

UNITED NATIONS



OFFICIAL RECORDS OF THE GENERAL ASSEMBLY  
THIRTEENTH SESSION

# **SIXTH COMMITTEE**

LEGAL QUESTIONS

---

SUMMARY RECORDS OF MEETINGS

16 SEPTEMBER TO 8 DECEMBER

**1958**

NEW YORK

*Prefatory fascicle*

UNITED NATIONS



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THIRTEENTH SESSION

# SIXTH COMMITTEE

LEGAL QUESTIONS

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## INTRODUCTORY NOTE

The Official Records of the General Assembly consist of records of meetings, annexes to those records and supplements. The records of meetings include corrections requested by delegations and such editorial modifications as were considered necessary. A check list of all documents mentioned during the session is included in the prefatory fascicle for the volume of plenary meetings.

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Symbols of United Nations documents are composed of capital letters combined with figures. Mention of such a symbol indicates a reference to a United Nations document.

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## DELEGATIONS

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## UNION OF SOUTH AFRICA

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Mr. B. P. Pisarev

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Mr. Mostafa Rateb Abdel Wahab  
Mr. Mouaffac Allaf

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AND NORTHERN IRELAND

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Mr. D. M. Kitching

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Mr. José G. Lissidini  
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Mr. V. M. Pérez Perozo  
Mr. Leonardo Díaz González  
Mr. Antonio Oropeza  
Mr. Hugo Mármol

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Mr. Tawfik Chamandi  
Mr. Adnan Tarcici

## YUGOSLAVIA

Mr. Djura Ninčić  
Mr. Milan Bulajić

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## OFFICERS

Chairman: Mr. Jorge Castañeda (Mexico)  
Vice-Chairman: Mr. Bredo Stabell (Norway)  
Rapporteur: Mr. Nabi Agolli (Albania)

# GENERAL ASSEMBLY

THIRTEENTH SESSION

Official Records


 Wednesday, 24 September 1958,  
at 3.10 p.m.

NEW YORK

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**Chairman: Mr. Jorge CASTAÑEDA (Mexico).**

### Statement by the Chairman

1. The CHAIRMAN said that the year 1958 had witnessed some heartening developments in the law of nations in general. The most dramatic single event had been the remarkable success achieved by the United Nations Conference on the Law of the Sea, which had yielded four international instruments representing a single organic code. The fact that no agreement had been reached on the question of the delimitation of the territorial sea in no way detracted from the tangible results obtained.

2. Moreover, the Conference had emphasized the true importance of law in the work of the United Nations, which had previously tended to treat juridical issues with less respect than they deserved. In twelve years the United Nations had produced virtually no significant instruments, with the exception of the Convention on the Prevention and Punishment of the Crime of Genocide, and problems with political implications had been carefully withheld from the Sixth Committee, even when a juridical solution had seemed to be the natural one. The results of the Conference might perhaps convince the sceptics that the best guarantee of international harmony lay in the formulation and strict application of rules of law.

3. In conclusion, he expressed the hope that a fruitful discussion of the items on the Committee's agenda might lead to further results in codification.

### Election of the Vice-Chairman

4. Mr. EVANS (United Kingdom) nominated Mr. Stabell (Norway).

Mr. Stabell (Norway) was elected Vice-Chairman by acclamation.

5. Mr. STABELL (Norway), speaking on behalf of his country and on his own behalf, thanked the Committee for his election.

### Election of the Rapporteur

6. Mr. TABIBI (Afghanistan) nominated Mr. Agolli (Albania).

7. Mr. PERERA (Ceylon) supported the nomination.

Mr. Agolli (Albania) was elected Rapporteur by acclamation.

8. Mr. AGOLLI (Albania) said that his election was a tribute to his country and he would endeavour to prove himself worthy of the honour.

### Order of discussion of agenda items (A/C.6/356)

9. Mr. MOROZOV (Union of Soviet Socialist Republics) thought that the order of priorities shown in the letter from the President of the General Assembly (A/C.6/356) was perfectly appropriate. The items arising out of the International Law Commission's report (A/3859) should be dealt with first, especially as the Commission's Chairman had made a special effort to arrive at the very beginning of the Committee's session.

10. Mr. TUNCCEL (Turkey) said that the fourth item shown in document A/C.6/356, namely, the question of convening a second United Nations conference on the law of the sea, deserved a higher priority. The first Conference had expressly referred the matter to the General Assembly as urgent, and an early decision would facilitate the work of Governments and of the Secretariat. He would not insist that the Committee should consider that question first, as the Chairman of the International Law Commission was already present to introduce the Commission's report, but he hoped that it would be taken up as the second item.

