
SUMMARY RECORD OF THE 5th MEETING

Chairman: Mr. SALIM (President of the General Assembly)

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Distr. GENERAL
A/BUR/34/SR.5
21 November 1979

ORIGINAL: ENGLISH

The meeting was called to order at 9.50 a.m.

ADOPTION OF THE AGENDA OF THE THIRTY-FOURTH REGULAR SESSION OF THE GENERAL ASSEMBLY AND ALLOCATION OF ITEMS: REQUEST FOR THE INCLUSION OF AN ADDITIONAL ITEM SUBMITTED BY MADAGASCAR (A/34/245)

1. The CHAIRMAN said that the inclusion of an additional item entitled "Question of the islands of Glorieuses, Juan de Nova, Europa and Bassas da India" had been requested by Madagascar (A/34/245). The representative of Madagascar had asked to participate in the discussion of the item in accordance with rule 43 of the rules of procedure.

2. At the invitation of the Chairman, Mr. Rabetafika (Madagascar) took a place at the Committee table.

3. Mr. RABETAFIKA (Madagascar) said that his delegation had annexed to its request for the inclusion in the agenda of the item entitled "Question of the islands of Glorieuses, Juan de Nova, Europa and Bassas da India" (A/34/245) an explanatory memorandum which would enable Member States to see the exact geographical location of the islands; to learn how they had become part of Madagascar and had then been detached from it on the eve of the proclamation of independence in 1960; to familiarize themselves with the origin of a dispute of nearly 20 years standing between France and Madagascar; to form an opinion on the history of the dispute; and, lastly, to appreciate the efforts of the Malagasy Government to seek a negotiated settlement which would take fully into account the principles of the Charter and of international law in general. Madagascar was submitting its request for the inclusion of the item under rule 15 of the rules of procedure, as an item of an important and urgent character.

4. It was an undeniable fact that a dispute existed between France and Madagascar for which Madagascar was by no means responsible. The dispute was of a radical nature; it stemmed from a colonial situation which had been only partially terminated, in that the administering Power had taken upon itself to disregard the historical and geographical rights of Madagascar and had assumed the right to dismember a colonial territory for its own benefit, as if the sovereignty of Madagascar had never been internationally recognized before its annexation by France in 1896. Thus, there arose the important issue of respect for the sovereignty and territorial integrity of a State, whether newly independent or not, and the question of obligations created by positive international law.

5. It might be argued that the dispute should be solved bilaterally through negotiations and that referring the matter to the Organization of African Unity, the non-aligned movement and the United Nations was at the very least premature when other means of recourse had not been exhausted and the maintenance of peace and security did not seem to be affected or threatened. He could assure the Committee that his Government had constantly requested that its claim on the islands should be given consideration and that genuine negotiations should be initiated, but its requests had always been rejected. A Member State could hardly be expected to show limitless patience and moderation when its rights were

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(Mr. Rabetafika, Madagascar)

systematically and constantly ignored by another Member States. On the contrary, it was urgently necessary that appropriate procedures and methods should be found at the United Nations level for putting an end to the perpetuation of anomalies arising from imperfect decolonization and the continuance of a doctrine which had been rendered obsolete by the positive development of international law. Moreover, the Charter imposed a duty to establish conditions under which justice and respect for the obligations arising from treaties and other sources of international law could be maintained and where a situation like the one resulting from the dispute between France and Madagascar precluded the existence of such conditions, there was no way of telling whether it would not adversely affect the maintenance of peace and security.

6. Lastly, Member States would appreciate that the disputed islands were situated in a militarily and economically strategic region. A succession of unilateral measures with respect to the islands might, when a Power was determined to implement a global strategy requiring the affirmation of its presence in various parts of the world, lead to the gradual militarization of the islands, of which there was already some evidence on the island of Juan de Nova. Such a situation would inevitably affect the security of States in the region and was incompatible with the objectives of the Declaration of the Indian Ocean as a Zone of Peace.

7. The members of the Committee would agree with his Government that fundamental principles of the Charter were at stake; that generally accepted rules of international law had not been respected; that undue prolongation of the dispute and an escalation of unilateral measures which would tend to create irreversible situations were apt to affect the relations between two Member States and the maintenance of peace and security in a region; and that it was therefore urgently necessary to find a solution to the dispute, whose importance transcended bilateral relations.

