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New York

SUMMARY RECORD OF THE 56th MEETING

Chairman: Mr. GUNA-KASEM (Thailand)

CONTENTS

ORGANIZATION OF WORK

AGENDA ITEM 119: CONSOLIDATION AND PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL ECONOMIC LAW RELATING IN PARTICULAR TO THE LEGAL ASPECTS OF THE NEW INTERNATIONAL ECONOMIC ORDER (continued)

AGENDA ITEM 113: DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES (continued)

AGENDA ITEM 111: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL

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The meeting was called to order at 10.50 a.m.

ORGANIZATION OF WORK

1. The CHAIRMAN informed the members of the Committee that the President of the General Assembly had met with the Chairmen of the Main Committees and it had been agreed that the deadlines previously set for submitting draft resolutions would be kept: all draft resolutions with financial implications should be submitted by 1 December, and all other draft resolutions should be submitted no later than 4 p.m. Wednesday, 5 December. If no draft resolution was submitted on a given item by 5 December, he would take it that the Committee recommended deferment of that item until the next session of the General Assembly, even if that item had been discussed by the Committee during the current session.
2. He informed members that two draft resolutions had just been distributed by the Secretariat. One was draft resolution A/C.6/34/L.15, on the report of the Committee on Relations with the Host Country, which had been submitted by Bulgaria, Mongolia and the Union of Soviet Socialist Republics. The second was draft resolution A/C.6/34/L.16, on the report of the United Nations Commission on International Trade Law, which had been submitted by a large number of sponsors.
3. Mr. ROSENNE (Israel) said that his delegation had not yet received a copy of the report of the Committee on Relations with the Host Country, which was the subject of draft resolution A/C.6/34/L.15. He asked whether the report had been distributed.
4. The CHAIRMAN said that the report of the Committee on Relations with the Host Country was not yet available but that he had been informed by the Secretariat that it would be available early the following week, and in fact, it was hoped, no later than Monday.
5. Mr. ROSENNE (Israel) said it was unfortunate that the Secretariat would not be able to deliver until the first week of December a document whose estimated date of circulation had been given as 25 October in the Secretariat's note on organization of work (A/C.6/34/L.1).
6. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that as 30 November was the deadline for submission of draft resolutions, the sponsors of draft resolution A/C.6/34/L.15 had had no alternative but to submit it, even though the relevant report was not yet ready. Since the report was procedural in nature and since the sponsors of the draft resolution, being members of the Committee on Relations with the Host Country, were familiar with the content of the report, they had been able to prepare the draft resolution on that basis. The draft resolution was of a procedural nature, and he hoped that it would not create any serious problems for delegations.
7. Mr. ROSENNE (Israel) thanked the representative of the Union of Soviet Socialist Republics for his explanation, which, under the circumstances, was

(Mr. Rosenne, Israel)

satisfactory. He hoped that delegations would have an opportunity to read the report of the Committee on Relations with the Host Country before taking a decision on the draft resolution.

AGENDA ITEM 119: CONSOLIDATION AND PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL ECONOMIC LAW RELATING IN PARTICULAR TO THE LEGAL ASPECTS OF THE NEW INTERNATIONAL ECONOMIC ORDER (continued) (A/31/172; A/C.6/34/L.7, L.17)

8. Mr. MARDAN (Iraq) said that his delegation attached great importance to the item under consideration. Its position on that subject had already been stated in many international fora. Full economic independence was one of the central goals of the Revolutionary Government of Iraq, parallel with and complementary to political independence. Without true economic independence, political independence lacked one of its fundamental components. After the fall of imperialism and the accession to independence of most colonial countries and peoples, including those of the Arab world, one of the main areas of conflict between the peoples of the world, on the one hand, and the colonialist States, on the other, was the economic area. Under the pressure of the peoples, struggle for liberation, the colonialist countries, led by United States imperialism, had been obliged to turn to economic exploitation of peoples, taking advantage of their weakness, backwardness, fragmentation and increasing need for commodities. One of the grave forms assumed by economic colonialism was domination over the fundamental resources of peoples, such as petroleum and other basic raw materials. The fact that the exploitation of those resources required high-level material, technical and administrative capacities had been used by the colonialist States to impose their domination on the world's peoples.

