



SUMMARY RECORD OF THE 58th MEETING

Chairman: Mr. AZZAROUK (Libyan Arab Jamahiriya)

CONTENTS

AGENDA ITEM 136: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY
(continued)

AGENDA ITEM 132: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE
LAW ON THE WORK OF ITS TWENTIETH SESSION (continued)

AGENDA ITEM 130: DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF
MANKIND: REPORT OF THE SECRETARY-GENERAL (continued)

AGENDA ITEM 135: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS
THIRTY-NINTH SESSION (continued)

AGENDA ITEM 127: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY,
DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE
SECRETARY-GENERAL (continued)

AGENDA ITEM 128: PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF
INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER: REPORT OF THE
SECRETARY-GENERAL (continued)

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The meeting was called to order at 7.15 p.m.

AGENDA ITEM 136: REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY
(continued) (A/42/26; A/C.6/42/L.20, L.23)

1. Mr. ROSENSTOCK (United States of America) said that, as the host country, the United States had been proud and conscious of its responsibilities at the founding of the Organization, and was all the more so now that it had 159 Members. The United States had always sought to find the best possible solution to the problems facing the missions and had in most cases successfully met its responsibilities.

2. The delays in the issuance of visas to the delegation of the Libyan Arab Jamahiriya had been due to a shortage of staff, which had since been remedied, and he again expressed his Government's apologies to the delegation in question. With regard to the size of missions, there was a threshold above which their size became unreasonable. Accordingly, reciprocal interests must be taken into account, which the United States had tried to do in many meetings; it was that an exaggeration to say that the question had never been discussed. As to the difficulties which had arisen about the utilization of certain property outside the state of New York, there were major questions concerning both the safety of the whole community and that of the diplomats directly concerned. The possibility of a court action had been mentioned, but it would not be appropriate to make any comments in that regard. As to the attack with an automatic weapon against a mission, that had been a non-politically-motivated act by individuals. In any case, to facilitate settlement of that type of problem, the United States felt that when such incidents occurred the parties concerned should inform the authorities as quickly as possible so that the necessary measures could be taken, and should avoid exaggerating the facts or presenting them as something which they were not.

3. With regard to the Observer Mission of the Palestine Liberation Organization to the United Nations, he noted that the bill in question was still before Congress, that the United States Secretary of State had stated that the closing of that mission would constitute a violation of United States obligations under the Headquarters Agreement, and that the United States Government was strongly opposed to it; moreover, the United States representative to the United Nations had given the Secretary-General the same assurances. Generally speaking, the United States hoped that problems encountered by missions would be brought to its attention or, if necessary, before the Committee on Relations with the Host Country.

AGENDA ITEM 132: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTIETH SESSION (continued) (A/C.6/42/L.15, L.21)

4. Mr. SCHRICKE (France), speaking on behalf of the sponsors of the amendments to draft resolution A/C.6/42/L.15 (A/C.6/42/L.21), said that although the draft Convention on International Bills of Exchange and International Promissory Notes had been the result of extensive negotiations, which had made it possible to reconcile different legal traditions, it must be recognized that there were still difficulties on certain points and that many States had not had the chance to

(Mr. Schricke, France)

contribute to the text, often because of lack of resources, as was the case of the developing countries. In fact, the definitive text of the draft had been available for barely two months. It was, however, a complex text which required thorough study, preferably by experts. Although the sponsors of draft resolution A/C.6/42/L.15 had taken those circumstances into account in postponing until the following year the decision on the draft Convention submitted by UNCITRAL, there had been a contradiction in the terms of the draft resolution, in that it recognized, on the one hand, in its last preambular paragraph, that Governments should be given sufficient time to study the draft Convention; on the other hand, however, it decided in paragraph 2 not only to consider the draft Convention the following year but also to adopt it as submitted by UNCITRAL. Such adoption would exclude any possibility of amendment.

5. The co-sponsors of the amendments under consideration felt that the text of the draft Convention could be reviewed before the forty-third session, and they had tried to reach a compromise with the sponsors of draft resolution A/C.6/42/L.15; unfortunately, they had been confronted by the intransigence of some delegations. The sponsors of the amendments merely hoped that a mechanism could be set up to solicit observations from States on the draft Convention.

