



CONTENTS

	Page
Agenda item 90: Report of the United Nations Commission on International Trade Law on the work of its second session ( <i>concluded</i> ).	95
Statement by the Rapporteur . . . . .	96
Agenda item 87: Draft Convention on Special Missions . . . . .	96

**Chairman:** Mr. Gonzalo ALCÍVAR (Ecuador).

**AGENDA ITEM 90**

**Report of the United Nations Commission on International  
Trade Law on the work of its second session (*concluded*)  
(A/7618; A/C.6/L.741, A/C.6/L.744, A/C.6/L.748 and  
Add.1 and 2)**

1. Mr. ALLOTT (United Kingdom), explaining his delegation's vote on the draft resolution (A/C.6/L.748 and Add.1 and 2), said that the United Kingdom attached great importance to the phrase "where necessary" in paragraph 5. The wording of paragraph 10 (*a*) was entirely satisfactory, in that it was recommended that the Commission should continue its work, whereas, at least so far as international legislation on shipping was concerned, it would have been better to recommend that it should commence its work. His delegation had abstained from voting on paragraph 8, believing that the Commission's decision concerning the publication of a yearbook should not be prejudged and that the Commission should be left free to decide upon the date of publication, as well as its content. Finally, his delegation had voted against the inclusion of paragraph 10 (*d*), which contained the amendment submitted orally by the representative of Afghanistan. The amendment had, regrettably, been submitted too late to be discussed. He did not deny that the Commission should take account of the interests of the developing countries and the land-locked countries and was convinced that, if a proposal had been submitted earlier, it would have been possible to find a solution which gave satisfaction to all delegations. His delegation had, however, voted for the draft resolution as a whole, since it was important that the Commission should be encouraged to work on the basis of unanimous agreement.

2. Mr. VANDERPUYE (Ghana) said that his delegation had abstained from voting on the amendment which added sub-paragraph (*d*) to paragraph 10, since it had been submitted at the last minute. Being itself a developing country, Ghana had no objection to the substance of the amendment, but considered that the procedure followed had been inappropriate. In any case, the amendment was

superfluous, since reference was already made in sub-paragraph (*c*) to the well-being of all peoples, which obviously included the developing countries. Furthermore, General Assembly resolution 2205 (XXI) referred in its preamble to the interests of the developing countries and the land-locked countries. It was therefore unnecessary to mention them explicitly in a draft resolution which dealt with the activities of the Commission as a whole and was therefore of a general character. Moreover, a number of delegations had been caught unprepared, since they had had no instructions from their Governments on the Afghan amendment. However, his delegation, as a member of the Commission and a sponsor of the draft resolution, had voted for the draft as a whole.

3. Mr. MARTINEZ CARO (Spain) explained that his delegation's abstention during the voting on paragraph 10 (*d*) did not mean that it discounted the interests of the developing countries. However, the reference to land-locked countries introduced into the draft resolution a new factor which had not been discussed by the Sixth Committee.

4. Mr. Krishna RAO (India) said that he had abstained from voting on the Afghan amendment owing to the particular circumstances in which it had been submitted. The resolution, which he had helped to draft in his capacity as a sponsor, had been the outcome of a number of compromises. Furthermore, the interpretative statement which he had read out at the 1120th meeting went much further than the draft resolution which had been adopted.

5. Mr. TARASOV (Union of Soviet Socialist Republics) said that his delegation had voted for the draft resolution as a whole, since it approved of the work of the Commission, and particularly of that accomplished at its second session. However, it had abstained from voting on the Afghan amendment, since, although it had no objection in principle to the idea which it embodied, it had received no instructions from its Government on the subject. It had voted against paragraph 8, feeling that it was premature to decide in favour of the publication of a yearbook before knowing the Commission's intentions concerning its contents and the frequency of its appearance. It would be for the Sixth Committee to take a decision when it was informed of the Commission's conclusions. He would like the explanation of his vote to be included in the report of the Sixth Committee.

6. Mr. VRANKEN (Belgium) said that he had voted for the draft resolution as a whole. However he wished to make it clear that he had done so on the understanding that the Working Groups referred to in paragraph 3 were to be only of a temporary nature. He had abstained from voting on paragraph 8 for the same reasons as those given at the 1120th meeting by the Canadian representative, and by the USSR representative at the present meeting.

7. Miss ALVAREZ (France) said that her delegation had been unable to vote for paragraph 8 of the draft resolution, because the Commission had agreed to consider at its third session arrangements for the publication of a yearbook, and to take a final decision on the subject. It was therefore premature at the present stage to authorize the Secretary-General to establish the yearbook.

8. Furthermore, in the absence of instructions from its Government, the French delegation had been obliged to abstain in the vote on the Afghan amendment. It agreed, however, that the Commission should bear in mind, in its work programme, the interests of all peoples, which naturally included the interests of the developing countries.

