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SIXTH COMMITTEE
66th meeting
held on
Friday, 7 December 1984
at 3 p.m.
New York

SUMMARY RECORD OF THE 66th MEETING

Chairman: Mr. GOERNER (German Democratic Republic)

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The meeting was called to order at 3.20 p.m.

AGENDA ITEM 134: DRAFT DECLARATION ON SOCIAL AND LEGAL PRINCIPLES RELATING TO THE PROTECTION AND WELFARE OF CHILDREN, WITH SPECIAL REFERENCE TO FOSTER PLACEMENT AND ADOPTION NATIONALLY AND INTERNATIONALLY: REPORT OF THE SECRETARY-GENERAL
(continued) (A/C.6/39/L.23/Rev.1)

1. Mr. BRING (Sweden), introducing draft resolution A/C.6/39/L.23/Rev.1, said that the revised text was the product of constructive consultations and that Qatar had become a sponsor. In the fourth preambular paragraph, the phrase "in accordance with their legal systems" had been inserted and the words "and guardianship as appropriate" added. Paragraph 1 had been reworded slightly, but its general thrust remained the same. In paragraph 2, the words "that have taken part in the consultations to submit at the forty-first session" had been replaced by the words "that will take part in the consultations to submit before the forty-first session". A new paragraph 3 had been added, requesting the Secretary-General to circulate the paper referred to in paragraph 2 to Member States with a view to obtaining their comments thereon, including their views as to the procedure and forum for future work, and to submit a report to the General Assembly at its forty-first session. Paragraph 4 was the original paragraph 3. He understood that it was now possible to adopt the draft resolution without a vote.

2. Mr. ABDEL-RAHMAN (Sudan) said that the Arabic translation of the word "guardianship" in the fourth preambular paragraph of the revised draft should be changed from "al-wisayah alayhim" to "kafalatuhum".

3. Mr. BADR (Qatar) said that the draft resolution had been revised at the request of delegations whose legal system did not provide for adoption but contained a parallel régime to ensure the welfare and protection of children. The revisions reflected differences in the various legal systems and precluded any commitment on the part of delegations agreeing to the draft to recognize adoption or to change their legal systems. It was on that understanding that his delegation had become a sponsor, in the hope that the draft resolution could be adopted without a vote.

4. Mr. ALHAJ (Libyan Arab Jamahiriya) said that the revised text was more or less acceptable, as it showed a respect for his delegation's religion, approach and point of view. His delegation therefore withdrew its request for a vote. His delegation had made great efforts during the session to act constructively and to ensure that the Committee's work was successful, unlike the representative of a certain great Power who had tried to cast scorn on other delegations without submitting useful proposals. That representative had referred to the Libyan Arab Jamahiriya and had suggested that, while the Charter could not be revised, the Koran could, as if the Charter was more important. The same delegation had expressed reservations concerning the financial implications of the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations, but used its resources to wage wars far from its shores. The Libyan Arab Jamahiriya had always resisted initiatives aimed at guaranteeing the hegemony of the super-Powers.

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5. Mr. MAKTARI (Yemen) said that his delegation considered the draft Declaration to be very important. Adoption was, however, incompatible with the Shariah and the Koran and could lead to serious social problems, as in Western societies. In Islamic societies, such problems were dealt with by society as a whole in accordance with the precepts of Islam.

6. Draft resolution A/C.6/39/L.23/Rev.1 was adopted without a vote.

7. Mr. BRING (Sweden) expressed his gratitude to all those delegations, representing various legal systems, that had taken part in the consultations on the draft resolution in an open-minded and constructive spirit. He was pleased that such a humanitarian text could be adopted without a vote and hoped that the same spirit would guide the future consultations.

