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MEETING**

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CONTENTS

	Page
<i>Statement by the Chairman</i>	3
<i>Election of the Vice-Chairman</i>	3
<i>Election of the Rapporteur</i>	3
<i>Order of discussion of agenda items</i>	3

Chairman: Mr. César A. QUINTERO (Panama).

Statement by the Chairman

1. The CHAIRMAN thanked the members of the Sixth Committee for the honour which they had done to the Republic of Panama by electing him to the Chair and expressed his thanks to the outgoing Chairman, Mr. Ortiz Martín, for speaking so highly of him. He recalled that the late Secretary-General had shown a certain preference for the Committee. In that connexion, it seemed reasonable to predict that the Committee would become increasingly important. The work of the Main Committees of the General Assembly was necessarily interrelated; and, in his view, the task of the Sixth Committee should be to give practical form to subjects which had been discussed and clarified in the other Committees.

Election of the Vice-Chairman

2. Mr. E. K. DADZIE (Ghana) nominated Mr. Mustafa Kamil Yasseen (Iraq).

3. Mr. MATINE-DAFTARY (Iran), Mr. DE LUNA (Spain), Mr. ORTIZ MARTIN (Costa Rica), Mr. MUSTAFA (Pakistan), Mr. ULLOA (Peru), Mr. WAN MUSTAPHA (Federation of Malaya) and Mr. CASTAÑEDA (Mexico) supported the nomination.

Mr. Yasseen (Iraq) was elected Vice-Chairman by acclamation.

Election of the Rapporteur

4. Mr. PERERA (Ceylon) nominated Mr. Ustor (Hungary).

5. Mr. AMADO (Brazil), Mr. MATINE-DAFTARY (Iran), Mr. WAN MUSTAPHA (Federation of Malaya) and Mr. PECHOTA (Czechoslovakia) supported the nomination.

Mr. Ustor (Hungary) was elected Rapporteur by acclamation.

Order of discussion of agenda items (A/C.6/363)

6. The CHAIRMAN suggested that the Committee should consider the four agenda items allocated to it in the order indicated in the letter from the President of the General Assembly (A/C.6/363).

7. Mr. TABIBI (Afghanistan) agreed that the agenda item concerning the enlargement of the International Law Commission should be considered first, since the General Assembly could not deal with the item concerning the election of the members of the International Law Commission until it had first taken a decision concerning the proposal to enlarge the Commission. However, after the first item had been discussed, if the Chairman of the International Law Commission had not arrived in New York to introduce the Commission's report, his delegation would prefer the Committee to consider the very important subject of "Future work in the field of codification and progressive development of international law" as the second item on its agenda.

8. Mr. PERALTA (Guatemala) thought that the Committee should begin its work by discussing the report of the International Law Commission so as to have sufficient background information with which to consider the future work of that body in the field of the codification and progressive development of international law. Unless there were serious objections, he would suggest that the question of special missions should be taken up last. In any event, however, it would be as well for the Committee to meet as frequently as possible, in order that it might promptly complete its consideration of the items assigned to it; there was always the possibility that some other Committee might request its assistance in studying the legal aspects of certain problems.

9. On the subject of the Committee's work, he wished to associate his delegation with the wide-spread disappointment that so few items had been allocated to the Sixth Committee at the present session, as in the past. Unfortunately, in devoting so much attention to political matters, the General Assembly failed to take account of the fact that many of the problems now dividing the world were essentially legal problems, and that the discussion of their political aspects need not preclude the study of their legal side by a specialized body. Political and legal affairs were complementary and all the principal decisions were ultimately taken in the General Assembly by heads of mission. For those reasons, Guatemala had wished to submit a proposal to the General Assembly to the effect that the draft Declaration on the Right of Asylum should be discussed in the Sixth Committee. Unfortunately, owing to lack of support, it had been unable to submit that proposal. His delegation would now like to propose that, after concluding its discussion of the items officially allocated to it, the Sixth Committee should give serious thought to its future and the category of items that it should discuss. It might be more logical if the Committee were constituted as a human rights committee, leaving the Third Committee to deal exclusively with social and cultural matters.

10. The CHAIRMAN explained that the Chairman of the International Law Commission, who would present that body's report, had not yet arrived.

11. Mr. MATINE-DAFTARY (Iran) considered that it would be logical to preserve the order of the agenda items as suggested in the letter from the President of the General Assembly. The enlargement of the International Law Commission would have to be discussed first, since the election of the members of that body would be determined by any decision reached on that item. Incidentally, the United States delegation was to be congratulated on its initiative in sponsoring the item for inclusion on the agenda (A/4805), now that the membership of the United Nations had been so substantially increased.

12. Mr. CASTAÑEDA (Mexico) considered that the Committee was not bound to adhere to the order set forth in the letter from the President of the General Assembly and that it was for the Committee itself to determine in which order its items should be discussed. Normally, the most important item, which was that relating to future work in the field of the codification and progressive development of international law, should be taken up first. However, since there were special reasons for giving priority to the item on the enlargement of the International Law Commission, the question of the future work might be placed second or third in the order of discussion. In any case, since the question of special missions was not of particular importance, that item might take last place on the agenda.