9. Mr. NALL (Israel) said that he had just received instructions from his Government which would have enabled him to vote for the Afghan amendment. In any case, he had voted for the draft resolution as a whole.

10. Mr. SIDDIQ (Afghanistan) said that he could not agree with the views expressed by the delegations which had opposed the Afghan amendment, and particularly by that of Ghana. He regretted the fact that not all of the sponsors of the draft resolution had been able to accept the amendment and thanked those who had voted in favour of it.

#### *Statement by the Rapporteur*

11. Mr. HOUBEN (Netherlands), Rapporteur, said that he wished to draw attention to a question concerning the form of the reports which he was to submit to the General Assembly on behalf of the Sixth Committee on the two completed agenda items: first, on agenda item 86 concerning the report of the International Law Commission on the work of its twenty-first session and agenda item 94 (b) on the resolution relating to article 1 of the Vienna Convention on the Law of Treaties, and, secondly, on agenda item 90 concerning the report of the United Nations Commission on International Trade Law on the work of its second session. After reading out paragraph (f) of the Secretary-General's recommendations annexed to General Assembly resolution 2292 (XXII), he pointed out that, in the past, the Sixth Committee's reports on the reports of the International Law Commission and the United Nations Commission on International Trade Law had contained not only the texts of the proposals and amendments submitted and of the decisions adopted, but also a summary of the views expressed by representatives during the discussions. If the Sixth Committee wished the reports on completed items to contain, as in the past, a summary of the views expressed, it should take a decision to that effect, having regard to the above-mentioned provision of General Assembly resolution 2292 (XXII). It might perhaps decide that its reports should contain a summary, not of all the views expressed but only of the main trends of thinking which had emerged in the course of the debate. According to information supplied by the Secretariat, that would require, in each case, about twenty double-spaced pages, and the cost to typing, translation and reproduction in all the official languages would amount to approximately \$3,000 for each report.

12. The CHAIRMAN stated that, if there were no objections, he would assume that the Committee approved of the Rapporteur's suggestion.

*It was so decided.*

#### **AGENDA ITEM 87**

##### **Draft Convention on Special Missions (A/6709/Rev.1 and Corr.1,<sup>1</sup> A/7375;<sup>2</sup> A/C.6/L.745,<sup>3</sup> A/C.6/L.747)**

13. The CHAIRMAN, recalling the decision taken by the Sixth Committee at its 1089th meeting, on 6 December 1968, invited the representative of Switzerland to participate, without the right to vote, in the debate on the subject of special missions.

*Mr. Moser, Observer for Switzerland, took a place at the Committee table.*

14. The CHAIRMAN, recalling General Assembly resolution 2419 (XXIII), invited Mr. Bartos, Special Rapporteur on Special Missions, to attend as an expert the Sixth Committee's discussions on that subject.

*Mr. Bartos, Special Rapporteur on Special Missions, took a place at the Committee table.*

15. The CHAIRMAN, reopening the debate on the subject of special missions, drew attention to the note by the Secretariat concerning organization and methods of work (A/C.6/L.747), which described the state of the Sixth Committee's work on the item and listed documents to which the Committee would need to refer when it considered the draft Convention on Special Missions.

16. Mr. DELEAU (France) proposed that the Committee should begin by studying the definition of the term "special mission". At the end of the twenty-third session of the General Assembly, it had become clear that the term was somewhat ambiguous and, after having adopted twenty-nine draft articles, the Sixth Committee should now have sufficient knowledge of the subject to formulate the desired definition. He was making his proposal in the hope that agreement on a definition would facilitate subsequent work on the draft articles. Furthermore, by adopting his proposal the Sixth Committee would not be reversing the decision it had taken at its 1039th meeting, which had been "to begin with article 2, leaving aside at that stage article 1, on use of terms". The use of the phrase "at that stage" showed that the Committee had not intended to defer the consideration of article 1 until a distant date. Lastly, the resolution adopted by the General Assembly at its twenty-third

<sup>1</sup> *Official Records of the General Assembly, Twenty-second Session, Supplement No. 9.*

<sup>2</sup> See *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda item 85. Annex I to this document contains the full text of the articles already adopted by the Sixth Committee.

<sup>3</sup> This document reproduces the text of the amendments submitted at the twenty-third session to those articles which were not examined at that session. For the printed text of these articles and amendments, see *Official Records of the General Assembly, Twenty-third Session, Annexes*, agenda item 85, document A/7375, annex II.

session did not compel the Committee to follow any particular method in considering the draft articles, so that it was entirely free to consider the text as it wished.

