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President: Mr. Stanisław TREPCZYŃSKI (Poland).

AGENDA ITEM 87

**Representation of States in their relations
with international organizations**

REPORT OF THE SIXTH COMMITTEE (A/8796)

AGENDA ITEM 88

**Report of the Special Committee on the Question
of Defining Aggression**

REPORT OF THE SIXTH COMMITTEE (A/8929)

AGENDA ITEM 89

**Need to consider suggestions regarding the review of the
Charter of the United Nations: report of the Secretary-
General**

REPORT OF THE SIXTH COMMITTEE (A/8798)

1. Mr. SHITTA-BEY (Nigeria), Rapporteur of the Sixth Committee: Once again it is my privilege to report to the Assembly the outcome of the deliberations of the Sixth Committee on agenda items 87, 88 and 89. The detailed

reports of the Committee on these items are to be found in documents A/8796, A/8929 and A/8798, respectively.

2. It will be recalled that by resolution 2780 (XXVI) the General Assembly, having considered the report of the International Law Commission on the work of its twenty-third session, and having noted with satisfaction that at its twenty-third session the Commission had adopted, as the basis of a convention, draft articles on the representation of States in their relations with international organizations, *inter alia* expressed its desire that an international convention be elaborated and concluded expeditiously and decided to include in the provisional agenda of its twenty-seventh session an item entitled "Representation of States in their relations with international organizations".

3. The General Assembly having allocated the item to the Sixth Committee at the beginning of the current session, the Committee considered it at its 1340th to 1344th and 1371st to 1373rd meetings; it had before it the comments and observations submitted in accordance with paragraphs 2 and 3 of resolution 2780 (XXVI) (section II). As will be seen in paragraphs 4 to 8 of document A/8796, various proposals were laid before the Committee on the question how best the General Assembly should continue with its consideration of the draft articles prepared by the International Law Commission. At the conclusion of its deliberations on the item, the Sixth Committee decided to recommend the draft resolution appearing in paragraph 13 of document A/8796 for adoption by the General Assembly.

4. As regards the report of the Special Committee on the Question of Defining Aggression—agenda item 88—nearly all delegations which spoke on the item expressed appreciation to the Special Committee for the progress it had achieved during its 1972 session. At the conclusion of its discussion on the Special Committee's report, the Sixth Committee decided to recommend the draft resolution appearing in paragraph 38 of document A/8929 for adoption by the General Assembly.

5. Lastly, agenda item 89 having been inscribed on the provisional agenda of the current session pursuant to paragraph 3 of General Assembly resolution 2697 (XXV) and allocated to the Sixth Committee, the Committee considered the item at its 1,374th to 1,384th meetings. It will be recalled that paragraph 1 of resolution 2697 (XXV) requested the Secretary-General to invite Member States to communicate to him before 1 July 1972 their views and suggestions on the review of the Charter of the United Nations. Operative paragraph 2 of that resolution further requested him to submit to the General Assembly a report containing those views and suggestions. That report was circulated as document A/8746 and Corr.1 and Add.1-3.

The report was duly considered along with further proposals in the course of the Committee's consideration of the item. At the conclusion of its consideration of the item, the Sixth Committee decided to recommend the draft resolution in paragraph 16 of document A/8798 for adoption by the General Assembly.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Sixth Committee on agenda item 87.

6. The PRESIDENT (*interpretation from French*): I should like to draw the Assembly's attention to the report of the Sixth Committee on agenda item 87 [A/8796]. The Assembly will now vote on the draft recommended by the Sixth Committee in paragraph 13 of that document. The report of the Fifth Committee on the administrative and financial implications of that draft resolution is contained in document A/8797.

The draft resolution was adopted by 88 votes to none, with 14 abstentions (resolution 2966 (XXVII)).

7. The PRESIDENT (*interpretation from French*): We shall now consider the report of the Sixth Committee on agenda item 88 [A/8929.]

8. Mr. SCHERER (United States of America): In light of paragraph 4 of the report of the Fifth Committee [A/8946], I should like to propose an amendment to the draft resolution in paragraph 38 of document A/8929.

