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SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. GUNA-KASEM (Thailand)

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The meeting was called to order at 10.35 a.m.

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 and L.17)

1. Mr. MAZILU (Romania) said that the item under consideration was particularly important in that it responded to the need to adapt the principles and norms of international economic law to progressive changes in international life. His country believed that the complex problems confronting the world could be resolved only through the increased participation of all States, on a completely equal footing, in the consideration and solution of those problems. As President Nicolae Ceausescu had stated at the Twelfth Congress of the Romanian Communist Party, the new economic order must ensure that relations among all States were based on the principles of equality and equity, must guarantee the access of the least developed and developing countries to modern technology and the achievements of contemporary science and must promote their rapid progress in all areas, while at the same time creating the necessary conditions for balanced economic development throughout the world.
2. In eliminating underdevelopment, the peoples concerned had an important part to play, and they must increase their solidarity and co-operation to that end. However, the economically advanced States also had a major responsibility, since their development was due partly to the exploitation and oppression of other peoples. Any new norms must be designed to eliminate inequities and injustice, improve economic relations and help to establish a fair ratio between the prices for raw materials and those for industrialized products, in order to ensure that all countries had access, on an equitable basis, to raw materials and energy sources. That process should take particular account of the right of each State to participate in international co-operation on an equal footing and the need to guarantee mutual benefits in trade between countries and co-operation between the developed and the developing countries.
3. The working paper presented by the delegation of the Philippines (A/C.6/34/L.7) enunciated a number of principles of international economic law which had been formulated in documents prepared by the General Assembly since its sixth special session and by UNCTAD at its fifth session, as well as in other international instruments. Those general principles and norms marked the beginnings of efforts to codify international economic law, which were, however, hampered by difficulties, as could be seen from the lack of continuity, excessively general nature and ineffectiveness of the solutions proposed. In view of the complexity of the process of setting economic relations among States on new bases, his country had drawn attention, on the one hand, to the need to find solutions to the substantive problems created by the new international economic order and, on the other, to the objective interdependence between the economic and political dimension and the legal and institutional dimension of the new order. That was reflected in the specific proposals which it had made with regard to the democratization of international relations and the refinement and development of norms and principles

(Mr. Mazilu, Romania)

of contemporary international law. To that end, and in order to encourage progressive and democratic trends in global economic relations, Romania had proposed drawing up a systematic code of international economic relations which embodied an over-all strategic approach to finding solutions that would be effective in achieving major objectives.

4. Accordingly, his delegation endorsed the proposal that the Secretary-General should prepare a study and should present a preliminary report on that study to the General Assembly at its thirty-fifth session (A/C.6/34/L.17). The codification process must confirm and develop the important principles of the sovereign economic equality of States, permanent sovereignty over natural resources, equity and mutual assistance in economic relations, the co-operation of all States in efforts to achieve progress and development and to eliminate existing economic disparities, territorial integrity, non-interference in the internal affairs of other countries, non-use of force or the threat of force or any kind of economic coercion, peaceful settlement of all disputes among States, including economic disputes, and effective participation of all countries on an equal footing in the solution of global economic problems, in the interests of the progress and development of all peoples.

5. The norms governing new economic relations among States would have to be codified on the basis of those principles, stipulating not only the general rights and duties of States but also standards of conduct which could guarantee that such relations were just and equitable.

6. The codification process must also take into account the contribution to be made by the legal factor during the new United Nations Development Decade and subsequent decades. To that end, codification efforts must be made to respond fully to the needs of economic development.

AGENDA ITEM 109: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWELFTH SESSION (continued) (A/34/17; A/C.6/34/L.5, L.6 and L.16)

7. Mr. WINKLER (Austria), introducing draft resolution A/C.6/34/L.16 on behalf of the sponsors, said that, in general, it was similar to resolutions adopted by the General Assembly in previous years, although it contained some new elements.

8. Thus, paragraph 4 noted with satisfaction that UNCITRAL had taken positive action by establishing a Working Group on the New International Economic Order and by conferring on it a specific mandate.

9. Paragraph 5 (e) used broader language than the resolution adopted at the preceding session, referring to the "special problems of countries due to their geographical situation" rather than the "special problems of land-locked countries" in order to cover, inter alia, the special problem of island developing countries.

