



SUMMARY RECORD OF THE 48th MEETING

Chairman: Mr. JESUS (Cape Verde)

later: Mr. FRANCIS (Jamaica)

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Distr. GENERAL
A/C.6/41/SR.48
1 December 1986
ENGLISH
ORIGINAL: SPANISH

The meeting was called to order at 3.10 p.m.

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/41/536)

1. Ms. FORTON (Canada) said that Canada had taken note with interest of the study prepared by UNITAR on the progressive development of the principles and norms of international law relating to the new international economic order (A/39/504/Add.1, annex III), which covered a wide range of complex legal issues. The key question was whether any further work was required in that area as a follow-up to the analytical study. Canada was in favour of practical projects of a legal nature that were manageable in scope. The level of consensus reached on the issues of interest discussed in the study was not yet sufficient to permit a more structured and productive discussion. Canada therefore suggested that the General Assembly should take note of the analytical study, so that its contents and conclusions could be taken into account in the future, but felt that further work towards codification or progressive development of legal principles in the areas noted in the study was not justified.

2. Mr. TOLENTINO (Philippines) noted with concern the dismal world economic situation, which was even more gloomy and tragic if one considered that the increasing economic inequalities between nations and peoples had resulted in an uncontained deterioration of conditions in the poorer countries of the world. There could be no peace without economic security, and peace was not simply the absence of war but meant the satisfaction of the basic needs of man, the preservation and sustenance of human life and the improvement of its quality. The United Nations must have the development of humanity at the very heart of its activities, which must take fully into account the position of the developing countries. There was an urgent need for a readjustment of economic forces and relations, so as to transform the international economic society into one in which equality and equity predominated, both in the distribution of benefits and in the establishment of economic rules for the international community. The Philippines had consistently encouraged a system of collective self-reliance among developing countries so as to enhance their capabilities to meet their needs and to strengthen their bargaining position vis-à-vis the developed countries. It was regrettable that the latter countries were not encouraging and supporting such efforts.

3. There were numerous principles of international law relating to international economic relations and systematic efforts were required to develop and consolidate them into one appropriate instrument that would govern the behaviour of States, international organizations, transnational enterprises and other subjects of international law. Definite principles and rules were needed that would be binding on the members of the international community. The new international economic order must be built on existing principles but must also establish new norms and principles as they crystallized.

4. The matters to be analysed included the principles and norms identified in the UNITAR study (A/39/504/Add.1, annex III). The Philippines wished to emphasize the

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(Mr. Tolentino, Philippines)

principle of preferential treatment for developing countries, which would correct the patent discrepancy between the legal or formal equality of States and the actual or factual inequality in their economic positions, and the principle of participatory equality of developing countries, which would correct the present rules of international decision-making, in which developing countries had not yet been given substantial participation, even in matters adversely affecting them.

5. He had been disappointed to hear the view expressed by some delegations that no more work should be done on the new international economic order. He failed to understand why, after so much work, the UNITAR study should be considered as a useless document. Although the study had been costly, it was worth the cost. The task of progressive development was not easy, but a slow process was better than no process at all. The new international economic order was a solid basis for universal peace and security and the process of its development should therefore be advanced with greater determination.

6. Mr. MIKULKA (Czechoslovakia) said that the critical economic situation of many developing countries was one of the most alarming world problems. For that reason, the consolidation of international economic relations on just and democratic bases was one of the most important contemporary tasks. In order to achieve that goal, it was necessary to eliminate illegal discriminatory practices in international economic relations, to find a fair solution to the problem of the external debt and to adopt specific measures to prevent recourse to economic blackmail, financial boycott and so-called economic and trade sanctions, whose real objective was to impede the economic development and political emancipation of States. The main prerequisite for the establishment of a new international economic order was for all States strictly to respect the principles of the Charter of the United Nations and the other basic principles of international law.