6. Mr. BROWN (Australia) said that during the debate on the item at the present session a majority of delegations had declared themselves in favour of the adoption of the UNCITRAL draft Convention at the current session. That position coincided with that of UNCITRAL, which had stated, in paragraph 301 of its report, that the draft Convention, which was the culmination of over 14 years' work, had been extensively discussed and had been refined at the fifteenth session of the Working Group on International Negotiable Instruments and at the 1987 session of the Commission, and needed no further substantive consideration. It had, moreover, been adopted by consensus. In addition, observations from Governments had been requested twice, in 1982 and 1986. Nevertheless, the sponsors of draft resolution A/C.6/42/L.15 had been aware that a number of delegations needed more time, and that was why they had decided to postpone the question of adoption until the next General Assembly session. The creation of a working group, to which the amendments under consideration referred, would have financial implications both for Governments and for the Organization. The proposal could always be decided at the next General Assembly session, and it was therefore premature. For that reason, Australia would vote against the amendments contained in document A/C.6/42/L.21.

7. Mr. SCHRICKE (France) noted that, in the English version of the proposed new paragraph 3, the words corresponding to the French words "pendant une période maximum de deux semaines" had been omitted; it was necessary to specify that period, in order to limit the length of the work. Moreover, while it was true that observations had already been requested twice from States, the draft Convention had been altered with respect to the one on which the States had made their observations. Furthermore, far from re-examining the entire draft Convention, the working group would consider only the observations and proposals made by States.

8. Mr. ROSENSTOCK (United States of America) said that the accusations of intransigence against certain States were unfounded; the amendments had actually been inspired by one delegation, which would abstain in the vote on draft resolution A/C.6/42/L.15, even if the amendments were adopted.
9. UNCITRAL had worked for 15 years on preparing the draft Convention, requesting observations from States at least twice. There was no need to do so again. Moreover, if the amendments were adopted, they would have financial implications for Governments and the Organization. Notwithstanding, the decision to open the Convention to signature did not bind any State. It was the option of any State to sign it or not. The United States called on all delegations to vote against the draft amendments to ensure the right of those States which so desired to sign the Convention.
10. Mr. SCHRICKE (France) said that France certainly did not have the ulterior motives attributed to it. On the contrary, if the proposed amendments were adopted, his delegation, and undoubtedly the other co-sponsors as well, would be prepared to adopt the draft resolution, as amended, without a vote.
11. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) said that after 14 years of productive work, resulting in a consensus on a text, it was unrealistic to reopen issues on which Member States had had ample time to make their positions known. In any event, there were unlikely to be any new proposals. As for the establishment of a working group, it must not be forgotten that the Sixth Committee already expected to have three working groups at the forty-third session. If there were too many working groups, there would not be enough time for plenary meetings. It should be borne in mind that States wishing to sign the Convention should be free to do so.
12. Mr. WULFFTEN-PALTHE (Netherlands) said that he supported the representative of Australia. It was time to adopt the Convention and open it for signature. The decision to adopt it at the forty-third session would allow ample time to States which wished to familiarize themselves with the content of the Convention. The Netherlands would therefore vote against the proposed amendments.
13. Mr. INZKO (Austria) said that the draft Convention was the culmination of some 15 years of work by UNCITRAL, involving Member States and other interested States. It was the result of consensus. After lengthy consultations, many States had proposed that it should be adopted at the current session. However, since it had been pointed out that the Commission's report had been submitted late, a compromise had been sought. The sponsors of the amendments had no doubt taken a flexible attitude, but it had to be admitted that the establishment of a working group was not a very realistic solution, for the group would have to be composed of experts - given the complexity of the draft Convention - and would entail additional expenditure. For all those reasons, and primarily because the draft Convention had been adopted by consensus, Austria would vote against the amendments to draft resolution A/C.6/42/L.15.

14. Mr. EDWARDS (United Kingdom) said that he fully supported the representatives of Australia and Austria. While it was tempting to say that perfect consensus should be sought for the sake of a certain universalism, there should be nothing to prevent States wishing to accede to the draft Convention from doing so.

15. Mr. CASTROVIEJO (Spain) said that neither France nor the other sponsors intended to oppose the adoption of the draft Convention. On the contrary, they wanted it to be submitted to the Assembly as soon as possible. However, the time available before the forty-third session could be used for the submission of proposals and observations, because the text of the draft could be improved.

16. The CHAIRMAN invited the Committee to vote on the amendments to draft resolution A/C.6/42/L.15, which were contained in document A/C.6/42/L.21.

