



SUMMARY RECORD OF THE 60th MEETING

Chairman: Mr. FERRARI BRAVO (Italy)

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The meeting was called to order at 3.40 p.m.

ORGANIZATION OF WORK

1. The CHAIRMAN proposed that the Committee should consider the agenda items in reverse order as shown in the Journal of the United Nations. It seemed more logical first to complete consideration of agenda item 121, since the Committee had concluded its debate on that item that morning. Moreover, draft resolution A/C.6/33/L.7 on that item would probably have to be voted on, whereas draft resolution A/C.6/33/L.8, on agenda item 117, would certainly be adopted by consensus. It was therefore desirable to reverse the original order of the agenda items in order to avoid difficulties with the explanations of vote.
2. Mr. KPOTISRA (Togo), supported by Mr. BARAYAGWIZA (Rwanda), thought it preferable first to consider 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, which would probably be adopted by consensus and then proceed to consider draft resolution A/C.6/33/L.8 on the report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations.
3. Mr. ROSENSTOCK (United States of America) and Mr. ROSENNE (Israel) supported the suggestion made by the Chairman.
4. Mr. BOUZIRE (Tunisia) pointed out that draft resolution A/C.6/33/L.7 had been issued on 17 November and draft resolution A/C.6/33/L.8 on 20 November. The order proposed by the Chairman therefore corresponded to the chronological order of their publication.
5. Mr. KAWAMURA (Japan) said that he did not think it necessary to reverse the order of consideration of the agenda items, but was prepared to accept the Chairman's suggestion.
6. The CHAIRMAN said that, in the absence of any objections, he would consider that the Committee agreed to his suggestion.
7. It was so decided.

AGENDA ITEM 121: REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS (continued)
(A/33/41; A/C.6/33/L.7 and Corr.1, L.9)

At the request of the representative of the Ukrainian Soviet Socialist Republic, a recorded vote was taken on draft resolution A/C.6/33/L.7.

In favour: Afghanistan, Algeria, Argentina, Bahrain, Benin, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Chile, Colombia, Costa Rica, Cuba, Cyprus, Czechoslovakia,

Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guyana, Honduras, Hungary, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Philippines, Poland, Qatar, Romania, Rwanda, Senegal, Sierra Leone, Singapore, Somalia, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Uganda, Ukrainian Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, United Republic of Tanzania, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Australia, Austria, Belgium, Canada, Chad, China, Denmark, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

9. Draft resolution A/C.6/33/L.7 was adopted by 79 votes to none, with 24 abstentions.*

10. Mr. MacKAY (New Zealand), explaining his vote, said that his Government did not question the need to eliminate the use and the threat of force as an instrument of policy between States. He did not believe, however, that the elaboration of another treaty was the best means of achieving that. The fundamental principles of international law relating to that question were already clearly set out in the United Nations Charter, and the obligations which were established in that instrument applied to Member States in accordance with Article 103. There was thus reason to doubt that the authority of the Charter would be strengthened by the adoption of a parallel instrument to which not all States might become parties.

11. Since the delegation of New Zealand had difficulty with that element of the Special Committee's mandate, which covered the task of drafting a world treaty, it had abstained from voting.

12. Mr. ANOMA (Ivory Coast) said that his delegation could not be indifferent to an initiative designed to enhance the principle of the non-use of force in international relations. He expressed satisfaction at the result of the vote, after a spirited debate which had convinced him that the principles of the Charter were not an obstacle to the adoption of an instrument of the kind proposed by the Soviet Union.

13. The draft treaty was of both legal and political importance. It was especially opportune at a time when the arms race was seriously threatening the

* See para. 23 below.

(Mr. Anoma, Ivory Coast)

survival of mankind. He recalled that General Assembly resolution 1514 (XV), entitled "Declaration on the Granting of Independence to Colonial Countries and Peoples" had resulted in the liberation of hundreds of millions of people. The enhancement of the effectiveness of the principle of non-use of force in international relations proceeded from the same desire to achieve the objectives of the Charter by permanently eliminating the scourge of war.

