



SUMMARY RECORD OF THE 60th MEETING

Chairman: Mr. KNIPPING-VICTORIA (Dominican Republic)

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 124: PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES (continued)
(A/38/57, A/38/61-S/15549, A/38/89-S/15596, A/38/106-S/15628, A/38/132-S/15675 and Corr.1 and 2; A/38/164-S/15727, A/38/177-S/15743 and Corr.1, A/38/234, A/38/256-S/15809, A/38/267-S/15824, A/38/268-S/15825, A/38/269-S/15826, A/38/303-S/15877, A/38/308, A/38/321-S/15896, A/38/322-S/15900, A/38/324-S/15904, A/38/325-S/15905, A/38/327-S/15911, A/38/330-S/15915, A/38/343, A/38/407-S/15982, A/38/408-S/15983, A/38/432-S/15992, A/38/495-S/16035, A/38/507-S/16044, A/38/529, A/38/599-S/16118 and Corr.1; A/C.6/38/L.9)

AGENDA ITEM 134: REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION (continued)
(A/38/33, A/38/358, A/38/61-S/15549, A/38/106-S/15628, A/38/132-S/15675 and Corr.1 and 2, A/38/253, A/38/288, A/38/343, A/38/367 and Corr.1, A/38/415, A/38/425, A/38/454: A/C.6/38/L.14)

1. Mr. AENA (Iraq) said that the work of the Special Committee at its 1983 session had been characterized by the modest results achieved in the discharge of its mandate and the implementation of General Assembly resolution A/37/114. On the other hand, he agreed with the Chairman of the Special Committee that the question of recommendations should not give rise to controversy among delegations; the Special Committee had the right to submit recommendations, in spite of the results obtained.
2. In his view, the methodology employed by the Special Committee in accordance with the provisions of General Assembly resolution 37/114, had not enabled it to determine precisely which substantive and procedural questions needed to be examined in depth. The statement that proposals which had awakened special interest (resolution 37/114, para. 3 (a)) should be identified was vague and did not indicate the criteria which were to be used in determining whether a proposal was more or less important. Nor did the statement, in subparagraph (b) of the same paragraph, that priority should be accorded to the consideration of those proposals on which agreements seemed possible and the formulation of recommendations thereon indicate the criterion which should be used in deciding which proposal had those characteristics. As a result, and owing to the limited time available to the Special Committee for the consideration of a large number of proposals, some of them of decisive importance, it had not been possible to examine them exhaustively, and some of them had had to be set aside because of the overcrowded calendar. As a result, major differences of opinion had arisen among delegations, the debate had deteriorated, and its results had been very modest.
3. The non-aligned countries in the Special Committee, in a spirit of compromise, had accepted the idea that, in the course of the eight meetings devoted to the consideration of the question of the maintenance of international peace and security, a list of proposals should be prepared in accordance with the provisions of paragraphs 3 and 5 of resolution 37/114. It had not been possible, however, at that session to prepare the list, owing to the climate of controversy which had prevailed among delegations, which had become involved in debates that had nothing to do with the preparation of the list.

(Mr. Aena, Iraq)

4. The explanations of the proposals submitted to the Special Committee had also presented difficulties, owing to the conflicting interests involved. That could be clearly seen from the negotiations on a number of sensitive issues, especially with regard to the work of the Security Council.
5. Moreover, some delegations had denied the Special Committee the right to submit recommendations to the General Assembly on the proposals which were before it, using arguments that lacked logic. Such had been the case, for example, with regard to the proposal submitted by France in connection with the preparation of a handbook on the pacific settlement of disputes.
6. The problem had arisen also during consideration of the proposed amendment to the rules of procedure of the General Assembly submitted by France (A/AC.182/L.25). Those supporting the amendment had argued that it would facilitate the General Assembly's exercise of its functions under Article 11, paragraph 2 of the Charter. Other delegations had opposed the amendment in general on the grounds that it contradicted the Charter and disturbed the existing balance between the Security Council and the General Assembly.
7. His delegation opposed the adoption of draft resolution A/AC.182/L.25 on the grounds that the omission of all reference to General Assembly resolution 377 A (V) would upset the balance of powers between the Security Council and the General Assembly as provided for in the Charter. In that connection, it should be emphasized that under Article 10 of the Charter, the General Assembly was empowered to discuss any matter relating to any of the other organs, including the Security Council. The spirit of the Charter lay in the concept of collective security, which was precisely that which had prompted the General Assembly to adopt resolution 377 A.
8. During consideration of the proposal submitted in document A/AC.182/WG/51, difficulties had also arisen with regard to the submission of recommendations on the subject to the General Assembly. It had been said that that should not be done, because a very similar proposal was being considered in the Security Council at that very moment. That objection was not valid, however, because the Special Committee was not a subsidiary body of the General Assembly. The General Assembly could adopt a resolution and then transmit it to the Security Council with a statement of the views of Member States.
9. Some of the proposals were not practical, and his delegation felt that they should be revised, particularly the most controversial of them. That problem had been one of the reasons why the work of the Special Committee at its 1983 session had been unsuccessful.
10. Although his delegation did not wish to give examples, it would like the Special Committee to pay special attention to that question, taking into account the regional groups. Those groups and the Special Committee should adopt a flexible and pragmatic attitude in order reach a compromise solution. Some

(Mr. Aena, Iraq)

delegations had opposed the proposals through lack of political will and had insisted that negotiations be conducted on the basis of general consensus. In an atmosphere in which everyone sought to promote his own interests, it would not be possible to establish a constructive dialogue.

11. The Sixth Committee and the General Assembly had a number of solutions for saving the Special Committee, but acceptance of the current situation would mean that in the future there would be no talk of the rationalization of procedures. In order to ensure the future of the Special Committee, steps would have to be taken to prevent the current negotiating procedure from continuing. Its mandate must be clearly established and the idea of prior consensus eliminated.

