

Assembly that the two items should be included in the provisional agenda for its next session. He noted that the delegation of Israel opposed the suggestion to postpone the item on terrorism, and that the representatives of Uruguay and Nigeria wished to comment on the subject. He would therefore call upon them to speak at the following meeting.

AGENDA ITEM 90

Draft convention on the prevention and punishment of

crimes against diplomatic agents and other internationally protected persons (*continued*)

83. The CHAIRMAN said that the delegations he had asked, at the beginning of the meeting, to compose a new title for the draft convention had just proposed the following: "Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents".

The meeting rose at 6.30 p.m.

1458th meeting

Friday, 7 December 1973, at 11.05 a.m.

Chairman: Mr. Sergio GONZÁLEZ GÁLVEZ (Mexico).

A/C.6/SR.1458

AGENDA ITEM 94

Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes: report of the *Ad Hoc* Committee on International Terrorism (A/9028, A/9116)

AGENDA ITEM 97

Review of the role of the International Court of Justice

1. The CHAIRMAN recalled his suggestion made at the preceding meeting, that the items on international terrorism and the review of the role of the International Court of Justice should be postponed and included in the provisional agenda for the twenty-ninth session of the General Assembly. He personally felt that the latter item should be assigned some priority at that session. He further recalled that the delegation of Israel was opposed to deferring consideration of the item on terrorism and that the representatives of Uruguay, Nigeria and Portugal wished to make some comments.

2. Mr. ROSENNE (Israel) said that Israel could not approach the item on international terrorism with academic equanimity. Jews and Israel, the Jewish State, were the objectives of all too many modern instances of international terrorism. His delegation could not support the suggestion to defer consideration of the item, which did not conform to the agreement reached at the beginning of the session regarding the organization of the Committee's work (1396th meeting).

3. His delegation wished to place on record with all the emphasis at its command its firm reservations at the helplessness of the United Nations and the utter lack of will which the Organization had demonstrated in the matter of taking any worth-while and effective steps to combat the evil of international terrorism. Such inactivity was even more incomprehensible considering that the year 1973 had witnessed some of the most evil manifestations of the scourge of terrorism and its continued readiness to strike at random, any-

where. In the past two or three weeks alone the world had stood by and watched further ruthless and pointless attacks on innocent civilian aircraft as well as a recrudescence of the mailing of letter bombs and other crimes. At the same time, there had been one instance after another of surrender to terrorist bands and acquiescence in their extortionist demands. It was ironic that on the very day of the current meeting reports had been received of one more extremely regrettable instance of such surrender.

4. It had thus once again been demonstrated that effective United Nations action was urgently needed. There was no justification whatsoever for the Sixth Committee, and subsequently the General Assembly, to have lent themselves to the burial of the agenda item at the end of what, in the record, would look very much like a filibustering session. Experience showed that each surrender to blackmail and the demands of the terrorists only increased their appetites and led to new acts of terrorism and new extortions. However, the parliamentary situation in the Committee was no secret to anyone.

5. He asked that his statement should be faithfully recorded in the summary record and that the Committee's report to the General Assembly should show that the Committee's recommendation had been taken over the objection of his delegation.

6. Mr. TALAMAS (Uruguay) said his country's deep concern over the problem of international terrorism, intensified by its own unfortunate experience, was well known. The item was an extremely important one, particularly in view of the fact that terrorism threatened international peace and security. The urgent need to protect the innocent victims of terrorism imposed on the international community the obligation to take appropriate measures to prevent and punish such crimes. It must deal with the question of terrorism decisively, sincerely and fearlessly, taking up the issue involved from the strictly legal standpoint and bearing in mind the rights and duties established in the Charter and in general international law.

7. While his delegation did not oppose the proposed postponement of consideration of the item, it felt that the Sixth Committee should have made it possible for

the study of it to be continued, either by extending the mandate of the *Ad Hoc* Committee on International Terrorism or by assigning the subject to the International Law Commission.

8. Mr. SHITTA-BEY (Nigeria) said that, in view of the importance of the subject of international terrorism and the work accomplished by the *Ad Hoc* Committee, the least the Sixth Committee could do would be to discuss the *Ad Hoc* Committee's report in a preliminary way and take note of it. However, if it was the general wish to defer the item to the following year, his delegation would not stand in the way.

