the terms of the joint amendment (A/CONF.9/L.76), it had agreed that the question of article 8 should be reopened by a vote on the joint amendment. It was his understanding that delegations voting for the joint amendment would be voting for its substitution for the German amendment to paragraph 2 adopted at the previous meeting, while those who voted against would be voting against the inclusion of any article 8. The convention could perfectly well be adopted without that article. A similar development had occurred at previous international conferences, the Conference on the Law of the Sea, for example.

Mr. HERMENT (Belgium) pointed out that if article 8 were deleted, the principle laid down in article 1 would also have to be deleted. The Conference had no time left to discuss article 13, to which there might be many amendments. The Swiss delegation's motion for the adjournment of the Conference should be put to the vote.

Mr. MIMOSO (Portugal) supported the Swiss delegation's motion. The convention was a legal document which needed balance, and it would lack that balance if it did not contain an article on the subject of deprivation of nationality. If it were adopted in an incomplete state, it would not be ratified.

Mr. RIPHAGEN (Netherlands) said that there was no possibility of finishing the work at that meeting and, many delegations would be unable to attend any further meeting. A great deal of work had been required on the International Law Commission's draft and not enough time had been allowed.

Mr. CARASALES (Argentina) said that he would vote against the Swiss delegation's motion. The Conference had been working for nearly four weeks and had adopted a number of articles, which represented progress towards its objective, even if they were not satisfactory to all delegations. The Argentine delegation had not been in favour of some articles, particularly article 1, but it had never contemplated proposing the adjournment of the Conference merely because its proposal concerning one article had been rejected. The General Assembly had already prepared its calendar of conferences for some time ahead and, if the Conference adjourned without completing its work, it might find great difficulty in reconvening. It had been stated that the discussion on all articles could be reopened at another conference. If that were the case, the Argentine delegation would almost certainly wish to reopen the discussion on the International Law Commission's draft of article 1 and would not be ready to compromise a second time.

Mr. de la FUENTE (Peru) wholeheartedly supported the Argentine representative. He would vote against the Swiss delegation's motion.

Mr. WILHELM-HEININGER (Austria) again proposed that the Conference should proceed to discuss article 13 forthwith.

The PRESIDENT said that he would consider the Swiss delegation's motion as a procedural motion. Its adoption would amount to a statement by the Conference that it had been unable to draft a convention. The officers would report on what had occurred at the Conference, since there would be no final act. The texts which had been provisionally adopted would be reproduced, so that some at least of the results of the Conference's work would not be wholly lost.

Mr. VIDAL (Brazil) said that, in view of the adoption of the Canadian delegation's motion for the reconsideration of the decision on the German amendment, he would submit the original Brazilian amendment (A/CONF.9/L.72) as an amendment to that amendment.

Mr. JAY (Canada) apologised for putting forward the idea that the discussion on all articles already adopted might be reopened at a further conference. He feared it would look like an underhand way of avoiding the application of the two-thirds majority rule. The Conference had already stretched the rules of procedure in an attempt to achieve a text which would be more acceptable than the text for article 8, paragraph 2, adopted at the previous meeting. The vote for reconsideration had, however, been understood by him as permitting the discussion of only one amendment, namely that submitted by Canada and the United Kingdom. Even if that amendment were adopted, delegations could still vote against the article as a whole. He would support the Swiss delegation's motion provided only that it was made clear in a resolution conveying the sense of the Conference to the General Assembly, on what basis the work of the Conference would be continued.

Sir Claude COREA (Ceylon) questioned whether the Conference was competent to adjourn. It had been convened by the Secretary-General of the United Nations on the authority of the General Assembly to do certain work in a certain time. All that it could do was to adopt a resolution that it had been unable to complete its work in time and recommend that it be reconvened.

Mr. LIANG, Executive Secretary, said that there was no legal obstacle to the Conference's deciding to adjourn or reporting that it could not discharge its task. There was a precedent in what happened at the Conference on the Law of the Sea. Adjournment had been suggested with a resumption to discuss the question of the breadth of the territorial sea, but the Conference had finally decided to submit a resolution to the General Assembly reporting what had been accomplished and requesting a second conference. The General Assembly had decided to convene a second conference. The present Conference's legal competence to adjourn was not in question, but merely the possibility of resuming the session or holding another conference.

Mr. LEVI (Yugoslavia) demanded that the joint amendment be put to the vote.

Mr. FAVRE (Switzerland) explained that it had been his intention that the resolution to be addressed to the General Assembly should express the intention of the Conference to continue and finish its work on the articles not yet completed. When reconvened, the Conference could decide whether the completed

articles needed review. The essential was, however, a careful and skilled examination of the work already done; if necessary, experts outside the United Nations might be consulted and possibly the International Law Commission might be asked for its views. He assured the Argentine representative that the Swiss motion for the adjournment had not been put forward because any Swiss proposal had been rejected. It was not Switzerland that had injected polemics into the discussion. The sole purpose of the proposed adjournment was to allow time for the expert scrutiny he had suggested; it was not an attempt to reconcile opposing groups, but rather to seek a solution acceptable to all which could be presented as the law of the international community.

The PRESIDENT called for a vote on the motion for the adjournment of the Conference.

At the request of the representative of Pakistan, the vote was taken by roll-call.

Yugoslavia, having been drawn by lot, was called upon to vote first.

In favour: Austria, Belgium, Canada, France, Italy, Liechtenstein, Netherlands, Portugal, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland.

