

tion did not think that the Conference should be given guidelines concerning the problems it should deal with.

59. Mr. BRACKLO (Federal Republic of Germany) said he had voted against draft resolution A/C.6/L.969 as he felt that it would be wrong to prejudge the results of the Conference. Besides, the way in which the text presented the principles enumerated in it could only give rise to confusion. Also, the text made a distinction between the parties to a conflict, whereas humanitarian

law should be applied to them on an equal footing. As the Spanish delegation had pointed out, the draft failed to make a clear distinction between the question of the legitimacy of a conflict and the question of the means used. He said, however, that his Government firmly supported the application of humanitarian law in all circumstances, including denial of a people's right to self-determination.

The meeting rose at 6.20 p.m.

1455th meeting

Wednesday, 5 December 1973, at 11.05 a.m.

Chairman: Mr. Sergio GONZÁLEZ GÁLVEZ (Mexico).

AGENDA ITEM 96

Respect for human rights in armed conflicts: report of the Secretary-General (*concluded*) (A/9123 and Corr.1 and Add.1 and 2, A/9215, A/C.6/L.964, A/C.6/L.966/Rev.1, A/C.6/L.968-971)

1. Mr. KUSSBACH (Austria) said that his delegation had voted against draft resolution A/C.6/L.969, because it had felt that any resolution concerning humanitarian law should first of all reflect the spirit of the Geneva Conventions of 1949 and should not in any way prejudice the work of the forthcoming Diplomatic Conference on the Reaffirmation and Development of International Humanitarian Law applicable in Armed Conflicts. It had felt that any resolution adopted should be uncontroversial and unanimously supported. Accordingly, his delegation had sponsored draft resolution A/C.6/L.964, because it had appeared to fulfil all the criteria which it had felt were indispensable.

2. Draft resolution A/C.6/L.969, on the other hand, failed to take account of a basic principle of humanitarian law, namely impartiality in the treatment of all combat groups. It would prejudice the work of the Diplomatic Conference and had clearly aroused considerable controversy among delegations. While he could understand the motives of the sponsors, he regretted that his delegation had been unable to support it as worded. Unfortunately, there had been insufficient time to reach an agreement on a better form of wording. His delegation's vote against draft resolution A/C.6/L.969 in no way affected his Government's basic position with regard to the right of peoples to self-determination, which position would shortly be reaffirmed, since on 10 December 1973 Austria was to sign the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights and its Optional Protocol (General Assembly resolution 2200 A (XXI), annex). Those instruments imposed a binding obligation on parties to recognize the right of peoples to self-determination.

3. Mr. VAN BRUSSELEN (Belgium) said that his delegation had voted against draft resolution A/C.6/

A/C.6/SR.1455

L.969. The resolution was unbalanced, as had already been explained by other delegations, in particular those of the United Kingdom (1453rd meeting) and the Federal Republic of Germany (1454th meeting). Moreover, his delegation felt that that draft resolution prejudged the course of work of the Diplomatic Conference and its results. He felt that it was for the Conference alone to take decisions, in the light of its debates, on the topic which it was to consider. The Diplomatic Conference must be able to act with full independence and sovereignty. His delegation's negative vote did not mean that Belgium did not wish to see those fighting for their freedom receive treatment as favourable as all other victims of armed conflict. Belgium felt that members of national liberation movements were entitled, like everyone else, to enjoy the benefit of the application of the principles of humanitarian law. His delegation's negative vote had been prompted by legal and organizational motives and did not reflect a position of principle with regard to the application of existing and future rules of humanitarian law to freedom fighters. His delegation was ready to play a constructive role in the Diplomatic Conference.

4. Mr. ZOTIADES (Greece) said that his country believed in the importance of humanitarian law and the reaffirmation of principles of law relating to armed conflicts. Accordingly, it had voted in favour of draft resolution A/C.6/L.964. For the same reasons, it had voted in favour of the amendment submitted by the United Arab Emirates (A/C.6/L.970). However, it had been obliged to abstain in the vote on draft resolution A/C.6/L.969. While his delegation sympathized with the spirit of the sponsors, it felt that international law as developed under the Charter of the United Nations precluded endorsement of a philosophy which departed from the principle of universality and introduced the notion of just and unjust wars. His delegation had had misgivings with regard to the legal aspects of that text. The question whether or not to invite national liberation movements to attend the Conference was outside the competence of the Sixth Committee and must be decided by the Conference itself. His delegation felt that the same criteria of humanitarian law should apply to all parties in any armed conflict, and he reaffirmed

his delegation's traditional support for the principle of self-determination and the inalienable right of colonial peoples to freedom and independence.