9. It was the Fifth Committee which, by a vote of 46 to 11, with 19 abstentions, recommended that the next session of the Special Committee should be held in New York. It is my delegation's opinion that operative paragraph 1 of the draft resolution in document A/8929 should be amended to delete the words "at Geneva". My delegation believes that the Fifth Committee has in paragraph 7 of its report [A/8946] correctly recommended that the next session of the Special Committee should be held in New York. In reaching that decision, the Fifth Committee acted in accordance with the recommendation of the Advisory Committee on Administrative and Budgetary Questions [ACABQ]. As the report of the Fifth Committee states, in summarizing the advice of the ACABQ:

"Since no substantive reasons had been advanced in favour of the Geneva venue and, in view of the present financial difficulties of the United Nations, the Advisory Committee did not believe that sufficient justification existed for incurring extra costs that would amount to some \$65,000." [A/8946, para. 4.]

My delegation finds that reasoning compelling. We consequently are requesting a separate vote on the words "at Geneva" in operative paragraph 1 of the draft resolution before us. We shall vote against those words because we agree with the ACABQ that there is no basis in past practice for such a decision.

10. Furthermore, we do not understand that the choice of the site of the meeting will have a great effect on the ability of the Special Committee to make progress; nor can we equate rational comprehension of the present financial

difficulties within the United Nations with a decision to hold this session away from the Headquarters of the United Nations.

11. The PRESIDENT (*interpretation from French*): I call on the representative of Ghana, who wishes to explain his vote before the vote.

12. Mr. SAM (Ghana): Mr. President, I thank you for this opportunity to state the views of my delegation on the report of the Fifth Committee on the financial implications of the draft resolution proposed by the Sixth Committee regarding the venue of the next session of the Special Committee. This report of the Fifth Committee, now before this Assembly, recommends that the next session of the Special Committee should be held in New York. To this the Fifth Committee added that "should the General Assembly so decide, an additional appropriation of \$26,000 would be required. . ." [*ibid.*, para. 7].

13. My delegation has some sympathy with the recommendation of the Fifth Committee. We look at the work done in the Fifth Committee in this way: will it cost more or less if the Special Committee holds its next session in Geneva? It is quite obvious to us all that any session of any body or committee of the United Nations that meets outside Headquarters in New York costs more than if it is held in New York. So the Fifth Committee correctly endorsed this obvious fact, which was brought to the notice of the Sixth Committee by the Secretariat in document A/C.6/L.875, when the Sixth Committee was considering its draft resolution on the subject. The figure quoted by the Secretariat was \$91,300, and this would mean an additional cost of \$65,300 if the New York cost of \$26,000 were deducted from the Secretariat's figure. In spite of that, the Sixth Committee saw its way clear to decide by a vote that the next session of the Special Committee should be held in Geneva. It is that decision of the Sixth Committee that this Assembly is now being asked to reverse.

14. There is no doubt in my mind that the action taken by the Fifth Committee was well motivated. And I have had experience in similar matters with our Treasury at home in Ghana. However, in the view of my delegation, no new or convincing evidence has been adduced to make this Assembly change the decision taken by the Sixth Committee after several views on the subject had been heard, weighed and evaluated.

15. The need hardly arises for me to reiterate all the salient points which the Sixth Committee took into account before deciding in the way it did that the next session of the Special Committee should be in Geneva. The argument in favour of Geneva was very forcefully and cogently put forth in the Sixth Committee by the representative of France and others. With your permission, Sir, I would attempt to paraphrase it. Though it would appear from the document on financial implications that the United Nations as a whole would be spending more money if the session were held in Geneva, we must also consider the cost burden that such sessions place on individual countries which are members of these special committees, and all of which also contribute to the funds of the United Nations. I would refer also to the cost burden on the not-so-rich countries of travelling every year—sometimes

two or three times in a year—with round-trip air tickets, from Europe, Africa, the Middle East, Asia and the Far East to New York, not to mention the cost of living in hotels in New York.

16. Is it necessary that some of us, out of our patriotic desire to work to enable the grand and noble aims and ideals of the United Nations to be achieved, should constantly bear this cost burden, even though there is an alternative way that would lessen this burden, at least every other year, for all Member States serving on these special committees?