9. When the developing countries had gained their political independence, they had been aware that it was incomplete so long as their economy was inequitably tied to and dependent on the economies of the advanced industrial countries. The developing countries had therefore undertaken a struggle to win complete economic independence and establish equitable international economic relations based on justice and community of interests, in order to accelerate the growth of their economies and ensure rapid progress in various economic, social, scientific and other sectors. It might be said that efforts to change current economic relations had begun in the period immediately following the Second World War, a period which had seen the collapse of the old form of colonial imperialism and the birth of many independent States and in which the United Nations General Assembly had adopted important economic principles, such as the principle of the permanent and effective sovereignty of States over their natural resources and their right to exercise that sovereignty in accordance with their specific circumstances. Efforts had been made in the United Nations General Assembly, in its specialized agencies and, in particular, in UNCTAD to change the economic relations between the developing countries and the advanced industrial States, particularly in the field of trade and development.

(Mr. Mardan, Iraq)

10. With the aggravation of the economic crisis of the capitalist countries and its negative effect on the economies of the developing countries, the latter were increasing their efforts and appeals for action to remedy the situation and to reform and stabilize existing economic relations, in accordance with equitable and just norms, with a view to the establishment of a new international economic order that would safeguard the common interests of all States of the world, for the benefit and prosperity of mankind.

11. International co-operation for the establishment of a new international economic order was a common goal and duty of all States, and the prosperity of the international community as a whole depended on that, as was stated, for example, in the Declaration on the Establishment of a New International Economic Order and in the Charter of Economic Rights and Duties of States. Contemporary international law should accord attention to that question; that would unquestionably have positive effects on the development of friendly relations among States on a basis of justice and equality.

12. Iraq appreciated the efforts made by the Philippine delegation in preparing working paper A/C.6/34/L.7, which, in his own delegation's opinion, could form a good basis for a study of the matter.

13. The United Nations Commission on International Trade Law had decided at its eleventh session to include in its work, and give priority to, an item entitled "The legal implications of the new international economic order", and a Working Group had been established to deal with that subject. The Working Group had been requested to examine the Secretary-General's report on the Commission's possible work programme in connexion with the new international economic order (A/CN.9/171) and to take into account the relevant discussions in the Commission.

14. It was extremely important that work on the new international economic order should be well co-ordinated and that there should be no duplication or overlap. Accordingly, topics of that nature should be allocated to the body most competent to study them. Inasmuch as UNCITRAL was already seized of the matter and many of the topics mentioned in the Philippine working paper were now before it, the Committee should consider the possibility of referring the item in question to the Commission for study by its Working Group; UNCITRAL was, in his delegation's view, the body most competent to deal with the topic from the legal standpoint, with a view to the consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order.

15. Mr. EL-BANHAWI (Egypt) expressed satisfaction with the working paper contained in document A/C.6/34/L.7. His delegation had not yet received the studies carried out by the competent organs in Egypt with regard to the development of international economic law. In principle, it agreed with the ideas contained in the working paper. However, it believed that the recommendation in paragraph 4 (a) of the annex should include an invitation to Member States to present their views and suggestions on that matter and a request to the Secretary-General to incorporate them into his report, which was to be submitted

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(Mr. El-Banhawi, Egypt)

at the next session of the General Assembly. Then, in accordance with the views and proposals submitted, the future steps to be taken should be considered. The conclusions of the UNCITRAL Working Group concerning the legal implications of the new international economic order should be very useful for the item under consideration. The Committee could examine the report of the Working Group in conjunction with the study to be prepared by the Secretariat, which also included the views of Member States.

16. Mr. DIAZ (Mexico) reaffirmed his delegation's position of several years' standing in the Committee that, for administrative and political reasons, it was not appropriate to establish working groups to study the legal aspects of the new international economic order or to request the Secretariat to prepare a study in that regard. At the present time a debate on that issue could serve as an opportunity for certain Western countries to attempt to undermine the validity of the basic principles of the new international economic order. Developing countries were engaged in finding ways to implement and enforce those principles. From an administrative point of view, attempts to establish a new working group or request the Secretariat to prepare a study would duplicate work that was already being done. UNCITRAL had established a Working Group which was studying the legal aspects of the new international economic order in all areas within its competence. In the political sphere, the Committee of the Whole and the Economic and Social Council were considering possible additions and amendments to the Charter of Economic Rights and Duties of States. For those reasons, his delegation felt that it would be premature and counterproductive for developing countries to undertake discussions and studies of the legal aspects of the basic principles of the new international economic order, or of the need to make those principles binding on all States.