5. Mr. SCOTT (Jamaica) said that his delegation had abstained in the vote on draft resolution A/C.6/L.969, because it had doubted whether the General Assembly should be asked to give instructions to a plenipotentiary conference as to how it was to deal with its topic. His delegation fully sympathized with the apparent objectives of the draft resolution, but, notwithstanding the declarations referred to in the sixth preambular paragraph, his delegation found it hard to agree that the forces of one party to an armed conflict should receive different treatment than the forces of the other party.

6. Mr. HAMMAD (United Arab Emirates), speaking in exercise of the right of reply, recalled that the Israeli representative, when explaining his vote on amendment A/C.6/L.970 at the previous meeting, had said that his single negative vote had been due to the observations made by the sponsor. He recalled that his own delegation, in its comments on the amendment, had stressed two main points: first, the necessity for every State party to a convention to adhere to the letter and spirit of that instrument and to honour its obligations thereunder and, secondly, the necessity for full disclosure of information relating to the stand taken by a State party in not applying an international convention. The representative of Israel apparently did not endorse those two principles, and the delegation of the United Arab Emirates could therefore only construe his negative vote as an expression of that fact. His delegation noted that all the other members present in the Sixth Committee had voted in favour of the amendment—which appeared to indicate approval of his delegation's viewpoint—that there had been no abstentions, and that only Israel had voted against it.

Tribute to Mr. Constantin A. Stavropoulos, Under-Secretary-General for Legal Affairs, The Legal Counsel

7. Mr. STEEL (United Kingdom) said that all were aware that the current session of the General Assembly, which was nearing its end, was the last session at which Mr. Stavropoulos would be present as Legal Counsel to give delegations the benefit of his advice and friendship. He had heard from his predecessors precisely how great was the debt which the Organization owed to the work and wisdom of Mr. Stavropoulos, from the earliest years of the United Nations. On behalf of his own delegation and those of the Western European and other States, he wished to express appreciation to Mr. Stavropoulos, deep regret at his departure and best wishes for his happiness and success in his next task, which was one of great importance to the international community.

8. Mr. KARASSIMEONOV (Bulgaria) expressed, on behalf of the delegations of the Eastern European States and his own delegation, profound gratitude to Mr. Stavropoulos, who was about to leave the United Nations Office of Legal Affairs to assume a new and very important post. He expressed deep appreciation for all the co-operation he had rendered and his great

contribution to the work of the United Nations and to international law.

9. Mr. ROSENSTOCK (United States) said that Mr. Stavropoulos was a lawyer of skill and sophistication, a negotiator without equal and that his greatness within the Secretariat was attested to by the undying loyalty evinced by all his staff and by the members of the International Law Commission and the International Court of Justice who had had the benefit of his influence and inspiration when they had worked for him early in their careers. All of those assets faded by comparison with his warmth and integrity. Of his many contributions to the growth and development of law, perhaps the greatest had been the manner in which his independence, integrity and dedication had served in defining the meaning of Articles 100 and 101 of the Charter.

10. It was fortunate that he had been called upon to bring his skills to the most important codification exercise of the decade, if not of the century. His role augured well for the success of the Third United Nations Conference on the Law of the Sea.

11. The friendship of Mr. Stavropoulos had probably been the greatest honour bestowed on him in his career in government. The best way of expressing gratitude to Mr. Stavropoulos would be through dedication to the ideals of international co-operation which he had exemplified.

12. Mr. BESSOU (France) expressed regrets on the occasion of Mr. Stavropoulos' departure. Although he was leaving his post as Under-Secretary-General for Legal Affairs and Legal Counsel of the United Nations, he would nevertheless continue to serve the Organization. He paid a tribute to the outstanding qualities shown by Mr. Stavropoulos throughout his lengthy career. His delegation had always appreciated the frankness with which he had given advice and personal opinions. He appreciated especially the fact that Mr. Stavropoulos had ever been the spokesman of common sense, which remained the greatest hallmark of a jurist.

