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**SUMMARY RECORD OF THE 54th MEETING**

**Chairman: Mr. FRANCIS (Jamaica)**

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The meeting was called to order at 10.10 a.m.

AGENDA ITEM 131: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY  
(continued) (A/41/26, 80, 207, 208, 209, 219, 224, 236 and 401; A/C.6/41/L.23)

1. Mr. OUDOVENKO (Ukrainian Soviet Socialist Republic) noted that the Committee on Relations with the Host Country had held nine meetings in 1986, most of them on the violations of the Headquarters Agreement by the United States Administration in its efforts to reduce the staff of the Permanent Missions of the USSR, the Ukrainian SSR and the Byelorussian SSR to the United Nations. His country had resolutely protested against the Administration's unlawful demand that the staff of its Permanent Mission should be reduced.

2. A series of recent actions by the United States authorities against the staff of several missions and of the United Nations as a whole showed that they were flagrantly violating their obligations under the Headquarters Agreement to ensure the conditions necessary for the normal functioning of the United Nations. In fact, they were doing everything possible to impede such functioning. Making use of false pretexts, they were arrogating to themselves the right to set numerical limits on the staff of missions accredited to the United Nations.

3. Unfortunately, the United States was continuing to ignore his country's case despite the general support that it enjoyed in the United Nations. The threat of reductions continued to fetter the activities of his small Mission and distract its staff from their normal work in the United Nations. There was absolutely no foundation for the United States authorities' talk of an unjustified increase in the staff of the Ukrainian Mission; it was not among the 50 largest missions, even though his country made the fourteenth largest contribution to the United Nations budget.

4. A carefully planned policy was being pursued to undermine established practice with respect to the missions of States to international organizations, especially the United Nations. The United States was undertaking actions aimed at destroying the existing system of international organizations and fettering their efforts to develop relationships of peace and co-operation among peoples. The attempts by the host country to set numerical limits on the staff of missions to the United Nations constituted a dangerous precedent and were directed, in the final analysis, against the Organization as a whole. It might be a particular danger for those Member States whose attitude at the United Nations did not please the United States Administration, since it added a reduction in the staff of their missions to the arsenal of threats and blackmail about reducing financial assistance. Such actions were completely groundless from the juridical point of view.

5. The International Law Commission, in its commentary to article 14 of the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations, had noted the need to recognize the principle that the sending State should be free to determine the size and composition of its mission to any international organization. Not a single international legal document gave the host country of the headquarters of any international organization the right to determine the size of missions arbitrarily and unilaterally. It was quite obvious

(Mr. Oudovenko, Ukrainian SSR)

that the United States actions were incompatible with international law and generally accepted practice, and amounted to interference in matters exclusively within the competence of States in their relationship with the United Nations. The Secretary-General himself had stated that the actions were illegal and contrary to the obligations undertaken by the United States with respect to the United Nations.

6. The American media and other sources had recently been using inflated figures for the staff of his country's mission, which raised the question of deliberate misinformation. Only a year previously, the representative of the United States had spoken to the Committee about his Government's pride in fulfilling the functions of the host country, but his words were obviously at variance with the current unsavoury practices. The statement of the representative of the United States at the meeting of the Committee on Relations with the Host Country on 30 October 1986 showed that the United States Administration was totally unresponsive to arguments, to logic, or to the opinion of a large number of Member States.

7. In the circumstances, his country had been forced not to fill three vacancies which had arisen. There were currently 12 staff members, including nine diplomats, working at the Mission. However, the United States had demanded that even that insignificant number should be reduced to 10 by 1 April 1988. The Ukrainian SSR was again asking the authorities of the host country to change their decision. It believed that timely and effective measures should be undertaken within the United Nations to ensure the implementation of the Headquarters Agreement and create conditions for the normal functioning of missions. In that connection, his delegation supported the recommendation in the report of the Committee on Relations with the Host Country (A/41/26) to the effect that the host country should avoid actions not consistent with meeting effectively obligations undertaken by it in accordance with international law in relation to the privileges and immunities of Member States, including those relevant to their participation in the work of the United Nations.