17. Mr. ROSENSTOCK (United States of America) said his delegation had thought that the item now before the Committee would be introduced but would not give rise to any substantial debate. It had not expected that there would be a draft resolution whose content it could not accept. His delegation could agree with the statement made by the representative of the Philippines with regard to the magnitude of the problem but found very little it could support with regard to the steps to be taken by the Committee. He hoped that the Committee would defer consideration of the item until the next session of the General Assembly.

18. Mr. FERNANDEZ (Chile) said that the consolidation and progressive development of the principles and norms of international economic law would constitute yet another step forward in the protection, through law, of the advances made by the international community. His delegation therefore enthusiastically supported the Philippine proposal and wished to express its appreciation for the working paper that delegation had prepared (A/C.6/34/L.7). Progress of any kind, if it was to be of lasting value, must be founded on principles and governed by norms that would consolidate it at both the national and the international levels. One of the advances which he had in mind was the new international economic order, which would correct the many imbalances and injustices that remained in the world despite the efforts and expectations of the developing countries. His delegation would therefore be fully prepared to examine that important item, to which it attached great importance, at the next session of the General Assembly.

(Mr. Fernandez, Chile)

19. He affirmed his delegation's complete support for the general principles designed to govern international trade relations and trade policies leading to development which had been approved by the United Nations Conference on Trade and Development. Those principles and policies should constitute the foundation for the progressive development of international economic law.

20. At first glance, the programme of work proposed in document A/C.6/34/L.7 seemed acceptable to his delegation.

21. Mr. PIRIS (France) said that his delegation was surprised that draft resolution A/C.6/34/L.17 had just been distributed; he requested that the Committee should postpone consideration of that text in order to give delegations sufficient time to study it. His delegation found it difficult to accept the last preambular paragraph, which mentioned decisions and resolutions adopted by bodies within the United Nations system and by conferences held under United Nations auspices in a very general way without specifically identifying them. Furthermore, it could not support the proposal in paragraph 1 to request the Secretary-General to study the question of the consolidation and progressive development of the principles and norms of international economic law relating in particular to the legal aspects of the new international economic order, with a view to the possible drafting of an international convention or such other instrument as might be appropriate on that matter. His delegation did not regard the codification in one form or another of the economic rights and duties of States as a satisfactory formula. Moreover, such action would call into question the value of relevant resolutions already adopted, making it even more difficult to reach agreement in that field, a goal to which his country was particularly dedicated. It was not yet time to formulate a text of a binding nature on subjects that were continually being developed at the intergovernmental level. That subject was being considered by the Committee of the Whole and the Economic and Social Council and would be examined by an UNCITRAL Working Group. Therefore it would be premature and counterproductive to have the Secretary-General conduct a study of the issue at the present time.

22. Mr. VERCELES (Philippines) said that his delegation had submitted draft resolution A/C.6/34/L.17 on 29 November, taking into account the limited time available to the Committee for completion of its work. However, his delegation had not intended that its proposal should be discussed in the Committee before consultations could be held. He asked that further discussion on the item should be deferred until the following week.

23. The CHAIRMAN agreed to the request and thanked the Philippine delegation for having provided the Bureau with the details necessary for calculating the financial implications of its proposal.

AGENDA ITEM 113: DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE TAKING OF HOSTAGES (continued) (A/34/39; A/C.6/34/L.12, L.14)

24. Mr. FLEISCHHAUER (Federal Republic of Germany) said that the report of the Working Group of the Ad Hoc Committee on the Drafting of an International Convention

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(Mr. Fleischhauer, Federal  
Republic of Germany)

against the Taking of Hostages represented an important step forward in the Committee's efforts to finalize a draft convention during the current session. The draft represented the views of many delegations, including his own. Thanks to the active participation of many delegations, it had been possible to improve the Geneva text, from both the legal and the linguistic standpoints. Essentially, the Geneva solution had been endorsed by the Working Group, especially with regard to the principle of "prosecute or extradite", on which the draft was based. A few points, indicated in foot-notes and in the appendix to the report of the Working Group (A/C.6/34/L.12), had been left open for final decision by the Sixth Committee prior to transmittal of the draft to the plenary Assembly. The Working Group had been able to narrow considerably the gap that had originally existed, and he trusted that the remaining questions would be resolved in the next few days. New texts for the third and fourth preambular paragraphs had been agreed upon and were reproduced in document A/C.6/34/L.14. Those texts seemed to enjoy wide support. Informal consultations regarding article 9 were being held, and it seemed that an acceptable solution to the problem of non-extradition under special circumstances would soon be found. With regard to asylum, it had been proposed that article 12 of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents should be included as article 14 of the draft convention against the taking of hostages. That might not be the ideal solution, but it did have the advantage of using language previously accepted by the international community, and his delegation was prepared to agree to that formula.