11. Mr. CUTTS (Australia) supported the view of the USSR representative that the items were already listed in their proper order. The question of the second conference on the law of the sea was admittedly of fundamental importance, but that in itself was a good reason for considering it only after delegations had had ample time for informal consultations.

12. Mr. ILLUECA (Panama) also shared the USSR representative's opinion. A premature approach to the fourth item could involve the Committee in an acrimonious political debate before it had had time to achieve anything useful.

13. Mr. EVANS (United Kingdom) pointed out that, although document A/C.6/356 listed the International Law Commission's report and the question of arbitral procedure as separate items, the second point was specifically covered in chapter II of the report. In fact, the only other part of the report to which the Committee would have to devote any length of time was the draft on diplomatic intercourse and immunities, a comparatively new item which some delegations had not yet had the opportunity to examine in detail. It might therefore be better to begin with arbitral procedure, a subject with which the Committee was familiar, and thus to allow a little additional time for the study of the Commission's recommendations on diplomatic privileges, contained in chapter III of its report.

14. Furthermore, he agreed with the Turkish representative that a somewhat higher priority might be accorded to the question of the second conference on the law of the sea.

15. Mr. LIMA (El Salvador) proposed, as a compromise solution, that the order of the first two and last two items in document A/C.6/356 should be reversed, so that item one would become two and item three would become four.

16. Mr. KHAN (India) said that, in consideration of the urgency of the Committee's work, he was of the view that the order of priority given in the letter of the President of the General Assembly should be adopted in its present form.

17. Mr. STAVROPOULOS (Legal Counsel), in reply to a question by Mr. PERERA (Ceylon), said that, in view of the presence of the Chairman of the International Law Commission, the Secretariat felt that it would be better to start the discussion with those items with which he was directly concerned.

18. Mr. TABIBI (Afghanistan) said that much would depend on the manner in which the Committee proposed to deal with the various items as well as on the time limits which would be assigned to them. If, for example, the Committee decided to discuss chapter III of the Commission's report article by article, he feared that there might be little time left at the end of the General Assembly in which to take up the highly important question of convening a second United Nations conference on the law of the sea. It might be better, therefore, to open the session with a brief, preliminary discussion of item four before proceeding to item one. That would enable delegations to place their views on record, so that the Secretariat could take appropriate measures while the other items were being debated; at the end of the session the Committee would then be able to take final action on the matter without any loss of time.

19. Mr. MOROZOV (Union of Soviet Socialist Republics) said that he was prepared to agree to the proposal of the El Salvador representative that the order of items three and four should be reversed; out of courtesy to the Chairman of the International Law Commission, however, he hoped that the El Salvador representative would not insist on reversing the order of the first two items.

20. Mr. TUNCEL (Turkey) said that he, too, was prepared to accept the proposal of the representative of El Salvador that the fourth item should be discussed before the third, but, for the reasons given by the

Legal Counsel and the USSR representative, he preferred to retain the present order of the first two items. As the Afghan representative had said, it was also important to know the manner in which the Committee proposed to deal with each item. In connexion with arbitral procedure, for example, it might recommend that the General Assembly should pass a resolution inviting Governments to adopt the model rules contained in chapter II of the Commission's report. In connexion with diplomatic intercourse and immunities, on the other hand, it might either adopt the draft articles contained in chapter III of the Commission's report in the form of a convention or recommend that a diplomatic conference be convened for the purpose of signing such a convention.

21. Mr. EVANS (United Kingdom) pointed out that the subject of arbitral procedure was already familiar to the Committee, whereas that of diplomatic intercourse and immunities was comparatively new and presented more difficulty. Discussion of the latter item would be more fruitful and responsible if it were placed second in the order of priority so that delegations would have more time to study the Commission's draft articles.

22. Mr. EL-ERIAN (United Arab Republic) reminded the Committee that chapter V of the Commission's report, which contained a review of the work of its first ten sessions as well as its programme of future work, was also of great importance and deserved careful consideration. In approaching its task, the Committee should proceed with the utmost flexibility, so that if one item appeared to take too much time it could move on to another. With that in mind, there was no reason why the present order of priorities could not be adopted provisionally.

23. Mr. GUERREIRO (Brazil) proposed that the order of priority given in document A/C.6/356 should be adopted, with the exception that the question of convening a second United Nations conference on the law of the sea should be discussed before the question of the juridical régime of historic waters. Since it would be logical to open the discussion with the administrative matters connected with the Commission's programme of future work, he further proposed that the Committee should begin with chapter V of the Commission's report and then decide the order in which it would discuss the questions of arbitral procedure and diplomatic intercourse and immunities.

It was so decided.

The meeting rose at 4.50 p.m.