8. Mr. NYAMDOO (Mongolia) said that the report of the Committee on Relations with the Host Country provided evidence of continuing violations of generally accepted norms in the area of diplomatic relations. His delegation was alarmed at the situation at the Headquarters duty station, where, in breach of existing international agreements, the authorities of the host country had taken a whole series of discriminatory actions against citizens of Member States working for the United Nations Secretariat and against the staff of certain missions to the United Nations. He was referring to the recent introduction of restrictions on the movements of members of the Secretariat who were nationals of certain countries, and the unprecedented, arbitrary decision of the United States Administration to reduce the staff of the Soviet, Byelorussian and Ukrainian Missions. Such actions constituted a gross violation of the obligations the United States had assumed as the host country to guarantee the necessary conditions for the normal functioning of the United Nations.

9. Nothing in existing international agreements, including the Headquarters Agreement, gave the United States Government the right to reduce the staff of

(Mr. Nyamdo, Mongolia)

permanent missions of Member States. They were accredited not to the United States Government, but to the United Nations. His delegation strongly condemned such action as being contrary to international law and generally accepted practice. It also constituted interference in matters that were within the exclusive competence of States, and was intended to hamper the activities of States at the United Nations and thus the work of the Organization itself.

10. His delegation joined others in calling on the host country to respect its obligations, and expressed its support for those countries on which the United States Administration had made unlawful demands. It was essential to ensure respect for the status of foreign missions. Much depended on the degree to which States, particularly host countries, were willing to implement generally accepted principles and norms of diplomatic law.

11. His delegation supported the appeal to the host country to avoid actions not consistent with meeting effectively obligations undertaken by it in accordance with international law in relation to the privileges and immunities of Member States, including those relevant to their participation in the work of the United Nations (A/41/26, para. 87 (s)).

12. Mr. KULOV (Bulgaria) said that respect for the rights, privileges and immunities of the missions in the host country was essential in order for the missions to function normally and the United Nations to discharge effectively and productively its responsibilities as laid down in the Charter. His delegation had participated for 15 years in the Committee on Relations with the Host Country, with a view to facilitating solutions to problems related to the working conditions of the missions. It would spare no effort to help overcome problems in a spirit of constructive co-operation and understanding.

13. The Sixth Committee had a very balanced report before it (A/41/26). The security of missions and the safety of their personnel was one of the most important issues under consideration. The relevant United States authorities, and particularly Mrs. Sorensen, New York City Commissioner for the United Nations, deserved commendation for having taken appropriate measures to protect diplomatic missions and their personnel. His delegation was confident that they would continue to do so. According to paragraph 9 of the report, recent United States legislation relating to the United Nations had created some difficulties, impeding the work of missions. His delegation hoped that those difficulties would be overcome as soon as possible.

14. The unilateral, restrictive measures with regard to a number of socialist and developing countries, had aroused serious concern within the diplomatic community in New York. They were unprecedented, and detrimental not only to particular Member States, but to the very foundation of the Organization. Their objectives were: (a) to force changes in the system and functioning of the United Nations, in the interests of the host country alone; and (b) to exert pressure and instil distrust against particular Member States whose positions in the United Nations differed from those of the host country. Such an approach was unacceptable and dangerous in the extreme. Neither the Charter nor the Headquarters Agreement

(Mr. Kulov, Bulgaria)

empowered the host country to establish quotas, ceilings or any other numerical limit on the staff of permanent missions. Furthermore, there was no provision in those instruments permitting the host country to implement arbitrary and discriminatory measures against missions.

15. The United States had, in the same unilateral and discriminatory manner, imposed travel restrictions on the personnel of a number of missions, including his own. Such restrictions were inconsistent with the relevant norms of international law and with the obligations of the United States under the Headquarters Agreement.

16. Many States shared Bulgaria's conviction that such unlawful acts might have unpredictable and far-reaching consequences. His delegation believed that differences in the interpretation of the Headquarters Agreement should be resolved only in conformity with section 21 of that Agreement, in other words, through negotiations, using, as necessary, the good offices of the Secretary-General.

17. He expressed the hope that the United States would heed the recommendations contained in section IV of the report. Furthermore, he hoped that the United States Mission would consult with the relevant United States authorities with a view to rescinding the measures, and that it would, in future, take all appropriate measures to prevent the imposition of such restrictions, which impeded international co-operation in achieving the goals of the United Nations.