9. Mr. CRUCHO DE ALMEIDA (Portugal) regretted that time did not permit the Sixth Committee to take up the item on international terrorism at the current session. The problem was one of universal concern, and world public opinion expected the United Nations to work seriously for its solution. By deferring the item to the next session, the Committee would be failing in its duty to the international community.

10. Mr. FEDOROV (Union of Soviet Socialist Republics) said that, in accordance with the Chairman's wishes, he would confine his remarks to the procedural aspects of postponing consideration of the two items until the next session. In his delegation's opinion, the item on review of the role of the International Court of Justice should not be deferred to the next session but rather deleted altogether from the Committee's future programme of work. The Sixth Committee had had ample opportunity at previous sessions to discuss the item, and Governments' views on the matter were well known. The functions and role of the International Court of Justice were clearly specified in the Charter of the United Nations and in the Court's Statute; his delegation was firmly opposed to any attempt to expand the role of the Court to the detriment of the sovereignty of individual States. Attempts to modify the Charter of the United Nations and the Statute of the Court could only damage the prestige of the United Nations and undermine Member States' trust in it. Moreover, an enhancement of the role of the Court would detract from the other important methods for the pacific settlement of disputes prescribed in the Charter.

11. Mr. FUENTES IBÁÑEZ (Bolivia) associated his delegation with the remarks made by the representative of Uruguay concerning the postponement of the item on international terrorism. While his delegation understood the need to defer the item to the following year, it deeply regretted that the Sixth Committee must disappoint the hopes of those who regarded terrorism as a scourge of mankind and a threat to international peace and security. It was particularly regrettable that, by deferring the item, the Committee would not act to extend the mandate of the *Ad Hoc* Committee or request the Secretary-General to prepare further useful studies. He hoped that the item on international terrorism would remain among the priority items on the Committee's programme of work.

12. Mr. BRACKLO (Federal Republic of Germany) stressed the importance his Government attached to the problem of international terrorism and expressed regret that the Committee would not be able to consider

that item at the current session. However, in view of the time factor referred to by the Chairman, his delegation would not oppose postponement.

13. Mr. MESLOUB (Algeria) said that, as a member of the *Ad Hoc* Committee, his delegation would have preferred to discuss the item on international terrorism at the current session. However, he understood the reasons which necessitated postponement and would acquiesce in the will of the great majority. He hoped that the item would be examined thoroughly at the next session, taking into account all aspects of the problem of international terrorism and its underlying causes.

14. The CHAIRMAN suggested that, if there were no further speakers on the item relating to international terrorism, the Committee might decide to defer consideration of the item and recommend that the General Assembly should include it in the provisional agenda of the twenty-ninth session.

It was so decided.

15. Mr. OWADA (Japan) regretted the necessity of postponing the two important items until the next session; however, in a spirit of co-operation and based on the practical consideration of the lack of sufficient time, it did not oppose the Chairman's suggestion.

16. With regard to the item on the International Court of Justice, Japan attached great importance to strengthening its role. Indeed, it was one of the basic points of Japan's foreign policy to resort to the Court for the solution of legal problems involving Japan. It was against this background that his delegation had become one of the sponsors of the proposal made at the twenty-fifth session¹ to include the item on the agenda of the General Assembly. His delegation would expect ample time to be allocated for full and constructive discussion of this important item at the next session.

17. Mr. ROSENSTOCK (United States of America) said that his delegation rejected the anachronistic view of the role of the International Court of Justice prevailing in certain quarters. It was unfortunate that, because of its very productive labours on other matters, the Sixth Committee did not have sufficient time to consider the item on the review of the Court's role. In the circumstances, however, his delegation could not but support the Chairman's suggestion, including the suggestion that the item be accorded priority.

18. Mr. ROSENNE (Israel) agreed that there was too little time left for the Committee to take up the item on the role of the International Court of Justice. He therefore supported the Chairman's suggestion and urged that the item should be given some priority at the next session. He asked the Chairman if it would be possible to make a statement on the substance of the item.

