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at 10.30 a.m.

New York

SUMMARY RECORD OF THE 20th MEETING

Chairman: Mr. BAVAND (Iran)

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The meeting was called to order at 11.10 a.m.

AGENDA ITEM 116: IMPLEMENTATION BY STATES OF THE PROVISIONS OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF 1961: REPORT OF THE SECRETARY-GENERAL (continued) (A/31/145 and Add.1; A/33/224)

1. Mr. DELEAU (France) drew attention to certain common features in the statements of other speakers on the item. The first was a conviction that the Convention was a good one that had not become obsolete in the 17 years since its entry into force, during which time an uncommonly large number of ratifications and accessions had been received.
2. Secondly, there had been references to the need to comply with the provisions of the Convention. There were many ways in which it could be implemented less than fully but, in general, they could be dealt with bilaterally. In many countries, including his, the problem of harmonizing national legislation with the provisions of the Convention did not arise, because under the French Constitution obligations derived from ratified international conventions had precedence over national laws, but in other legal systems such harmonization might be necessary. However, the question had arisen in only one case, which appeared to come within the competence of the Committee on Relations with the Host Country.
3. The final feature was the development and application of measures included in the Convention, such as those concerning the diplomatic bag and the diplomatic courier, which were the subject of article 27 of the Convention. He believed that the best course was to wait until the International Law Commission had completed its work on the subject before deciding what to do with the proposed text. The ratification of the Optional Protocol concerning the Compulsory Settlement of Disputes, which had been signed by his Government, among others, should be encouraged in order to ensure the satisfactory operation of the Convention.
4. In conclusion, he said that the debate on the item in the Committee had been useful since it had made it possible to establish that in general the Vienna Convention of 1961 was being implemented satisfactorily.
5. Mr. KHLESTOV (Union of Soviet Socialist Republics) said that over 50 speakers, more than half of the Member States represented in the Committee, had spoken in the debate on the implementation of the 1961 Vienna Convention on Diplomatic Relations. Naturally, there had been differences of emphasis in their statements, but the debate had shown that there were four main points of agreement, some of which had been referred to by the representative of France.
6. Among the matters for which support had been expressed by most delegations were the following: 1. the importance of the Vienna Convention of 1961 for the codification of diplomatic law and the need for the General Assembly to take further measures to increase the number of States parties to the Convention;

(Mr. Khlestov, USSR)

2. the need for strict observance of the provisions of the Convention and, in particular, the need for adequate national legislation to guarantee their observance. While there had been no agreement on the means a State might employ to ensure such observance, the prevailing opinion had been that national legislation should not differ from the principal obligations assumed under the Convention;

3. the need to develop the provisions of the Convention, particularly those concerning the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier, and the desirability of drawing up a protocol on that subject;

4. the advisability of having the General Assembly and the Sixth Committee continue to review periodically the implementation by States of the provisions of the Vienna Convention on Diplomatic Relations of 1961. His delegation believed that the four basic themes he had mentioned should be reflected in the draft resolution to be approved by the Committee on agenda item 116.

AGENDA ITEM 119: REGISTRATION AND PUBLICATION OF TREATIES AND INTERNATIONAL AGREEMENTS PURSUANT TO ARTICLE 102 OF THE CHARTER OF THE UNITED NATIONS: REPORT OF THE SECRETARY-GENERAL (A/33/258)

7. Mr. SUY (Under-Secretary-General, Office of Legal Affairs) said that at the previous session the General Assembly had adopted resolution 32/144 the purpose of which was to accelerate the registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations. The Secretary-General had prepared a report on the subject (A/33/258), as requested by the General Assembly in that resolution. The report described the situation as of September 1978 and gave an account of the preliminary results of implementing that resolution, namely, that, thanks to the efforts of the Translation Division of the Department of Conference Services, translation operations, the first stage in the publication process, had improved; measures had been taken to reduce the number of volumes in the annual publication programmes by printing more agreements in each volume; and those measures, together with the decision to defer the publication of certain categories of agreements in order to reduce to no more than one year the interval between registration and publication, had enabled the number of volumes published annually to be reduced by a quarter and the interval between registration and publication to be reduced from that reported for the preceding year. Despite those satisfactory results, it had to be reported that the delay in registration had not decreased since the previous year, but it was expected that much of that delay could be eliminated by late 1979 through computerization. Nevertheless, on the assumption that the number of volumes of the Treaty Series to be published annually would remain constant for some years to come, the backlog in publication would continue to grow unless the necessary steps were taken.