18. Mr. MAKSIMOV (Byelorussian Soviet Socialist Republic) said the report of the Committee on Relations with the Host Country demonstrated that the Committee had continued to deal squarely with problems faced by missions accredited to the United Nations, and to seek the appropriate means of settling them. It had continued to focus its attention on the discriminatory measures recently taken by the United States, which were designed to hinder certain States in their United Nations activities and to shatter the established machinery of the Organization. Its deliberations had revealed that the United States action in unilaterally setting limits on the size of missions had no legal basis.

19. The size of the staff of the Byelorussian Mission had not increased since 1973. However, the number of meetings of the various organs of the United Nations and the number of questions considered had increased substantially. Furthermore, considerable time had to be spent in corresponding with the United States Mission, regarding, inter alia, the activities of the Byelorussian Mission and the daily life of its staff, as required by the host country.

20. The Secretary-General had unequivocally qualified the demand to reduce the personnel of the Soviet, Ukrainian and Byelorussian Missions as unlawful and inconsistent with the provisions of the Headquarters Agreement. In addition, Senator Leahy, referring to the Convention on the Privileges and Immunities of the United Nations and the Headquarters Agreement, had said that neither of those agreements contained provisions permitting the United States to restrict the activities of the United Nations or the missions to the United Nations for reasons of national security. The Byelorussian SSR regretted that the United States had drawn opposite conclusions.

(Mr. Maksimov, Byelorussian SSR)

21. The measures taken by the host country were also contrary to the provisions of the United Nations Charter and other instruments of international law. They were aimed at intimidating the missions of sovereign Member States. They could be taken at any time against missions not favoured by Washington. The Byelorussian SSR would welcome a more constructive United States approach towards the United Nations.

22. His delegation believed that the Committee on Relations with the Host Country should continue to give priority to the security of missions and the safety of their staff. Demonstrations continued to be held outside several missions, including his own. The authorities of the host country should take effective measures to prevent criminal acts directed against the missions, prosecute and severely punish the perpetrators of such acts and improve the protection, security and safety of the missions, as well as their staff and family members. The Byelorussian SSR supported the Committee's recommendations regarding, *inter alia*, the use of all available means to increase public awareness of the important role played by the United Nations and the missions accredited to it in the strengthening of international peace and security. It was hoped that the Committee on Relations with the Host Country would play an important role in considering and solving a wide range of problems facing the permanent missions to the United Nations.

23. Mr. BELONOGOV (Union of Soviet Socialist Republics) said that the Soviet Union attached great importance to the work of the Committee on Relations with the Host Country. Through no fault of that Committee, many items on its agenda had not received sufficient attention. That was because it was having to deal increasingly with measures taken by the host country that were hampering the work of the United Nations and the normal functioning of the missions.

24. Unfortunately, in 1986 the situation had become worse. The major part of the Committee's time had been taken up with discussing unlawful action taken by the United States to reduce the staff of the Soviet, Ukrainian and Byelorussian Missions to the United Nations. That action was part of the United States policy of undermining the activities of the United Nations and obstructing its efforts to develop peaceful relations and co-operation among States. Discussions in the Committee had shown that the unilateral reduction of mission staff had no legal basis. That view had also been expressed by the Legal Counsel. Nevertheless, the United States had continued upon a course of arbitrary action, demanding the departure of 25 members of the USSR Mission. At the same time, a campaign of slander against them and the USSR Mission as a whole had been unleashed by the information media in the United States. The United States had turned a deaf ear when the Secretary-General had stated that it was in violation of the Headquarters Agreement, and had rejected his offer to mediate. Such unilateral action did not concern the Soviet Union alone, but the United Nations as a whole; it was an example of United States neglect - to say the least - of its obligations as the host country. No one could guarantee that tomorrow the same thing would not happen to other missions.

25. It was regrettable that the first step taken by the American side after the Reykjavik meeting had been a categorical demand for the departure within 48 hours of the few remaining members of the Soviet Mission included in the list of 25. In

(Mr. Belonogov, USSR)

arrogating itself the right to determine the composition of the missions of sovereign States to the United Nations, the United States was violating its obligations under the Charter and the Headquarters Agreement, and was forgetting that missions of States Members of the United Nations were accredited to the Organization, not to the Government of the United States. They were not guests of the United States. That country was free to decide any question concerning the activity of its own Mission to the United Nations, but must respect the sovereign and independent character of the missions of other States, as was provided for, in particular, in Article 105 of the Charter.

