

GENERAL ASSEMBLY

TWENTY-EIGHTH SESSION

GENERAL COMMITTEE

Summary records of the 206th to 216th meetings held at Headquarters, New York,
from 20 September to 8 November 1973

206th meeting

Thursday, 20 September 1973, at 10.45 a.m.

Chairman: Mr. Leopoldo BENITES (Ecuador).

A/BUR/SR.206

Organization of the twenty-eighth session of the General Assembly: memorandum by the Secretary-General (A/BUR/180 and Corr.1 and 2 sect. II)

1. The CHAIRMAN drew attention to the Secretary-General's observations and proposals in his memorandum on the organization of the twenty-eighth session (A/BUR/180 and Corr. 1 and 2).

The General Committee decided to recommend to the General Assembly the adoption of the suggestions in paragraphs 2 to 9 of the Secretary-General's memorandum.

The General Committee took note of the information in paragraph 10 of the Secretary-General's memorandum.

The General Committee decided to recommend to the General Assembly the adoption of the suggestions in paragraphs 11 to 14 of the Secretary-General's memorandum.

Adoption of the agenda: memorandum by the Secretary-General (A/BUR/180 and Corr.1 and 2, sect. III)

2. The CHAIRMAN noted that, in accordance with rule 40 of the rules of procedure, the Committee was not called upon to consider the substance of any item except in so far as it bore on its decision concerning the inclusion of the item in the agenda.

3. He drew attention to paragraph 16 of the Secretary-General's memorandum concerning the report of the Economic and Social Council.

The General Committee took note of the observations in paragraph 16 of the Secretary-General's memorandum.

The General Committee decided to draw the attention of the General Assembly to paragraph 17 of the Secretary-General's memorandum.

4. The CHAIRMAN drew the Committee's attention to the draft agenda for the twenty-eighth session as it

appeared in paragraph 18 of the Secretary-General's memorandum. He suggested that, where appropriate, the items should be considered in groups.

ITEMS 1 TO 6

5. The CHAIRMAN noted that the General Assembly had already dealt with items 1 to 6 in plenary meeting.

ITEMS 7 TO 28

The General Committee decided to recommend to the General Assembly that items 7 to 28 should be included in the agenda.

ITEMS 29 TO 39

6. Mr. FACK (Netherlands) suggested that consideration should be given to the possibility of grouping together items 25 and 38, as they covered in large measure identical or similar fields of activity of the United Nations. He reserved the right to return to the matter when the Committee considered the allocation of agenda items.

7. Mr. GONZÁLEZ GÁLVEZ (Mexico) said that item 33 (b) merited consideration in the First Committee as a separate item. That suggestion had been made by his own delegation and the delegation of Sweden in the Conference of the Committee on Disarmament, although it had not been included in the report of the Conference. Consideration should be given in the future to the question of the stockpiling and reduction of incendiary weapons. Those were preliminary observations and he would formulate a proposal at a later stage.

The General Committee decided to recommend to the General Assembly that items 29 to 39 should be included in the agenda.

ITEMS 40 AND 41

8. The CHAIRMAN said that he understood that there had been discussions among several delegations concerning items 40 and 41 and that, even though there were some reservations, there was a general sentiment that those items should be recommended for inclusion as subitems of a single item under the heading "Question of Korea".

9. Mr. HUANG Hua (China) said that his delegation had always held that the formation of the so-called United Nations Commission for the Unification and Rehabilitation of Korea and all its past activities were illegal. The combination of items 40 and 41 of the provisional agenda into a single item did not in the least change that position of his delegation. His delegation would elaborate further on its position on the various aspects of the matter when the General Assembly entered into substantive discussion of the Korean question.

The General Committee decided to recommend to the General Assembly that items 40 and 41 should be combined into a single item and included in the agenda.

10. The CHAIRMAN said that the representative of Saudi Arabia had asked to participate in the debate on the question of Korea. If there was no objection, he would invite him to take part in the discussion of the item.

At the invitation of the Chairman, Mr. Baroody (Saudi Arabia) took a place at the Committee table.