13. Mr. FEDOROV (Union of Soviet Socialist Republics) said that the current occasion was a most solemn one. He noted with satisfaction that Mr. Stavropoulos was not leaving the United Nations entirely and would continue to contribute to its work, drawing on his unique experience in international law, particularly from the viewpoint of the United Nations. His experience and exceptional qualifications were envied by all members of the Sixth Committee. Although his delegation had not always agreed with Mr. Stavropoulos or endorsed his legal conclusions, it had always admired his flexibility and ingenuity. Mr. Stavropoulos had been instrumental in helping delegations to reach the kernel of truth and achieve positive results when differences had arisen.

14. He expressed to Mr. Stavropoulos his delegation's wishes for good health and success and hoped that he would still be able to give the United Nations the full benefit of his exceptional qualities. Delegations had become accustomed to the superior quality of Mr. Stavropoulos' work. The tense circumstances in

which he had frequently worked had probably prevented him from writing any major works, and the USSR delegation looked forward to savouring the fruits of his experience in international law.

15. Mr. AKL (Lebanon) said that the lengthy and valuable contribution of Mr. Stavropoulos to the work of the Sixth Committee and to the development of international law was closely linked with the history of the United Nations, particularly in its legal aspects. Previous speakers had stressed the excellent qualities, vast experience and competence of Mr. Stavropoulos. It was a privilege for him, on behalf of the delegations of the Asian States and his own delegation, to express deep appreciation to Mr. Stavropoulos at the end of his brilliant career in the United Nations. However, he was grateful that Mr. Stavropoulos would continue to make available to the Organization the benefits of his great competence and experience.

16. Mr. YASSEEN (Iraq) paid a tribute to Mr. Stavropoulos as an international civil servant, Legal Counsel of the United Nations and a personal friend. Mr. Stavropoulos had all the characteristics of a model international civil servant and a model citizen of the world. He was a brilliant jurist but never dogmatic. Mr. Stavropoulos was well aware that law was the handmaid of the international community and must follow the evolution of international life. Mr. Stavropoulos had been the architect of many solutions which had not seemed orthodox but which had been unanimously endorsed.

17. On the personal level, he recalled that Mr. Stavropoulos' welcome to young jurists coming to the United Nations for the first time had been a highly appreciated encouragement and had resulted in lasting friendships with constructive effects on co-operation between the Secretariat, on the one hand, and the Sixth Committee, the International Law Commission and other United Nations committees working on legal matters, on the other. He had the greatest esteem for Mr. Stavropoulos' virtues and exceptional merits. He had personally learned a great deal from him. He wished to express to him his gratitude and his sincere wishes that his already brilliant career should be crowned with unprecedented success as Special Representative of the Secretary-General to the Third United Nations Conference on the Law of the Sea.

18. Mr. SARACHO (Argentina), speaking on behalf of the delegations of the Latin American States and his own delegation, associated himself with the tribute to Mr. Stavropoulos. At earlier sessions of the General Assembly, and in the Sixth Committee particularly, Mr. Stavropoulos' clear and assured legal advice had assisted negotiations and contributed to the success of the legal work of the United Nations. He wished Mr. Stavropoulos every success in his future task and thanked him for his invaluable work and dedication in his long career in the United Nations.

19. Mr. DIATTA (Niger), speaking on behalf of the delegations of the African States and his own delegation, paid a tribute to Mr. Stavropoulos for his dedicated service in the United Nations. His brilliant qualifications were well known in the Sixth Committee and in codification conferences. It was with sincere regret

that the African delegations saw his departure, and they wished him brilliant success in his new post. He had been a perfect Legal Counsel, and his counsel would ever be welcome among the African delegations.