Against: Yugoslavia, Argentina, Brazil, Chile, China, Denmark, India, Israel, Pakistan, Panama, Peru.

Abstaining: Ceylon, Federal Republic of Germany, Holy See, Indonesia, Iraq, Japan, Luxembourg, Spain, Sweden, United Arab Republic, United States of America.

The motion was not adopted, 11 being cast in favour and 11 against with 11 abstentions.

The PRESIDENT said that since the Conference had been convened for a period ending 17 April, since many delegations could not remain at the Conference any longer and since the result of the vote had been so close, it would be very difficult to assume that the Conference was able to continue, as even those who most urgently wished it to do so would have to agree. When eleven delegations no longer showed any interest, and another eleven had voted for the adjournment, while several had already left, a conference could hardly take any valid decisions.

Mr. JAY (Canada) said that, although he agreed entirely with the President's statement of the position, he felt bound to point out that, on a strict construction of rule 35 of the rules of procedure, the motion for the adjournment had been rejected. He was prepared to abide by that rule.

Mr. RIPHAGEN (Netherlands) said that it would be futile to attempt to continue unless a reasonable majority wished to do so.

Mr. TYABJI (Pakistan) said he could see no reason for adjourning. Not much time would be required to deal with the joint amendment and article 13.

Mr. LEVI (Yugoslavia) said that the Conference should respect the rules of procedure and vote immediately on the joint amendment.

The PRESIDENT observed that if most of the delegations were absent, it was very difficult for the chair to decide whether the Conference would, legally, be the same Conference as that convened by the General Assembly.

Mr. ROSS (United Kingdom) said that although he had some doubts as to whether the President's interpretation of the result of the vote was technically correct, a second vote on the question of the termination of the Conference could undoubtedly be taken without the need for a two-thirds majority. And the result of such a vote might very well be different in the light of the discussion which had taken place after the first vote. He therefore formally proposed that the Conference be now terminated.

The PRESIDENT doubted whether the Conference could continue with any prospect of producing anything that Governments could conscientiously sign. Any further proceedings would be merely formal debates, which would be meaningless to the United Nations and to public opinion.

Mr. RIPHAGEN (Netherlands) proposed that the United Kingdom procedural motion be put to the vote immediately.

Mr. LEVI (Yugoslavia) insisted on compliance with the rules of procedure and asked the President to announce the result of the vote which had already been taken.

The PRESIDENT replied that, from a formal and legal point of view, the Conference had decided to continue its work, but there were cogent reasons for thinking that, in view of the result of the vote, it might be necessary and desirable for the Conference to reconsider that decision. He put the United Kingdom proposal to the vote.

At the request of the representative of Pakistan, the vote was taken by roll-call.

The United States of America, having been drawn by lot, was called upon to vote first.

In favour: Yugoslavia, Austria, Belgium, Canada, Denmark, France Federal Republic of Germany, Italy, Liechtenstein, Luxembourg, Netherlands, Portugal, Spain, Sweden, Switzerland, Turkey, United Kingdom of Great Britain and Northern Ireland.

Against: Pakistan

Abstentions: United States of America, Argentina, Brazil, Ceylon, Chile, China, Holy See, India, Iraq, Israel, Japan, Panama, Peru, United Arab Republic.

The United Kingdom proposal was adopted by 17 votes to 1, with 14 abstentions.

FINAL RESOLUTION

The PRESIDENT asked the Conference to vote on the draft of a final resolution[1/]. He wished to make it clear that the draft resolution was not sponsored either by the chair or by the Danish delegation, but represented the sense of the meeting.

Mr. LIANG, Executive Secretary, thought the phrase "competent organs of the United Nations" was too vague. In the interest of future work, the resolution should be addressed to the General Assembly, since the latter had called the Conference.

Mr. JAY (Canada) suggested that the Secretariat should be asked to make any technical improvements, such as drafting an appropriate preamble.

Mr. LIANG, Executive Secretary, said that the operative paragraph would be sufficient. He pointed out, however, that it was hardly frank to say that the Conference had been unable to complete its work owing to lack of time; the divergence of views on an important matter had been the crux of the difficulty.

The PRESIDENT said that the officers of the Conference would assume the responsibility for final drafting. He put the draft resolution to the vote.

1/ The text of the draft resolution was substantially the same as that finally adopted, which is reproduced in document A/CONF.9/L.77.

The draft resolution, subject to drafting changes, was adopted by 24 votes to none, with 8 abstentions.

The PRESIDENT suggested that the Executive Secretary should be asked to take the necessary steps to keep the provisional results of the Conference among the records of the United Nations, since they might be very useful to the present Conference if reconvened or to any further conference which the General Assembly might convene.

It was so agreed.

The PRESIDENT expressed the hope that, after the proceedings which had just taken place, there would be a better understanding of the step he had taken in offering his resignation; he had clearly foreseen what would happen when a proposal had been adopted that had upset all the results so far obtained. It had proved virtually impossible to bridge the gap between the two basic philosophies represented at the Conference, and he had been unable to see any way out, except by a somewhat dramatic step to force the Conference to realize the need to compromise. He had thought that the joint amendment submitted by Canada and the United Kingdom (A/CONF.9/L.76) might provide a solution which, while not satisfying any Government, would have given some satisfaction to stateless persons.

He declared the Conference closed.

The meeting rose at 2.20 p.m.