17. I should like to illustrate the cogent argument put forth by the delegation of France in support of holding the session in Geneva by citing Ghana's experience in attending sessions of some special committees of the United Nations.

18. Ghana sent two representatives from Accra to New York in May of this year to attend the fifth session of the United Nations Commission on International Trade Law [UNCITRAL] for about four weeks. Ghana has sent more than two representatives to New York to attend the current session of the General Assembly for these three months. In January and February of next year Ghana is to send representatives to New York to attend two sessions of UNCITRAL working groups on international sale of goods and international shipping legislation. Then we are being asked to come to New York again to attend the next session of the Special Committee, although, in accordance with the "every other year" principle, that session should be held in Geneva.

19. I wish to explain at this juncture, as clearly as I can, that Ghana is delighted to travel anywhere in the world where its services might be demanded and when we are convinced that our service would help to further the achievement of the aims and objectives of the Organization; and I have every reason to believe that that is true of all States Members of the Organization. All we are asking here is—and I am convinced that it is not unreasonable—that we bring into play the well-known and universally accepted principle of equity in our consideration of this aspect of the subject now before us.

20. This great legal principle of equity is now at stake in this Assembly. And I should like to remind representatives that the principle of alternating sessions and meetings of a committee every other year between New York and Geneva is not peculiar to the Special Committee on the Question of Defining Aggression alone in the history of the Organization. The Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction, the Committee on the Peaceful Uses of Outer Space and UNCITRAL, to name only a few, observe the same principle of meeting every year alternately in New York and Geneva.

21. We have just heard that this has been the practice with the Special Committee. I beg to differ. The Special Committee started work on 4 June 1968 in Geneva. The following year it met in New York and the year after that it met in Geneva; then it came back to New York and has stayed in New York for two years. We are now asking for the application of the old principle.

22. If the cost element is brought up each year when these committees and commissions are deciding in a procedural resolution the venue of their sessions, then, I am afraid, none of these committees and commissions will ever meet outside New York in the future because, as I have already pointed out, any meeting outside New York costs more than one at Headquarters, here. We should endeavour to avoid the charge that we are here today setting a precedent which would greatly inconvenience the work of other committees and commissions in the future.

23. Concerning the cost of the next session of the Special Committee in Geneva, I wish to bring to the notice of the Assembly that the delegation of the Soviet Union in its statement in the Sixth Committee¹—and a very lucid and convincing one it was—drew our attention to the fact that if the Special Committee were to meet in Geneva in the summer of 1973 it would do so, according to the Secretariat's time-table, immediately after the annual session of the International Law Commission. So the United Nations personnel from Headquarters who would service the International Law Commission in Geneva should be available to service the Special Committee's session in Geneva. That will reduce the cost involved.

24. I think I have made it sufficiently clear now that no one begrudges travelling to the Headquarters in New York for special committee meetings in service to the Organization. All that we are asking is that when we meet in New York in one year, the following year our colleagues in the Americas should meet us half-way in Geneva for the next session. That has been the "gentleman's agreement" reached by the members of a number of United Nations commissions which meet annually.

25. Let us consider dispassionately the difference, to a big world organization like the United Nations with 132 Members, between the cost of \$65,300 and the cost burden that must be borne by the small countries, the not-so-rich, if they have to travel every year to New York for these meetings.

26. My delegation has derived great pleasure and encouragement from the fact that the delegations of over 60 countries from all the geographical groups I had the opportunity to consult personally on the matter in the Sixth Committee within the limited time available assured me that our proposal is a just one and should be supported. Indeed, it is this great support, for which my delegation is grateful, that has in the main induced my delegation to make this statement. I wish to stress the fact that I am speaking also on behalf of a number of delegations present in this Assembly. We wish to invite this Assembly to endorse the decision of the Sixth Committee that the next session of the Special Committee should be held in Geneva; that is, that the words in operative paragraph 1 of the draft resolution in paragraph 38 of the Rapporteur's report to the effect that the session should be held in Geneva should not be deleted.

27. For that reason my delegation will vote against the recommendation of the Fifth Committee if it is put to the vote.

¹ See *Official Records of the General Assembly, Twenty-seventh Session, Sixth Committee, 1371st meeting, para. 40.*

28. The PRESIDENT (*interpretation from French*): We shall now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 38 of document A/8929.