8. The discussions on the item, which his Government would like to see allocated to the Special Political Committee because of its political rather than legal nature, would surely indicate what course should be taken to end the dispute and preserve the legitimate rights of Madagascar. OAU and the non-aligned movement had taken decisions on the subject in conformity with the principles and purposes of the United Nations Charter, and it would be appropriate for the United Nations in turn to ask a permanent member of the Security Council, which had special responsibilities with respect to the maintenance of peace and security, to follow the procedure laid down for the peaceful settlement of disputes, to comply with its obligations under the Charter and under declarations reaffirming the principles of the United Nations and to take into account the generally accepted rules governing succession of States.

9. The CHAIRMAN said that the representatives of the Libyan Arab Jamahiriya and Mozambique had asked to participate in the discussion on the inclusion of the item; if there was no objection, he would invite them to take places at the Committee table.

10. At the invitation of the Chairman, Mr. Kikhia (Libyan Arab Jamahiriya) and Mr. Patricio (Mozambique) took places at the Committee table.

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11. Mr. PATRICIO (Mozambique) said that the item proposed by Madagascar was of colonial origin and was not new to those who had participated in recent meetings of OAU and the non-aligned countries movement, both of which had confirmed Madagascar's position. He added that, although the islands in question lay in waters between the coasts of Mozambique and Madagascar, Mozambique recognized the historical, cultural and social realities underlying Madagascar's claim of sovereignty and, for its part, made no claim to the islands. The United Nations should act on the matter in performance of one of its main functions, namely, the decolonization of territories under colonial domination.

12. Mr. HUSSON (France) said that his delegation opposed the inclusion in the agenda of the additional item proposed by Madagascar. The islands in question had been under French sovereignty for many years by virtue of the right of discovery and effective occupation of uninhabited territory. Before the establishment of French sovereignty, the islands had not belonged to Madagascar or any other State. The term "reintegration" was therefore in no way applicable to the present case.

13. In placing the islands under the French administration of Madagascar prior to the latter's independence, the French Government had acted solely for reasons of administrative convenience, implying no recognition of any previous historical, political, economic or other link between Madagascar and the islands in question. That administrative connexion, which had been due to the fact that France had at that time been exercising State powers both in Madagascar and in the islands, had naturally ceased when France had decided to transfer such powers in the case of Madagascar. Moreover, it was prior to the agreement effecting that transfer that the administrative connexion had been terminated by the Power which had created it. Accordingly, the former connexion could not justify Madagascar's claim to the islands.

14. A further point was that the Government of Madagascar had taken cognizance of that administrative connexion on 2 April 1960, when the co-operation agreements had been concluded. The administrative records relating to the islands which had been in the Malagasy archives had subsequently - in 1962 - been handed over to the French authorities by the Government of Madagascar.

15. The present and future status of the islands could not be discussed in the General Assembly without infringing Article 2, paragraph 7, of the Charter, which provided that nothing contained in the Charter should authorize the United Nations to intervene in matters which were essentially within the domestic jurisdiction of any State. His delegation would therefore object to the inclusion in the agenda of an item which was both inappropriate and unfounded and the importance and urgency of which seemed extremely doubtful, and it requested that a vote should be taken on the subject.

16. Mr. KIKHIA (Libyan Arab Jamahiriya), speaking as Chairman of the African Group, said that the item proposed by Madagascar related to the kind of problem which was continuously faced by African countries as a result of their history of colonial domination and occupation. The particular dispute in question had been discussed at meetings of OAU and the non-aligned countries, which had generally supported Madagascar in its claim. The African Group in the United Nations, in

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(Mr. Kikhia, Libyan Arab Jamahiriya)

conformity with resolution CM/Res/732/XXXIII adopted at the 1979 Monrovia Conference of the Council of Ministers of OAU, unanimously supported Madagascar's proposal.

17. The CHAIRMAN invited the Committee to vote on the request for the inclusion and allocation of the additional item proposed by Madagascar, which had suggested that it should be allocated to the Special Political Committee.