26. The United States was attempting to extend the criteria that applied to its own Mission in New York to other missions, but that Mission, situated in its home territory, could use its State services. It was therefore absurd to compare it with the missions of other countries.

27. The size of the staff of the Soviet Mission was determined on the basis of the need to provide effective representation at the United Nations. A purely mathematical comparison between the missions of various States was completely inappropriate. The Soviet Mission, for example, needed many non-diplomatic staff, who made up more than half the number and were counted in the quota permitted by the United States. It was well known that the staff of the Soviet Mission had to work in a situation of permanent hostility, provocation and pressure. The Mission and its living quarters had often been the subject of armed terrorist acts. It therefore had an understandable need for security staff, unlike the United States Mission. Other missions might be able to do without such staff, but that was unfortunately not possible for the Soviet Mission in view of the conditions with which it had to contend in New York. The United States had persistently failed to take those circumstances into account.

28. The Charter and the Headquarters Agreement clearly established the obligation of the United States as the host country to assist the normal functioning of the permanent missions of States Members of the United Nations, and to respect the rights and privileges of their staff. That was the legal and practical side of the question. From the political point of view, the United States action was complicating Soviet-American relations.

29. The Committee on Relations with the Host Country had clearly expressed the view that the matter should be settled by consultations between the parties concerned. The Soviet Union was prepared to hold constructive consultations, but it was not confident that the United States was prepared to abandon its dictates in favour of the language of diplomacy.

30. His delegation wished to warn the United States that although the USSR did not desire any further deterioration in the situation, any attempts to force further reductions in the staff of the Soviet Mission would meet with an appropriately strong Soviet response.

31. He hoped that the report and the recommendations of the Committee on Relations with the Host Country and the debate in the Sixth Committee would lead the United

(Mr. Belonogov, USSR)

States to a sober assessment of the situation, and would eventually result in the resolution of the problem.

32. Mr. ZEDAN (Saudi Arabia) supported the principles referred to by the representative of the Sudan at the 53rd meeting. At the end of the fortieth session, Saudi Arabia had welcomed the open-minded approach taken by the United States with regard to the Committee on Relations with the Host Country. Saudi Arabia was interested in the question of the improvement of relations with the host country, and would like to contribute to the work of the Committee in any way possible, for example, by engaging in formal or informal consultations in order to help the host country to fulfil its commendable commitment more effectively. Good relations implied duties and responsibilities for the host country as well as for the missions. It was incumbent upon all Member States to seek in good faith to improve those relations.

33. Mr. MIKULKA (Czechoslovakia) said that the regulations regarding travel within the United States imposed on the personnel of the Missions of Bulgaria, Czechoslovakia, the German Democratic Republic and Poland had been unprovoked, and therefore constituted an arbitrary act on the part of the host country. In view of the discriminatory nature of those restrictions, Czechoslovakia deemed them illegal and in contravention of the Charter, the Headquarters Agreement and the Convention on the Privileges and Immunities of the United Nations. Furthermore, the measures taken by the United States to reduce the size of the Permanent Missions of the Soviet Union, the Byelorussian SSR and the Ukrainian SSR also constituted a violation of the host country's obligations under those international instruments. The recent United States ultimatum requiring 25 members of the Soviet Mission to leave the United States was an unprecedented act.

34. The host country's arbitrary decisions with regard to certain missions must be categorically condemned. If such acts continued, they might give rise to very serious consequences. The Sixth Committee was duty-bound to draw the attention of the General Assembly to those problems as a whole, as well as to the need to seek a solution to them based on international law.

35. Mr. ROSENSTOCK (United States of America) said that he was puzzled as to why some representatives had chosen to discuss bilateral Soviet-American relations in the Legal Committee. He also noted that certain delegations never tired of referring to their item on non-use of force, even when force was not at issue. It had been suggested that the United States hampered the work of the Secretariat by reacting with concern to actions involving anti-American espionage carried out by so-called international civil servants. The United States had not placed restrictions on the official travel of Secretariat officials, and in no way restricted the capacity of the Secretariat to carry out its functions. It did not share some of the extremely restrictive positions on the role of the Secretariat espoused by other States, including the Soviet Union.