7. The study prepared by UNITAR (A/39/504/Add.1, annex III) was in general deserving of praise, although it had considerable shortcomings. For example, the study did not reflect the important link existing between development and disarmament, and did not adequately describe the experience acquired in the process of mutually advantageous economic co-operation between the socialist countries and the developing countries. There were also some difficulties with regard to the conclusions appearing in the report on the subject of nationalization and compensation, preferential treatment and certain other questions.

8. The formulation of principles and norms relating to the new international economic order was a difficult and complex task. The purpose of such principles and norms should be to upgrade international economic relations, to strengthen commercial, scientific and technical ties on a basis of equality and to guarantee the economic security of States. In addition, consideration should be given to the main problems of the contemporary world, such as environmental protection, the peaceful uses of outer space, the exploitation of the seas and oceans and the utilization of new sources of energy. The starting-point should be the instruments already formulated under United Nations auspices, and particularly the Charter of Economic Rights and Duties of States and the Declaration and Programme of Action on

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(Mr. Mikulka, Czechoslovakia)

the Establishment of a New International Economic Order. The appropriate forum for the formulation of those principles and norms was an organ consisting of representatives of States - for example, a working group of the Sixth Committee.

The meeting was suspended at 3.25 p.m. and resumed at 3.30 p.m.

AGENDA ITEM 124: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)
(A/C.6/41/L.2)

9. The CHAIRMAN invited the Committee to take a decision on the draft resolution in document A/C.6/41/L.2.

10. Mr. VOICU (Romania) said that the compromise proposals by the delegations which wanted draft resolution A/C.6/41/L.2 to be adopted by consensus, made during the informal consultations on the French proposal to delete paragraph 5 of that text and the Brazilian proposal to vote separately on paragraphs 3 and 4, had been rejected by the Group of Western European and other States.

11. The Western European and other States had rejected a proposal to add the following text to paragraph 5 of draft resolution A/C.6/41/L.2:

" , to be considered in conjunction with the examination of the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

12. The Western European and other States were responsible for preventing the adoption by consensus of the resolutions relating to the peaceful settlement of disputes between States and to the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. That was an attempt to remove from the agenda of the General Assembly the important item on the peaceful settlement of disputes between States. That item was not limited to resort to a commission of good offices, mediation or conciliation, since it was much broader and more complex.

13. The request that paragraph 5 of draft resolution A/C.6/41/L.2 should be deleted did not constitute a proposal relating to the rationalization of the Organization's work but, rather, an attempt to eliminate an item dealing with the fundamental principles of international law, with the implementation of the Manila Declaration and with efforts to strengthen the peaceful settlement of disputes and the progressive development of international law. Such an approach ignored the actual international situation and placed Governments that were concerned that the draft resolution should be adopted by consensus in a difficult position.

14. The representative of Brazil had indicated that in principle he did not oppose the content of paragraphs 3 and 4 of the draft. What he was concerned about was the possibility that draft resolutions A/C.6/41/L.2 and L.11 might duplicate each other. One way to solve that problem would be to consider draft resolution A/C.6/41/L.11. With regard to the proposal concerning a separate vote put forward on behalf of the Western Group, his delegation wished to request a roll-call vote.

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15. Mr. GAUDREAU (Canada) said that the problem to which a number of provisions of draft resolution A/C.6/41/L.2 gave rise was not a substantive problem but a procedural one. In an endeavour to maintain the consensus on the adoption of the draft resolution, his delegation wished to make a formal proposal that the wording of paragraph 5 of the draft should be amended so that it read:

"5. Decides that at its forty-second session the question of the peaceful settlement of disputes between States shall be considered under the item of the provisional agenda entitled 'Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization'."

16. Mr. VOICU (Romania) said that he wished to move the following sub-amendment to the amendment made by Canada:

"5. Decides that the question of the peaceful settlement of disputes between States shall be examined at its forty-second session as a separate agenda item, in conjunction with the item of the provisional agenda entitled 'Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization'."

17. In accordance with rule 130 of the rules of procedure of the General Assembly, the sub-amendment should be voted on first.