17. The amendment in paragraph 1 of document A/C.6/42/L.21 was adopted by 66 votes to 33, with 20 abstentions.

18. The amendment in paragraph 2 of document A/C.6/42/L.21 was adopted by 71 votes to 33, with 19 abstentions.

19. The amendment in paragraph 3 of document A/C.6/42/L.21 was adopted by 68 votes to 36, with 20 abstentions.

20. Mr. SCHRICKE (France) proposed that the Committee should adopt by consensus draft resolution A/C.6/42/L.15, as just amended.

21. Mr. WULFFTEN-PALTHE (Netherlands) requested a vote.

22. The CHAIRMAN invited the Committee to vote on the draft resolution, and asked if any delegations wished to explain their vote before the vote.

23. Mr. WULFFTEN-PALTHE (Netherlands) asked for the removal of his country's name from the list of sponsors of draft resolution A/C.6/42/L.15. The Netherlands would abstain in the vote. It was regrettable that the Committee, in adopting the amendments proposed by France, had taken a decision that would entail a considerable waste of money and time by the United Nations and by the Governments which would be obliged to send experts to New York for a two-week period.

24. Mr. BROWN (Canada) and Ms. HILLO (Finland) said that for the same reasons as the representative of the Netherlands, they would like the names of their respective countries to be removed from the list of sponsors of the draft resolution; their delegations would also abstain in the vote.

25. Mr. SCHARIOTH (Federal Republic of Germany), Mr. BRING (Sweden) and Mr. ROSENS' JCK (United States of America) also asked for the names of their countries to be removed from the list of sponsors of the draft resolution, for the reasons given by the preceding speakers.

26. Mr. HABIMANA (Rwanda) pointed out that the amendments just adopted (A/C.6/42/L.21) had not been proposed by France alone; the document had 16 sponsors, all of which were sovereign States. The adoption of the amendments showed that the majority of States were anxious to express their views on the substance of the draft Convention, before adopting it. His delegation would like to become a sponsor of draft resolution A/C.6/42/L.15.
27. Mr. JESUS (Cape Verde), speaking on a point of order, said that since the voting process had already begun on draft resolution A/C.6/42/L.15, only delegations wishing to explain their vote before the vote should be making statements. He did not think that under the rules of procedure of the General Assembly, delegations could withdraw their names from the list of sponsors of a draft resolution after the voting process on the draft had begun; only explanations of vote before the vote were permitted. He would like the Chairman or the Legal Counsel to clarify that point.
28. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel) replied that, from the procedural standpoint, it was true that the Committee had reached the stage of explanations of vote before the vote. The current practice in the Committees and at plenary meetings of the General Assembly was that delegations could still become sponsors of draft resolutions or withdraw their names from the list of sponsors during that stage; they were allowed to do so until the vote proper, in other words, until the electronic voting machine was turned on.
29. Mr. QADER (Bangladesh) said that under rule 122 of the rules of procedure of the General Assembly, a motion could be withdrawn by its proposer before voting on it had commenced, provided that it had not been amended. Therefore, if the amendment was adopted, the main motion should be put to the vote. However, if the sponsors used the explanation of vote before the vote to request the withdrawal of the motion, surely that meant that the motion was withdrawn.
30. Mr. FLEISCHHAUER (Under-Secretary-General, The Legal Counsel) said that the underlying idea of rule 122 was that an amended proposal was no longer the exclusive property of its original sponsors and could therefore no longer be withdrawn by them. However, the sponsors maintained their freedom of action and, until such time as the electronic voting machine was turned on, they could withdraw their names from the list of sponsors. In fact a draft resolution which had been amended could theoretically be without sponsors.
31. Mr. JESUS (Cape Verde) said that, while he wished to thank the Legal Counsel for the explanations provided in response to the point he had raised, he believed that rule 128 of the rules of procedure made it quite clear that, legally speaking, it was not the turning on of the voting machine that marked the beginning of the voting but the Chairman's announcement that the voting had begun. From that point onwards, representatives could no longer take the floor except to speak on a point of order or in explanation of vote. In implementation of rule 128, the Committee should therefore proceed with the vote. Delegations wishing to withdraw their names from the list of sponsors could then do so either orally or through the Secretariat.

32. Mr. AL-KHASAWNEH (Jordan) said that the problem was that the amendments in document A/C.6/42/L.21 in fact constituted a new proposal and it would perhaps have been preferable to put document A/C.6/42/L.15 to a vote first. He proposed that the debate should be closed, in accordance with rule 119 of the rules of procedure, and that draft resolution A/C.6/42/L.15, as amended, should be put to a vote.