13. Mr. PLIMPTON (United States of America) said that his delegation had been happy to sponsor the inclusion of the item on the enlargement of the International Law Commission and hoped that the Committee would decide to discuss it first, since elections to the Commission could not be held until the size of the Commission was established. Concerning the order of the remaining items, he thought that the representative from Mexico had made some sound observations; however, the United States delegation was prepared to accept the majority view.

14. Mr. STAVROPOULOS (Legal Counsel), in reply to a question from Mr. PERERA (Ceylon), explained that item I had been allocated first place on the agenda because, if early elections were to be held, it was first necessary to establish the membership of the International Law Commission. The discussion of that item might last for a week or, at most, two weeks. As the discussion of the second item should be fairly brief, it might be disposed of early on in the proceedings. Items 3 and 4 might take several weeks to consider. The fourth item had been so allocated to allow the longest possible time for its discussion.

15. Mr. PERERA (Ceylon) supported the representative of Mexico. It seemed to be generally agreed that the enlargement of the International Law Commission should be discussed first; the Commission's report could be discussed second and would then be followed by what was now item 4.

16. Mr. MUSTAFA (Pakistan) agreed with the representative of Iran that the original order of the agenda items should be preserved. He considered that, since item 4 would require lengthy discussion, it should be left until last.

17. Mr. MOROZOV (Union of Soviet Socialist Republics) thought that the most practical and expedient method was that suggested by the representative of

Mexico. Item 4 should be considered as early as possible, without thereby departing from the tradition of first considering the report of the International Law Commission. In view of the importance attaching to item 4, which involved a number of important political and legal questions, it should be taken up while the Committee was still fresh. The Committee's discussion might result in the elaboration of an entire programme of international law which would govern relations between States and contribute to peaceful coexistence. Since the second item was mainly of procedural interest, it could be discussed last. Furthermore, since chapter III of the report of the International Law Commission (A/4843) dealt with the future work of that body, valuable time might be saved if it were discussed in connexion with item 4.

18. Mr. SINHA (Nepal) thought that the report of the International Law Commission might be discussed first, since that item would have some bearing on the question of enlarging the Commission's membership, and the Chairman of that body might have some valuable suggestions to make.

19. Mr. DONOSO (Chile) agreed with the representatives of Iran and Afghanistan. In the light of the Legal Counsel's explanation, the Committee should adhere to the order of the agenda items set forth in the letter from the President of the General Assembly.

20. Mr. ROSENNE (Israel) felt that it might be useful if the Chairman of the International Law Commission could continue to represent that body during the discussion of item 4, which was connected with chapter III of the Commission's report. Moreover, he hoped that the summary records of the International Law Commission would be available before item 4 and the relevant sections of the report came up for discussion. Although he had no strong views on the subject, he felt that it would be preferable if consideration of item 2 were postponed until the Committee had concluded its discussion of items 3 and 4.

21. Mr. EVANS (United Kingdom) said that, while his delegation would prefer to retain the original order of items proposed, it would accept the majority decision. He agreed with the reasons given for discussing item 3 before item 4. It was essential to have the summary records of the International Law Commission's thirteenth session available before discussing the latter item.

22. Mr. ZEPOS (Greece) said that, in view of the explanations offered by the Legal Counsel, his delegation would prefer to have the agenda items discussed in the order in which they were listed in the letter from the President of the General Assembly.

23. Mr. TABIBI (Afghanistan), having heard the views expressed by other delegations, proposed that the Committee should consider the items in the following order: enlargement of the International Law Commission; report of the International Law Commission on the work of its thirteenth session; future work in the field of the codification and progressive development of international law; and question of special missions. He agreed with previous speakers that the Chairman of the International Law Commission should be requested to present to the Committee the views of the Commission on its future work, and that the documents and summary records of the International Law Commission relating to that question should be circulated to the members of the Committee.

24. Mr. AMADO (Brazil) supported the Mexican and Afghan proposals and agreed with the Soviet suggestion that the discussion of item 4 should be combined with that of chapter III of the report of the International Law Commission. In connexion with item 4, he wished to emphasize that the initiative in developing international law should be taken by States and not by the International Law Commission; it was therefore the Committee, and not the Commission, which should take any decisions concerning the future work in the field of the codification and progressive development of international law.

25. Mr. KIKHIA (Libya) said that the items should be considered in their present order, which was the most logical one; it was particularly important that item 1 should retain priority, since it concerned a matter which should be settled as quickly as possible.

26. Mr. OTO (Cameroun) agreed that item 1 should be considered first; the other items should also retain their present order, with the exception of item 2, which could be considered last.

27. Mr. USTOR (Hungary) said that it would be logical to leave the discussion of item 2 to the end of the session. He agreed with the Soviet suggestion that item 4 should be discussed together with chapter III of the Commission's report; for that purpose, the presence of the Commission's Chairman would be most helpful, if not indispensable.

28. Mr. LUTEM (Turkey), Mr. E. K. DADZIE (Ghana) and Mr. PERALTA (Guatemala) supported the view that item 2 should be considered last.

29. The CHAIRMAN said that it appeared to be the consensus of the Committee that items 1, 3 and 4 should be considered in their present order. He suggested that a vote should be taken by show of hands on the proposal that item 2 should be considered last.

The proposal was adopted by 41 votes to none, with 23 abstentions.

The meeting rose at 1.10 p.m.