8. The measures approved by the General Assembly in resolution 32/144 were of a temporary nature only and a further decision was required. To that end a 10-year plan for gradually eliminating the backlog had been annexed to the report; it was based on the assumption that during that period the number of treaties registered would remain at the current level. The plan provided for the publication of 45 volumes in 1979, 71 volumes in 1980, 89 volumes in 1981 and 92 volumes each year

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(Mr. Suy)

from 1982 to 1989. The plan incorporated estimates showing that the total cost (translation, preparation and printing) of publishing 60 volumes annually would require additional resources of some \$511,000 annually and that the maximum cost of publishing 32 more volumes, in other words, 92 volumes a year, would be \$844,000. Accordingly, merely to eliminate the publication backlog would cost for the 10-year period more than \$8 million, in addition to the sums required to maintain normal publication of the Treaty Series. However, that plan had been included in the report only as an indication of the order of magnitude of the resources required. In view of the importance of registering and publishing treaties, the Committee might wish to refer the matter to the Fifth Committee with a view to having the appropriations required for the implementation of the plan included in the following programme budget. It was hardly necessary to say that the plan was merely an outline and that its implementation would not be easy; accordingly it might be desirable to consider the possibility of amending the regulations established in implementation of Article 102 of the Charter. Such amendment would not only change the provisions of those regulations in the light of new registration techniques, but would also give the word "publishing" an interpretation more consistent with existing conditions without in any way affecting the completeness of the United Nations compilation of treaties.

9. In the circumstances the Committee, while adhering to the principle of the plan for eliminating the backlog, might wish to adopt a more pragmatic approach. The prime need was to eliminate delays at the publication stage. In that connexion the report drew attention to two factors: the application of the system of publication priorities and the measures concerning the printing of the volumes would make it possible to implement annual publication programmes compatible with the rational use of appropriations; moreover, assuming that translation operations continued at the pace so far achieved, the Treaty Section of the Office of Legal Affairs would have to be strengthened substantially and promptly, since otherwise the benefits of the recent resolution of the General Assembly on the subject would be completely nullified.

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 (A/33/33, A/33/65 and A/33/206)

10. Mr. BROMS (Finland), Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, said that, in accordance with paragraph 2 of General Assembly resolution 32/45, the Special Committee had been instructed to list and examine the proposals made in the Committee with a view to identifying those that had awakened special interest and according priority to the consideration of those areas on which general agreement was possible. The Special Committee had met at United Nations Headquarters from 27 February to 24 March 1978, had adopted its agenda (A/AC.182/L.17) on 28 February, had on 2 March decided to establish an open-ended working group to concentrate on discussing the topics specified in the working paper submitted by Mexico (A/AC.182/L.13) and had agreed that the working group would first examine

(Mr. Broms, Finland)

the question of the peaceful settlement of disputes, and thereafter consider questions such as the rationalization of existing procedures and the maintenance of international peace and security. It had decided that plenary meetings of the Special Committee would be convened from time to time to assess the progress made in the working group and that the Chairman of the Special Committee would serve as Chairman of the working group and prepare the reports. Those reports had been submitted at the twenty-seventh, twenty-eighth, twenty-ninth and thirtieth meetings of the Special Committee and were reproduced on pages 5-7<sup>4</sup> of its report; they contained all the working papers submitted to the working group during the session, thus obviating the need for the delegations that had submitted them to repeat them at plenary meetings.

11. Since there had been no dissenting opinions and the topic had for a long time been the subject of debate in the Special Committee, the Working Group had decided to concentrate first on the peaceful settlement of international disputes, and, to judge from the proposals and working papers which had been submitted during the session, the choice seemed to have been justified. Most of the working papers referring to the topic were reproduced on pages 5-29 of the report, but further working papers were to be found on pages 50-53 and 70-74. Pages 63-69 contained a compilation of, in all, 51 proposals on the question of the peaceful settlement of international disputes; the list had been compiled during the informal consultations of the Working Group on the basis of both the working papers submitted at the 1978 session and those submitted at the previous session of the Special Committee in 1977. There were plenty of proposals on the peaceful settlement of international disputes, although some of them partly overlapped, and they covered a wide range of ideas. The reactions of the delegations that had taken part in the debates had in some cases amounted to almost unanimous support, as, for example, with the French proposals on the preparation of a practical United Nations handbook or manual on the peaceful settlement of international disputes that would describe all existing means by which disputes could be settled peacefully, in order to help the parties to choose among existing mechanisms and facilities. On the whole, the debate on the peaceful settlement of international disputes had indicated that the field was a rewarding one, and the great majority of the proposals submitted could be implemented without amending the Charter of the United Nations.