33. Mr. INZKO (Austria) said that, since the draft resolution had been changed radically as a result of the adoption of the amendments, the sponsors that had not yet done so now requested that their names should be deleted from the list of sponsors. The sponsors in question were Argentina, Australia, Cyprus and Japan, as well as Austria, which had been the principal sponsor.

34. Mr. MADI (Egypt) said that his delegation wished to join the sponsors of draft resolution A/C.6/42/L.15.

35. Draft resolution A/C.6/42/L.15, as amended, was adopted by 80 votes to none, with 46 abstentions.

AGENDA ITEM 130: DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.6/42/L.13)

36. Mr. HANAFY (Egypt), introducing draft resolution A/C.6/42/L.13 on behalf of its sponsors, said that Zimbabwe had been included in the list of sponsors by mistake. Bulgaria, Cuba, Cyprus, Romania and the Sudan had joined the sponsors of the draft. He wished in particular to draw attention to paragraph 1, in which the Assembly agreed with the recommendation in paragraph 65 of the Commission's report to amend the title of the topic in question in English, in order to achieve greater uniformity and equivalence between different language versions, and to paragraph 2, in which the General Assembly invited the Commission to elaborate a list of crimes against the peace and security of mankind. In paragraph 3, the Secretary-General was requested to seek the views of Member States regarding the conclusions contained in paragraph 69 (c) (i) of the Commission's report on the work of its thirty-fifth session (A/38/10), concerning the question of whether the Commission's mandate should also cover the preparation of the statute of a competent international criminal jurisdiction for individuals. In paragraph 5, the General Assembly could decide to include in the provisional agenda of its forty-third session an item entitled "Draft code of crimes against the peace and security of mankind", to be considered in conjunction with the examination of the Commission's report. The adoption by the Committee of draft resolution A/C.6/42/L.13 would help to speed up the Commission's progress on the matter in question yet further.

37. Mr. CALERO RODRIGUES (Brazil) said that he supported draft resolution A/C.6/42/L.13. It was regrettable that there had as yet been no response to the question as to whether the Commission's mandate should extend to the preparation of the statute of a competent international criminal jurisdiction for individuals. He therefore particularly endorsed paragraphs 3 and 4 of the draft resolution and hoped that at the following session there would be an affirmative reply to the question.

38. Mr. VOICU (Romania) said that his delegation had joined the sponsors of draft resolution A/C.6/42/L.13.

39. Mr. EDWARDS (United Kingdom), speaking in explanation of vote, said that he would vote against draft resolution A/C.6/42/L.13, which would be in keeping with his delegation's vote against the corresponding draft resolution at the previous session. In making the question under consideration a separate item on the General Assembly's agenda, the Committee seemed to be trying to bring political pressure to bear on the Commission's work. In that connection, he wished to enter particular reservations with regard to the fifth and last preambular paragraphs and paragraphs 2 and 5, reproducing the substance of the corresponding paragraphs of resolution 41/75, which remained unacceptable to his delegation. He also wished to enter a reservation with regard to paragraph 1, whose purpose was to amend the English title of the topic. Moreover, he was by no means convinced that there was any point in elaborating a list of crimes against the peace and security of mankind before having laid down the general criteria applicable to the definition of such crimes. For all those reasons, his delegation would vote against draft resolution A/C.6/42/L.13.

40. Ms. CHOKRON (Israel), reaffirming the position she had already stated in the Committee, said that she would vote against draft resolution A/C.6/42/L.13 because the approach taken towards the Commission's work on the topic in question was unlikely to lead to the preparation of a logical, effective legal instrument that would meet the necessary standards regarding objectivity and precision.

41. Mr. ROSENSTOCK (United States of America) said that he would vote against draft resolution A/C.6/42/L.13 not only because of his reservations about the Commission's work on the topic but also basically because the matter was being put to a separate vote. He saw no reason why the topic should be dealt with in a special resolution, and his delegation therefore could not but vote against the draft resolution.

42. Mr. SCHRICKE (France) said that he would vote against the draft resolution for the reasons stated by the representative of the United States.

43. Draft resolution A/C.6/42/L.13 was adopted by 107 votes to 5, with 14 abstentions.

44. Mr. HAYASHI (Japan), speaking in explanation of vote, said that his delegation had abstained owing to its difficulties with regard to the sixth and last preambular paragraphs, which seemed to upset the carefully achieved balance among the various topics dealt with by the Commission. Furthermore, it was neither appropriate nor necessary, from the point of view of the rationalization of General Assembly procedures, to make the question under consideration a separate item on the Assembly's agenda. The content of the draft resolution adopted could easily have been included in the draft resolution on the Commission's work that was under preparation.