10. Paragraph 7 noted with satisfaction that the transfer of the International Trade Law Branch to Vienna had been completed and made special reference to the establishment of a law library for the use of UNICTRAL and its secretariat. His

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(Mr. Winkler, Austria)

Government had made a financial contribution of \$150,000 to that end. As host country, Austria continued to have a special interest in ensuring that the International Trade Law Branch and UNCITRAL would find adequate research and reference facilities at Vienna, and it would continue to offer its co-operation in that respect. Further funds would, however, be needed to complete the law library. Paragraph 7 (c) requested the Secretary-General to earmark, out of the funds allocated to the common library of the Vienna International Centre, such an amount as was necessary for the maintenance of the law library and for the acquisition of materials required for UNCITRAL's programme of work. He wished to make it clear that the request was not for additional funds but for allocating to the law library an appropriate portion of the amount already envisaged for the common library under the United Nations budget. Similarly, paragraph 7 (d) appealed to Governments to contribute to the UNICITRAL law library.

11. The sponsors hoped that draft resolution A/C.6/34/L.16 would be adopted by consensus.

12. Mr. PIRIS (France) announced that his country wished to become a sponsor of draft resolution A/C.6/34/L.16. He said that in paragraph 4, the words "as adopted" would be better rendered in the French text by the words "telles qu'adoptées".

13. Mr. KUMI (Ghana) announced that his country wished to become a sponsor of draft resolution A/C.6/34/L.16.

14. Mr. WINKLER (Austria), replying to a question from Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic), said that the draft resolution did not contain a paragraph calling for the inclusion of the item on the report of the United Nations Commission on International Trade Law in the provisional agenda of the thirty-fifth session because UNCITRAL was a permanent body and therefore the item would automatically be included.

15. The CHAIRMAN said that if there was no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/34/L.16 by consensus.

16. It was so decided.

AGENDA ITEM 118: RESOLUTIONS ADOPTED BY THE UNITED NATIONS CONFERENCE ON THE REPRESENTATION OF STATES IN THEIR RELATIONS WITH INTERNATIONAL ORGANIZATIONS
(continued) (A/10141)

- (a) RESOLUTION RELATING TO THE OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES
- (b) RESOLUTION RELATING TO THE APPLICATION OF THE CONVENTION IN FUTURE ACTIVITIES OF INTERNATIONAL ORGANIZATIONS

17. The CHAIRMAN recalled that when the item had been considered at the 52nd and 53rd meetings, many representatives had favoured giving it priority at the

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thirty-fifth session of the General Assembly; he therefore suggested that the Committee should recommend the General Assembly to include the item in the provisional agenda of its next session on a priority basis.

18. Mr. ROSENSTOCK (United States of America) said that the Committee's order of work was determined by many factors, and therefore such a decision should not be taken. He suggested that the Committee should recommend inclusion of the item in the provisional agenda of the thirty-fifth session of the General Assembly; the record should state that many speakers had expressed a desire for giving the item priority treatment in 1980, but such priority should not be included in the Committee's decision.

19. Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic), supported by Mr. VERENIKIN (Union of Soviet Socialist Republics), endorsed the Chairman's suggestion, since many speakers had said that the item should be considered in greater detail and had expressed the hope that it would be given priority at the thirty-fifth session of the General Assembly.

20. Mr. MacKAY (New Zealand) said that the Committee's established practice was not to assign priority to any item one session in advance. The matter should be decided at the start of the next session, when the Committee's programme of work would be determined, and for the present it could suffice to mention the wish expressed by delegations that the item should be treated on a priority basis.

21. Mr. VERCELES (Philippines) suggested that the Committee should decide to include the item in the provisional agenda of the next session and should express the hope that it would be considered on a priority basis, in view of the opinions expressed by a number of delegations.

22. Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic) said that his delegation could accept the Philippine delegation's proposal.

23. Mr. ROSENSTOCK (United States of America) said it could be indicated that some speakers had expressed the hope that the item would be given priority. His delegation did not share the view that an item relating to a treaty which had not yet entered into force should be considered on a priority basis.

24. Mr. SIMANI (Kenya) said that the question of priority would in any case have to be decided anew at the next session.

25. The CHAIRMAN, noting that objections had been made to assigning priority to the item in the Committee's decision, suggested that the Committee should recommend the General Assembly to include the item in the provisional agenda of its thirty-fifth session and should state that many delegations had expressed the wish that the item should be given high priority at that session. If there was no objection, he would take it that the Committee wished to adopt his suggestion.