29. The representative of the United States has proposed an amendment to delete the words "at Geneva" from operative paragraph 1 of the draft resolution. I shall first put that amendment to the vote.

The amendment was rejected by 57 votes to 32, with 31 abstentions.

30. The PRESIDENT (*interpretation from French*): I now put to the vote the draft resolution recommended by the Sixth Committee in paragraph 38 of document A/8929.

The draft resolution was adopted by 121 votes to none (resolution 2967 (XXVII)).

31. The PRESIDENT (*interpretation from French*): The next report of the Sixth Committee concerns agenda item 89 [A/8798].

32. I now call on the representative of Mexico, who wishes to introduce the amendment in document A/L.691.

33. Mr. GONZALEZ GALVEZ (Mexico) (*interpretation from Spanish*): I should like to submit for the consideration of the General Assembly the amendment proposed by my delegation in document A/L.691.

34. In my delegation's opinion, this amendment does not need any explanation at all. It reflects what I believe is an urgent need to bring up to date the *Repertory of Practice of United Nations Organs*. This was a study which was begun by the Secretariat at the eighth session, on the initiative of the Argentine delegation. In my delegation's opinion, after the United Nations Charter and the rules of procedure, it may well be the *Repertory of Practice* which is the most important document of the Organization because it reflects the trends of opinion in the application of the various Articles of the United Nations Charter not only with respect to the practice of the General Assembly itself but also with respect to the practice of the Security Council.

35. The formulation of the amendment I am submitting for the consideration of this plenary meeting of the Assembly takes into account the fact that there will be no financial implications. As members will note. The text uses the words "as quickly as possible". We would have hoped that a time-limit could be set for bringing this documentation up to date. However, in order not to complicate the parliamentary situation, we thought it would be appropriate merely to put a request to the Secretary-General to bring up to date as quickly as possible the *Repertory*.

36. It is my understanding that the status of this publication is that at present work is being done on the fourth supplement, which covers the period between 1 September 1966 and 1 December 1969. According to the information my delegation has received from the Secretariat, this supplement should be issued early in 1974 but, as we know, there is a considerable time lag in the publication of these

documents. That is why my delegation thought it would be appropriate to introduce this amendment to the draft resolution recommended by the Sixth Committee.

37. The PRESIDENT (*interpretation from French*): Before we proceed to the vote, I call on the Under-Secretary-General, Mr. Bradford Morse, to inform the Assembly about the financial implications of the amendment proposed by the delegation of Mexico in document A/L.691.

38. Mr. MORSE (Under-Secretary-General for Political and General Assembly Affairs): With regard to the amendment proposed by the representative of Mexico the competent elements of the Secretariat have asked me to recall that provision has been made in the budget estimates for this purpose, which is an activity of a continuing nature. Accordingly, they understand that this request would be met from within the provision made in the budget for this purpose in accordance with the established printing programme.

39. The PRESIDENT (*interpretation from French*): The Assembly will now proceed to the vote. In accordance with rule 92 of the rules of procedure, we shall first vote on the amendment and then on the draft resolution, amended or not. I now put to the vote the amendment in document A/L.691, submitted by the delegation of Mexico.

The amendment was adopted by 103 votes to none, with 21 abstentions.

40. The PRESIDENT (*interpretation from French*): I now put to the vote the draft resolution in paragraph 16 of document A/8798, as amended.

The draft resolution, as amended, was adopted by 90 votes to 10, with 25 abstentions (resolution 2968 (XXVII)).

AGENDA ITEM 46

Operational activities for development: reports of the Governing Council of the United Nations Development Programme:

- (a) United Nations Development Programme;
- (b) United Nations Capital Development Fund;
- (c) Technical co-operation activities undertaken by the Secretary-General;
- (d) United Nations Volunteers programme

REPORT OF THE SECOND COMMITTEE (A/8937)