45. Mr. BLOKHUS (Norway), speaking on behalf of the Nordic countries, said that there was no reason to give greater priority to the draft Code of offences against the peace and security of mankind than to the other topics dealt with by the Commission. It would be more in keeping with the goal of rationalizing the Commission's work, which the Nordic countries strongly supported, to consider the

(Mr. Blokhus, Norway)

item in question in the context of the Commission's report. The Nordic countries had therefore abstained in the vote on draft resolution A/C.6/42/L.13, which gave special priority to the topic. That abstention in no way affected either their support for the preparation of a draft Code or their interest in the subject.

46. Ms. STORZ-CHAKARJI (Federal Republic of Germany) said that the sponsors of draft resolution A/C.6/42/L.13 were to be commended for the endeavour they had made to produce a more acceptable formulation of the text. However, as at the two previous sessions, her delegation had voted against the draft resolution because the topic in question should not have priority over the Commission's other work. That upset the balance of the Commission's mandate and could not but lead to confusion on the Commission as to the interpretation of the draft resolution. It would be both premature and dangerous to engage, outside the Commission, in a debate on the substance of the question before the final outcome of the Commission's work had been well defined, since that would prejudice the content of the draft Code.

47. Mr. STEPANOV (Ukrainian Soviet Socialist Republic) said that his delegation had voted in favour of draft resolution A/C.6/42/L.13 because it believed that the text in question would speed up the adoption of the draft Code, which would be an important practical step towards strengthening both international law and the role of the United Nations. His delegation had already suggested measures to accelerate the Commission's work on the issue, but those suggestions had not been acted upon. The Commission should regard its work on the draft Code of offences as having priority.

48. Mr. TREVES (Italy) said that his delegation had abstained in the vote on draft resolution A/C.6/42/L.13 because it was dubious about the urgency and the necessity of the work on the draft Code of Offences against the Peace and Security of Mankind. Moreover, it was not convinced that it was appropriate to make the question a separate item on the agenda. The abstention was motivated by the same reasons that had led the Italian delegation to abstain in the vote on the draft resolution concerning the peaceful settlement of disputes.

49. Mr. VREEDZAM (Suriname) announced that his delegation had voted in favour of draft resolution A/C.6/42/L.13 because it considered that the draft Code was of vital importance to mankind and, for that reason, should be the subject of a special item on the agenda of the General Assembly and of a separate draft resolution.

AGENDA ITEM 135: REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS THIRTY-NINTH SESSION (continued) (A/C.6/42/L.17)

50. Mr. BERNAL (Mexico), introducing draft resolution A/C.6/42/L.17 on behalf of the sponsors, announced that Cyprus, the Federal Republic of Germany, Ireland, Kenya, Mali and Romania had joined the sponsors. Certain corrections should be made to paragraph 6 of the text: in the fourth line, the word "decides" should be underlined and the word "should" should be deleted; in the last line of the paragraph, the words "in the agenda" should be replaced by "on the agenda". In the

(Mr. Bernal, Mexico)

French text, in the fourth line, the word "décide" should be underlined and, in the sixth line, the words "en particulier" should be replaced by "inter alia". In the Spanish text, the word "decide" in the fourth line should be underlined. The report of the International Law Commission had been discussed at length by a number of delegations and the text before the Committee was essentially based on resolution 41/81 on the same question, adopted without a vote by the General Assembly at its forty-first session. It also took into account certain ideas put forward during the discussions and the decisions and conclusions appearing in the report of the Commission on the work of its thirty-ninth session (A/42/10). The text stressed the need to accelerate work on the codification of international law, as an effective means of supporting the purposes and principles of the Charter.

51. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/42/L.17 without a vote.

52. Draft resolution A/C.6/42/L.17 was adopted.

AGENDA ITEM 127: UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SECRETARY-GENERAL (continued) (A/C.6/42/L.18)

53. Mr. TANGI (Ghana), speaking on behalf of the sponsors, introduced draft resolution A/C.6/42/L.18 concerning the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The text was based largely on earlier draft resolutions on the question.