11. Mr. BAROODY (Saudi Arabia) said that the Korean question had been the subject of acrimonious debate for many years and the mere combination of the two items into a single item in no way altered the substance of the issue. He found it confusing that some States which had endorsed the admission of the two Germanys wished to see only one Korea admitted. In order to avoid a lengthy procedural debate in the First Committee, he asked the delegations which had submitted document A/9146 to clarify its status. It had been circulated for the information of Member States, yet was in the form of a draft resolution. If it had been intended for information purposes, it should have been circulated as a working paper. Its authors should indicate whether it was a tentative document. They should also consult with the sponsors of the draft resolution contained in document A/9145 in an effort to prepare a single document indicating areas of agreement and disagreement. Other States would then be in a position to decide how to proceed as independent States and not as members of a bloc.

12. The CHAIRMAN pointed out that the Committee's decision to amalgamate items 40 and 41 was not at variance with the suggestion by the representative of Saudi Arabia that delegations interested in the new combined item should hold consultations with a view to facilitating discussion of the question by the First Committee.

Mr. Baroody (Saudi Arabia) withdrew.

ITEM 42

The General Committee decided to recommend to the General Assembly that item 42 should be included in the agenda.

ITEMS 43 TO 52

The General Committee decided to recommend to the General Assembly that items 43 to 52 should be included in the agenda.

ITEMS 53 TO 104

13. Mr. FACK (Netherlands) said, with reference to the proposed item 61, that his delegation did not feel that the results achieved by the Committee on Crime Prevention and Control or the Commission for Social Development required action at the present time. The Committee on Crime Prevention and Control would hold its next meeting in May 1974 and not until then would it be able to produce specific recommendations for the Fifth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. Accordingly, he formally proposed that consideration of item 61 should be deferred until the twenty-ninth session of the General Assembly, since meaningful discussion of the item would not be possible at the current session.

14. He suggested that consideration of item 63 should be similarly postponed. The topic was one of very great interest, but the substance of the matter was so complex that it would be more appropriate to discuss it first in the Commission of Human Rights rather than in the General Assembly.

15. The subject-matter of the proposed item 66 had received some attention from the General Assembly in the past, but his delegation now felt that, in view of the welcome evidence that circumstances were changing, there might be a case for deferring consideration of the item to a later session or deleting it altogether. If no other delegation had any views on the matter, he would suggest that the item should be deleted.

16. The CHAIRMAN said that the representative of Canada had asked to participate in the debate on item 61. If there was no objection, he would invite him to the Committee table.

At the invitation of the Chairman, Mr. Rae (Canada) took a place at the Committee table.

17. Mr. RAE (Canada) pointed out that much preparation was required in order to ensure the effectiveness of the 1975 United Nations Congress on the Prevention of Crime and the Treatment of Offenders, for which the city of Toronto had offered to act as host. The financial implications were currently being discussed by the Canadian and municipal authorities and the Secretariat, and his delegation considered that the retention on the agenda of the proposed item 61 would be very useful in providing the necessary lead time for the preparations.

18. Mr. FACK (Netherlands) said that, in view of the comments by the representative of Canada, he would withdraw his suggestion that consideration of item 61 should be postponed.

Mr. Rae (Canada) withdrew.

19. Mr. BOATEN (Ghana) said that, while his delegation looked forward to the day when all of the world's major political problems would have been solved, that time had not yet come. Although some delegations

might claim that item 66 did not have the same crucial relevance as in earlier years, it was clear that there were still régimes based on terror and racial discrimination and that the United Nations had not yet been able to evolve any measures to combat such régimes. It was thus premature to suggest that the twenty-eighth session of the General Assembly need not devote its attention to the matter.

20. Mr. NJINÉ (Cameroon) said with regard to item 66 that, although discussion of the matter was renewed each year, no effective way of combating the abuses in question had yet been found. If members accepted the deletion of the item, they would next be asked to delete items on *apartheid*. In calling for the retention of the item he urged all Member States to apply themselves conscientiously to the search for effective measures to combat harmful ideologies.

21. Mr. DRISS (Tunisia), noting that the draft agenda grew longer each year, said that some reform of the General Assembly's working procedure was obviously necessary. He proposed that, in order to save time, the Committee should endorse the rest of the draft agenda as a whole and then proceed to the allocation of items.

22. Mr. AMERASINGHE (Sri Lanka) fully agreed with the other speakers in favour of the retention of item 66. There had been no signs of the improvements which the representative of the Netherlands had said justified the item's deletion.