20. Mr. ROSENNE (Israel) associated himself with the tribute to Mr. Stavropoulos. He had first met Mr. Stavropoulos early in his career on Rhodes during the armistice negotiations of 1949. He had deeply appreciated Mr. Stavropoulos' role in seeking to reconcile the different viewpoints on that occasion. He recalled that he had often talked with Mr. Stavropoulos deep into the night discussing issues somewhat similar to those debated in the Committee the previous day. Throughout Mr. Stavropoulos' career, his delegation had enjoyed fruitful contacts with him. There had been agreements and disagreements and sometimes mutual exasperation. Nevertheless, Mr. Stavropoulos had always been receptive to sound argumentation and unremitting in the search for solutions to concrete problems, often involving very delicate issues. Negotiation with him had been extremely tough but also, extremely pleasurable and never orthodox.

21. While he recalled with pleasure bilateral legal work with Mr. Stavropoulos, he wished to pay tribute also to his multilateral work within the United Nations, which had ensured the success of the work of the General Assembly, the International Law Commission and numerous codification conferences. He paid tribute also to his splendid leadership of the Office of Legal Affairs. He hoped that his new post as Special Representative of the Secretary-General to the Third United Nations Conference on the Law of the Sea would be the crowning assignment of his fruitful career and wished him good fortune and long life.

22. Mr. SHITTA-BEY (Nigeria) wished to express the greatest respect which Nigeria and the Nigerian delegation had always felt for Mr. Stavropoulos as Legal Counsel of the United Nations. His feelings were mixed, because although Mr. Stavropoulos' services as Legal Counsel would officially terminate, he would still be with the United Nations, and his delegation was confident that it would still be able to enjoy the benefit of his advice. Mr. Stavropoulos had long played a leading role in the United Nations and the Sixth Committee. On behalf of his own delegation and on behalf of Mr. Elias, Chief Justice of the Federation of Nigeria, he wished Mr. Stavropoulos good fortune and every success in the future.

23. Mr. MAÏGA (Mali) said that his delegation wished to express its special feelings of admiration for the Legal Counsel's dynamism, professional skill and great legal knowledge. In addition, his tact, firmness and professional conscientiousness had yielded magnificent results in the Office of Legal Affairs and had enriched the Organization as a whole. His departure would leave a great gap for all those who had learned to rely on his sure guidance and the prestige of his intelligence. Mali wished the Legal Counsel all success in his future assignment.

24. Mr. YTURRIAGA (Spain) said that the Legal Counsel's departure illustrated the physical law that in nature everything was transformed, not destroyed.

Thus, Mr. Stavropoulos' great legal potential would be utilized again at the forthcoming Third United Nations Conference on the Law of the Sea, and although his delegation associated itself with others which had expressed regret at the loss of such a distinguished exponent of legal science, it looked forward to benefiting by Mr. Stavropoulos' advice and help at the future Conference.

25. He proposed that the Committee should express its gratitude for and appreciation of the Legal Counsel's service in a resolution adopted by acclamation.

26. Mr. ZOTIADES (Greece) said that, in associating itself with the tribute to the Legal Counsel, his delegation took particular pride in the fact that Mr. Stavropoulos was a son of Greece and exemplified the ancient Greek virtues of fairness, justice and objectivity. By his ability to reach compromises, his dynamism and his hard work, the Legal Counsel had set an example for all jurists concerned with international relations, who also greatly appreciated his humanism, friendliness and familiarity with the difficult legal aspects of the political problems confronting the United Nations. His talent for finding solutions for disputes and promoting international co-operation in multilateral diplomacy had made him especially valuable as the representative of the Secretary-General at the many United Nations legal conferences which had so greatly contributed to the codification and development of international law. The Greek delegation wished him all success in his new post.

27. The CHAIRMAN said he was sure that he was speaking for all the members of the Committee in assuring the Legal Counsel that the tribute to him had nothing to do with his just deserts, but represented only a small and humble token of the gratitude and admiration he had earned during his years of service.

28. Action would certainly be taken on the Spanish representative's proposal.

29. Mr. STAVROPOULOS (Legal Counsel) said that he had been greatly moved by the tribute to him, which had given him occasion to reflect on his 27 years of United Nations service. Indeed, it could be said that not only individual delegations but groups of delegations and even the Secretary-General had found him exasperating at times.

30. His career in the Organization had been to a large extent fortuitous. As a fourth-generation lawyer in Athens, he had not specialized in international law, but had always been interested in it; the Second World War had caught him in London, where circumstances had led him to enlarge his knowledge of international law and consequently to be offered a temporary post at the United Nations in 1946. That had subsequently turned into permanent service in the then Legal Department, with missions to the Near East and Korea and work for the Sixth Committee.