54. Paragraph 14 referred to the appointment of the members of the Advisory Committee on the Programme of Assistance, which was the subject of the note by the Secretary-General issued as document A/C.6/42/4. The list of members had been left blank because certain regional groups had not yet communicated to the Secretariat their respective candidates. There were several possibilities for compiling that list: if the regional groups had already agreed on their candidates, they could announce them at the current meeting and the names of the countries concerned would be added in paragraph 14. If only some regional groups had reached agreement, the candidates could be indicated in a paragraph or in a footnote inserted in the report of the Sixth Committee to the plenary General Assembly on the item under consideration. If some or all of the regional groups had not yet agreed, they could still announce candidates before the adoption of the draft resolution by the General Assembly, and the list of members could then be incorporated in paragraph 14 at the time of the adoption of the draft resolution in plenary. Finally, in the event that the membership of the Advisory Committee had not yet been established at the time of the adoption of the draft resolution by the General Assembly, it would then be necessary to entrust to the President of the General Assembly the task of pursuing the contacts with the various regional groups in order to proceed to the appointment of the members of the Advisory Committee.

55. Mr. KASSE (Gali) announced that his delegation had become a sponsor of draft resolution A/C.6/42/L.18.

56. The CHAIRMAN asked whether certain regional groups wished to propose candidates for membership in the Advisory Committee.

57. Mr. ROSENSTOCK (United States of America) announced that the Group of Western European and Other States had already transmitted the names of its candidates and suggested that, in order to clarify matters, it should be announced which regional groups had not yet submitted candidates.

58. Mr. TANOH (Ghana) said that it was true that the Group of Western European and Other States had already indicated that it was proposing the States which currently represented it on the Advisory Committee - the Netherlands, France, Turkey and the United Kingdom - for an additional four-year term. No other group had announced its candidates. He intended, in consultation with the Secretariat, to solicit candidacies before the General Assembly voted on the draft resolution. If he did not succeed, that fact would be duly recorded and the last proposal could then be adopted, whereby it would be left to the President of the General Assembly to hold consultations with the various regional groups with a view to the appointment of the members of the Advisory Committee.

59. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt draft resolution A/C.6/42/L.18 without a vote, on the understanding that the procedure suggested by the representative of Ghana would be followed for the appointment of the members of the Advisory Committee.

60. Draft resolution A/C.6/42/L.18 was adopted.

AGENDA ITEM 128: 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.6/42/L.22/Rev.1)

61. Mr. TOLENTINO (Philippines), introducing draft resolution A/C.6/42/L.22/Rev.1, said that the sponsors, which had been joined by Samoa, would have preferred to adopt a more specific approach but that they had been flexible in order to be non-controversial. As it was, the revised draft resolution represented progress, albeit modest, in the Sixth Committee's work on the question and it was submitted by its sponsors in good faith and with determination.

62. Draft resolution A/C.6/42/L.22/Rev.1 was adopted by 102 votes to none, with 23 abstentions.

63. Mr. LEE (Canada), speaking in explanation of vote, said that his delegation had been disappointed by the outcome of the consultations on the draft resolution and particularly regretted that paragraph 3 recommended codification of the subject, which was neither desirable nor possible. It was premature to try to codify the question so long as the international community as a whole had not reached agreement on the main principles applicable in that area. Progress had been made in the area of international economic co-operation and important instruments had been adopted, which should be applied, such as the Convention on the Law of the Sea. His delegation hoped that at the following session the discussion would focus on realistic and practical proposals of a juridical nature.

64. Mr. BERNHARD (Denmark), speaking on behalf of the States members of the European Economic Community, said that the analytical study prepared by UNITAR showed that the legal principles and norms relating to the new international economic order were not sufficiently identified or accepted for them to be codified. International law would continue to develop in that area, and the best approach was to apply the variety of instruments - bilateral or multilateral, legally binding or recommendatory - which existed in that area. As they had indicated, the 12 States members of EEC believed that at that stage no further action was called for in the Sixth Committee. Yet paragraphs 2 and 3 of the draft resolution just adopted suggested that further work, including codification, was required: that was why the Twelve had abstained in the vote.

65. Mr. HAYASHI (Japan) said that his country was in favour of any codification exercise, when the subject lent itself to codification. That was not so in the case under consideration and his delegation considered, in particular, that the penultimate preambular paragraph and paragraphs 2 and 3 of the draft resolution just adopted were inappropriate. For that reason, it had abstained in the vote.

66. Mr. CAVE (Barbados) explained that his delegation had abstained in error; it had intended to vote in favour of the draft resolution just adopted.

67. Mr. ROSENSTOCK (United States of America) said he did not think that customary rules of international law existed in the area of the new international economic order. If there was to be any progressive development of the principles applicable in that area, it was crucial to have agreement at the political level, without which no results could be achieved.

The meeting rose at 9.45 p.m.