18. Mr. KOH (Singapore), speaking in explanation of vote before the voting, said that his delegation would vote in favour of the inclusion of the item, without prejudice to its position on the substance of the matter.

19. Mr. NAIK (Pakistan) said that his delegation had never opposed the inclusion of new items in the agenda and would therefore vote in favour of the proposal, without prejudice to its position on the substance.

20. Mr. PIRSON (Belgium) said that his delegation would vote in favour of the inclusion of the item which in no way prejudged its position on the substance.

21. Mrs. CASTRO de BARISH (Costa Rica) said that her delegation had always supported the inclusion in the agenda of items proposed by Member States and would vote in favour of the proposal, without prejudice to its position on the substance.

22. Mr. GUNA-KASSEM (Thailand) said that his delegation traditionally did not object to the inclusion of new items in the agenda and would vote in favour of the proposal, which did not prejudge its position on the substance of the matter.

23. The Committee decided by 20 votes to 1, with 2 abstentions, to recommend that the General Assembly should include the additional item in the agenda.

24. The Committee decided to recommend that the item should be allocated to the Special Political Committee.

25. Mr. Rabetafika (Madagascar), Mr. Kikhia (Libyan Arab Jamahiriya), and Mr. Patricio (Mozambique) withdrew.

ORGANIZATION OF WORK: ORAL REPORTS BY THE CHAIRMEN OF THE MAIN COMMITTEES

26. The CHAIRMAN said that a discussion of the organization of the General Assembly's work would be valuable now that the session was more than half over, with particular reference to any special measures that might be necessary to ensure that the work of the Main Committees was completed on time. He urged Chairmen to take special measures, such as the scheduling of extended meetings, night meetings or Saturday meetings, as soon as the need arose, rather than waiting until the last weeks of the session, when they would be more difficult to fit in. The resulting special servicing requirements should be communicated well in advance to the Department of Conference Services, so that it could make the necessary arrangements. It was his experience that extended meetings were preferable to night meetings if the Committee had a long list of speakers on a given item.

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(The Chairman)

He also stressed the need for punctuality so as to make full use of the time available. As soon as reports of the Main Committees were available they would be taken up in plenary meeting, so as not to build up a backlog. He was happy to report that the plenary meetings had managed to keep to the agreed schedule.

27. Mr. HEPBURN (Bahamas), speaking as Chairman of the First Committee, said that, despite the very heavy agenda of the First Committee, he did not envisage any need for night or Saturday meetings or for any other special arrangements in order to complete the work schedule. The bureau of the First Committee would continue to hold frequent meetings in order to assess the state of work and to consider ways of dealing with any difficulties which might arise.

28. Mr. EL-CHOUFI (Syrian Arab Republic), speaking as Chairman of the Special Political Committee, said that the Committee had begun to fall behind schedule, firstly, because about 70 delegations had placed their names on the list of speakers for item 53 and the Group of 77 had requested an extension of the deadline for the submission of draft resolutions under that item to the following Monday, and, secondly, because of the late submission of the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories, which would not be available until the following Wednesday although the Special Political Committee was scheduled to begin its consideration of the report that same day. Since the plenary Assembly was scheduled to begin its consideration of the question of Palestine on the following Monday, arrangements would have to be made for the Special Political Committee to meet in the mornings and the General Assembly in the afternoons, or vice versa.

29. Since no consensus had emerged among the regional groups on item 54, the Special Political Committee would probably recommend to the General Assembly that consideration of the item should be deferred until the thirty-fifth session. The Committee would then be able to discuss the additional item which the General Committee had just decided to recommend for inclusion in the agenda.

30. The CHAIRMAN pointed out that it would be very difficult for the plenary Assembly to consider the question of Palestine at either morning or afternoon meetings only, since it was working under a tight schedule and had allocated no more than three days for that item.

31. Mr. MURGESCU (Romania), speaking as Chairman of the Second Committee, said that the Second Committee had strictly followed the time-table for the consideration of the 20 items referred to it; it had completed its discussion of 17 items, and expected to complete item 56 during the current week and the other two items in the following week. In order to avoid the difficulties experienced in the past, it had attempted to take decisions as the session progressed but so far it had adopted only 11 of the 45 draft resolutions which delegations had decided to submit; informal negotiations were in process on 21 draft resolutions, and the rest were still being prepared. A number of the draft resolutions had financial implications which would have to be considered by ACABQ and the Fifth Committee.