19. The CHAIRMAN recalled his suggestion at the outset of the meeting that delegations should confine their remarks to the procedural aspects of the items under consideration. He hoped that the representative

¹ See *Official Records of the General Assembly, Twenty-fifth Session, Annexes*, agenda item 96, document A/8042 and Add.1 and 2.

of Israel would not mind deferring his statement to the next session.

20. Mr. YASSEEN (Iraq) said that there was no alternative to accepting the Chairman's suggestion: the Committee simply had no time left. The question of the role of the International Court of Justice had been under consideration for several years, but no agreement had been reached. In his delegation's view, one of the reasons for that state of affairs was that the item was improperly worded. Previous debates had centred not on the role of the Court but rather on the attitude of States towards the legal settlement of international disputes. He proposed that the item's title should be changed accordingly.

21. Mr. ALTING VON GEUSAU (Netherlands) said that his delegation and the other sponsors of the draft resolution on the International Court of Justice, submitted the previous year (A/C.6/L.887),² had met several times to discuss the matter and had decided to support the Chairman's suggestion for postponement until the following year. He had been pleased to hear the Chairman's personal view that the item on the International Court of Justice should be given priority at the next session. He could not support the remarks made by the USSR representative, which had shown disrespect for the functions and position of the Court.

22. Mr. FEDOROV (Union of Soviet Socialist Republics) said that, if the item on the Court was considered at all at the next session, there should be no need for a lengthy debate. The matter had already been considered thoroughly by the Sixth Committee at the past three sessions and, as the representative of Iraq had rightly observed, no results had been produced.

23. The USSR had the greatest respect for the Court, which was one of the principal organs of the United Nations. It insisted, however, that the Court should not be used in any manner inconsistent with its functions as defined in the Charter of the United Nations and the Statute of the Court. Any attempts to impose the compulsory jurisdiction of the Court were doomed to failure. Sovereign States were free to decide what methods they wished to employ for the pacific settlement of disputes, in accordance with Article 33 of the Charter.

24. He had not heard the Chairman make any formal proposal that the item on the Court should be given priority at the next session. In any event, his delegation would oppose such a move. It was convinced that the great majority of Member States had no desire to continue considering the role of the Court in view of the more than ample attention which that issue had already received.

25. The CHAIRMAN explained that in suggesting that priority should be given to the item on the role of the International Court of Justice at the twenty-ninth session, he had merely been expressing his own personal opinion.

26. If he heard no objection, he would take it that the Committee decided to defer consideration of the item and recommend that the General Assembly should include it in the provisional agenda of the twenty-ninth session.

It was so decided.

27. Mr. ROSENSTOCK (United States of America) said his delegation fully supported the Chairman's decision. He appreciated the spirit in which the Chairman had made his suggestion, as well as his explanation of intention regarding the time when the item should be discussed at the twenty-ninth session.

AGENDA ITEM 90

Draft convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons (concluded) (A/C.6/L.975)

28. The CHAIRMAN said the Committee should take a decision on the title of the draft convention it had adopted at its 1457th meeting. The title proposed by the informal working group he had appointed at that same meeting was to be found in document A/C.6/L.975. He asked members whether they had any strong objections to the working group's proposal.

29. Mr. SAM (Ghana) said his delegation had no strong objection to the title proposed; however, he recalled that when the Committee had begun its consideration of the draft convention, his delegation had pointed out (1410th meeting) that the draft had failed to define the term "diplomatic agents". His delegation had at that time reserved its position regarding the title. He wished it placed on record that his delegation considered that the terms contained in the title of any international convention should be defined in the body of the convention itself.

30. Mr. ESSONGUE (Gabon) noted that in the proposed title, priority was not given to diplomatic agents. His delegation accepted the title, however, because it was more realistic than the original one.

31. Mr. SHITTA-BEY (Nigeria) endorsed the views expressed by the representative of Ghana. However, he noted that the draft convention contained a definition of "internationally protected persons" and that it had been agreed that diplomatic agents were included in that category. He therefore suggested that the words "including Diplomatic Agents" should simply be deleted from the title.