OTHER MATTERS

8. Mr. FLEISCHHAUER (The Legal Counsel) said that the representative of France had asked for information on the status of the supplements to the Repertoire of the Practice of the Security Council and the Repertory of Practice of United Nations Organs. As far as the Repertory was concerned, Supplement No. 4, covering the period from 1 September 1966 to 31 December 1969, had been published in January 1983, in two volumes, in English. French and Spanish translations of those volumes had been made and would be published in 1985. Supplement No. 5, covering the period from 1 January 1970 to 31 December 1978, was being prepared. Of the 123 draft studies assigned to various units of the Secretariat, 104 had been submitted. The studies on Articles 25 to 54 of the Charter had been completed and resources for temporary assistance had been obtained for the editorial work. It was expected that those studies would be published in 1985 as volume II of Supplement No. 5, which would correspond to volume II of the five basic volumes. In June 1984, the Inter-Departmental Committee on Charter Repertory had decided that Supplement No. 6 should cover the period from 1 January 1979 to 31 December 1984, and the heads of the offices and departments concerned had been asked to make the necessary arrangements.

9. The manuscript of the volume of the Repertoire of the Practice of the Security Council covering the period 1975-1980 would be completed in the spring of 1985. It would be issued in English and French by the end of 1985 or early 1986. The preparation of the next volume, covering the period 1980-1984, would start after the manuscript of the previous volume had been completed.

10. The CHAIRMAN recalled that the Chairman of the Fifth Committee had informed him that the views of the Sixth Committee were required with respect to the proposed revisions to chapter 3 of the medium-term plan. It had been felt during the consultations which he had held on the matter that, since the plan was being revised in the light of decisions taken by the General Assembly on the recommendation of the Sixth Committee, the Sixth Committee had no views to present at that stage. If he heard no objection, he would take it that the Committee agreed that he should reply to the Chairman of the Fifth Committee in those terms.

11. It was so decided.

12. The CHAIRMAN said that he had held further consultations with the spokesmen of the regional groups concerning the reply to be given to the Chairman of the Fifth Committee on the ways in which the Sixth Committee might contribute to the consideration of the Secretary-General's proposals on the harmonization and development of the statutes, rules and practices of the two common system administrative tribunals (A/C.5/39/7). On the basis of those consultations, he suggested that he should be authorized to inform the Chairman of the Fifth Committee that the question how to consider the proposals relating to the United Nations Administrative Tribunal had been discussed by the Chairman of the Sixth Committee with the representatives of the regional groups in the Committee; that there was no agreement among the regional groups as to how the General Assembly might best deal with the matter; that none of the regional groups considered that there was any particular urgency in dealing with the matter; and that the general feeling was that more time was required to reflect on the question. If he heard no objection, he would take it that the Committee wished him to convey that message to the Chairman of the Fifth Committee.

13. It was so decided.

COMPLETION OF THE COMMITTEE'S WORK

14. The CHAIRMAN said that the Committee's work had been marked by a friendly and constructive atmosphere. There had been a high standard of discussion on the progressive development and codification of international law, which had been particularly evident in the Committee's consideration of the reports of the International Law Commission, UNCITRAL and the Special and Ad Hoc Committees. He emphasized the effort made by all delegations to concentrate their remarks on those issues where the views of the Sixth Committee were essential for policy guidelines, methods of approach or the acceptance of specific articles prepared by subsidiary bodies of the General Assembly. Those efforts would be helped if the International Law Commission and other bodies focused to an even greater extent on those matters for which the Sixth Committee had to provide concrete legal and political guidelines.

15. During the session, an attempt had been made to take up some of the proposals aimed at improving the organization of the Committee's work, such as those concerning the need to allocate sufficient time to the working groups and the arrangements to be made when legal questions were transferred from other Main Committees to the Sixth Committee. The efforts to streamline the organization of the Committee's work must be continued, and the aim must always be to make progress on the fundamental legal and political issues involved in the progressive development and codification of international law. He was grateful to all members of the Committee for the spirit of co-operation they had shown in the search for the best ways to organize the Committee's work.

16. After an exchange of courtesies, the CHAIRMAN declared that the Committee had completed its work for the thirty-ninth session.

The meeting rose at 4.20 p.m.