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Agenda items 7 and 11

Organization of work, adoption of the agenda and allocation of items: reports of the General Committee

Prevention of armed conflict

Letter dated 28 December 2006 from the representatives of Burkina Faso, El Salvador, the Gambia, Honduras, Malawi, the Marshall Islands, Nauru, Nicaragua, Palau, Saint Kitts and Nevis, Saint Vincent and the Grenadines, Sao Tome and Principe, Solomon Islands, Swaziland and Tuvalu to the President of the General Assembly

We regret that we were unable to see you personally to convey our gratitude for your excellent guidance of this very productive sixty-first session of the General Assembly. Please know that you have our continuing support.

We appreciate your prompt response to our letter of 3 October 2006 (A/61/534) requesting a legal opinion from the Office of Legal Affairs in connection with what we suggested were procedural errors at the 12 September 2006 meeting of the General Committee. In a meeting on 16 November 2006, two members of our group, Ambassador Crispin Grey-Johnson of the Gambia and Ambassador Stuart Beck of Palau, had a constructive informal consultation with the Legal Counsel and two of his colleagues.

At that meeting, it was suggested by the Office of Legal Affairs that the co-sponsors of proposals entitled "A proactive role for the United Nations in maintaining peace and security in East Asia" (A/61/193) and "Question of the representation and participation of the 23 million people of Taiwan in the United Nations" (A/61/194) had failed to raise points of order to protest the errors we asserted in our letter of 3 October. Assuming, for the purposes of argument, that points of order were not properly raised, we do not believe that such a misstep should be employed to cancel out the fundamental right of Member States to speak on issues of international friction, a right enshrined in the Charter of the United Nations.

We will therefore agree to disagree with the Office of Legal Affairs on its narrow, restrictive and, in our view, incorrect, interpretations of the rules of



procedure. The United Nations is not a courtroom, but a universal deliberative body, and its core values must be interpreted to afford a climate of vigorous debate, particularly when such a debate is sought by 18 of its Member States.

It should be noted that the actions of the General Committee in the sixtieth and sixty-first sessions with regard to the subject proposals cannot be precedents for actions in next year's sixty-second session. In the sixtieth session, we acceded to a "two-by-two" debate format only as a courtesy to President Jan Eliasson. He explicitly stated in the General Assembly that "... the limitation of speakers was very much due to the enormous time pressure under which we were then working ... and the very special conditions that existed before the summit" (see A/60/PV.17) in response to the statement by Ambassador Collin Beck of the Solomon Islands that such restrictions prevented countries from presenting their views and marginalized them from the process. Ambassador Beck's statement that such a courtesy could not be deemed a precedent for future sessions of the General Committee was reiterated by Counsellor Omar Alhaji Fal of the Gambia. This year's "two-by-two" debate and amalgamation of the subject proposals were done without our consent and over our protest, regardless of the view that no point of order was raised. Obviously, we reserve our rights to argue these and related points at next year's session.

It would be highly appreciated if this letter could be circulated as a document of the General Assembly under agenda items 7 and 11.

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(Signed) Eduardo **Sevilla Somoza**
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(Signed) Stuart **Beck**
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