14. Mr. MONTENEGRO (Nicaragua) said that his delegation, being aware of the importance of draft resolution A/C.6/33/L.7, had become a co-sponsor. Now, more than ever, it was necessary to safeguard the principle of non-use of force in international relations, since that principle had been repeatedly violated. The Government of Nicaragua, for example, was currently experiencing an internal crisis caused by Governments which had violated the principle of non-use of force and attempted to overthrow the legal Government of the country by force.

15. It was surprising, to say the least, that a certain Latin American Power should have taken part in the drafting of the draft resolution when that country had only recently attempted to interfere in the internal affairs of Nicaragua. Moreover, another Latin American country had seen fit, in defiance of the principle of non-interference, to bring matters within the internal jurisdiction of that country to the attention of regional bodies and even the United Nations.

16. Nicaragua therefore welcomed the adoption of that draft resolution, which once again confirmed the importance which the United Nations attached to the principle of equality of States.

17. Mr. ROSENSTOCK (United States of America), speaking on a point of order, pointed out that in accordance with the rules of procedure delegations which sponsored a draft resolution were not allowed to explain their votes on that draft.

18. Mr. HAMA (Niger) said that in a world of violence, domination and injustice security was a major preoccupation of the Government of Niger. For that reason his delegation had from the outset welcomed the Soviet initiative to draft a world treaty and had consequently voted for draft resolution A/C.6/33/L.7.

19. Mr. ROSENSTOCK (United States of America) said that his delegation continued to take the view that it was not particularly useful to devote time and energy to that exercise when there were other items of a more critical nature to consider. To cite those other issues, and speculate on the reasons why they were not equally stressed, was not only relevant to the item before the Committee but essential if a balanced set of priorities was to be retained.

20. It was true that the resolution just adopted clearly provided that the Special Committee might choose whatever means it deemed appropriate to enhance the effectiveness of the prohibition of the threat or use of force. That was the only possible meaning of the word "or" in paragraph 2 of that resolution. Moreover, since the Special Committee was clearly required to treat the peaceful settlement of disputes as inextricably linked with the prohibition of the threat

(Mr. Rosenstock, United States)

or use of force, his delegation was disinclined to impose its scepticism on those members of the Committee who considered that the work of the Special Committee might be useful. In deferring to the views of those who, while not supporting the idea of a treaty, believed that the Special Committee might do useful work in other areas, the United States delegation was in no way departing from its opposition to a treaty. It was suspending the full expression of its negative views in the hope that the Committee would be encouraged to explore other, more useful avenues for assisting the United Nations in the enhancement of the effectiveness of the principle of the non-use of force. To that end it had abstained from voting on draft resolution A/C.6/33/L.7. The delegation of the United States would review its position and, in particular, its participation in that exercise in the light of the results of the next session of the Special Committee.

21. Mr. ZIEHENTPIER (Federal Republic of Germany), speaking on behalf of the European Community, said that the nine member States of the Community were firmly committed to the principle of the non-use of force in international relations and recognized the need to enhance its effectiveness. They had not, however, been able to support resolution A/C.6/33/L.7, because it stressed the elaboration of a world treaty. In their opinion, it was not advisable to follow that course. Besides, according to the mandate of the Special Committee, several courses were open to it, each of which was equally important. The progress of its work therefore depended on the exploration of those avenues. The delegations of the member States of the European Community that participated in the work of the Special Committee were ready to make a constructive contribution to the search for all possible means of enhancing the principle of the non-use of force.

22. Mr. FREER (Costa Rica) said his delegation had voted in favour of resolution A/C.6/33/L.7, because it had enthusiastically welcomed the initiative to draft a world treaty on the non-use of force. Such a treaty would be in the interest of States which, like Costa Rica, had, under their constitution, renounced armed force and consequently the threat and use of force in international relations. He had noted that some States which had violated the sovereignty of Costa Rica, as had been recognized by the Organization of American States, had voted in favour of the resolution which had just been adopted.