26. It was so decided.

AGENDA ITEM 112: MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS, AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES: REPORT OF THE AD HOC COMMITTEE ON INTERNATIONAL TERRORISM (continued) (A/34/37, 87, 403, 429, 435 and 495; A/C.6/34/L.20)

27. Mr. KATEKA (United Republic of Tanzania), introducing draft resolution A/C.6/34/L.20 on behalf of the sponsors, said that the preamble was based mainly on General Assembly resolution 32/147 of 16 December 1977 and that it included a new reference to the Declaration on the Strengthening of International Security, the Definition of Aggression and the Additional Protocols to the Geneva Conventions of 1949, as well as a provision reaffirming the inalienable right to self-determination.

28. The operative paragraphs were based on the recommendations in paragraph 118 of the report of the Ad Hoc Committee on International Terrorism, except for paragraph 4, which was based on General Assembly resolution 32/147. Paragraphs 3 and 4, when considered together, made the draft resolution a balanced one, and paragraph 14 should be read in conjunction with paragraph 9.

29. Mr. ROSENSTOCK (United States of America) said that the draft resolution had two different types of antecedents: on the one hand, the series of recommendations contained in paragraph 118 of the report of the Ad Hoc Committee on International Terrorism, which had been adopted by a large and representative group of States, and, on the other, the provisions of General Assembly resolution 32/147, on which there had not been a consensus. Since the differences concerned only one preambular paragraph and one operative paragraph, the problem could be solved in a few days, but it was extremely important that an effort should be made to re-establish a consensus, and for that reason the members of the Ad Hoc Committee should hold another meeting.

AGENDA ITEM 111: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL (continued) (A/34/693; A/C.6/34/4 and Corr.1; A/C.6/34/L.18 and L.19)

30. Mr. KUMI (Ghana), introducing draft resolution A/C.6/34/L.18 on behalf of the sponsors, said that, in general, the draft resolution did not require further explanation and was the same as previous resolutions on the same item, with the exception of paragraphs 6 and 7.

31. In paragraph 1 the General Assembly would authorize the Secretary-General to carry out in 1980 and 1981 the activities specified in section III of his report (A/34/693), and two components of those activities which would be financed from provisions in the regular budget of the United Nations and extrabudgetary resources, were mentioned.

(Mr. Kumi, Ghana)

32. Paragraphs 6 and 7 were included, taking into account the decision adopted by the Advisory Committee on the United Nations Programme of Assistance in Teaching, Study, Dissemination and Wider Appreciation of International Law (A/34/693, para. 96), in order to draw attention of Governments and other potential donors to the desirability of providing the Hague Academy of International Law the funds it needed to overcome its financial problems.
33. With regard to paragraph 11 of the draft resolution, it should be pointed out that the mandate of the current members of the Advisory Committee would expire at the end of 1979; the names of the Member States whose nationals would be members of the Advisory Committee did not appear in that paragraph because the sponsors hoped that the Committee, before submitting the draft resolution to the General Assembly, would prepare the list of 13 names once the regional groups had agreed upon the candidates.
34. Lastly, he said that there was no need to send the draft resolution back to the Fifth Committee since the necessary resources from the regular budget were already included in the proposed programme budget for the biennium 1980-1981.
35. Mr. KATEKA (United Republic of Tanzania), submitting document A/C.6/34/L.19 containing an amendment to draft resolution A/C.6/34/L.18, said that the purpose of the amendment was to ensure that in appointing lecturers for its seminars and regional courses, the Institute would take into account the need to secure representation of major legal systems and balance among various geographical regions.
36. Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic) supported the amendment proposed by Tanzania, which fully met the desire of his delegation that there should be a balance between the major legal systems in the Institute.
37. Mr. WINKLER (Austria) said that his country attached particular importance to the activities designed to enhance the study, dissemination and wider appreciation of international law among young lawyers from all over the world, especially developing countries. Students from countries which did not yet have a fully developed system of higher education should be provided with the opportunity to study in such famous institutions of learning as the Hague Academy of International Law. His Government had contributed to the United Nations programmes in that field and would try to do so in the future; approximately 40 per cent of those contributions were earmarked for the International Law Seminar in Geneva.
38. With regard to the UNITAR research activities mentioned in paragraphs 47-56 of the report (A/34/693), his Government welcomed the project dealing with travaux préparatoires of certain multilateral conventions adopted under the auspices of the United Nations and had therefore made a voluntary contribution to help start that project. It was to be hoped that the scope of the project would be enlarged in the future to include other conventions which were currently under consideration. His delegation was also interested in the project mentioned in paragraphs 52-56 of the report, on the evolution of the liability of States for damage caused through scientific and technological innovations, and looked forward to studying the concrete results of that work in the near future.