18. Mr. SCHRICKE (France) said that, in view of the Canadian amendment, his delegation wished to withdraw its request for a separate vote on paragraph 5 of the draft resolution.

19. If Canada did not agree to the incorporation of the Romanian sub-amendment into its own amendment, the text submitted by Canada should be put to the vote first.

20. The CHAIRMAN said that the Committee had before it the Canadian and Romanian proposals on paragraph 5 and Brazil's request for a separate vote on paragraphs 3 and 4 of the draft resolution. In accordance with the Assembly's rules of procedure, the amendments should be voted on first.

21. Mr. GAUDREAU (Canada) said that the Romanian proposal was not a sub-amendment to his delegation's amendment but, rather, a new proposal that changed the meaning of the Canadian amendment.

22. Mr. VOICU (Romania) said that, if his amendment was not incorporated into the Canadian amendment, the Romanian amendment should be voted on first, since the rules of procedure applied to all delegations.

23. The CHAIRMAN said that the Romanian amendment was a sub-amendment to the Canadian amendment and should therefore be put to the vote first, in accordance with the rules of procedure of the General Assembly.

24. Mr. SCHRICKE (France) said that, according to rule 130 of the rules of procedure, when an amendment was moved to a proposal, the amendment should be voted on first. There was no reference to sub-amendments. Draft resolution A/C.6/41/L.2 constituted the proposal. Canada had moved an amendment to paragraph 5 of the draft resolution. The rules of procedure drew a distinction between proposals and amendments. The Canadian amendment should therefore be voted on first.

25. Mr. VOICU (Romania) said that the Chairman had reached the right decision and the Committee should vote in accordance with that decision.

26. The CHAIRMAN said that the Committee had before it a Canadian amendment and another amendment moved by Romania as a sub-amendment to the Canadian amendment. In accordance with the General Assembly's established practice, the sub-amendment should be voted on first. He had decided that the text in question was a sub-amendment. If there were any objections, he would put his decision to a vote by the Committee.

27. Mr. SCHRICKE (France) said that the practice to which the Chairman had referred constituted a departure from the rules of procedure. In any event, his delegation would move a further sub-amendment, since the representative of Romania did not wish to permit the Committee to pronounce freely on the Canadian amendment.

28. The CHAIRMAN said that, if no delegation wished to challenge his decision that the Romanian sub-amendment should be voted on first, that decision would stand, in accordance with the rules of procedure.

29. It was so decided.

30. Mr. SCHRICKE (France) said that he wished to propose that the Romanian amendment should be amended so that the words "as a separate agenda item" were replaced by the words "as a sub-item of the agenda item entitled, 'Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization'". In the agenda, following that agenda item there would therefore be a subparagraph (a) entitled "Peaceful settlement of disputes between States".

31. The CHAIRMAN said that he wished to repeat that, since there had been no objections to his decision, it must be implemented and a decision must be adopted on the Romanian and Canadian amendments.

32. Mr. SCHRICKE (France) said that the unchallenged decision indicated only that the Romanian proposal was a sub-amendment to the Canadian amendment. Since no delegation had ever been denied the right to move a sub-amendment before the vote and since he had made clear his intention to move a sub-amendment, he had not interpreted the Chairman's decision as precluding the sub-amendment that he had been intending to move.

33. The CHAIRMAN said that he wished to know whether there was any objection to the submission of the French amendment.

34. Mr. VOICU (Romania) said that he wished to reiterate his appeal for a responsible approach to the Committee's work. The Committee should vote on his delegation's sub-amendment. If the Romanian sub-amendment was adopted, the Committee should vote on the draft resolution as a whole, as amended. If the Committee did not follow that procedure, his delegation could play the same game and propose a further sub-amendment.

35. The CHAIRMAN said that he wished to appeal to delegations to confine themselves to voting against the amendments with which they did not agree, instead of moving further amendments that ran counter to the earlier amendments. Three amendments had been moved. In accordance with the procedure followed by the Organization, the French amendment should be put to the vote first. If the outcome of the vote was negative, the Romanian amendment should be put to the vote. If the outcome of that vote was also negative, the Canadian amendment should be put to the vote.