25. In three debates of the Sixth Committee, as well as several meetings of the Working Group and its drafting group, all conceivable compromise formulas had been considered. A remarkably high degree of agreement and understanding had been achieved. The time had now come for the Sixth Committee to take a decision on the draft convention as a whole. Almost all the decisions taken thus far on individual points were interconnected; thus, it no longer made sense to deal with isolated aspects of the draft. Although the draft contained in document A/C.6/34/L.12 did not meet all the original aspirations of his delegation, his Government found it satisfactory and felt that it should be recommended for adoption by the plenary Assembly. The time was particularly appropriate for adopting a convention against the taking of hostages. In so doing, the General Assembly would be performing a great service to the international community and to mankind.

AGENDA ITEM 111: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL (A/34/693; A/C.6/34/4 and Corr.1)

26. The CHAIRMAN announced that the Under-Secretary-General, the Legal Counsel, who was to introduce the report of the Secretary-General, was delayed on important business. The meeting would therefore be suspended for 15 minutes.

The meeting was suspended at 11.42 a.m. and resumed at 11.57 a.m.

27. Mr. SUY (Under-Secretary-General, the Legal Counsel), introducing the report of the Secretary-General on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law (A/34/693) said that the Programme, established in 1965 by General Assembly resolution 2099 (XX), had been operating successfully for more than a dozen years. In accordance with General Assembly resolution 32/146 of 1977, the present report covered the activities carried out during the biennium 1978-1979 and made recommendations for the execution of the Programme in 1980 and 1981.

28. Section II of the report gave an account of the activities carried out in 1978 and 1979 by the United Nations, UNITAR and UNESCO, the three bodies participating in the execution of the Programme. The principal programmes which involved direct expenditures from the United Nations regular budget and voluntary contributions were the United Nations-UNITAR International Law Fellowship Programme, the Geneva International Law Seminar organized by the United Nations Office at Geneva and the regional courses organized by UNITAR. In addition to those, UNITAR's contribution to the Programme included the launching of two types of research projects on major international law fields of contemporary relevance. It should also be noted that UNESCO had greatly strengthened its activities in the field of international law.

29. The Secretary-General was grateful to UNESCO and UNITAR for their continued valuable contribution. At the same time, he wished to join the Executive Director of UNITAR in expressing appreciation to the Governments of the Commonwealth of the Bahamas and of Mexico for hosting the regional courses.

30. Section III of the report contained the recommendations of the Secretary-General regarding the execution of the Programme during the next two years, 1980 and 1981. As indicated in paragraph 60, no substantive change in the activities of the United Nations was recommended. UNESCO and UNITAR were also expected to continue their activities along the same lines as in the current biennium.

31. Section IV described the financial implications for the United Nations of its participation of the Programme, which was funded from two sources, namely, the United Nations regular budget and voluntary contributions from Governments and private institutions. Such donor Governments and institutions were enumerated in paragraphs 73 and 74 of the report, and the Secretary-General wished to express his gratitude to them.

32. Lastly, section V of the report gave an account of the meetings of the Advisory Committee on the Programme which had been held during the current biennium. The Secretary-General was most grateful to the Advisory Committee for its assistance and advice.

33. Before concluding his remarks, he wished to draw the attention of the Sixth Committee to the fact that the terms of office of the present members of the Advisory Committee on the Programme would expire at the end of 1979. The Secretariat had prepared a brief note giving relevant information regarding the appointment of new members in document A/C.6/34/4 and Corr.1.

34. Mr. VERWEY (Netherlands) said that his delegation recognized the importance of the various activities undertaken by the United Nations in the teaching of international law and wished to express its support for the recommendations submitted by the Secretary-General with respect to the forthcoming biennium. With reference to recommendation (g) on the forthcoming Geneva International Law Seminar, to be held during the 1980 session of the International Law Commission, his delegation was happy to announce that the Government of the Netherlands would contribute 25,000 guilders (approximately \$US 12,500) for that seminar.