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(Mr. Winkler, Austria)

39. With regard to the appeal made by the Hague Academy of International Law for assistance in order to solve its financial problems, his delegation reiterated its appreciation of the contribution made by the Academy to the study and teaching of international law and expressed the hope that ways would be found to ensure the full continuation of its programmes and activities. Austria had brought that matter up in the Council of Europe, appealing to Governments to assist the Academy, and had decided to make an annual contribution to alleviate the financial situation of that institution. It would be appropriate if the resolution to be adopted by the General Assembly on that topic included a similar appeal to all Governments to make contributions in order to put the Academy on a sound financial basis.

40. Mr. WATANABE (Japan) said that, as the representative of the Netherlands had pointed out, the Academy's programmes were in danger of having to be reduced to an unacceptable level or even to be abandoned altogether as a result of its accumulating financial problems. Japan, which attached great importance to the Academy, contributed financially to its maintenance. His Government had also supported its activities by hosting one of its external programmes held in Tokyo in 1978. His delegation felt that it was important that the activities of the Academy should continue in the future and hoped that a solution to its current financial problems would be found.

41. Mr. KOTEVSKI (Yugoslavia) said that the activities of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law were an important part of the general effort to strengthen the role of international law in international relations. The programme was important for jurists from developing countries, giving them the opportunity to broaden their knowledge of legal questions of particular interest to their countries.

42. The report (A/34/693) showed that the Programme had been carried out in accordance with the relevant General Assembly resolutions and that it had been successful, taking into account the possibilities and resources at its disposal. The report also showed that those positive results had been achieved through the concerted efforts of the United Nations, UNESCO, UNITAR and organizations and institutions of international law throughout the world, as well as through the assistance of the Member States.

43. His delegation agreed with the views expressed at the fourteenth session of the Advisory Committee on the Programme that it was necessary to increase the number of lecturers from the developing countries. The equitable participation of lecturers from all the regions of the world was particularly important for the dissemination and wider appreciation of the different social and legal systems, which was one of the basic objectives of the Programme and, to that end, his delegation supported the amendment in document A/C.6/34/L.19.

44. Furthermore, it was a matter of concern that the Hague Academy of International Law, which had made such a valuable contribution to the realization of the Programme, was undergoing serious financial difficulties, and his delegation

(Mr. Kotevski, Yugoslavia)

supported the proposal that the General Assembly should draw the attention of Governments and other potential donors to the desirability of providing the Academy the funds necessary to continue its work. Lastly, his delegation fully supported the recommendations of the Secretary-General regarding the execution of the activities of the Programme in the next biennium.

45. Mr. GÜNEY (Turkey) stressed the desirability of including in the UN Monthly Chronicle not only the texts of resolutions of legal interest adopted by the General Assembly but also the texts of decisions and resolutions which were adopted by other bodies and which were also of legal interest. With regard to the provision of advisory services of experts, the statement in the report that the activities in that field had continued to be administered within the framework of established technical assistance programmes was very brief and incomplete and his delegation felt that more detailed information should be included and that the countries which had requested those services and the measures taken in that regard should be indicated.

46. Furthermore, he supported the statement in paragraph 90 of the report that there was not sufficient balance among lecturers coming from various legal systems of the world, with too much representation from Western European countries, and he stressed the need to correct that situation. Subject to the decision to be taken by the other sponsors of draft resolution A/C.6/34/L.18 in that regard, his delegation supported the amendment proposed by the United Republic of Tanzania in document A/C.6/34/L.19.

47. Mr. BARBOZA (Argentina) said that his delegation supported the goals of the Programme, namely, to disseminate international law and help to promote respect for it and make it more effective. Such action was of particular concern for the developing countries, which had a specific interest in the full effectiveness of the international legal order and in having an increasing number of experts in that field.

48. Under draft resolution A/C.6/34/L.18, the General Assembly would note with appreciation the contributions made by the Hague Academy of International Law to the Programme and call upon Governments to assist it in overcoming its financial problems, particularly in order to enable it to plan programmes extending over more than one year. The Academy's tradition of a high standard of teaching was known universally, and the academic world of international law would not be the same without that distinguished institution; the objectives of the various programmes would undoubtedly be seriously jeopardized if the Academy could not fully exercise its function of teaching and disseminating international law. Since the Academy received its income on an annual basis, it was difficult for it to plan courses or programmes extending over more than one year and it was therefore necessary for Governments to endeavour to remedy that situation.

49. In conclusion, his delegation expressed its support for any initiative to increase the number of persons from developing countries participating in those programmes.