31. When he had been appointed Legal Counsel in 1952—again as the result of fortuitous circumstances—he had found himself confronted with a task which he had never sought and for which he had been obliged to elaborate a philosophy. He had realized that no one asked the Legal Counsel for advice on absolute

points of law, but that the main object was to find feasible ways out of difficult situations; accordingly, the first step was to find out what should be done, taking into account the need for relative flexibility, but always without exception basing the whole exercise on a principle which was honest, not merely expedient. In the latter connexion, a delegation which had acquired the habit of criticizing him indiscriminately but had suddenly abandoned that practice had confidentially explained its change of attitude by saying that at least he was nobody's agent.

32. All the kind words that had been spoken about him were very largely due to the excellence of the staff of the Office of Legal Affairs. The late Mr. Hammarskjöld had once told him that he had one brilliant department, the Legal Department; it was to all the staff that he owed such a great compliment from a great man. But the United Nations must look to the future: his term had been extended well beyond retirement age. In any case, he would never forget the pleasure of serving the Sixth Committee in several capacities over the years and wished to express his heartfelt gratitude to all members for their tributes.

AGENDA ITEM 90

Draft convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons (*continued*)* (A/8710/Rev.1, chap. III; A/9127 and Add.1, A/C.6/421, A/C.6/L.898, A/C.6/L.944 and Add.1-3, A/C.6/L.951/Rev.1, A/C.6/L.962 and Corr.2 and 3, A/C.6/L.965)

33. The CHAIRMAN thanked the Committee for the confidence it had shown in him by enabling him to conduct the intense and complex negotiations which had resulted in the submission of his compromise proposal (A/C.6/L.965). That proposal, which had been approved *ad referendum* by a group of delegations he had invited to try to solve the problem, seemed to him to be a good way of breaking the deadlock. He had to admit that the Mexican delegation to the preceding session had not been particularly enthusiastic about the draft convention; it would be seen from the summary records of those deliberations that in the Sixth Committee it had openly criticized the working methods of the International Law Commission. But the current session had yielded quite different results: the new text of the draft convention reflected the opinions of the vast majority of delegations, proposals with political connotations had been adopted, some paragraphs of the draft had been deleted and others added and the controversy between the "Vienna" and "all States" formulas had been settled for all time. Indeed, it might be hoped that that understanding on the question of final clauses would serve as a standard solution for future problems concerning the participation of States in both international instruments and international conferences.

34. Nevertheless, a group of delegations were anxious to safeguard their positions against the possibility that the convention might prejudice the right to self-determination. The United Nations had made great progress over the years in eliminating differences of

* Resumed from the 1451st meeting.

opinion on the scope of the provisions of Chapters XI and XII of the Charter and of the Declaration on the Granting of Independence to Colonial Countries and Peoples (General Assembly resolution 1514 (XV)); indeed, no one currently challenged the validity of the principles involved and of the so-called "African" clause. Yet there were many solutions in different contexts, and he believed that operative paragraph 4 of the draft resolution in his proposal was an excellent formula, which safeguarded the positions of all delegations. It might be argued that it was open to different interpretations, but that in fact applied to all international instruments.

35. When a final effort had been made to arrive at a solution, however, there had been a torrent of new suggestions to change his proposal, some of them perhaps justified and others completely unwarranted. It had therefore proved impossible for him to carry out his task of reconciling divergent views, despite the genuine efforts of all concerned. He had again examined the draft convention article by article and had reaffirmed his conviction that it was a sound international instrument, reflecting the overwhelming majority of views; it was therefore with the utmost regret that he had to recognize the Committee's inability to reach the compromise which only recently had seemed so close. It was to be hoped that the results that had been achieved would not be set aside when the subject was dealt with again. Indeed, the only solution seemed to be to adopt a resolution deferring consideration of the item until the next session.

36. He reiterated his thanks to the Committee for its confidence in him during the difficult and complex negotiations and assured it that he had made his proposal, not in order to exert any pressure, but because he was convinced that it represented a satisfactory compromise.