35. His country had traditionally played an active role in intergovernmental and academic efforts to promote the rule of law in international relations. In keeping with that tradition, his Government would also like to play a role in the Programme of Assistance. Therefore his delegation had put forward its candidature for membership in the Advisory Committee for the four-year period beginning on 1 January 1980.

36. His delegation also wished to draw attention to the prominent role of the renowned Hague Academy of International Law, to which the Secretary-General had referred several times in his report. The Academy had made an invaluable contribution to the teaching, study, dissemination and wider appreciation of international law ever since its establishment in 1923. Each year several hundred students from all parts of the world, many of them from developing countries, had benefited from its activities, in particular from its summer courses. For the information of delegations in the Sixth Committee, a memorandum submitted by the Academy itself would shortly be made available. The programmes of the Academy were now in danger of having to be reduced to an unacceptably low level, or even to be abandoned altogether, as a result of its increasing financial problems. Those problems arose mainly from the fact that the Academy had, to a large extent, been dependent on voluntary contributions from private foundations, several of which had stopped their assistance without its being replaced sufficiently by others. From year to year the Academy had had to wait and hope that adequate financing would be obtained. That was an unbearable situation, in particular because it meant that the Academy was not in a position to plan ahead and could not be sure that it would be able to carry on with at least a minimum programme. The situation could be remedied only if adequate subsidies were obtained from Governments, preferably in the form of commitments covering more than one year. Various Governments had reacted favourably to the appeal the Netherlands, as the host country, had made in 1978, with the result that for the current year the Academy's problems seemed to have been largely solved. However, for 1980 and subsequent years, the difficulties might become insurmountable. Therefore his delegation now appealed to members of the Sixth Committee to inform their Governments of the financial problems confronting the Academy and to urge them to take the necessary steps not only to keep that valuable institution alive but also to enable it to plan ahead and continue its important work on a more secure basis.

37. Mr. ROSENE (Israel) commended the Secretariat on the broad scope of its activities with regard to the teaching, study, dissemination and wider appreciation

(Mr. Rosenne, Israel)

of international law. With reference to paragraph 5 of the report of the Secretary-General (A/34/693), it was the view of his delegation that the proper and accurate dissemination of information on the legal activities of the United Nations and its specialized agencies and related bodies was now becoming a matter of major importance. On the one hand, there was the material itself, which was so extensive and so diverse in origin that it might remain largely unknown or become known only to a select few. On the other hand, as foot-note 2 on page 4 of the report showed, the list of non-governmental organizations which ought to be kept well informed about those widespread activities was itself long, and he was not sure that it was complete. Proper arrangements must be made to keep law libraries and faculties of law throughout the world fully acquainted with that widely dispersed material. The activities of the United Nations in the legal field were no longer confined to what was sometimes, perhaps not with full accuracy, called "classical international law" but were increasingly entering into new fields and also included much private law.

38. In his statement at the 27th meeting of the Committee, he had gone into the matter in some detail and suggested that the time had come for the Secretariat to organize some systematic arrangement for disseminating reliable information on the multi-faceted legal activities now being conducted by the United Nations and its specialized agencies. He had recalled the well-known and extremely valuable Information Bulletin on Legal Activities within the Council of Europe and in Member States as a model of the type of publication in which such information could be more widely circulated. He wished to repeat that suggestion now and to refer those interested to his fuller statement on the subject (A/C.6/34/SR.27). He suggested that the Secretariat should proceed to a full examination of the matter, in all its aspects, and if necessary submit a full report with recommendations at a later session, in the context either of the current agenda item or of some other agenda item.

39. In connexion with paragraph 7 of document A/34/693, he wished to reaffirm categorically, speaking both as a governmental official and as a professor of law, that he did not find adequate the UN Monthly Chronicle, or a document carrying only the texts, arbitrarily chosen, of resolutions of legal interest adopted by the General Assembly; there were also other organs which adopted such resolutions.

40. With reference to paragraph 9, he wished to state for the record that his delegation regarded it as essential for the Secretariat to examine its stock of legal publications and undertake the reprinting of those which appeared to be of continuing usefulness. That would include, as a matter of high priority, the Repertory of Practice of United Nations Organs, which he had discussed in detail in his statement at a previous meeting of the Sixth Committee, the Repertoire of the Practice of the Security Council and the United Nations Legislative Series. In addition, consideration should be given to reprinting the out-of-print volumes of the Yearbook of the International Law Commission and the out-of-print volumes of the Official Records of important conferences held both under the auspices of the United Nations and under other auspices.