36. The question of the size of missions had already been considered at length in the Committee on Relations with the Host Country. That discussion and the agreed recommendations resulting from it were reflected in the Committee's report (A/41/26). In view of the importance of rationalizing the work of the Sixth



(Mr. Rosenstock, United States)

Committee, it should not have been necessary to round up friends and colleagues from a given group and have them make long statements, largely rehashing what had already been duly reported.

37. It was untrue that there was no absolute limit on the size of missions. It would be unreasonable for countries to have 10,000 representatives. Similarly, it would be unreasonable to limit the size of delegations to five representatives. The issue was whether the United States had unreasonably reduced a reasonably sized mission. When a mission was larger than the next two largest missions combined, it might be deemed unreasonably large. The size of a mission could not be justified by such criteria as the distance from New York, differences in cultural background or economic systems, or membership in the Security Council. In addition, the Mission in question had largely exceeded the criteria embodied in article 14 of the 1975 Vienna Convention on the Representation of States in Their Relations with International Organizations. Furthermore, the United States Mission could not be used as a basis for comparison, because it employed 12 staff members to work on host country matters alone. He assumed that no other mission had such a requirement. The United States had felt obliged to take action when it had been repeatedly suggested that things had been getting out of hand.

38. It had been claimed that the United States was threatening all missions. However, the only missions which should be concerned were those so large that there was no legitimate explanation for their size, except gross inefficiency, inconceivable in a major Power, or the desire to use personnel for improper activities unrelated to the work of the United Nations.

39. It was known to be untrue that the United States had not turned down the Secretary-General's offer to mediate. Whatever differences existed regarding host country matters, the road to resolving them did not lie in making blatantly false statements. Anyone could make a mistake, but it was particularly disturbing when a statement, known to be false, was made in a serious context.

40. Further measures by the United States concerning a ceiling on missions had been taken only after an authoritative spokesman had declared that his delegation had no intention of complying with the initial United States requirement. The delegation in question had later made various statements to the effect that it had not meant what it had said. The United States habitually took people at their word. It was unfortunate if they did not mean what they said. They should be more explicit, or should express a willingness to take up suggestions from the Secretariat regarding discussions.

41. It had also been suggested that the United States had, in some way, committed slander. In American law, a statement must be untrue for it to be deemed slanderous. He was not aware of any statement made at any time with regard to the activities of any individual or mission which could be regarded as untrue.

42. With regard to the Committee on Relations with the Host Country, he joined the other representatives in commending its usefulness. The Committee provided a forum for the discussion of the questions which inevitably arose when there was a large

(Mr. Rosenstock, United States)

diplomatic community residing in a complex, challenging city. He expressed his pleasure in seeing several delegations, non-members of the Committee, participate in its work. It was a tribute to the Committee that, in spite of serious differences, it had been able to agree on recommendations concerning every issue submitted to it, including the size of missions.

43. The United States was concerned about being a good host. Therefore, it welcomed the Committee's co-operation in facilitating its task through the years, and hoped that the Committee would continue to do so. The United States was always prepared to consult on any issue, and would spare no effort to resolve problems and to facilitate the functioning of the United Nations and of missions in carrying out United Nations activities. The United States also wished to be a good host to the delegations coming for the General Assembly alone. It was proud to have them as guests, and anxious to co-operate with them in the substantive work of the United Nations.

44. Mr. BELONOGOV (Union of Soviet Socialist Republics), speaking in exercise of the right of reply, said that the United States delegation had complained that the Soviet delegation had again referred in detail to the illegal actions of the United States; it was perhaps unpleasant to hear the truth about those actions, but he could assure the United States delegation that whenever such actions were taken against the Soviet Mission, his delegation would refer to them at length in all bodies of the United Nations where such questions could be raised legally. He was grateful to the United States delegation for its comment on the item on non-use of force. The United States had clearly used force to impose its will on foreign missions.

45. The United States delegation had fantasized about a mission consisting of 10,000 members; no State in the world, however wealthy, could afford the luxury of such a large mission, and during the entire existence of the United Nations no State had ever tried to establish a mission of that size. However, the composition of a mission should always be such as to allow the effective and full performance of its tasks.