23. He agreed with the representative of Tunisia that the Committee should endorse the remainder of the draft agenda as a whole unless any members wished to comment on specific items.

24. Sir Donald MAITLAND (United Kingdom) said that he favoured deferment of consideration of item 66 to a subsequent session both for the practical reason that no new material had been submitted to the General Assembly and because the matter had not yet been discussed by the Commission on Human Rights.

25. Mr. MALIK (Union of Soviet Socialist Republics) expressed serious concern at the proposal to postpone consideration of item 63. While it was generally recognized that the scientific and technical revolution was a positive phenomenon of benefit to all mankind, it was possible that scientific progress might have some undesirable consequences for human rights. It was, therefore, appropriate for the United Nations to consider the question in order to determine whether such harmful effects did exist to any degree and, if so, to evolve measures to counteract them.

26. Mr. FACK (Netherlands) explained that all his suggestions concerning the postponement or deletion of items had been motivated exclusively by a desire to compress the presently unwieldy agenda. He had not wished to imply that any one item was less important than another; thus, his suggestion, now withdrawn, that consideration of item 63 should be postponed had been made solely because he considered the question of human rights so important that he felt it should first be considered by the specialized Commission on Human Rights. As there was no consensus in favour of his one remaining suggestion, concerning item 66, he would withdraw it.

27. Sir Donald MAITLAND (United Kingdom) withdrew his suggestion that consideration of item 66 should be deferred.

28. The CHAIRMAN said that the representative of Saudi Arabia had asked to take the floor. If there was no objection, he would invite him to the Committee table.

At the invitation of the Chairman, Mr. Baroody (Saudi Arabia) took a place at the Committee table.

29. Mr. BAROODY (Saudi Arabia) considered the proposal under item 57 to be very dangerous and impractical. It represented an attempt by certain Western Powers to impose their own conceptions of human rights on weaker States, since it implied that human rights should be reviewed on a global rather than a regional basis. In addition, the financial implications of the proposal were astronomical. The concept of human rights covered not only political but also social and economic rights, so that almost any action by a State could be considered as cause for complaint and the proposed Commissioner would require an enormous staff to handle the vast number of letters he would undoubtedly receive. It was unthinkable that such a proposal should be made at a time of rampant inflation and he hoped that the item could be deleted from the agenda or at best that consideration of it could be postponed.

Mr. Baroody (Saudi Arabia) withdrew.

30. The CHAIRMAN, replying to a request for clarification from the representative of Ghana concerning the proposal by the representative of Tunisia, pointed out that, under rule 40 of the rules of procedure, the task of the General Committee was merely to make recommendations to the General Assembly concerning the inclusion, the rejection or the deferment of items. Members of the Committee could make suggestions concerning the treatment to be accorded to individual items, but could not engage in substantive debate on those items or adopt any part of the draft agenda. The proposal by the representative of Tunisia had been that the Committee should recommend to the General Assembly that all the remaining items should be included in the agenda.

31. Mr. DRISS (Tunisia) said that he had made his proposal in a spirit of goodwill. The individual items could be discussed when they came before the Main Committees, and each delegation could put forward its point of view at that time.

32. Mr. FACK (Netherlands) said that he was willing, in principle, to endorse the Tunisian proposal. With respect to the items at the end of the draft agenda, however, he wondered whether the same procedure as that applied the previous year might be followed. Two of those items had been deferred for future consideration several times because no relevant new material had been available. From consultations he had found that there was not much new material for discussion on items 100 and 101. Those items were normally referred to the Sixth Committee, which had a heavy agenda, and he therefore proposed that the General Committee should recommend the General Assembly to defer consideration of items 100 and 101.