36. Mr. BOSCO (Italy) said that he wished, without raising any objection to the Chairman's decision, to suggest that the Committee should strictly implement article 130 of the rules of procedure of the General Assembly, which read that "when two or more amendments are moved to a proposal, the committee shall first vote on the amendment furthest removed in substance from the original proposal". The Canadian proposal, which was the one furthest removed from the original proposal, should therefore be put to the vote first.

37. Mr. GAUDREAU (Canada) said that he supported the suggestion put forward by the representative of Italy. The Romanian sub-amendment actually ran counter to the meaning of the Canadian amendment and gave paragraph 5 its original meaning.

38. Mr. QUERTON (Belgium) said that he supported the suggestion put forward by the representative of Italy.

39. Mr. VREEDZAAM (Suriname) said that the Chairman had already decided that there were only two amendments before the Committee, and no delegation had challenged that decision before the Chairman had indicated that the Committee was going to take a vote. He therefore wished to move, in accordance with article 117 of the rules of procedure, that the debate should be closed and that the Committee should act in accordance with the decision already adopted by the Chairman.

40. The CHAIRMAN said that, in accordance with rule 117, permission to speak could be accorded only to two speakers opposing the closure of the debate. If no delegation requested permission to speak for that purpose, he would take it that the Committee endorsed his decision, and would put the amendments moved by Romania and Canada to paragraph 5 of draft resolution A/C.6/41/L.2 to the vote.

41. Mr. HAYASHI (Japan), speaking on a point of order, said that it should not be concluded that there were two amendments but, rather, that there were three, since the representative of France had made his intention to move a sub-amendment very clear.

42. The CHAIRMAN said that it was his understanding that the representative of Japan had not raised a point of order but had spoken against the closure of the debate.

43. Mr. YIMER (Ethiopia), speaking on a point of order, said that there had been no objection to the Chairman's ruling under rule 117 of the rules of procedure, or to the proposal of the representative of Suriname. Accordingly, the Committee should proceed to a vote on the two amendments submitted.

44. The CHAIRMAN reminded the Committee that a decision had already been taken and urged members not to reopen the debate.

45. Mr. VAN WULFFTEN PALTHE (Netherlands), speaking on a point of order, said that if the debate was closed on agenda item 124, which had been under consideration, the Committee should go on to agenda item 132.

46. The CHAIRMAN said that the only matter under consideration was a proposal related to the decision that had been adopted. Considering any other proposal would be reopening the debate.

47. Mr. BOSCO (Italy), speaking on a point of order, said that, according to rule 117 of the rules of procedure, the debate was closed at the point which it had reached at the time when the closure decision was taken and not five or ten minutes earlier. At the time when the debate had been closed, there had been three amendments proposed, not two.

48. Mr. SCHRICKE (France), speaking on a point of order, said that there had been no opposition to the closure of the debate because, as the sound recording would show, the Chairman had said that a vote would be taken first on the sub-amendment submitted by the delegation of France and after that, if necessary, on the amendments submitted by Romania and Canada.

49. The CHAIRMAN said that the vote should be taken only on two amendments. The French sub-amendment was equivalent to the Canadian amendment and it would be too formalistic to consider it separately.

50. Mr. SCHRICKE (France) said that it would set an unfortunate precedent if his delegation were to be prevented from submitting an amendment. The amendment proposed by France would not produce the same result as the amendment proposed by Canada and, in any event, it was the Committee which should decide the matter. He therefore reiterated his request that the Committee should proceed in the manner originally indicated by the Chairman - in other words, take a vote on the amendments proposed by France, Romania and Canada, unless the Romanian delegation withdrew its amendment.

51. The CHAIRMAN said again that, on the motion of the representative of Suriname and in accordance with rule 117 of the rules of procedure, the debate had been closed. The Committee should now consider the amendments of Romania and Canada.