41. Mr. FARHANG (Afghanistan), Rapporteur of the Second Committee: I have the honour to present to the General Assembly the report on agenda item 46 [A/8937]. In paragraph 45 of that report the Second Committee recommends to the General Assembly the adoption of eight draft resolutions. Draft resolution I, which takes note of the reports of the Governing Council of the United Nations Development Programme on its thirteenth and fourteenth sessions, was adopted without objection. Draft resolution II, entitled "United Nations Volunteers programme", was adopted by the Committee without objection. Draft resolution III, which relates to assistance to land-locked developing countries, was adopted by 111 votes to none,

with 4 abstentions. Draft resolution IV, entitled "Review of criteria for calculating indicative planning figures", was adopted by 102 votes to 1, with 10 abstentions. Draft resolution V, entitled "Financial resources for the United Nations Development Programme", was adopted by 92 votes to 1, with 20 abstentions. Draft resolution VI, entitled "Co-operation among developing countries in the United Nations technical co-operation programmes and the increased efficiency of the capacity of the United Nations development system", was adopted by 104 votes to none, with 11 abstentions. Draft resolution VII, entitled "Measures to strengthen the executing agencies of the United Nations Development Programme", was adopted without objection. Finally, draft resolution VIII, on the United Nations Capital Development Fund, was adopted without objection.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the report of the Second Committee.

42. The PRESIDENT (*interpretation from French*): The Assembly will now vote, one by one, on the eight draft resolutions recommended by the Second Committee in paragraph 45 of document A/8937. After all the votes have been taken, I shall call on those representatives who wish to explain their votes at that stage.

43. We turn first to draft resolution I, relating to the reports of the Governing Council of the United Nations Development Programme. If I hear no objection, I shall take it that the Assembly adopts draft resolution I.

Draft resolution I was adopted (resolution 2969 (XXVII)).

44. The PRESIDENT (*interpretation from French*): Draft resolution II deals with the United Nations Volunteers programme. If I hear no objection I shall take it that the Assembly adopts draft resolution II.

Draft resolution II was adopted (resolution 2970 (XXVII)).

45. The PRESIDENT (*interpretation from French*): The next draft resolution, draft resolution II, is entitled "Special measures related to the particular needs of the land-locked developing countries". I now put it to the vote.

Draft resolution III was adopted by 103 votes to none, with 3 abstentions (resolution 2971 (XXVII)).

46. The PRESIDENT (*interpretation from French*): We turn now to draft resolution IV, entitled "Review of criteria for calculating indicative planning figures". I put that draft resolution to the vote.

Draft resolution IV was adopted by 97 votes to none, with 11 abstentions (resolution 2972 (XXVII)).

47. The PRESIDENT (*interpretation from French*): Next I put to the vote draft resolution V, entitled "Financial resources of the United Nations Development Programme".

Draft resolution V was adopted by 91 votes to 1, with 15 abstentions (resolution 2973 (XXVII)).

48. The PRESIDENT (*interpretation from French*): We turn now to draft resolution VI, which is entitled "Co-operation among developing countries in the United Nations technical co-operation programmes and the increased efficiency of the capacity of the United Nations development system". I put that draft resolution to the vote.

Draft resolution VI was adopted by 101 votes to none, with 9 abstentions (resolution 2974 (XXVII)).

49. The PRESIDENT (*interpretation from French*): Draft resolution VII is entitled "Measures to strengthen the executing agencies of the United Nations Development Programme". If there is no objection may I take it that the General Assembly wishes to adopt draft resolution VII?

Draft resolution VII was adopted (resolution 2975 (XXVII)).

50. The PRESIDENT (*interpretation from French*): Finally, we come to draft resolution VIII, entitled "United Nations Capital Development Fund". If I hear no objections, I shall take it that draft resolution VIII is adopted.

Draft resolution VIII was adopted (resolution 2976 (XXVII)).

Statement by the representative of the Congo

51. Mr. GOUAMBA (Congo) (*interpretation from French*): My delegation is in duty bound to take the floor in order to clarify a regrettable situation—to say the least—which arose at the previous meeting during the vote on the report of the Fifth Committee on item 77 in document A/8952, relating to the scale of assessments for the apportionment of the expenses of the United Nations. My delegation seems to have cast an affirmative vote, contrary to what it should have done. That is why we wish to state that our vote, for reasons of principle, would have been against that draft resolution if we had voted correctly, as we should have done. We therefore request that our statement be included in the verbatim records of the General Assembly.

The meeting rose at 11.50 a.m.