46. Unfortunately, the United States delegation had transgressed against the truth in claiming that the United States had not turned down the Secretary-General's offer to mediate. That inaccurate statement could not be attributed to ignorance on the part of the United States representative, since he and his colleagues had had appropriate contacts with the Secretary-General and the Legal Counsel, and were well aware of the true position of the United States on the question. After the United States had illegally demanded the expulsion of 25 members of the Soviet Mission, the Soviet delegation had requested the Secretary-General, in accordance with the Headquarters Agreement, to exercise his mediation functions, and he had expressed full willingness to do so. For that purpose, the Secretary-General had invited the Permanent Representative of the United States to a meeting, but there had been no reply from the United States side. The false statement made by the United States representative was a glaring departure from the truth, but the Soviet delegation would hesitate to call it by its name out of respect for the Committee.

(Mr. Belonogov, USSR)

47. One encouraging suggestion was that the American side would not insist that the size of a mission accredited to the United Nations should not exceed the size of the United States Mission. However, the official records of the United States Congress indicated that it was the policy of Congress that the number of nationals of the Soviet Union admitted to the United States to serve as members of the Soviet Mission to the United Nations should not exceed the number of United States nationals who served as members of the United States Mission to the United Nations. It would be interesting to learn whether the President of the United States and the Department of State would object to the adoption of legislation to that end.

48. Mr. ROSENSTOCK (United States of America), speaking in exercise of the right of reply, said merely noting that a statement had been inconsistent with the effort towards rationalization of work did not constitute an attempt to restrict any delegation's freedom of speech. As to the so-called rejection of the Secretary-General's offer to mediate, it had become clear that what had been perceived as a refusal by the United States to allow the Secretary-General to play a mediating role had been a disinclination to accept a particular proposal transmitted to it through the Secretary-General.

49. Mr. MOUSHOUTAS (Cyprus) recalled a question raised by the Sudan at the 53rd meeting as to why the report of the Committee on Relations with the Host Country did not reflect the comments made by the Observer for the Sudan in that Committee concerning the reduction in parking space in the Headquarters area. He noted that the representative of the host country had explained that the reduction in parking space had been due to the increased traffic in the area. As Chairman of the Committee on Relations with the Host Country, he regretted any concern caused by the absence of a summary of the Sudan's statement from the report.

50. Mr. ABDEL-RAHMAN (Sudan) thanked the Chairman of the Committee on Relations with the Host Country for his explanation.

51. Mr. DROUSH OTIS (Cyprus), introducing draft resolution A/C.6/41/L.23, described the major provisions of the text, which he hoped would be adopted without a vote.

52. Mr. ABDEL-RAHMAN (Sudan) proposed the addition of a seventh preambular paragraph, which would read: "Conscious of the increased interest shown by Member States in participating in the work of the Committee,". He also proposed the addition of a new paragraph after paragraph 6 to read: "Decides to consider at its forty-second session the question of the composition of the Committee on Relations with the Host Country;".

53. Mr. DROUSHIOTIS (Cyprus) said that those amendments were acceptable.

54. Draft resolution A/C.6/41/L.23, as orally amended, was adopted without a vote.

AGENDA ITEM 123: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.6/41/L.22)

55. Mr. TOLENTINO (Philippines), introducing draft resolution A/C.6/41/L.22, said that Bangladesh, Colombia, Romania and Zambia had joined as sponsors. He drew particular attention to the sixth and seventh preambular paragraphs.

56. In paragraph 2 (a), the words "within the framework of the Sixth Committee" and "The forum that would be entrusted with the task of" should be deleted, and subparagraphs (i) and (ii) should be combined, so that the new paragraph 2 (a) would read: "To seek proposals of Member States concerning the most appropriate procedures to be adopted with regard to the consideration of the analytical study as well as the codification and progressive development of the principles and norms of international law relating to the new international economic order;".

57. Mr. YIMER (Ethiopia), supported by Mr. LOULICHKI (Morocco), proposed that, in paragraph 3, the words "relating to the new international economic order" should be added after the words "international law" in the third line in order to clarify the sentence.

58. Mr. CASTROVIEJO (Spain) said that the problem of clarity did not arise in the Spanish text, because it contained the word "pertinentes".

59. Mr. ROMPANI (Uruguay) suggested that the word "pertinentes" should be deleted and the Spanish equivalent of the phrase proposed by Ethiopia and Morocco inserted in the sentence.

60. Mr. TOLENTINO (Philippines) said that the proposal made by the representatives of Ethiopia and Morocco was acceptable.

61. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to include paragraph 3, as orally amended.