37. Mr. KOLESNIK (Union of Soviet Socialist Republics) expressed his delegation's gratitude to the Chairman for his untiring efforts to reach a generally acceptable compromise on what might be regarded as the most thorny issue before the Committee at the current session. Unfortunately, a few delegations were still stubbornly clinging to their positions. He too had recently re-examined the draft convention and had assured himself of its great merit; it would be inadmissible to dismiss so much valuable work by adopting an anodyne resolution referring the item to the next session. If further negotiation was impossible, a vote should be taken on the draft convention and on the draft resolution in the Chairman's proposal, in accordance with the rules of procedure.

38. Mr. DIATTA (Niger), speaking on behalf of the African States, also thanked the Chairman for his indefatigable efforts to reach a compromise on the proposal submitted by Niger and other countries (A/C.6/L.951/Rev.1). The purpose of that proposal was not to obstruct the application of the convention, but to prevent it from being used by colonial and racist régimes as a pretext for oppressing the peoples under their domination even more savagely than before. The African countries were making every effort to protect diplomats, as could be seen from the fact that

nearly all of them had ratified the existing conventions on the subject, whereas many countries of other continents had not yet done so. The African States were surprised that their proposal had proved unacceptable to some, when it was in full conformity with many General Assembly decisions. Nevertheless, they were always prepared to seek compromise solutions and would not object to deferring the item to the next session.

39. Mr. ROSENNE (Israel) said that he had heard the Chairman's statement with great regret, after the unremitting efforts that had resulted in his compromise proposal. Israel considered that the obligation of the host State to take the necessary measures for the protection of diplomats was absolute and constituted a basic rule of international law. The draft convention merely contained supplementary details of that basic rule, and his delegation could have voted in favour of the text submitted by the Drafting Committee (A/C.6/L.944/Add.2 and 3 and A/C.6/L.962 and Corr.2 and 3) since it represented the opinion of the vast majority. Nevertheless, some aspects of the compromise proposal could be misinterpreted as casting doubt on the absolute nature of the aforementioned principle, and because of that ambiguity his delegation could not support it. It would prefer the issue to be settled at the current session: a decision to defer the item would be yet another example of the helplessness of the United Nations in the face of organized international terrorism, which in many cases enjoyed government protection.

40. Mr. SHITTA-BEY (Nigeria) said he agreed with the USSR representative that the item should not be postponed until the next session. Perhaps a further attempt could be made to settle the last outstanding issue among the many important issues on which agreement had ultimately been reached.

41. Mr. KOLESNIK (Union of Soviet Socialist Republics), replying to a request for clarification by the Chairman, said he had made a formal proposal to the effect that votes should be taken on the parts of the draft convention on which there had been no vote (A/C.6/L.944/Add.2 and 3 and A/C.6/L.962 and Corr.2 and 3) and separately on parts A and B of the Chairman's proposal (A/C.6/L.965), since there seemed to be differences of opinion concerning part B.

42. Mr. SANCHEZ GAVITO (Mexico) said that if the prodigious efforts already made by the Chairman had not succeeded in producing a satisfactory compromise, it was extremely doubtful that further consideration of the item at the next session of the General Assembly would achieve better results. Postponing a decision until the following year would mean that the considerable time and effort expended by the Committee at the current session would have gone for naught. His delegation therefore supported the USSR proposal that a vote should be taken. However, he would prefer that the voting take place at the next meeting so that the Drafting Committee, which was scheduled to meet in the afternoon, would have one more opportunity to seek agreement on a compromise formulation.

43. Mr. KARASSIMEONOV (Bulgaria) agreed with the representatives of the Soviet Union, Nigeria and Mexico that it would be undesirable to defer a decision until the next session. The Drafting Committee was very close to a successful conclusion of its work; efforts to reach an agreement should continue on the basis of the Chairman's compromise proposal. As the representative of Mexico had suggested, the Drafting Committee would be an appropriate forum for a final effort to resolve the remaining problems.

44. Mr. STEEL (United Kingdom) welcomed the Mexican proposal and expressed his delegation's willingness to make a further effort in the Drafting Committee.