50. Mr. ROSENSTOCK (United States of America) introduced a subamendment to the amendment of the delegation of the United Republic of Tanzania in document A/C.6/34/L.19, according to which the text of the latter would read: "and notes that in appointing lecturers for its seminars for international law fellows and the regional courses, the Institute should bear in mind the necessity of securing lecturers of the highest standards of competence and the desirability of seeking representation of major legal systems and balance among various geographical regions;".

51. Mr. MAZILU (Romania) noted with appreciation the report of the Secretary-General on the implementation of the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law and expressed his support for the amendment of the United Republic of Tanzania to draft resolution A/C.6/34/L.18.

52. Mr. ANDERSON (United Kingdom) pointed out that according to paragraph 45 of the report (A/34/693) virtually all the faculty members for courses taught in the Bahamas and Mexico came from Latin America and the Caribbean. In that connexion, he inquired whether the proposed amendment to paragraph 4 of draft resolution A/C.6/34/L.18 implied the desire to change the existing arrangements concerning regional courses.

53. Mr. KATEKA (United Republic of Tanzania) pointed out that his amendment related to seminars. With regard to regional courses, it seemed reasonable to him that the majority of the faculty should be from the region in which they were held. Moreover, he did not believe it was necessary to defer the decision on the amendment he had submitted, since it had so far not been possible to reach an informal agreement. He did not think the United States subamendment was acceptable and considered that it was not relevant to Article 101 of the Charter, which indicated the necessity of securing the highest standards of competence, since that provision related solely to the staff of the United Nations.

54. Mr. ANDERSON (United Kingdom) observed that the amendment of the United Republic of Tanzania related not only to seminars but also to regional courses.

55. Mr. KATEKA (United Republic of Tanzania) said that his amendment was aimed at correcting the imbalance among the various geographical regions and related primarily to seminars. In any event, its purpose was also to ensure that in the future regional courses would not be restricted to Anglo-Saxon law, as had been the tendency in the past.

56. The CHAIRMAN asked whether the Committee was ready to take a decision on the draft resolution and the amendment during the night meeting.

57. Mr. MacKAY (New Zealand) requested that adoption of the decision should be deferred, since the amendment had just been circulated.

58. Mr. ROSENNE (Israel) recalled that his delegation had also raised the question of balance during an earlier meeting, but from a point of view different from that of the representative of the United Republic of Tanzania. In his view, the proposed amendment was somewhat unreasonable, and he could not support it in its current form.

59. Mr. KATEKA (United Republic of Tanzania) said that his amendment was dated 30 November and asked the Chairman how he interpreted rule 120 of the rules of procedure of the Assembly.
60. The CHAIRMAN said that, according to the rules of procedure, voting could take place during the night meeting, as the amendment had been submitted 24 hours earlier.
61. Mr. ROSENNE (Israel) said that the actual word that was used in the rules of procedure was "circulated", and not "submitted". As far as his delegation was concerned, the text had been circulated that very day.
62. Mr. SIMANI (Kenya) observed that no effort had been made to reach a compromise solution. He therefore suggested that a decision should be taken during the night meeting and expressed the hope that in the meantime there would be a useful exchange of views.
63. Mr. OUEDRAOGO (Upper Volta) supported the suggestion put forward by the representative of Kenya.
64. Mr. GRAY (United States of America) recalled that his delegation had previously proposed a text that could lead to a compromise solution. For that reason he did not wish members of the Committee to be left with the impression that such a solution was not possible. Moreover, he supported the suggestion put forward by the representative of New Zealand that adoption of a decision should be deferred and said that his delegation had received the amendment that same day, which meant that the requirement of rule 120 of the rules of procedure had not been met.
65. Mr. KATEKA (United Republic of Tanzania) said that, according to the last sentence of rule 120 of the rules of procedure, the Chairman might permit the consideration of amendments, even though such amendments had only been circulated the same day. Moreover, the need to conduct negotiations could not be offered as an excuse for deferring a decision, since negotiations had already been tried and they had failed.
66. Mr. MacKAY (New Zealand) said that his delegation had not taken part in any negotiations. The whole problem lay in the fact that in the morning two proposals had been submitted to the Committee, draft resolution A/C.6/34/L.18 and the amendment in document A/C.6/34/L.19, which seemed to be controversial, and his delegations needed time for reflection on those proposals.
67. The CHAIRMAN said that, in view of the objections that had been voiced, the question would not be put to the vote during the night meeting. During the meeting scheduled for 4 December the draft resolution, the amendment of the United Republic of Tanzania and the United States subamendment would be put to the vote.

The meeting rose at 12.35 p.m.