23. Mr. CORREIRA (Angola) said that owing to a technical incident, his delegation's vote had not been recorded. It had intended to vote for draft resolution A/C.6/33/L.7.

24. Mr. McKENSIE (Trinidad and Tobago) said that had his delegation been present during the voting, it would have voted in favour of the draft resolution.

25. Mr. NDJEMBA (United Republic of Cameroon) said that the results of the vote on draft resolution A/C.6/33/L.7 reflected the determination of most of the States represented in the Sixth Committee to prohibit for ever the use of force in international relations, although some had opposed or had given only limited

(Mr. Ndjeriba, Cameroon)

support to the Soviet proposal. A world treaty on the non-use of force should constitute an additional guarantee for small countries and would in no way weaken the Charter of the United Nations. His delegation hoped that the Special Committee would prepare a draft treaty prohibiting, in particular, the use of nuclear weapons; in view of its general scope, the treaty would supplement the international instruments already adopted in that field and reflect the will of the international community to translate into reality the provisions of draft resolution A/C.1/33/L.39 adopted by the First Committee at the current session of the General Assembly.

AGENDA ITEM 117: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION
(continued) (A/33/33, A/33/65, A/33/206 and Corr.1; A/C.6/33/L.8, L.10)

26. The CHAIRMAN announced that Nigeria had joined the list of sponsors of draft resolution A/C.6/33/L.8, which was thus sponsored by 48 delegations.

27. Mr. KATEKA (United Republic of Tanzania) felt that draft resolution A/C.6/33/L.8 left much to be desired. For example, in the sixth preambular paragraph of the draft, the General Assembly noted that "progress has been made in fulfilling the mandate of the Special Committee". As it had said previously (A/C.6/33/SR.21, para. 28), his delegation considered that the Special Committee had made no progress. At the very most, to be generous, it might be said that "little" progress had been made.

28. With regard to paragraph 2, which was based on paragraph 2 of resolution 32/45 on the report of the Special Committee adopted the previous year by the General Assembly, it was at the urging of some delegations that it had been introduced into the draft under consideration. During the negotiations which had led to the draft, his delegation had stressed that the paragraph 2 in question was unnecessary because of the existence of paragraph 3. Indeed, paragraph 2, which outlined the mandate of the Special Committee, weakened the impact of paragraph 3, which specified what the Special Committee should do at its next session. The delegations which had pressed for the maintenance of operative paragraph 2 might well intend to refer to that paragraph in the Special Committee as a pretext to take up questions other than those listed in paragraph 3.

29. Moreover, it should have been made clear, at the end of paragraph 2, that the Special Committee should make recommendations to the General Assembly. It should not limit itself to drawing up a list of proposals and examining certain proposals; it should make recommendations to the General Assembly at one of its forthcoming sessions. The precise formulation which his delegation would have wished would in no way have obliged the Special Committee to make those recommendations at the thirty-fourth session of the General Assembly, as some delegations had feared.

30. To request the Special Committee to be mindful of the importance of reaching general agreement whenever it had significance for the outcome of its work, as

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(Mr. Kateka, Tanzania)

the General Assembly did in paragraph 4 of draft resolution A/C.6/33/L.8, was tantamount to hampering the conduct of the work of the Special Committee. It was possible that delegations which did not wish that paragraph to be amended intended precisely to hamper the Special Committee in the fulfilment of its task. They had even objected to having the Chairman of the Sixth Committee make, before the adoption of draft resolution A/C.6/33/L.8, the following statement: "It is the understanding of the Sixth Committee that the Special Committee will conclude its deliberations on peaceful dispute settlement at its next session and that the Special Committee will start its work on the question of the maintenance of international peace and security at the same session. It is also the understanding of the Sixth Committee that operative paragraph 4 of the draft resolution is without prejudice to the rules of procedure."