52. Mr. SCHARIOTH (Federal Republic of Germany) said that no delegation had opposed the motion to close the debate because, at the time, there had been three amendments, submitted by France, Romania and Canada.

53. Mr. VREEDZHAM (Suriname), speaking on a point of order, said that, just as all members of the Committee were sovereign States with an equal right to propose amendments, all had an equal right to oppose the Chairman's rulings, and none of them had done so, since at the time the only representative who had asked to speak had entered into the discussion without appealing against the ruling. His delegation had moved the closure of the debate in accordance with rule 117, and no proposed amendment could be considered after the Chairman had indicated that a vote would be taken on the amendments of Romania and Canada.

54. The CHAIRMAN said again that, since there had been no objection to the motion for closure of the debate, it had been adopted.

55. Mr. SCHRICKE (France) said that he must insist that his oral sub-amendment should be considered, since every delegation was entitled to submit amendments. The Surinamese delegation's motion referred to the closure of the debate and not to the order of voting on the amendments. In any event, the French sub-amendment had been submitted before the closure of the debate. As the Chairman himself had pointed out, the voting order should be: first, the French sub-amendment; second, the Romanian sub-amendment; and, third, the Canadian amendment.

56. There was yet another possibility for overcoming the impasse, namely, to suspend the meeting in order to reach an agreement.

57. Mr. VREEDZHAM (Suriname) and Mrs. SILVERA NÚÑEZ (Cuba) opposed the suspension of the meeting.

58. The CHAIRMAN, after summarizing the discussion, put to a vote the oral amendments to paragraph 5 of draft resolution A/C.6/41/L.2, in the order indicated by the delegation of France.

59. A vote was taken by roll-call on the sub-amendment proposed by France to the Romanian sub-amendment.

60. Paraguay, having been drawn by lot by the Chairman, was called upon to vote first.

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

Against: Algeria, Angola, Bahrain, Bangladesh, Bolivia, Botswana, Bulgaria, Burkina Faso, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, China, Cuba, Cyprus, Czechoslovakia, Ecuador, Egypt, Ethiopia, German Democratic Republic, Guyana, Hungary, India, Indonesia, Iran (Islamic

Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Malawi, Mali, Mexico, Mongolia, Morocco, Mozambique, Nicaragua, Niger, Nigeria, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Abstaining: Argentina, Bahamas, Brazil, Cameroon, Chile, Colombia, Côte d'Ivoire, Greece, Guatemala, Guinea, Israel, Nepal, Oman, Paraguay, Portugal, Saudi Arabia, Senegal, Swaziland, Thailand, Togo, Turkey, Uruguay.

61. The sub-amendment proposed by France was rejected by 69 votes to 19, with 22 abstentions.

62. The CHAIRMAN said that there had been no request for a roll-call vote on the Romanian sub-amendment.

63. Mr. VOICU (Romania) requested that if a vote was taken, it should be a recorded vote.

64. The CHAIRMAN, replying to a question from the delegation of Belgium, said that under rule 130 of the rules of procedure, if the Romanian sub-amendment was adopted, no vote would be taken on the Canadian amendment.

65. The Romanian sub-amendment was adopted without a vote.

66. The CHAIRMAN said that, since Brazil had requested a separate vote on paragraphs 3 and 4 of draft resolution A/C.6/41/L.2, a vote would be taken on paragraphs 3 and 4 together.

67. Mr. VOICU (Romania) said that it was his understanding, according to the informal consultations held and information received from other delegations, that Brazil did not insist on a separate vote on those paragraphs.

68. The CHAIRMAN said that at the current stage of the proceedings, members could speak only on points of order; he therefore requested the representative of Romania to refrain from speaking on questions of substance.

69. Mr. ROSENSTOCK (United States of America), speaking on a point of order, said that the Chairman had just anticipated what his delegation had been going to say about the Romanian intervention.