62. It was so decided.

63. The CHAIRMAN said that a roll-call vote on the draft resolution had been requested.

64. The vote was taken by roll-call.

65. Panama, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic

Yemen, Ecuador, Egypt, Ethiopia, German Democratic Republic, Ghana, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

Against: None.

Abstaining: Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

66. Draft resolution A/C.6/41/L.2, as orally amended, was adopted by 93 votes to none, with 21 abstentions.

67. Mr. EDWARDS (United Kingdom), speaking in explanation of vote on behalf of the 12 States members of the European Community, said that, while the study prepared by UNITAR was a useful and comprehensive one, no further work was needed. In those circumstances, the Twelve had been unable to accept the penultimate preambular paragraph of the draft resolution. They wished to draw particular attention to the fact that the equivalent preambular paragraph in the draft resolution adopted in 1985 on the same subject had spoken only of a "systematic and progressive development" of the law in question. The concept of codification, which had been introduced as a new element, was not appropriate in the current exercise. Before codification of a branch of the law could usefully begin, there must be general agreement that principles and norms in that branch of the law had reached a sufficient degree of acceptance by the international community to make the exercise viable. As explained in the comments submitted by the United Kingdom on behalf of the European Community and its 12 Member States (A/41/536), that essential requirement was not satisfied. Indeed, as pointed out in paragraph 19 of the comments, there was a real difficulty in establishing a direct link between various internationally agreed and by no means categorical texts on the one hand, and the definition of a new international economic order on the other.

68. A further new paragraph - paragraph 2 - had been included by the sponsors. That paragraph was inconsistent with the Community's view that no further work needed to be undertaken on the topic. Moreover, the paragraph assumed that such work would involve codification, which he had already explained was not appropriate. For all those reasons, the Twelve had abstained in the vote on the draft resolution.

69. Mr. GAUDREAU (Canada) said that, for reasons explained in his delegation's earlier statement on the item, he was disappointed that the sponsors of draft resolution A/C.6/41/L.22 wanted the Assembly to pronounce not only in favour of the progressive development of the principles and norms of international law relating to the new international economic order, but also in favour of the codification of such principles and norms. Since it was premature to engage in a codification exercise, his delegation had been obliged to abstain in the vote on the draft resolution. It was to be hoped that at the Assembly's next session, the debate on the item would be conducted on a more realistic basis and that any proposals put forward would take account of the legal nature of the Sixth Committee's work.

70. Mr. CULLEN (Argentina) said that his delegation had voted in favour of the draft resolution in view of the importance of the questions relating to the new international economic order. However, it had reservations about the classification method adopted in the first stage of the UNITAR analytical study, in accordance with which the Antarctic Treaty had been included among the legal instruments affected by the principle of the common heritage of mankind. Argentina had taken account of the explanatory note that had subsequently been incorporated in the study in question, and had therefore voted in favour of the draft resolution on the understanding that the classification method served a solely practical purpose and would in no way affect the legal status of Antarctica.

71. Mr. GILLET (Chile) said that, although his delegation had voted in favour of the draft resolution, it endorsed the reservations made by the representative of Argentina.

72. Mr. HAYASHI (Japan) said that the topic was not ripe for a codification exercise. His delegation regarded the penultimate preambular paragraph and paragraphs 2 and 3 of the draft resolution as completely inappropriate, and had therefore been obliged to abstain in the vote.

73. Mr. ROSENSTOCK (United States of America) said that the preamble to the draft resolution unnecessarily referred to a series of resolutions on which there was disagreement. The text also contained some paragraphs which suggested that the economic difficulties of some countries should be taken into account more than the economic difficulties of other countries, which was not entirely prudent. His delegation regretted that no effort had been made to build on the statement made in the fifth preambular paragraph. Moreover, since it did not believe that there were any rules of common law in the area of the so-called new international economic order, it saw no basis for codification of principles and norms in that area. There was insufficient political agreement on the instruments normally cited as the basis for the so-called order for it to be appropriate to speak of progressive development of such principles and norms. Paragraph 2 gave rise to difficulties, since it was necessary to await the completion of the analytical study referred to before a decision could be adopted on any further steps that might be taken. The statement made in paragraph 3 was also premature. His delegation had therefore been unable to support the draft resolution.

The meeting rose at 1.15 p.m.