31. He expressed the hope that at the thirty-fourth session of the General Assembly, the Chairman of the Special Committee would be in a position to announce that progress has been made in the effective fulfilment of the mandate of the Special Committee. His delegation had been one of the sponsors of the draft resolution adopted the previous year because it had still hoped that the Special Committee would make substantial progress. During the current year, it had noted that no progress had been made and saw no reason to support a similar draft resolution. It was therefore with reluctance that it would join in any consensus on draft resolution A/C.6/33/L.8.

32. Mr. ROSENNE (Israel) thought that the first preambular paragraph, under which the General Assembly reaffirmed its support for the purposes and principles set forth in the Charter of the United Nations, was incongruous. That reaffirmation, which did not appear in the corresponding resolution of the previous year, went without saying, even if delegations had widely differing interpretations of the purposes and principles set forth in the Charter of the United Nations. Otherwise, his delegation had no objection to the adoption by consensus of the draft resolution. However, it urged the sponsors to consider once again whether the first preambular paragraph was truly necessary and whether it enhanced the dignity of the General Assembly; it might be possible in the report of the Sixth Committee to the General Assembly, to include a proposal that the paragraph should be deleted or amended.

33. Mr. EKANEY (United Republic of Cameroon) said that his delegation joined in the consensus which seemed to have emerged in connexion with draft resolution A/C.6/33/L.8 because it believed it necessary to renew the Special Committee's mandate. However, it would have wished to see the draft resolution contain a provision specifying how the Special Committee, which had already listed several proposals having awakened special interest, would proceed, at its next session, to complete the listing and examination of those proposals. There was a contradiction between paragraph 3, which set out a programme of work, and paragraph 2, which interpreted the Special Committee's mandate in too general a manner. That paragraph, which reproduced the provisions of paragraph 2 of resolution 32/45 adopted the previous year by the General Assembly, was unnecessary and ran counter to the sixth preambular paragraph, which noted that progress had been made in fulfilling the mandate of the Special Committee. He expressed the hope that those

(Mr. Ekaney, Cameroon)

who had pressed for the insertion of the paragraph in the draft resolution would allow the Special Committee to make a detailed examination of some of the proposals already listed with a view to submitting recommendations to the General Assembly at its thirty-fourth session.

34. His delegation supported the principle that the Special Committee should seek to reach general agreement whenever it had significance for the outcome of its work. However, that principle should not be invoked in order to block the wishes of the majority, and the provisions of paragraph 4 should not be prejudicial to the rules of procedure.

35. The CHAIRMAN said that if there were no objections, he would take it that the Committee decided to adopt by consensus draft resolution A/C.6/33/L.8.

36. It was so decided.

37. Mr. ROSENSTOCK (United States of America) said that his delegation was pleased to have been able to join in the consensus on draft resolution A/C.6/33/L.8, paragraph 2 of which contained a clear reaffirmation of the mandate of the Special Committee. It agreed that progress had been made at the latest session of the Special Committee and looked forward to further progress at its next session. In the seventh preambular paragraph, the sponsors of the draft resolution had placed emphasis on consultations in order to encourage the members of the Special Committee to maintain contact with all delegations, whatever their point of view. After recalling the circumstances which had led the General Assembly, in resolution 32/45, to request the Special Committee to be mindful of the importance of reaching general agreement whenever it had significance for the outcome of its work, he noted with satisfaction that at its 1978 session the Special Committee had avoided recourse to voting. That request had been maintained in the draft resolution and there was no doubt that at its 1979 session, the Special Committee would once again be guided by it. His delegation was also confident that the Special Committee would proceed with its work in an orderly manner, in accordance with its mandate. For its part, his delegation would have positive proposals to make at the forthcoming session of the Special Committee and looked forward to positive work by all concerned with a view to strengthening the role of the Organization.

