

GENERAL
ASSEMBLY



SIXTH COMMITTEE
3rd meeting
held on
Tuesday, 27 September 1977
at 10.30 a.m.
New York

THIRTY-SECOND SESSION

Official Records*

SUMMARY RECORD OF THE 3rd MEETING

Chairman: Mr. GAVIRIA (Colombia)

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29 September 1977

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The meeting was called to order at 11 a.m.

ORGANIZATION OF THE COMMITTEE'S WORK (A/C.6/32/1; A/C.6/32/L.1)

1. The CHAIRMAN welcomed the distinguished members of the International Court of Justice present at the meeting and asked them to convey to the Court the Committee's best wishes for its endeavours for international justice.
2. He briefly recalled the guidelines adopted by the General Assembly concerning the volume of documentation, duration of sessions and other procedural matters.
3. Mr. SCALABRE (France), speaking on behalf of the Group of Western European and Other States, noted that the report of the International Law Commission on the work of its twenty-ninth session (agenda item 112) had been scheduled for consideration during the period from 20 October to 8 November so that Committee members would have time to consider the report at leisure. However, a number of distinguished jurists would be travelling from distant countries to attend the Committee's meetings concerning the report of the International Law Commission. Consequently, 20 October should be adopted as a firm date for the discussion and Governments should be so notified. If that was done, the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization (agenda item 116) should be placed either earlier or later in the agenda so as to prevent its discussion from being interrupted by discussion of agenda item 112. In order that the visiting jurists he had mentioned might also be present for the Committee's review of the multilateral treaty-making process (agenda item 124), that item might be placed immediately before or after discussion of the report of the International Law Commission. On the other hand, the Group of Western European and Other States recommended that the report of the Committee on Relations with the Host Country (agenda item 117) should be left until the end of the session, since experience had shown that that item was not always ready for discussion on time and was subject to last-minute compromises and changes.
4. Speaking on behalf of the French delegation, he stressed the importance of the proposed programme budget for the biennium 1978-1979 /Computerization of treaty information and registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations/ (agenda item 100). Approval of the proposed programme budget was most urgent for the Treaty Section, which was overburdened with work. Since that approval depended on the solution of certain difficult technical points, an informal working group might be created to study the technical matters concerned and the item might be discussed earlier, perhaps shortly before the report of the International Law Commission. On the other hand, certain Western delegations had expressed the wish that the report of the Secretary-General on respect for human rights in armed conflicts (agenda item 115) should be considered later in the session, perhaps at the end of November, in order to take into account discussions being held by the Red Cross on that matter.

5. Mr. HARRY (Australia) said that he supported the main suggestions made by the French representative and, in particular, the suggestion that the review of the multilateral treaty-making process should be undertaken immediately before the report of the International Law Commission and the proposal that a firm date should be adopted for discussion of the report, with appropriate changes in the time-table. However, the item pertaining to the proposed programme budget for the biennium 1978-1979 deserved attention and should not be lost sight of.

6. Mr. BJÖRK (Sweden) supported the French representative's proposal that discussion of the report of the Secretary-General on respect for human rights in armed conflicts should be postponed until the end of November.

7. Mr. FIFOOT (United Kingdom) said that he agreed with the arguments advanced by the French representative for fixing a firm date for discussion of the report of the International Law Commission. He also agreed with the Australian representative's proposal that the multilateral treaty-making process should be discussed before the report of the International Law Commission. The report could be discussed on 24 or 25 October, which might be a more convenient time for members of the International Law Commission wishing to attend that discussion.

8. Mr. KOLESNIK (Union of Soviet Socialist Republics) said that his delegation favoured discussing item 37 (Conclusion of a world treaty on the non-use of force in international relations) earlier in the session - during the second half of November - since that item was also to be considered in the First Committee and its discussion in the Sixth Committee should proceed uninterrupted. His delegation also felt that the total of four meetings allocated to the item was insufficient. He agreed with the practical suggestions made by the representatives of France, Australia and Sweden concerning the fixing of dates for discussion of the report of the International Law Commission (item 112) and suggested that, in order to prevent discussion of that item from clashing with the discussion of item 116 (Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization), the position of the two items on the agenda should be reversed so that the report of the Special Committee was taken up first. He was not opposed to the suggestion of the representative of France that item 117 (Report of the Committee on Relations with the Host Country) should be taken up later in the session, but he felt that it should not be left to the end, since it dealt with urgent questions and there had been insufficient time to discuss the item the previous year. He was also not opposed to the Australian representative's suggestion that item 124 should be taken up earlier in the session but he felt that to imply that the item was of paramount importance in relation to other items indicated a lack of objectivity. Its position on the agenda should be left to the Secretariat.

9. Mr. SCALABRE (France) said that he had not intended to minimize the importance of the report of the Committee on Relations with the Host Country. He agreed with the representative of the Soviet Union that the item could be taken up later in the session but should not be left to the end.

10. Mr. MENDOZA (Philippines) said that his delegation was satisfied with the arrangement of items proposed by the Secretariat. The suggestions made by several delegations to move items 37, 124 and 100 to an earlier part of the session might result in item 121 being taken up last, and that item had not been considered by the Committee at its previous session for lack of time. He could not therefore agree to any transposition of items if the result was that item 121 would be among the last, and if there was any rearrangement of the agenda he wished to request that item 121 should remain in its present position.