(Mr. Rosenne, Israel)

41. With reference to paragraph 10, his Government regretted that, owing to its difficult financial situation it was unable to continue the practice, of which it had been an originator, of making funds available for students from developing countries to take part in the Geneva International Law Seminars. It continued to attach great value to those seminars and hoped that it would not be long before conditions improved and it would be able to renew its contributions.

42. Although he endorsed in principle the United Nations-UNITAR Fellowship Programme in International Law (A/34/693, part II, sect. B), he believed that there was room for improvement in so far as the geographical distribution of its lecturers and seminar leaders was concerned. The same remark applied, in certain respects, to the publications programme (*ibid.*, part II, sect. C.1). In particular, it would be advisable for a broadly-based team of experts to examine material before it was published, since some of the publications referred to in the Secretary-General's report might be more controversial than was customary for those which emanated from an international organization.

43. With regard to the travaux préparatoires of United Nations multilateral conventions (*ibid.*, part II, sect. D.2 (a)), he would refer the Committee to the statement he had made during its discussion on the UNCITRAL report (A/C.6/34/SR.27, para. 32) regarding the reasons why UNITAR should under no circumstances undertake such work unless the body which drew up the convention so requested. He urged UNITAR to reconsider the matter in the light of the role which travaux préparatoires were really meant to play in interpreting treaties and of the difficulties which hampered any supposedly non-partisan publication of such work.

44. He had serious doubts regarding the liability of States for damage caused through scientific and technological innovations (*ibid.*, part II, sect. D.2 (b)) and wished again to call upon UNITAR to work in close contact with the International Law Commission on all aspects of liability and responsibility and with the United Nations Environment Programme on matters concerned with the environment. He also had strong reservations about the proposed review of certain documents of the Third United Nations Conference on the Law of the Sea (*ibid.*, para. 54), particularly in view of the delay in the publication of its official records. Moreover, as no record had been taken of most of the discussions held since 1975, it would be difficult to compile a coherent and objective account of what had taken place.

45. He likewise had reservations regarding the general endorsement which the Committee was apparently being asked to give to the UNLSCO publications programme (*ibid.*, part III, sect. C) when it had no detailed knowledge of that programme. However, the matter could probably be discussed within the appropriate body of UNLSCO.

46. For the reasons he had already stated, he was not in favour of the continuation, for the time being, of the programme referred to in paragraph 68 of the report (*ibid.*, part III, sect. D). The matter should be discussed more fully in 1980, when the whole question of the drafting of multilateral treaties would be considered in detail.

(Mr. Rosenne, Israel)

47. He fully agreed with the statement in the report regarding the Hague Academy of International Law (ibid., part V, sect. B, para. 96) and shared in the general positive evaluation of its work. He had been dismayed to hear from the representative of the Netherlands of the likely consequences if a way out of the Academy's financial difficulties could not be found.

48. Lastly, he suggested that in future the report on the Programme of Assistance should be circulated not later than September of each year, in order to enable delegations to consult their academic authorities and national Bar Councils.

49. Mr. MAKAREVITCH (Ukrainian Soviet Socialist Republic) said that the teaching and wider appreciation of international law had assumed great importance in the modern world, particularly as it related to the codification and progressive development of international law by the United Nations and other international organizations. The Programme of Assistance instituted by the United Nations in that connexion had made considerable progress in the past two years; in addition to the international law seminars held annually during the sessions of the International Law Commission, advisory services had been provided by legal experts under technical assistance programmes and United Nations publications had been circulated to educational establishments and scientific institutions in the developing countries. UNESCO and UNITAR had likewise emphasized the teaching and study of international law in the developing countries. He observed, however, that very few international law experts from the socialist countries had been invited to take part in activities under the programme. In his delegation's view, it was important to ensure that participants learnt about the socialist approach to international law as well as others and acquired a balanced view of the main legal systems throughout the world.

50. His Government attached great importance to the teaching and study of international law. Research on international law was carried out at the Academy of Sciences of the Ukrainian SSR and at higher educational establishments, and the syllabuses of all law faculties included a complete course on the subject. In addition, assistance was provided to developing countries, under bilateral arrangements, in the training of specialists in international law, and students from more than 50 countries, including countries in Africa, Asia and Latin America, were studying international law at Kiev State University. Assistance of that kind, rendered by Governments, should also be taken into account when discussing the United Nations Programme of Assistance.