38. Mr. KHEZETOV (Union of Soviet Socialist Republics) said that if draft resolution A/C.6/33/L.8 had been put to the vote his delegation would not have been able to vote in favour of it, because it found several of its provisions, particularly those of paragraph 3, unacceptable. The Special Committee should take account of the position of those delegations which doubted that the effectiveness of the United Nations could be strengthened, particularly in the area of the maintenance of international peace and security, through revision of the Charter. What was needed was, on the contrary, insistence on rigorous respect for the provisions of that instrument and the obligations flowing from it. Nothing could take the place of the political will of States; if they infringed the provisions of the Charter it was not because the Charter was deficient. Changing the Charter in any way could only have the effect of undermining the foundations on which the United Nations rested. The Committee could reach positive results only by concentrating on

(Mr. Khlestov, USSR)

proposals aimed at strengthening the role of the United Nations and enhancing its effectiveness within the framework of the provisions of the Charter and if it worked on the basis of consensus.

39. Mr. HOFSTEE (Netherlands) said that his delegation had had no difficulty in joining the consensus on draft resolution A/C.6/33/L.8 because it provided a sound basis for the work of the Special Committee at its next session. While the work done by the Special Committee so far had been useful, it had not yet been very productive. His delegation therefore welcomed operative paragraph 3, which mentioned specifically the topics to which the Special Committee was to devote attention. The peaceful settlement of disputes, the maintenance of international peace and security and the rationalization of existing procedures of the United Nations all deserved thorough consideration. It was to be hoped that the Special Committee would be able to submit workable proposals to the General Assembly on those topics.

40. Mr. KOROMA (Sierra Leone) said that his delegation had joined the consensus on draft resolution A/C.6/33/L.8 in spite of its reservations with regard to the Special Committee's most recent session. It hoped that appreciable progress would be made in the future. With regard to paragraph 3 of the draft resolution, his delegation was not convinced that it was necessary for the Special Committee to consider the question of the rationalization of existing procedures of the United Nations, because that question had already been studied in detail in other bodies. For the rest, his delegation supported the provisions of that paragraph.

AGENDA ITEM 115: REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS ELEVENTH SESSION (continued) (A/C.6/33/L.12)

41. The CHAIRMAN announced that Panama had become a sponsor of draft resolution A/C.6/33/L.12.

DATE AND PLACE OF MEETINGS OF COMMITTEES REQUIRED TO REPORT TO THE SIXTH COMMITTEE

42. The CHAIRMAN said he regretted that he must inform the members of the Committee that despite all the efforts he had made to satisfy the wishes expressed by certain delegations, it was not feasible to change the dates and places of meetings decided on by the Secretariat for the sessions of the various Committees reporting to the Sixth Committee. The only possible dates, other than those envisaged by the Secretariat, were the following: From 8 to 26 January; from 6 to 23 August or from 27 August to 14 September, provided the meetings were held at Geneva, since no conference room would be available in New York. It did not seem possible to postpone by one week the session of the Ad Hoc Committee on International Terrorism, as had been proposed, because the only conference room available at that time was one which could accommodate only 30 representatives. The dates and meeting places announced by the Secretariat would therefore, with one exception, be maintained. They were the following: Ad Hoc Committee on the Drafting of an International Convention against the Taking of Hostages, Geneva, from 29 January to 16 February; Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, Geneva, from 19 February to 16 March; Ad Hoc Committee

(The Chairman)

on International Terrorism, New York, from 19 March to 6 April; Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations, New York, from 17 April to 11 May. As the opening of the session of that Committee had been postponed by one day, owing to the Easter holiday, a small change would have to be made in the statement of the administrative and financial implications of draft resolution A/C.6/33/L.7, in document A/C.6/33/L.9.