11. Mr. VARGAS (Mexico) said that his delegation was in agreement with the guidelines put forward by the Secretariat. However, he would not be in favour of moving item 116 or changing the number of meetings allocated to it. Item 124 could be dealt with before the report of the International Law Commission. If item 117 was later postponed, the list could be altered without changing the position of item 116. It should be possible to adjust the order of items to satisfy the majority of members of the Committee.

12. Mr. KATEKA (United Republic of Tanzania) said that he saw no logical reason to change the position of any of the items, since each item stood on its own merits and none of them were interdependent. To admit the possibility of moving items only caused complications, since each delegation, including his own, had its special preferences. He was in favour of accepting the arrangement proposed by the Secretariat and only changing the position of items for technical reasons such as the late appearance of a report. To advance a given item in the agenda would imply that it had some special significance, which would itself cause problems.

13. Mr. MAÏGA (Mali) said that he did not question the arrangement proposed by the Secretariat. However, since several delegations, for various reasons, wished certain items to be taken up earlier, he suggested that the Chairman should ask the different groups to enter into consultations so that an arrangement acceptable to all could be worked out.

14. Mr. MAKAREVICH (Ukrainian Soviet Socialist Republic) said that his delegation supported the proposal of the representative of Mali. Instead of reaching a decision on the order of items at the present stage, members of the Committee should study document A/C.6/32/L.1 and the regional groups should enter into discussions with a view to resolving the issue.

15. Mr. ROSENSTOCK (United States of America) welcomed the presence of members of the International Court of Justice.

(Mr. Rosenstock, United States)

16. He hoped that at the present session there would be no delay in beginning meetings and that no meetings would be adjourned early for the sake of attending the general debate. Time was very short for completing the work assigned to the Committee, and a request had already been made for additional time to be allocated to one of the items. There was no fundamental disagreement in the Committee on the organization of its work, and no one had suggested changing the position of agenda items 113 and 122. He suggested that the Chairman should convene an informal group to decide on the arrangement of the agenda and that the Committee should agree at the present meeting to begin its work with items 113 and 122. The rest of the agenda could be agreed upon at a meeting towards the end of the week.

17. Mr. HARRY (Australia) said that he agreed with the representatives of Mali, the Ukrainian SSR and the United States that the Chairman should initiate consultations on the order of items. He also supported the United States representative's proposal that the Committee should agree to begin its work with items 113 and 122, allowing consultations on the rest of the agenda to proceed in the meantime. There was no question of one item taking precedence over another, as the order of discussion depended on the convenience of the Committee, the available documentation and the attendance of members. Some items, although separate, were linked by their subject-matter. Meetings could possibly be saved on item 113, which he hoped was not a contentious subject.

18. Mr. SCALABRE (France) said he agreed that, instead of holding up the beginning of the Committee's work, members should conduct consultations under the Chairman's guidance to fix the final programme of work. Replying to the Tanzanian representative, he noted that the proposal of the Western European Group was not to change the programme but to fix the dates for beginning the discussion of the report of the International Law Commission.

19. Mr. CHAVEZ (Peru) said that his delegation was not in favour of postponing consideration of the report of the United Nations Commission on International Trade Law (item 113) and of the recommendation adopted by the United Nations Conference on Succession of States in Respect of Treaties (item 122). Discussion of the first of those items could begin on 28 September, and the subsequent organization of work could be decided upon later at meetings of regional groups or interest groups.

20. Mr. KISS (Hungary) said that his delegation had no strong feelings concerning the allocation of items as proposed by the Secretariat. He was not in favour of any radical departures from the dates initially proposed. He agreed, however, with the representative of the Soviet Union that more extended discussion was needed on item 37 (Conclusion of a world treaty on the non-use of force in international relations); the number of meetings allocated to it by the Secretariat did not seem adequate in view of the large number of replies by Member States to the Secretary-General's letter on the matter and the experience of the previous year's debate.

21. Mr. RASSOLKO (Byelorussian Soviet Socialist Republic) said that item 116 (Report of the Special Committee on the Charter of the United Nations) was a complex subject requiring detailed consideration and should be taken up at a later stage

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(Mr. Rassolko, Byelorussian SSR)

following the report of the International Law Commission. Item 37 (Conclusion of a world treaty on the non-use of force in international relations) was a subject of importance for the General Assembly and should be taken up earlier, following the report of the International Law Commission. The number of meetings allocated to that item should also be increased. Item 117 (Report of the Committee on Relations with the Host Country) should be left in its present position and not moved to the end. He agreed that consultations on the agenda should be undertaken by the regional groups.

22. Mr. PEDAUYÉ (Spain) said that he supported the proposal of the representative of Mali. To avoid any loss of time, the Committee should begin its work the next day with the report of the United Nations Commission on International Trade Law, and the present meeting should be adjourned to facilitate discussion on the order of agenda items.

23. The CHAIRMAN said that there was no disagreement in the Committee on the advisability of beginning the latter's work with items 113 and 122. The regional groups should meet with him to decide on the position of the remaining items so that a final schedule of meetings could be prepared. He therefore proposed that the Committee should begin its work on 28 September by taking up the first two items on the existing agenda (A/C.6/32/L.1).

24. It was so decided.

The meeting rose at 12.10 p.m.