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(Mr. Murgescu, Romania)

32. There had been delays in issuing a number of reports which the Second Committee needed for its work. Since the report of the Secretary-General on fund-raising efforts for the United Nations University had not yet been issued, the Committee was unable to set a deadline for the submission of draft resolutions on item 63; it was also awaiting the report of the Secretary-General on the "brain drain" problem, under item 56, and the report on the strengthening of the role of the United Nations system in the field of science and technology, under item 70. Lastly, the Committee was awaiting approval by the plenary Assembly of draft resolutions A/34/L.14 and A/34/L.15 on global negotiations relating to international economic co-operation for development, so as to be able to take decisions on the global strategy and on preparations for the special session of the General Assembly in 1980.

33. The Second Committee would thus require the help of the Department of Conference Services in accelerating the informal consultations and the consideration of draft resolutions; he was not yet able to indicate whether or when the Committee would need to hold night meetings. If the Committee was unable to meet on the afternoon of Tuesday, 20 November, because of the holding of a pledging conference, it would have to meet on the morning of Thursday, 22 November, even though that day was an official holiday.

34. The CHAIRMAN said that, with regard to the consideration of draft resolutions A/34/L.14 and A/34/L.15 in plenary meeting, the Chairman of the Group of 77 was engaged in informal consultations with interested groups so as to facilitate the adoption of a decision by the plenary Assembly as soon as possible.

35. Mr. LEWANDOWSKI (Under-Secretary-General for Conference Services) said that the Department of Conference Services would investigate the situation regarding the issue of the documents referred to by the Chairmen of the Special Political Committee and the Second Committee. However, the Department had to process a large number of priority documents every day, so that some delays were inevitable. The Department had been unable to meet the deadline of 12 November for the issue of the report on the strengthening of the role of the United Nations system in the field of science and technology, because of the requirement for simultaneous distribution in all working languages; however, the report would be issued on the following day, or at the latest on the following Monday. The Department would endeavour to arrange for whatever meetings the Second Committee might require.

36. Mr. SOBHY (Egypt), speaking as Chairman of the Third Committee, said that the Third Committee had completed its consideration of eight items and would dispose of a ninth item at that morning's meeting. Efforts would be made to group as many of the nine remaining items as possible, so as to speed up the Committee's work. The Committee had decided that the deadline for the submission of draft resolutions under all the remaining items would be 27 November and that its work must be finished by 7 December.

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(Mr. Sobhy, Egypt)

37. He had recommended that delegations should refrain from speaking on every item on the agenda and should concentrate on the consideration of draft resolutions; that draft resolutions should be prepared as rapidly as possible; and that consultations on draft resolutions should take place informally so as to save time at meetings. He hoped that the Secretariat would be able to accommodate the Third Committee's request for the scheduling of either night meetings or extended meetings.

38. The CHAIRMAN observed that, while it was difficult to request delegations to refrain from speaking on particular items, it was possible to appeal to them informally to exercise moderation. As to the planning of work, he felt that it was better to hold extended meetings rather than night meetings; the Department of Conference Services should be informed as early as possible on days when there was a long list of speakers on a particular item.

39. Mr. BOYA (Benin), speaking as Chairman of the Fourth Committee, said that the Fourth Committee had completed its consideration of 6 of the 10 items allocated to it, and its reports to the General Assembly on those items should be ready shortly. It expected to complete its consideration of three of the remaining items by Monday, 19 November; the last item, the question of Southern Rhodesia, would be taken up immediately after completion of the consideration of the question of Namibia in plenary meeting. The Committee expected to conclude its consideration of that item during the first week of December, thus completing its work before the plenary Assembly took up the question of the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

40. Mr. PIRSON (Belgium), speaking as Chairman of the Fifth Committee, said that the Fifth Committee was 15 days ahead in its work as compared with the previous year, and the average delay in starting meetings was only 3 minutes and 45 seconds. The Committee had still to consider about 12 of the 35 sections of the proposed programme budget for 1980-1981; in connexion with UNCTAD, the revised budget estimates, taking into account the resolutions adopted at the fifth session of the Conference, would be issued shortly by the Secretariat and, after consideration by various UNCTAD bodies and by ACABQ, would be considered by the Fifth Committee by the end of the first week of December. The Committee had decided not to consider the budget for the Department of Public Information until it received the budget estimates resulting from the resolutions which the Special Political Committee planned to consider. Thus, the available budget estimates should be adopted by the Fifth Committee within the next 10 days.