17. Mr. Krishna RAO (India) said that the French proposal had already been discussed in unofficial consultations, which had made it possible to reach a consensus. All the groups consulted had acknowledged that it would be advisable to consider the definition right away, but had stressed that the Committee must not waste precious time on it. He therefore proposed that the definition of the term "special mission" should be referred to the Drafting Committee, so that it might consider it and report to the Committee within a time-limit set by the latter. After receiving the Drafting Committee's report, the Committee itself would consider the definition of the term.

18. Mr. DELEAU (France) accepted the Indian representative's proposal, which was essentially in line with the thinking of his delegation.

19. The CHAIRMAN, amplifying the explanation given by the Indian representative, said that during the unofficial consultations it had been agreed that, pending submission of the Drafting Committee's report, the Committee should continue its consideration of the draft articles, beginning with article 30.

20. If there were no objections, he would take it that the Committee approved the French representative's proposal, as amended by the Indian representative.

*It was so decided.*

21. Mr. ENGO (Cameroon) said that, in order to eliminate all obstacles which might delay the Committee's work, he would propose that if the Drafting Committee did not succeed in agreeing on a definition, the Committee itself should not discuss the definition at that stage but should merely take note of the Drafting Committee's report and continue its consideration of the draft articles.

22. Mr. NJENGA (Kenya) supported that proposal. He considered, however, that a time-limit should be set for the formulation of the definition.

23. The CHAIRMAN pointed out that, before setting the time-limit, the Committee should hear the views of the Chairman of the Drafting Committee.

24. Mr. Krishna RAO (India) thought that, regardless of the results of the Drafting Committee's work, the Committee should itself consider the definition of the term "special mission".

25. Mr. ENGO (Cameroon) thought that it would be undesirable to suspend consideration of the draft articles in order to attempt to define the term. The question of the definition had been referred to the Drafting Committee so that the Committee itself would not need to consider it in detail. Consequently, if the Drafting Committee could not formulate an acceptable definition, the Committee must continue to consider the draft article by article, and then adopt a definition on the basis of the views that emerged from the debate. In any case, it was essential to ensure that

the matter of the definition did not hold up the Committee's work at the present stage.

26. Mr. SOLHEIM (Norway) said he feared that the Cameroonian representative's proposal tended to prejudge the future. It would be preferable to await the Drafting Committee's report before taking a decision. Delegations could then express their views, taking into account the conclusions set out in the report.

27. Mr. TARASOV (Union of Soviet Socialist Republics) thought that the decision to refer the definition of the term "special mission" to the Drafting Committee was perfectly compatible with the Cameroonian representative's proposal. When it had the Drafting Committee's report before it, the Committee should either discuss the definition submitted to it by the Drafting Committee or take note of the fact that the latter had been unable to reach agreement, and then continue its consideration of the other draft articles.

28. Mr. SANTISO GALVEZ (Guatemala) said that he had some reservations about the idea of deferring consideration of article 1 until the end of the debate on special missions if the Drafting Committee could not agree on a definition.

29. After a discussion in which Mr. NJENGA (Kenya), Mr. DELEAU (France), Mr. ANDRIAMISEZA (Madagascar) and Mr. EL HUSSEIN (Sudan) took part, Mr. CHAMMAS (Lebanon) appealed to the Cameroonian representative to withdraw his proposal temporarily.

30. Mr. ENGO (Cameroon) said that the Committee would find itself in a difficult position if the Drafting Committee did not reach agreement, for by adopting the French proposal, as amended by India, the Committee would have indirectly decided to take up the consideration of draft article 1. In those circumstances, the Committee would do better to continue its work on the remaining draft articles, while simultaneously seeking, through informal consultations, to formulate a compromise definition of the term "special mission". However, he accepted the suggestion that the Committee should suspend consideration of his proposal.

31. Mr. YASSEEN (Iraq), Chairman of the Drafting Committee, said that that Committee needed at least one meeting to estimate the length of time it would need to consider the question submitted to it.

32. The CHAIRMAN said that, in accordance with the decision taken by the Committee at its 1089th meeting, the Drafting Committee would remain as constituted at the twenty-third session. Since the United Arab Republic wished to withdraw from the Drafting Committee, he suggested that that State should be replaced by Algeria.

*It was so decided.*

33. The CHAIRMAN said that the Drafting Committee would thus be composed of the following fifteen States: Algeria, Democratic Republic of the Congo, Denmark, France, Ghana, Iraq, Italy, Japan, Mexico, Pakistan, Peru, Poland, Union of Soviet Socialist Republics, United King-

dom of Great Britain and Northern Ireland, United States of America. The representative of Iraq would be the Chairman of the Drafting Committee and the Rapporteur of the Sixth Committee and the Expert Consultant would participate *ex officio* in its deliberations.

34. Mr. AMRANI (Algeria) thanked the Committee for the confidence it had shown in him in appointing him to serve on the Drafting Committee.

*The meeting rose at 1.15 p.m.*