70. The CHAIRMAN said, in response to requests for advice from Mr. ABDEL KHALIK (Egypt) and Mr. BADR (Qatar), that Brazil had not proposed the deletion of paragraphs 3 and 4 of draft resolution A/C.6/42/L.2 but had only asked for a separate vote. Furthermore, the vote would not be on whether it was appropriate to

(The Chairman)

have a separate vote of each paragraph but directly on both paragraphs together. A vote in favour would mean that paragraphs 3 and 4 of draft resolution A/C.6/41/L.2 were adopted.

71. At the request of the representative of Brazil, a vote was taken by roll-call.

72. Nicaragua, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Ecuador, Egypt, Ethiopia, German Democratic Republic, Guatemala, Guinea, Guyana, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Australia, Belgium, Canada, Denmark, Finland, Iceland, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Brazil, France, Germany, Federal Republic of, Greece, Hungary, Ireland, Israel, Italy, Japan, Netherlands, New Zealand, Turkey.

73. Paragraphs 3 and 4 of draft resolution A/C.6/41/L.2 were adopted by 88 votes to 12 with 13 abstentions.

74. The CHAIRMAN invited the Committee to take a decision on draft resolution A/C.6/41/L.2 as a whole, as amended.

75. Mr. ROSENSTOCK (United States of America), speaking in explanation of vote before the vote, said that his delegation supported the principle of the peaceful settlement of disputes between States and therefore hoped to take part in the adoption by consensus of the draft resolution on the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

(Mr. Rosenstock, United States)

76. If the General Assembly was to play an important role, it was essential for it to act in an orderly way and on a rational basis. It was not rational to keep an item on the peaceful settlement of disputes, the substance of which was to request the Special Committee on the Charter to do what it was supposed to do in accordance with its own mandate. It was impossible, therefore, to argue in favour of the separate existence of an item on the peaceful settlement of disputes between States. The procedure followed by the Committee in the current debate was irrational. The Canadian delegation had proposed an amendment in accordance with rule 130 of the General Assembly's rules of procedure. As the Italian delegation had pointed out, the proposal of the Romanian delegation had not been a sub-amendment to the amendment of the Canadian delegation but a different proposal. Subsequently, the French delegation had submitted an amendment to the Romanian proposal. The Committee should have voted first on the Canadian delegation's proposal, which was the furthest removed in substance, and only after that should it have voted on the Romanian delegation's proposal; then, if the Canadian amendment had not been approved, a vote should have been taken first on the French proposal and subsequently on the Romanian proposal.

77. His delegation felt tempted to vote against the draft resolution before the Committee, as being a pointless extra burden on the General Assembly's agenda, but it would confine itself to abstaining since it regarded the content as superfluous rather than harmful.

78. Mr. ABDEL KHALIK (Egypt), speaking on a point of order, said that the Brazilian delegation had requested a separate vote on paragraphs 3 and 4 of the draft resolution and, according to his interpretation, paragraphs 3 and 4 had been provisionally adopted. Paragraph 5 had also been adopted and the Committee should therefore proceed now to vote on the rest of the resolution in document A/C.6/41/L.2.

79. Mr. SCHRICKE (France) said that his delegation would abstain in the vote on draft resolution A/C.6/41/L.2 because, while not opposing the General Assembly's consideration of the matter, it considered that there was no reason to keep a separate item on the peaceful settlement of disputes.

80. The French delegation, which had abstained in the vote on paragraphs 3 and 4, was simply drawing the logical conclusion from the fact that the Committee was already considering the question of the peaceful settlement of disputes between States as part of its consideration of the report of the Special Committee on the Charter of the United Nations.

81. The rationalization of the General Assembly's procedures was an item to which his delegation attached great importance and one which had become pressing because of the Organization's financial crisis. Referring to the recommendations adopted on the matter by the Asian-African Legal Consultative Committee, he expressed regret that the delegations participating in the work of that Committee had not thought it appropriate to apply them to the work of the Sixth Committee.

(Mr. Schricke, France)

82. His delegation considered that the Committee should have voted first on the amendment submitted by the Canadian delegation and regretted that it had opted for a different procedure. However, his delegation had no objection to the substance of the draft resolution and it would therefore confine itself to abstaining.