33. Mr. AMERASINGHE (Sri Lanka) supported the Netherlands proposal.
34. Sir Donald MAITLAND (United Kingdom) said that, in the spirit of the Netherlands proposal concerning items 100 and 101 and in view of the heavy workload of the Sixth Committee, he proposed that consideration of item 102 should also be deferred. The item had first been brought before the General Assembly five years earlier, when the question of relocating the seat of the International Court of Justice had seemed much more pressing than it did in the present changed circumstances.
35. Mr. GONZÁLEZ GÁLVEZ (Mexico) said that, for the reasons stated by the Netherlands representative, his delegation had no objection in principle to deferring consideration of items 100, 101 and 102. However, he appealed to the Committee to defer its decision on item 102, perhaps until the next meeting.
36. Mr. DRISS (Tunisia) said that his proposal had been made in a spirit of compromise. If the General Committee was to consider each item separately and discuss its possible retention, deletion or deferment, that would entail unnecessary prolongation of the debate. He therefore felt it best that the Committee should accept the agenda as it stood, so that the Main Committees could themselves decide in which cases consideration of items should be deferred.
37. Mr. AMERASINGHE (Sri Lanka) said, that in supporting the Tunisian proposal, he had understood it as meaning that the remaining items should not be placed in groups but should be the subject of an over-all decision, subject to comments such as that made by the Netherlands representative. It had not been his intention to preclude comments and proposals relating to individual items.
38. Mr. NJINÉ (Cameroon) appealed to the Committee to take a speedy decision on the matter. If the Committee endorsed the draft agenda as a whole, delegations would be able to express further views when that document came before the General Assembly in plenary meeting.
39. Mr. MALIK (Union of Soviet Socialist Republics) said that the Tunisian proposal had been inspired by a desire to facilitate the work of the Committee; however, the opposite had occurred. He therefore proposed that the Committee should continue the procedure it had followed with respect to the earlier part of the draft agenda.
40. Sir Donald MAITLAND (United Kingdom) supported the USSR proposal. He drew attention to rule 40 of the rules of procedure under which the General Committee had not only the right but the duty to consider the inclusion of each individual item in the agenda.
41. Mr. AMERASINGHE (Sri Lanka) said that in supporting the Tunisian proposal he had not intended in any way to derogate from the powers of the General Committee but had simply wished to ensure its smooth and expeditious functioning.
42. Mr. BOATEN (Ghana) said that the purpose of the General Committee was to facilitate the work of the General Assembly, to try to foresee possible conflicts

and to eliminate them before the draft agenda was submitted to the General Assembly in plenary meeting. He had understood the Tunisian proposal as it had been interpreted by the representative of Sri Lanka, namely, as not precluding any comments which delegations might feel necessary and the adoption of relevant decisions.

43. Mr. DRISS (Tunisia) said that the deletion of three items would not shorten the agenda by very much. The point of his proposal was that the draft agenda as a whole should be endorsed so that the General Assembly could go on with its work. The United Nations was much criticized for its methods of work, and, if the Organization was to command respect, a new spirit must prevail.

44. Mr. MSELLE (United Republic of Tanzania) proposed that the procedural debate should be closed and that the Chairman should call on the Committee to take a decision concerning the remaining agenda items.

45. The CHAIRMAN suggested that the Committee should resolve the procedural situation by considering items 53 to 99 as a whole.

The General Committee decided to recommend to the General Assembly that items 53 to 99 should be included in the agenda.

46. Mr. BOATEN (Ghana) proposed that, in the title of item 71, the word "administration" should be replaced by the words "colonial rule", because that would be a more accurate description of the situation.

47. Mr. DRISS (Tunisia) said that the title of the item was the same as had been used at a number of previous sessions of the General Assembly.

48. The CHAIRMAN agreed that the present occasion might not be the right time to make a change in a title which was now familiar. Moreover, the Committee had already endorsed that item with the present wording. He appealed to the Ghanaian representative to make his proposal concerning a change in the title of the item in a different forum.

49. Mr. BOATEN (Ghana) said that he did not feel that the past history of the General Assembly's consideration of the item should bind the Committee's hands. If his proposal would create substantial difficulties to other delegations, he would not press it. However, he reserved his position on the question.

50. The CHAIRMAN stressed that the Committee should proceed to consider agenda items 100 to 102, which had been the subject of proposals by the representatives of the Netherlands and the United Kingdom.