43. Mr. ROSENSTOCK (United States of America) suggested that the Sixth Committee should mention in its report to the Fifth Committee that it would like the session of the Ad Hoc Committee on International Terrorism to be deferred by one week if possible. Perhaps by the time that document was considered by the Fifth Committee the dates envisaged for the meetings of certain Committees would have been changed or it might have been ascertained that one of the Committees which was to meet during that period could be accommodated in a conference room that was not large enough for more than 30 representatives.

44. Mr. KATEKA (United Republic of Tanzania) said that he would prefer that exact dates should be agreed upon so that each delegation could establish its own calendar of work with the certainty that the dates would not be changed.

45. Mr. ROSENSTOCK (United States of America) said that all delegations would benefit if the meetings of the Special Committee on the Charter and those of the Ad Hoc Committee on International Terrorism were scheduled a week apart. He hoped that every possibility of giving effect to that suggestion would be considered, provided the progress of the work of the Ad Hoc Committee on International Terrorism was not hindered thereby; also, it would be desirable to settle the question before it was considered by the General Assembly.

46. Mr. KATEKA (United Republic of Tanzania) said that the objection raised by his delegation was purely political; it was inadmissible that the dates of the meetings of the Ad Hoc Committee on International Terrorism should not yet be definitely decided upon while definite decisions had been made with respect to other committees. His delegation felt that the proposed dates - from 19 March to 6 April - should not be changed.

47. The CHAIRMAN said that the decision was not one which the Sixth Committee could take, for the question was not on its programme of work but on that of the plenary Assembly.

48. Mr. ROSENNE (Israel) observed that three important legal bodies were to meet during the first half of 1979: The United Nations Commission on International Trade Law, the International Law Commission and the United Nations Conference on the Law of the Sea, which would hold at least one session. The Secretariat should therefore speed up the publication of the reports of the four bodies reporting to the Sixth Committee so that they could be transmitted to delegations before the beginning of meetings for the preparation of the next session of the General Assembly, at the end of July and the beginning of August.

49. The CHAIRMAN said that delays in the publication of reports did, indeed, create many difficulties.

50. Mr. KOROMA (Sierra Leone) said that if the Special Committee on the Charter of the United Nations met at Geneva, as planned, it might not be possible to have a quorum, for many delegations would not be able to take part in the work of all the bodies meeting at that time, given the large number of meetings planned. The Sixth Committee should therefore consider the possibility of having the Special Committee on the Charter meet in New York.

51. The CHAIRMAN said it would be impossible to accept such a proposal because, at the time when the Committee would meet, three of the large meeting rooms in the General Assembly building at Headquarters would be undergoing reconstruction. The Sixth Committee could express the wish that the Special Committee should meet in New York instead of Geneva, but the decision would rest with the Secretariat.

52. Mrs. MUTUKWA (Zambia) said that the Secretariat should do everything it could to enable the Special Committee to meet in New York, even if the dates of its session had to be changed. If the Committee met at Geneva, many delegations, in particular those developing countries, would have to spend a very long time away from their capitals or from the headquarters of their missions, which were generally in New York.

53. Mr. MUDHO (Kenya) said that he thought it was useless to continue the discussion because the Sixth Committee did not have the power to change either the place or the duration of the meetings in question.

54. The CHAIRMAN said that as the decision would be taken by the General Assembly on the recommendation of the Sixth Committee or the Fifth Committee, delegations could raise those questions in the plenary Assembly.

55. Mr. JACOVIDES (Cyprus), supported by Mr. SANDERS (Guyana), said that he agreed with the remarks made by the representatives of Sierra Leone and Zambia.

56. Mr. FIFOOT (United Kingdom) suggested that some committee should change places with the Special Committee on the Charter, which had an extremely heavy programme of work. A strong protest should be sent to the Secretariat urging it to change the programme which had been laid down.

57. Mr. MUSEUX (France) observed that the United Nations Office at Geneva was a normal meeting place and that many delegations had missions in that city. He therefore could not support the proposal of the United Kingdom representative.

The meeting rose at 5.35 p.m.