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held on

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at 10.30 a.m.

New York

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. GUNA-KASEM (Thailand)

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28 September 1979

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The meeting was called to order at 10.40 a.m.

ORGANIZATION OF WORK (A/C.6/34/1 and A/C.6/34/L.1)

1. Mr. ANDERSON (United Kingdom), speaking on behalf of the Group of Western European and Other States, expressed agreement with the suggestion contained in document A/C.6/34/L.1, paragraph 4 (d), that the Committee should take up item 113 as the first substantive item of its agenda, in order to allow sufficient time for its proper consideration. Since the report of the Ad Hoc Committee on the Drafting of an International Convention Against the Taking of Hostages (A/34/39) had already been available for some time and since informal discussions concerning the handling of the report had been held during the summer, the best procedure would be to introduce the report in the Committee and then begin discussion of the draft Convention in a working group. The working group should consist of a core of members but should be open-ended. With regard to the scheduling of meetings, experience showed that it was easier to arrange for conference services at an early stage of the General Assembly session. Furthermore, the working group could hold more frequent meetings when the report of the International Law Commission was being considered by the Committee in October. The Group of Western European and Other States supported the proposal that the working group should complete its work in order to report back to the Committee by 30 November. It was content with the over-all order of items and the arrangements suggested in document A/C.6/34/L.1.
2. Mr. HAROKOBI (Papua New Guinea), speaking on behalf of the Group of Asian States, expressed the earnest hope that logic and legal considerations would prevail and that the Committee's work would not be hindered by purely political considerations. The Group had no difficulty with the proposed rearrangement of the agenda items. However, it would support any proposal to consider items 113 and 112 together, since they were interrelated.
3. Mr. CALERO-RODRIGUES (Brazil), speaking on behalf of the Group of Latin American States, said the Group proposed that item 108 should be considered after items 114 and 109, in order to allow delegations more time to study the Report of the International Law Commission. With regard to item 113, the Group supported the suggestion (A/C.6/34/L.1, para. 4 (d)) that the Committee should undertake an initial consideration of the draft Convention and then refer it to a working group for an article-by-article consideration. The meetings of the working group should not interfere with the work of the Committee, and further efforts should be made to schedule its meetings to coincide with those of the Committee. Although that might create difficulties for smaller delegations, the working group could be composed of a nucleus of members but should be open-ended to permit participation by other delegations. Scheduling simultaneous meetings of the working group and the Committee would save time in view of the latter's long agenda. If simultaneous meetings could not be arranged, the number of meetings to be allotted to the working group should be established and the distribution of the Committee's meetings reconsidered, since the Committee would not then be able to hold 77 meetings as originally planned.

4. Mr. OMAR (Libyan Arab Jamahiriya), speaking on behalf of the Group of African States, proposed that item 112 should be the first substantive item on the agenda, followed by item 113, since the two items were closely interrelated. The reports relating to those items could be introduced consecutively, and a working group to consider the draft Convention against the Taking of Hostages could be formed and begin work immediately. Eleven meetings should be allotted to the consideration of item 113 and should be divided between the working group and the Committee.

5. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) requested further clarification of the procedure proposed by the Group of African States. Many delegations would probably prefer to begin with a general debate on item 113, particularly since such a debate would not take up much time. Such a general exchange of views could provide suitable guidelines for the working group.

6. Mr. HARTTILA (Finland) pointed out that the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization would be unable to come to New York before 25 October. That should be taken into consideration in rearranging the order of agenda items.

7. Mr. OMAR (Libyan Arab Jamahiriya) said he had proposed that item 112 should be taken up first. While the Committee considered item 112, the working group could study the draft Convention against the Taking of Hostages. With regard to the general debate on item 113, the Group wished to remain flexible and felt that the Committee itself should decide whether such a debate should be held.

8. Mr. ROSENSTOCK (United States of America), referring to the proposal of the Group of African States, said his delegation felt that items 112 and 113 should be considered separately. They had not been discussed together in the past and were dealt with by two separate ad hoc committees. Although many of the items before the Committee were interrelated, it would be imprudent to discuss two items simultaneously unless it seemed really advisable to combine them for reasons of clarity and efficiency.

9. Mr. YIAFR (Ethiopia) observed that the Group of African States had not proposed that items 112 and 113 should be debated simultaneously, but that the reports related to those items should be introduced one after the other. While the Committee debated item 112, a working group could be formed and begin work on item 113. When the Committee's debate on item 112 had been completed, the debate on item 113 could begin.