51. Mr. GONZÁLEZ GÁLVEZ (Mexico) said it was his understanding that the position of a member of the General Committee was not only that of a representative of his Government: in his own case, for example, as Chairman of the Sixth Committee, he had to take into account the views of the members of that Committee. Although he had said earlier that, in principle, he had no objection to postponing consideration of items 100 and 101, a comment by a member of the Sixth Committee had led him to revise his position on item 100. He recalled the difficulties which had arisen at the United Nations Conference on the Law of Treaties in

reaching an agreement on the Declaration on Universal Participation in the Vienna Convention on the Law of Treaties. The member of the Sixth Committee to whom he had referred had pointed out to him the importance of that item and the reasons for not deleting it or deferring consideration of it. He himself agreed that the reason why there had been no mass ratification of the Vienna Convention on the Law of Treaties was the fact that the Declaration on Universal Participation had failed to be effective, even though it had been adopted—not unanimously, however—at the Conference.

52. Moreover, he now saw more merit in the Tunisian proposal and felt that, where there was some doubt concerning deferment of consideration of an item, that item should be retained, on the understanding that any decision concerning deferment could be made in the light of the preliminary negotiations carried out on each individual item.

53. Sir Donald MAITLAND (United Kingdom) reminded the Committee that both rule 40 and rule 101 of the rules of procedure implied that it was the duty of the General Committee to take decisions concerning the inclusion of items in the agenda and their allocation to the Main Committees of the General Assembly. That did not accord with the Mexican suggestion that the Main Committees should themselves take decisions concerning postponement of consideration of items.

54. Mr. MAHMASSANI (Lebanon) said, with reference to the remarks made by the United Kingdom and Mexican representatives, that while it was the task of the General Committee to make recommendations concerning the items to be included in the agenda and their allocation to the Main Committees, each Main Committee had the right to propose the deferment of consideration of any item until a subsequent session of the General Assembly.

55. Sir Donald MAITLAND (United Kingdom) said that he agreed with the Lebanese representative's interpretation. However, he maintained his proposal that consideration of item 102 should be deferred until the twenty-ninth session.

56. Mr. FACK (Netherlands) said that he had proposed the deferment of consideration of items 100 and 101 on grounds of practicality, since there had been no new developments relating to those items and since consideration of them had been deferred on earlier occasions for similar reasons. His proposal had received support from a number of delegations, and therefore he maintained it.

57. Mr. AMERASINGHE (Sri Lanka) said that items 100, 101 and 102 should each be considered separately.

58. Mr. MALIK (Union of Soviet Socialist Republics) said that he had originally understood that a proposal had been made to postpone consideration of items 100, 101 and 102 until the next meeting of the Committee. If not, a vote should be taken on the Netherlands and United Kingdom proposals.

59. Mr. BORCH (Denmark) said that postponement of a decision on items 100, 101 and 102 until the Committee's next meeting would be advisable if the Committee was to follow the recommendation of the Special Committee on the Rationalization of the Procedures and Organization of the General Assembly that it should examine the provisional agenda more attentively and carry out its functions more fully and consistently. He therefore moved the adjournment of the debate until the Committee's next meeting.

The motion was adopted.

The meeting rose at 1.10 p.m.

207th meeting

Thursday, 20 September 1973, at 4.30 p.m.

Chairman: Mr. Leopoldo BENITES (Ecuador).

A/BUR/SR.207

Adoption of the agenda: memorandum by the Secretary-General (*continued*) (A/BUR/180 and Corr. 1 and 2, sect. III)

ITEM 33 (*continued*)

1. The CHAIRMAN said that the representative of Sweden had asked to participate in the debate on item 33. If there was no objection, he would invite him to the Committee table.

At the invitation of the Chairman, Mr. Rydbeck (Sweden) took a place at the Committee table.

2. Mr. GONZÁLEZ GÁLVEZ (Mexico) recalled his delegation's suggestion at the 206th meeting that, in view of the nature of the Secretary-General's report on

the subject¹ and in the light of the comments by Member States, agenda item 33 (*b*) should be made a separate item, for consideration by the First Committee. The arguments in support of that proposal were contained in a memorandum his delegation, together with that of Sweden, had submitted for consideration by the Conference of the Committee on Disarmament. The report of the Secretary-General raised a number of possibilities, including the prohibition of all, or only some, incendiary weapons. In view of the importance and broad scope of the subject, his delegation proposed that it should be considered separately.

¹ *Napalm and Other Incendiary Weapons and All Aspects of Their Possible Use* (A/8803/Rev.1): United Nations publication, Sales No. E.73.I.3.