12. The next topic taken up by the Working Group had been the rationalization of existing procedures. The first working paper presented on the topic was reproduced on pages 11-12 of the report (A/AC.182/WG/3, Mexico). Other working papers on the topic were reproduced on pages 31-32 (A/AC.182/WG/13, Romania), pages 36-37 (A/AC.182/WG/14, United Kingdom), pages 39-40 (A/AC.182/WG/15, France), pages 48-49 (A/AC.182/WG/16, Egypt) and page 54 (A/AC.182/WG/19, Philippines). Many other proposals had been submitted orally.

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(Mr. Broms, Finland)

13. The proposals concerning the General Assembly were intended mainly to enable the Assembly and its subsidiary bodies to work more efficiently. Several delegations had stressed the importance of limiting the number of subsidiary bodies of the General Assembly and avoiding duplication of work. It had also been suggested that topics referring to the same subject-matter should be combined, thereby reducing the number of resolutions.

14. Mention had been made of the need to develop the working system of the General Committee, and in that context one representative had proposed that the composition of the General Committee should be agreed on at the beginning of the new year by informal consultations between the Secretary-General and the regional groups; another representative had proposed setting up an intersessional committee, similar in composition to the General Committee.

15. Many delegations had suggested that there should be a more equal distribution of work-loads between the First Committee and the Special Political Committee, and in that context it had also been proposed that the First Committee should deal exclusively with disarmament questions or, alternatively, that a committee on disarmament should be established. It had also been proposed that the other Committees should consult the Sixth Committee more extensively on the legal aspects of questions considered by them.

16. A number of proposals had included suggestions concerning the handling of items in plenary meetings of the General Assembly and in the subordinate organs. A proposal had been made to do away with the general debate and replace it by documents setting forth the positions of States on the world situation in general and on specific agenda items, such documents to be circulated widely within the United Nations and throughout the world. Other delegations had proposed that the texts of speeches should be distributed two days in advance of delivery, with a ten-minute summary being delivered for the record and the full text of the speech being annexed to the record of the particular meeting, the only exceptions being speeches by Heads of State or Government.

17. In so far as the procedure of the subsidiary bodies of the General Assembly was concerned, it had been proposed that there should be a single debate on all the agenda items of the individual committees instead of holding a general debate on each item. Other proposals had included the request that meetings should start at the scheduled time: to that end, it had been proposed that the existing quorum for the start of meetings - one third in the case of plenary meetings of the General Assembly and one fourth in the case of meetings of Main Committees - should be reduced or altogether abandoned, although a majority of members would have to be present for any decision to be taken. It had also been proposed that the list of speakers should be closed at an earlier stage in the discussions.

18. Amongst other proposals to accelerate the procedure of bodies of the General Assembly, it had been suggested that a limit of 10 minutes should be imposed on statements made in explanation of vote, that statements should be limited to a maximum of 20 minutes as a rule, and that cancellations of meetings should be avoided. During the session the Special Committee had experimented,

(Mr. Broms, Finland)

with beneficial results, by not scheduling meetings unless there were at least some speakers on the list in advance.

19. With regard to proposals concerning the composition, status and working methods of the Secretariat, several delegations had spoken of the need to recruit staff strictly in accordance with the principle of equitable geographical distribution, while another delegation had pointed out that it was equally important to maintain the standards of efficiency, competence and integrity of individuals serving in the Secretariat. There had also been an interesting exchange of opinions concerning the granting of permanent contracts to Secretariat staff members.

20. There had been a proposal to review the format and content of the documentation provided by the Secretariat with the objective of making it more concise, clearer and more directly related to the main points. There had also been a call to combat the proliferation of unnecessary documentation and guarantee the timely distribution of available documentation.

21. The first working paper on the maintenance of international peace and security (A/AC.182/WG/6, Mexico) had been introduced at the sixth meeting of the Working Group; it was reproduced on pages 19-20 of the report. Another working paper (A/AC.182/WG/20, Cyprus) was reproduced on page 70 of the report. Owing to lack of time, the Special Committee had been unable to devote sufficient energy to that important topic, and some members had expressed the wish that the maintenance of international peace and security should be the first or one of the first items to be discussed at the following session of the Special Committee.

22. Work had proceeded during the session in a calm atmosphere and there had been no need to resort to voting: the expectations expressed in paragraph 3 of General Assembly resolution 32/45 had accordingly been fulfilled.

23. In paragraph 10 of its report, the Special Committee had expressed the view that it had made progress in fulfilling its mandate, although it had been unable to complete its work. The following paragraph included the statement that some members of the Special Committee had felt that its mandate should be renewed, while others had felt that that matter fell within the competence of the General Assembly.