10. Mr. ANDERSON (United Kingdom) said that the main concern of the Group of Western European and Other States was that work on item 113 should begin at an early date. The proposal by the Group of African States seemed to satisfy that criterion. However, the Committee should be flexible with regard to the number of meetings allotted to item 113 in order to allow the working group sufficient time to give proper consideration to outstanding issues relating to the draft Convention.
11. The CHAIRMAN agreed that flexibility was necessary. The meetings of the working group could be held whenever possible, taking advantage of the facilities released when meetings of the Sixth Committee and other Committees ended early or were cancelled. If he heard no objection, he would take it that the Committee wished to begin its programme of work with the introduction of the two reports in respect of items 112 and 113, to be followed by consideration of the two items consecutively.
12. It was so decided.
13. Mr. MIRCEA (Romania) suggested that the fifth item on the agenda should be item 109, to be followed by item 114, consideration of which would coincide with the presence in New York of the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, who would introduce that body's report. Item 108, on the report of the International Law Commission, could be taken up after that.
14. Mr. ROSENSTOCK (United States of America) observed that consideration of item 109 before the dates suggested in document A/C.6/34/L.1, paragraph 10, might create difficulties for the secretariat of the United Nations Commission on International Trade Law (UNCITRAL), which had just moved to Vienna.
15. Mr. ROMANOV (Secretary of the Committee) said that the Secretariat would get in touch with the International Trade Law Branch on that matter. Every effort would be made to accommodate a decision to take up item 109 a little earlier.
16. Mr. KATEKA (United Republic of Tanzania) said he agreed with the suggestion that item 109 should be taken up after item 114, in order to allow time for study of the report of UNCITRAL. He also expressed the view that a person who intended to introduce a report should conform to the Sixth Committee's schedule, and not the other way round.
17. Mr. ORDZHONIKIDZE (Union of Soviet Socialist Republics) agreed with the representative of Finland that the Committee should seek to accommodate the wishes of the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization; the Sixth Committee had traditionally shown itself to be accommodating in such matters. He therefore supported the Romanian suggestion that items 114 and 109 should be transposed.
18. The CHAIRMAN said that there seemed to be a consensus in the Committee to take up the items in the following order: 112, 113, 110, 116, 114, 109 and 108.

19. Mr. HARTTILA (Finland) said that it would be extremely difficult for the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to travel to New York before 25 October.
20. Mr. MAKAREVITCH (Ukrainian Soviet Socialist Republic) pointed out that the Romanian suggestion that item 109 should be considered before item 114 would solve the problem mentioned by the representative of Finland.
21. Mr. KATEKA (United Republic of Tanzania) felt that the Sixth Committee deserved to be treated with respect: if its programme of work inconvenienced a person wishing to introduce a report, that person should either conform to the programme of work or make arrangements for a replacement. He hoped that the order of items read out by the Chairman would be followed.
22. Mr. FERRARI-BRAVO (Italy) suggested that a further possibility might be to divide item 108 into two parts and to insert item 114 between them. He felt, however, that more information was needed before deciding on the final order of items 108, 114 and 109; by the following day the Committee might be in a better position to take a final decision without causing undue inconvenience.
23. The CHAIRMAN said that if items 114, 109 and 108 were taken up in that order, the approximate dates for their consideration could then be: item 114, 16-22 October; item 109, 25-31 October; and item 108, 1-19 November.
24. Mr. ROSENSTOCK (United States of America) said that his delegation agreed almost entirely with the representative of Italy. Furthermore, he understood the desirability of debating items 114 and 116 consecutively, although that was not essential.
25. In his view, it was a matter of minimum courtesy to try to arrange the items in such a way as to cause the least inconvenience to other persons. A decision on the order of items 114, 109 and 108 should therefore be deferred until the additional information was available.
26. Mr. KATEKA (United Republic of Tanzania) reiterated his view that it was unacceptable to arrange the order of items purely for the convenience of other persons. Delegations needed to know as far in advance as possible the dates on which the items would be taken up, in order to prepare their work on them.
27. The CHAIRMAN accordingly suggested that items 114, 109 and 108 should be provisionally listed in that order, on the understanding that the dates for their consideration could be readjusted slightly, should they create too much inconvenience.
28. Mr. CALERO-RODRIGUES (Brazil) said that the order suggested by the Chairman for items 114, 109 and 108 was acceptable, on the understanding that the first two items might be transposed in the light of the needs of the Secretariat or the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, if that was possible without inconveniencing the Committee. In any case, however, item 108 should be the third of the three items.

29. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee wished to adopt his suggestion, as amended by the representative of Brazil.

30. It was so decided.

31. The CHAIRMAN accordingly suggested that the Committee should adopt the suggestions concerning the order and dates of consideration of items set forth in document A/C.6/34/L.1, paragraph 10, as amended during the current meeting, and subject to the progress of the Committee's work.

32. It was so decided.

33. The CHAIRMAN said that the Committee would therefore take up items 112 and 113 at its next meeting.

34. Mr. ROSENSTOCK (United States of America) recalled that at the previous session his delegation had raised the question of the way in which the report of the International Law Commission was handled, noting that the members of the Committee failed to take maximum advantage of the opportunity to have an exchange of ideas, rather than reading papers into the record. In his delegation's view, it was time to return the Committee's earlier practice of breaking down the discussion of the report into its component parts. While his delegation had no strong views as to whether the report should be considered in one continuous series of meetings or in two separate series, it felt that the consideration of the report should be made more effective. Delegations might therefore take advantage of the intervening period before the report was taken up in order to reflect on that matter.

The meeting rose at 11.55 a.m.