41. However, many other items remained to be considered, such as the reports of the International Civil Service Commission, CPC and JIU; a number of reports would not be issued for at least 10 days, and most of them would have to be considered by ACABQ before being taken up by the Fifth Committee. He intended to propose to the Fifth Committee that morning that it should decide that reports which were not issued by 23 November would not be considered at the current session. If the reports were published before that date, ACABQ should be able to consider most of them by 1 December, and the Fifth Committee would then be able to consider the reports of the Secretary-General and of ACABQ during the first week of December.

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(Mr. Pirson, Belgium)

Since the other Main Committees were to transmit draft resolutions having financial implications to the Fifth Committee by 1 December, ACABQ would be able to consider most of them during the first week of December and the Fifth Committee during the second week of December.

42. Any major delay in the consideration of sections of the budget or of important questions would make it difficult to finish the work on time. The Fifth Committee was able to meet only seven or eight times a week unless it held night meetings, since many of the members of ACABQ also served as representatives of their Governments in the Fifth Committee. Thus, in order to complete its work on time, the Fifth Committee would need many night meetings, and it might have to postpone the consideration of a number of less urgent reports until the next session.

43. Mr. GUNA KASSEM (Thailand), speaking as Chairman of the Sixth Committee, said that so far the Sixth Committee had concluded its consideration of two items and its general debate on six items. Although it was somewhat behind in its schedule, it was trying to make the best possible use of its time, and it had decided to reduce the number of meetings previously allocated to the consideration of the report of the International Law Commission. The plenary Assembly had already adopted a resolution recommended by the Sixth Committee on item 116, and on the previous day the Committee had adopted a draft resolution on item 110. Consultations were still under way on the draft resolutions under item 114, and draft resolutions were currently being prepared on items 109, 112 and 117, which the Committee expected to complete by the end of the month. Draft resolutions had not yet been prepared on item 108 or on two items for which the reports of the relevant Committees had not yet been issued, namely, items 111 and 115, but it was hoped that the Sixth Committee would be able to take decisions on those items towards the end of November or early in December.

44. A Working Group of the Sixth Committee was currently preparing a draft international convention against the taking of hostages and was expected to report to the Committee towards the end of the session. The Committee had reserved a number of meetings for that purpose.

45. As to the remaining two items - items 84 and 96 - it was difficult to predict whether substantive discussion would be possible on either of them. In at least one case, the Committee might be obliged to recommend that the item should be postponed to the next session so that it could finish its work within the scheduled period.

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46. Mr. MSELLE (Chairman of the Advisory Committee on Administrative and Budgetary Questions) said that the situation in the Advisory Committee was even more serious than it had been at the corresponding time in the previous year; 17 reports were still to be issued, some of which were highly complex, involving additional appropriations which would have to be considered by the Advisory Committee. Unless corrective measures were taken, the General Assembly would have to consider extending its session or postponing the consideration of a number of reports. The Advisory Committee required a minimum of five days to consider a report and to report to the Fifth Committee; on the basis of five meetings a week it currently had about 17 or 18 meetings left, during which it had to consider the 17 reports as well as the financial implications of draft resolutions referred to it by other Committees. It would therefore have to decide whether to recommend that the consideration of some of those reports should be postponed, and that, of course, would depend on what was decided by the Fifth Committee.

47. The CHAIRMAN said that the Committee would have to adjourn because the plenary Assembly was about to meet; however, the Chairmen of the Fifth Committee and ACABQ had drawn attention to some very serious difficulties, and the General Committee would have to see what could be done by the end of the following week. Every effort must be made to ensure that it would not be necessary to extend the current session of the General Assembly.

The meeting rose at 11 a.m.