51. His delegation's position concerning any draft resolution on the item would be based on the need to avoid incurring any additional financial expenditure from the United Nations budget; the additional needs of the Programme of Assistance should be met from voluntary contributions. In view of the serious financial situation of the United Nations, the financial implications of its decisions should be kept to a minimum.

52. Mr. ROSENSTOCK (United States of America) said that he was in general agreement with the Secretary-General's report. However, he did not believe that there was any such thing as socialist international law or any other ideological or regional form of international law. Such law was by definition international in

(Mr. Rosenstock, United States)

scope, and any emphasis on geographical distribution was therefore contrary to its very nature. There might possibly have been some ground for concern had all the lecturers at seminars been drawn from the same region, but he noted from foot-note 8 to paragraph 24 of the Secretary-General's report that that was not the case. The same remark could be said to apply to the authors of the publications issued by UNESCO, which were sometimes more like an advocate's brief than like an academic treatise. He further noted that the views of lawyers from Western Europe, North America and Latin America were conspicuously absent. That was not a matter of great concern, in view of the undoubted competence and experience of those who had been selected under the United Nations Programme of Assistance; his delegation did not complain that UNESCO had not chosen a United States author, nor would it regard it as proper to do so.

53. The United States was a primary source of funding for the Hague Academy of International Law, the monies coming mainly from private sources which benefited from tax incentives. It hoped to maintain its contribution to a substantial degree but trusted that some of its burden would gradually be assumed by others. He agreed entirely with what had been said regarding the excellence of the Academy's training and its published lecture series, which was probably the single most important source of contemporary writing on international law.

54. With regard to publication activities, his delegation did not interpret the expression of gratitude in the report as a request to endorse UNESCO's publications programme. If there were such a request, his delegation would have to express a reservation, since the proper place to form a value judgement was within UNESCO.

55. He hoped that the Secretariat would continue its work on the Programme of Assistance and that publications of fundamental importance to the historical development of the United Nations as an institution, such as the Repertory of Practice of United Nations Organs and the Repertoire of the Practice of the Security Council, would continue in print.

56. Mr. ANDERSON (United Kingdom) said that his delegation supported the Programme of Assistance as outlined in the Secretary-General's report.

57. His Government had recently donated the sum of £65,000 to UNITAR, since it placed great value on the Institute's work on international law and, in particular, on the proposed programme of research and publication on the travaux préparatoires of United Nations conventions. The United Kingdom had chosen to make its contribution to the Programme of Assistance in that way, rather than by awarding scholarships or fellowships, since it continued to hold an annual course in London for governmental legal officers from overseas. That course, which was very well attended, included basic international law.

58. His delegation had listened sympathetically to the appeal by the Netherlands representative on behalf of the Hague Academy of International Law, which had done outstanding work, and trusted that the Academy would be able to overcome its difficulties.

(Mr. Anderson, United Kingdom)

59. Lastly, his delegation wished to associate itself with the United States delegation's remarks regarding lecturers and the UNESCO publications programme.

60. Mr. KATEKA (Tanzania) said that his delegation had already had occasion to express its misgivings about the choice of lecturers for seminars and regional courses on international law. In its view, it was unrealistic to suggest that there was no such thing as, for instance, African international law. In that connexion, he pointed out that Article 9 of the Statute of the International Court of Justice provided that, in the election of judges to the Court, the representation of the main forms of civilization and the principal legal systems of the world should be assured. By the same token, it was essential to ensure that international law seminars, which were mainly designed for participants from developing countries, did not serve as a platform for indoctrinating students in one approach to international law. The problem was compounded by the fact that some lecturers were reappointed time and again to the same courses, on the ground that it was less expensive to recruit them in Western Europe, where the seminars were normally held, rather than, say, in Africa. That was not a valid argument, in his delegation's view, particularly since there was no lack of legal competence in the developing world. Of course, in the case of regional courses, there might be a bias in favour of lecturers from the region in which the course was held. But that was no excuse for not seeking to achieve a balance not only with regard to geographical distribution but also with regard to the main legal systems of the world. He trusted that the draft resolution on the item would take account of that point.

The meeting rose at 12.45 p.m.