45. Mr. SAM (Ghana) expressed deep appreciation to the Chairman for his efforts to achieve a compromise solution of the intractable problems still facing the Sixth Committee. It was a matter for great regret that the Chairman's efforts to work out a compromise had been rejected by a few delegations which failed to understand that a true compromise required give and take by all concerned. Apparently certain delegations wanted to have their own way all the time, but that was not possible in an assembly of 135 members. His delegation did not favour postponing the item and supported the USSR proposal that the Committee should take a final decision at the current session.

46. Mr. RESTREPO PIEDRAHITA (Colombia) observed that time was short and that a miracle would be needed to find a compromise solution acceptable to everyone. Every effort should be made to adopt the draft convention without further delay. If the matter was held over to the following year, he greatly feared that the prospects for adoption would be reduced. Thanks to the heroic efforts made by the Chairman, the climate in the Sixth Committee was propitious for a decision to be taken at the current session. He therefore endorsed the USSR proposal that the Committee should pronounce itself first on the remaining articles of the draft convention and then proceed to vote on the compromise proposal contained in document A/C.6/L.965, with separate votes on parts A and B.

47. Mr. KANE (Mauritania) expressed gratitude to the Chairman for the efforts he had made to arrive at a compromise acceptable to the various regional groups. Unfortunately, it appeared that the negotiations had reached an impasse, and the Committee was called upon to choose between the USSR proposal to settle the matter by voting or the alternative of carrying the item over to the next session. His delegation favoured the first solution and regretted that two or three countries, which consistently attempted to impose their will on the international community as a whole, were opposed to the draft resolution in the compromise proposal. In recognizing the legitimate right to self-determination of peoples struggling against colonialism, alien domination, foreign occupation, racial discrimination and *apartheid*, the draft resolution was only reiterating a principle firmly established in international law. His delegation deemed it essential, however, that there should be a further reaffirmation, connected with the draft convention, of the legitimacy of the struggle of the national liberation movements.

48. Mr. SHITTA-BEY (Nigeria) doubted that any further progress could be made in the Drafting Committee and urged acceptance of the USSR proposal.

49. Mr. SANCHEZ GAVITO (Mexico) said that the compromise proposal negotiated by the Chairman was indivisible and could not be voted on in sections. He hoped that the Drafting Committee would make one last effort to settle the remaining differences at its afternoon meeting and that the Committee could proceed to a vote on the Chairman's compromise proposal at its next meeting.

50. Mr. DIATTA (Niger) requested that, if the USSR proposal was adopted, consideration should also be given to the following amendments to draft resolution A/C.6/L.965. In operative paragraph 4, the words "*Considers also*" should be replaced by "*Affirms*", and the words "in any way" should be replaced by "in any circumstances". In the French text of the same paragraph, the words "*ne peuvent*" should be replaced by "*ne pourront*" and the word "*atteinte*" by "*préjudice*". In operative paragraph 6, the word "always" should be inserted after the word "shall". Part B of the compromise proposal should be deleted in its entirety.

51. Mr. STEEL (United Kingdom) said that, in the view of his delegation and many others, the compromise proposal worked out by the Chairman constituted a single, indivisible text. In putting forward several amendments to the compromise proposal, the representative of Niger had shown clearly what would happen if the Committee were to start reconstructing the existing text. If the Chairman's text was put to the vote, the voting should be on the proposal as a whole. His delegation was firmly opposed to separate votes on parts A and B or on individual paragraphs.

52. Mr. BAILEY (Australia) supported the idea that the item under consideration should be disposed of at the current session and endorsed the Mexican proposal that the Drafting Committee should make one last attempt to resolve the remaining points at issue.

53. Mr. MESLOUB (Algeria) said that his delegation was prepared to vote on the proposals before the Committee at the current session or, if necessary, defer the item until the following year. If a vote was taken at the current stage, the amendments introduced by the representative of Niger should be put to the vote first.

54. Mr. MAÏGA (Mali) said that the African States had never agreed to the inclusion of part B in the Chairman's compromise proposal. The compromise they had agreed to was that the provision recognizing the legitimacy of the struggle of the national liberation movements could be incorporated in a resolution to be annexed to the draft articles rather than in the body of the convention. It must be made very clear, however, that the convention must be interpreted in the light of the provisions of the annexed resolution.