32. The CHAIRMAN said that the Nigerian suggestion might solve the problem and asked if there were any objections.

33. Mr. FEDOROV (Union of Soviet Socialist Republics) said his delegation preferred the title proposed by the working group. Considering that the title was intended to reflect the content of the draft convention, it seemed only logical that it should indicate the full subject-matter dealt with.

34. He proposed a minor drafting change in the Russian text, which would not affect the other languages.

35. Mr. HAGARD (Sweden) as a member of the working group informed the Committee that a comma should be inserted between "persons" and "includ-

² *Ibid.*, Twenty-seventh Session, Annexes, agenda item 90, document A/8967, para. 6.

ing" in the draft title prepared by the working group.
36. The CHAIRMAN said that, if he heard no objection, he would take it that the Committee agreed to the title proposed by the working group in document A/C.6/L.975.

It was so decided.

AGENDA ITEM 104

Inclusion of Arabic among the official and working languages of the General Assembly, its committees and sub-committees

37. The CHAIRMAN said the only item that remained to be discussed was agenda item 104. The Fifth

Committee would not be considering the matter until the following week. He would therefore ask the Vice-Chairman to convene a further meeting of the Sixth Committee and when it should be necessary in the light of action taken by the Fifth Committee.

38. After an exchange of courtesies, the CHAIRMAN declared that the Sixth Committee had completed its work for the twenty-eighth session, subject to the above consideration.

The meeting rose at 12.45 p.m.

1459th meeting

Monday, 17 December 1973, at 11.10 a.m.

Chairman: Mr. Sergio GONZÁLEZ GÁLVEZ (Mexico).

In the absence of the Chairman, Mr. Shitta-Bey (Nigeria), Vice-Chairman, took the Chair.

AGENDA ITEM 104

Inclusion of Arabic among the official and working languages of the General Assembly, its committees and sub-committees (concluded) (A/C.6/426, A/C.6/L.976, A/C.6/L.977)

1. Mr. YASSEEN (Iraq), introducing draft resolution A/C.6/L.977 on behalf of the sponsors, noted that the Fifth Committee had already recommended that the General Assembly should decide to include Arabic among the official and working languages of the General Assembly (see A/9464, para. 5). That recommendation took into account the role that Arabic had played in the process of culture and civilization, and gave due recognition to the speakers of Arabic throughout the world. The draft resolution which he introduced spoke for itself, and he commended it for unanimous approval by the Committee.

2. The CHAIRMAN announced that Albania had been omitted from the list of original sponsors of the draft resolution, and that Australia, the Niger and Spain also wished to be listed among the sponsors. If he heard no objection, he would take it that the Committee agreed to adopt draft resolution A/C.6/L.977 by consensus.

It was so decided.

3. Mr. ROSENNE (Israel) said that, if the draft resolution had been put to the vote, his delegation would have formulated its reservations by means of an abstention. Furthermore, his delegation's reservations extended to the basic decision of principle adopted by the Fifth Committee in draft resolution A/C.5/

L.1156. His delegation would also have abstained from voting on that draft resolution if it had been put to the vote. His delegation's reservations concerned the opportuneness of including Arabic among the Assembly's official and working languages at the current juncture. He wished to request that Israel's position should be reflected in the report of the Sixth Committee on agenda item 104.

4. His delegation also wished to express appreciation of the position taken by the Advisory Committee on Administrative and Budgetary Questions concerning the retention of the floor channel (A/9008/Add.29, para. 6).

5. Mr. TESLENKO (Secretariat), noting that the draft resolution just adopted had incorporated the amendments to the rules of procedure consequent upon the decision to include Chinese among the working languages of the Assembly, suggested that the Committee should recommend to the Assembly the adoption of the draft resolution as the only draft relating to both items 100 and 104, under the title: "Inclusion of Chinese among the working languages of the General Assembly, its committees and its sub-committees and inclusion of Arabic among the official and the working languages of the General Assembly and its Main Committees: amendments to rules 51 to 59 of the rules of procedure of the Assembly".

It was so decided.

Completion of the Committee's work

6. The CHAIRMAN declared that the Sixth Committee had completed its work for the twenty-eighth session.

The meeting rose at 11.20 a.m.