83. At the request of the representative of Romania, a vote was taken by roll-call on draft resolution A/C.6/41/L.2, as amended.

84. The Syrian Arab Republic, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Belgium, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Ecuador, Egypt, Ethiopia, Finland, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Malawi, Malaysia, Maldives, Mali, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, 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, Zaïre, Zambia, Zimbabwe.

Against: None.

Abstaining: Australia, Canada, France, Netherlands, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

85. Draft resolution A/C.6/41/L.2, as amended, was adopted by 107 votes to none, with 7 abstentions.

86. Mr. HAYASHI (Japan), speaking in explanation of vote, said that his delegation had always participated actively in all work related to the item on the peaceful settlement of disputes and the strengthening of the role of the Organization in that matter, and particularly in the drafting of the Manila Declaration on the Peaceful Settlement of International Disputes, to which it had always given strong support. Therefore, it was not opposed to the substance of the draft resolution or to the worthy intentions of its sponsors. Nevertheless, in order to avoid duplication arising from the fact that the same subject was also being considered under agenda item 132, and as a practical means of achieving the rationalization of

(Mr. Hayashi, Japan)

the functional modalities of the United Nations recommended by the Working Group of the Whole of the Asian-African Legal Consultative Committee (A/41/437), it had not supported paragraphs 3 and 4 of draft resolution A/C.6/41/L.2 or paragraph 5 in its original wording.

87. Mr. BRENNAN (Australia) said that he would have supported the Canadian amendment in so far as it constituted, in his opinion, a basis for the adoption by consensus of draft resolution A/C.6/41/L.2. The fact that it had abstained in the vote on that draft resolution did not mean that his delegation was opposed to the item on the peaceful settlement of disputes, but it wished to express concern about the duplication which existed with draft resolution A/C.6/41/L.11. His delegation did not wish to have the item removed from the agenda, but rather to have it combined with the item in the report of the Special Committee on the Charter, in order to rationalize the agenda of the Sixth Committee.

88. Mr. VAN WULFFTEN PALTHE (Netherlands) said that his delegation had abstained, because it believed that it was unnecessary to include the item, which was already being dealt with by the Special Committee on the Charter in the agenda of the General Assembly every year. Furthermore, the Netherlands believed that it was unnecessary to set up new bodies for the peaceful settlement of disputes, such as the commission referred to in paragraph 3 (a) of draft resolution A/C.6/41/L.2.

89. Mr. EDWARDS (United Kingdom) said that, in his opinion, paragraphs 3 and 4 of draft resolution A/C.6/41/L.2 duplicated the request made in paragraph 3 of draft resolution A/C.6/41/L.11. It would be wrong to adopt two resolutions on that subject, and the item on the peaceful settlement of disputes between States should not be included as a separate item on the agenda of the Sixth Committee, especially when an attempt was being made to rationalize its procedures. On the other hand, he would have supported the Canadian amendment, which was more rational and useful and more in line with the recommendations of the Asian-African Legal Consultative Committee.

90. Mr. BOSCO (Italy) said that Italy had always been an active participant in the area of the peaceful settlement of disputes, and had therefore voted in favour of draft resolution A/C.6/41/L.2. However, that vote did not imply approval of duplication of work, which deeply concerned his delegation.

91. Mr. CASTROVIEJO (Spain) said that his vote in favour of the draft resolution highlighted Spain's interest in the item on the peaceful settlement of disputes. The resolution just adopted would make it possible to continue work on that question. However, it was regrettable that the procedures followed during the discussion had resulted in voting on an item which should have been adopted by consensus. He hoped that in the future the Committee would revert to a consensus approach.

92. Mr. BERAUN (Peru) said that his delegation reiterated the observations formulated on the item at the thirty-seventh session, on the occasion of the adoption of the Manila Declaration.