55. Mr. SOGLO (Dahomey) observed that it was unusual to put the text of a compromise proposal to the vote. His delegation would favour postponing the whole matter until the following year and proposed that, if the Committee should decide to settle the issue by voting, the first proposal to be voted on should be

the Chairman's suggestion to defer the item until the next session.

56. The CHAIRMAN recalled that, in the course of the informal consultations, the amendments put forward by the representative of Niger had been examined and rejected by all regional groups other than the African group. The compromise proposal would soon fall apart altogether if delegations insisted on amending it. In view of the lateness of the hour,

it might be best to defer a final decision on the item to the next meeting. In the meantime, the Drafting Committee would have an opportunity to discuss the remaining problems and seek a compromise solution. Interested delegations which were not members of the Drafting Committee would be very welcome to attend the afternoon meeting.

The meeting rose at 1.20 p.m.

1456th meeting

Thursday, 6 December 1973, at 11 a.m.

Chairman: Mr. Sergio GONZÁLEZ GÁLVEZ (Mexico).

A/C.6/SR.1456

AGENDA ITEM 79

Proposed programme budget for the biennium 1974-1975 and medium-term plan for the period 1974-1977 (A/C.6/425)

1. The CHAIRMAN drew attention to a letter dated 3 December 1973 from the President of the General Assembly to him (A/C.6/425), transmitting a letter of the same date from the Chairman of the Fifth Committee, seeking the Sixth Committee's views on the report of the Secretary-General on the registration of treaties and international agreements, computerization of treaty information and staffing of the Treaty Section, Office of Legal Affairs (A/C.5/1566). The Chairman of the Sixth Committee recalled that the Committee had expressed its views on the juridical aspects of the question during the consideration of the part of agenda item 80 assigned to it at the previous session of the General Assembly. He suggested that he should inform the Chairman of the Fifth Committee that the Sixth Committee had taken note with interest of the report of the Secretary-General, but considered that the report was basically concerned not with legal but with financial and administrative matters, and therefore required no action on the part of the Sixth Committee.

2. Mr. YAÑEZ-BARNUEVO (Spain) endorsed the Chairman's remarks. At the General Assembly's previous session, the Spanish delegation had proposed that special funds should be allocated for studies on the computerization of treaty information, which was of considerable interest and importance in the light of the Secretary-General's mandate under the Charter with regard to the registration of treaties. He wished to record his delegation's satisfaction that the studies in question were being carried out by the Secretariat.

3. Mr. ROSENNE (Israel) agreed with the Chairman that the Secretary-General's report raised no substantive questions requiring any action by the Committee. His delegation hoped that the Secretariat would be able, through computerization, to reduce the arrears in the publication of the United Nations *Treaty Series* and the monthly *Statement of Treaties Registered or Filed and Recorded*.

4. The CHAIRMAN said that, if there was no objection, he would take it that the Committee agreed with his suggestion.

It was so decided.

AGENDA ITEM 92

Report of the United Nations Commission on International Trade Law on the work of its sixth session (concluded)*

5. Mr. BOZANGA (Central African Republic), Rapporteur, said that he wished to draw attention to a question concerning the form of the Sixth Committee's report to the General Assembly on the item entitled "Report of the United Nations Commission on International Trade Law on the work of its sixth session" (A/9408). Traditionally, that report contained a summary of the debate. After reading out paragraph (f) of the Secretary-General's recommendations annexed to General Assembly resolution 2292 (XXII), he said that he had been informed by the Secretariat that the financial implications of including in the report of the Sixth Committee a summary of the main trends which had emerged in the course of the debate on that item would amount to approximately \$1,500. He believed that the Committee would wish to have such a summary included in the report, and he would appreciate it if the Chairman would consult the Committee on that point.

6. The CHAIRMAN said that, if there were no objections, he would assume that the Committee approved of the Rapporteur's suggestion.

It was so decided.

AGENDA ITEM 99

Report of the Committee on Relations with the Host Country (concluded)** (A/9026, A/C.6/424, A/C.6/L.972)

7. Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic) said that the main task of the Committee on Relations with the Host Country was to discuss questions related to security of missions and the safety

* Resumed from the 1445th meeting.

** Resumed from the 1451st meeting.