24. An important change had taken place in the attitudes of the members during the 1978 session. The views expressed had not led to any heated controversies; the Special Committee seemed to have found common ground, at least in the case of proposals whose goal was to strengthen the role of the United Nations without requiring amendments to the Charter. Not a single member of the Special Committee had opposed such a proposal as a matter of principle having once agreed that it was sound, although there was still an important difference of opinion in so far as the need to make amendments to the Charter was concerned. He hoped that the members of the Sixth Committee would, in the course of the forthcoming debate, give their suggestions and views both with regard to the proposals reproduced in the report of the Special Committee and on the procedures to be followed by the Special Committee in future, once its mandate had been renewed.

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25. Mr. RAZAFINDRALAMBO (Madagascar) said that it was unfortunate that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization had been able to deal only with the peaceful settlement of disputes and had had to postpone consideration of other questions, such as the rationalization of existing procedures and the maintenance of international peace and security. In his view, those three items were interrelated. The motives for foreign interference were primarily economic, and specific situations that threatened the security of States could be assessed only by means of a multidisciplinary approach that took into account political, economic and social factors. Moreover, the concept of an international dispute should be defined in order to prevent its distortion on the pretext that the texts failed to specify its meaning. The definition should include manoeuvres to frustrate the legitimate aspirations of peoples to self-determination.

26. He supported the proposal of Mexico and Sierra Leone that the General Assembly should adopt a declaration on the peaceful settlement of international disputes. Even if such a resolution was of declarative character only, it would constitute a kind of universal declaration of rights and duties of States with respect to international security in which earlier resolutions approved on the subject, such as the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations (resolution 2625 (XXV)), the Declaration on the Strengthening of International Security (resolution 2734 (XXV)) and the Declaration on the Deepening and Consolidation of International Détente (resolution 32/155), would be summarized. Emphasis should be given to the multidisciplinary nature of activities aimed at re-establishing peace, the socio-economic aspect of disputes and the need speedily to adopt a new international economic order, and reference should be made to the rule of negotiations in good faith. The lack of a document precisely defining the concept of a dispute could be dealt with by producing a special document or, failing that, by a special provision of the proposed General Assembly declaration.

27. His delegation also commended the proposals for including in treaties a system for compulsory settlement of disputes by the International Court of Justice or by arbitration tribunals. An analysis of the reasons which had led to the ineffectiveness of Chapter VI of the Charter and a description of existing procedures and methods for settling disputes would be helpful, especially to the developing countries. Such a description should include the conciliation and arbitration procedures provided for in the fundamental instruments of the specialized agencies and, in particular, should cover the valuable experience of the ILO with regard to disputes among its member States.

28. As for the proposals made on the functioning of United Nations bodies, his delegation found the idea of creating a permanent commission of the General Assembly, on the model of the OAU Permanent Commission, interesting. The question of the functions of those bodies should be reviewed with a view to making the institutions of the United Nations more democratic. Consequently, he supported the suggestions for strengthening the role of the General Assembly in those cases in which the Security Council might be unable to fulfil effectively the functions assigned to it by the Charter with respect to international security. His delegation had



(Mr. Razafindralambo, Madagascar)

consistently supported proposals for eliminating the veto in the Security Council but, in view of the difficulty of bringing about such a substantial change, it supported any procedure that would limit abuse of the veto. In that connexion, care should be taken to ensure that the practice of adopting resolutions by consensus so as to prevent undue resort to the veto was not prejudicial to the majority.

29. His delegation fully supported the idea of creating a Security Council committee of experts or observers to draw up detailed and objective reports.

30. Among the procedures proposed for more effective application of Article 33 of the Charter, arbitration had the backing of some historical precedents. The intervention of regional bodies, on the other hand, had not been very effective, except in the case of OAU. As for settlement efforts by restricted groups from which certain parties directly concerned were excluded on grounds of effectiveness, his delegation did not support such a procedure.

31. In his view, the proposals on extending the competence of the International Court of Justice were closely linked with those on changing the composition of that body. The use of the Court would increase only to the extent that its membership reflected more accurately the current make-up of the General Assembly and the contemporary world.

32. He believed that the mandate of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should be renewed. Although the success of the procedures provided for in the Charter depended less on texts than on the political will of States, there were good reasons for persevering with conciliation and persuasion efforts.

33. After a procedural discussion in which Mr. KOROMA (Sierra Leone), Mr. KATEKA (United Republic of Tanzania), Mr. ROSENSTOCK (United States of America), Mr. ROSENNE (Israel), Mr. MUDHO (Kenya), Mr. KHLESTOV (Union of Soviet Socialist Republics), Mr. BOUZIRI (Tunisia), Mr. BA (Mauritania), Mr. DELEAU (France), Mr. DE FARIA (Portugal) and Mr. SANDERS (Guyana) took part, the CHAIRMAN said that he understood it to be the Committee's wish that the statement by the Chairman of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should be covered as fully as possible in the summary record of the meeting.

4. It was so decided.

The meeting rose at 12.50 p.m.