93. Mr. BRING (Sweden), speaking also on behalf of the delegations of Denmark, Finland, Iceland, and Norway, said that the Nordic countries had voted in favour of draft resolution A/C.6/41/L.2, because they resolutely supported the principles underlying it. However, they did not support the inclusion of paragraphs 3 and 4, because in their opinion those paragraphs involved duplication. They also believed that it was unnecessary to establish a new organ for the peaceful settlement of disputes; the political will of States was more important. The item on the peaceful settlement of disputes would be considered more effectively in the Special Committee on the Charter. However, if it was to be kept as a separate item, nothing justified its inclusion in the provisional agenda of the following session of the General Assembly.

94. Mr. SCHARIOTH (Federal Republic of Germany) said that his delegation had voted in favour of draft resolution A/C.6/41/L.2 because it fully agreed that the item on the peaceful settlement of disputes should be considered. However, it believed that the text would have been improved had the Canadian amendment or the French sub-amendment been accepted. He deeply regretted the duplication of the Sixth Committee's work, which must be rationalized.

95. Mr. GUNEY (Turkey) said that he had voted in favour of draft resolution A/C.6/41/L.2, because the peaceful settlement of disputes was of paramount importance. However, Turkey's favourable vote must not be interpreted as approval of the initiative of establishing a commission of good offices, mediation or conciliation within the United Nations, or as a change in its position expressed during the general debate. The reluctance of States to settle their disputes by peaceful means was due more to the absence of political will than to the lack of machinery at the international and regional levels. The proposal to establish a commission of good offices did not reflect the practical needs of the international community.

96. Mr. ZHULATI (Albania) said that, although the question of the peaceful settlement of disputes was important for States and for the United Nations, Albania had not participated in any of the votes. Any discussion of the continuation of conflict situations and the emergence of new sources of disputes and tensions which endangered the security of States must point out that they were instigated and supported by the imperialist Powers, the United States of America and the Soviet Union, which violated the fundamental principles of international law. It could be said that, following the summit meeting between President Reagan and General Secretary Gorbachev, the aggressiveness of the super-Powers and the pressures and threats against peoples had increased.

AGENDA ITEM 132: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)
(A/C.6/41/L.11)

97. Mr. CALERO RODRIGUES (Brazil) said it was not appropriate for the Committee to adopt two resolutions with the same wording. Paragraphs 3 and 4 of draft resolution A/C.6/41/L.2 and paragraphs 3 (b) and 9 of draft resolution A/C.6/41/L.11 were identical. Consequently, his delegation proposed that paragraphs 3 (b) and 9 of draft resolution A/C.6/41/L.11 should be amended.

(Mr. Calero Rodrigues, Brazil)

98. Paragraph 3 (b) would read: "To continue its work on the question of the peaceful settlement of disputes between States, in accordance with paragraph 3 of resolution ..." (followed by the number corresponding to draft resolution A/C.6/41/L.2, which the Committee had just adopted).

99. Paragraph 9 of draft resolution A/C.6/41/L.11 would read: "Requests the Secretary-General to continue the preparation of a draft handbook on the peaceful settlement of disputes between States, in accordance with paragraph 4 of resolution ..." (followed by the number corresponding to draft resolution A/C.6/41/L.2, which had just been adopted).

100. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt the amendments proposed by the delegation of Brazil.

101. The amendments submitted by the delegation of Brazil were adopted.

102. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/41/L.11, as amended by Brazil, without a vote.

103. Draft resolution A/C.6/41/L.11, as orally amended, was adopted without a vote.

104. Mr. FRANCIS (Jamaica) took the Chair.

AGENDA ITEM 125: DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.6/41/L.16)

105. The SECRETARY announced that the Byelorussian Soviet Socialist Republic, Guinea, the Ukrainian Soviet Socialist Republic and Viet Nam had joined the sponsors of draft resolution A/C.6/41/L.16.

AGENDA ITEM 128: CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.6/41/L.15)

106. The SECRETARY announced that Egypt and India had joined the sponsors of draft resolution A/C.6/41/L.15.

The meeting rose at 6.20 p.m.