12. The Special Committee should in future submit a report every two years and not annually as was the current practice. It should moreover focus its attention on a particular topic and examine it thoroughly so as to achieve tangible results. In that way the work of the Sixth Committee would be rationalized.

13. It might be asked whether the 10 meetings allocated for the consideration of the Special Committee's report would be sufficient for the identification of positive results and the development of the role of international law or, whether, on the contrary, they would provide an occasion for a repetition of the current situation. It was regrettable that the work could not proceed faster in order to facilitate the work of the Sixth Committee.

14. Mr. ROUCOUNAS (Greece) said that despite the difficulties impeding the progress of the work of the Special Committee, all delegations had stressed the importance of that work and the need to resume it. His delegation supported the view that the Special Committee should be given the necessary means to ensure the success of its work.

15. There was no doubt that every United Nations organ was sensitive to the moments of despair or of euphoria experienced by the international community. The duty of all, however, was to do their utmost so that those organs could forge areas of agreement on long-term common interests.

16. The attitude shown by certain States which wished to propose new and more practical options and approaches was commendable and constituted more than just a sign of vitality. His delegation would continue to share most of the aspirations expressed along those lines within the context of the Special Committee's work. With reference to the effectiveness of the United Nations system, however, it was necessary for the Special Committee itself to be effective, and the Sixth Committee therefore had the obligation to provide it with a functional mandate to that effect.

17. With regard to the peaceful settlement of disputes, the Manila Declaration was clearly a positive element and offered scope for constructive reflections on its implementation.

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(Mr. Roucounas, Greece)

18. On the question of the rationalization of existing procedures, the report of the Special Committee took into account the substantive debates and possibilities of reaching a general agreement. An effort of imagination would be required to achieve any tangible results.

19. Numerous proposals had been submitted on the subject of the maintenance of international peace and security. Those which seemed to be making headway would have to be studied more persistently.

20. His delegation had, at the appropriate time, made suggestions on methods of fact-finding, on enhancing the effectiveness of peace-keeping operations, on the major problem of compliance with the decisions of organs competent in the area of international peace and security and on the prevention of international conflicts.

21. Mr. OLEANDROV (Union of Soviet Socialist Republics) said that his delegation viewed the current debate in the context of the vital task of preventing a nuclear catastrophe, reducing the arms race and restoring détente in international relations. The Soviet people were convinced that the United Nations could assist in resolving those problems, and that was why his delegation submitted to the General Assembly at its current session, a number of important issues which the General Assembly had endorsed, such as the condemnation of nuclear war, the freezing of the arms race and the conclusion of a treaty on the prohibition of the use of force in outer space and from space against the earth.

22. The current situation had led to grave concern about the destiny of the world, because tensions in the world had never reached such dangerous levels since the creation of the United Nations. That concern was reflected in, among other things, anti-war movements, which had become widespread and in which millions of peoples of different political and social background participated. The source of that threat to peace was militarism, which was aimed at upsetting the current strategic and military balance and at establishing a position of dominance in the world based on military superiority.

23. The policy of the Soviet Union was opposed to that concept as had been expressed in a statement made on 24 November by Y. V. Andropov, General Secretary of the Central Committee of the Communist Party and President of the Presidium of the Supreme Soviet of the USSR, when he had said that the world was going through a very dangerous period and that responsible statesmen should observe what was happening and try to preserve mankind from the dangers which surrounded it. He had also appealed to those statesmen to abandon their vain plans to achieve military superiority and impose their political will on other peoples and countries. He had said that the Soviet Union was convinced that peace could not be secured by inventing new weapons but by significantly reducing current armament levels. The Soviet Union would do everything in its power to preserve peace for the present and future generations.

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(Mr. Oleandrov, USSR)

24. Compliance with the purposes and principles of the Charter of the United Nations was a sure guideline for improving the situation in the world. The policies of statesmen would determine the solution of the fundamental problems of war and peace if they were guided by the principles of the Charter. The history of the United Nations was in itself proof that the strengthening of international peace and security and strict compliance with the Charter were closely related.

25. In the communiqué issued by the meeting of ministers and heads of delegations of non-aligned countries at the thirty-eighth session of the General Assembly, it had been stated that the policy of intervention and the threat or use of force continued to be applied against many non-aligned countries, which was incompatible with the requirements of the Charter and with United Nations resolutions. Those who pursued that policy arrogated to themselves the right to carry out undercover operations and acts of aggression against sovereign States.

26. Attempts were being made to give a false interpretation to the principles of the Charter, including the principle of non-use of force, and to disregard the Security Council. The Soviet delegation rejected those attempts and those tendentious interpretations of the Charter, as had been stated by A. Gromyko, President of the Council of Ministers and Minister for Foreign Affairs of the USSR, when he had said that the United Nations had arisen at the moment of climax of the great liberation struggle, particularly against fascism, and it had been conceived as an organization whose primary aim was the maintenance of international peace, a principle enshrined in the United Nations Charter. He had affirmed that the Soviet Union sought the consistent implementation of the principles of the Charter and that there was no doubt as to the attitude of the Soviet Union and its responsibilities for saving future generations from the scourge of war.

27. However, many useful decisions of the United Nations had still not been implemented, a situation which served the interests of those who wished to maintain foci of tension, military threat, colonial domination and racism. Recently, a policy of use of force in international relations was being promoted, which constituted an open violation of the Charter. The establishment of "multinational forces" outside the ambit of the United Nations should be considered an alarming trend which had nothing to do with the Charter. Similarly the farce of the "peace-keeping force" which had participated in the aggression against Grenada should be considered a clear violation of the Charter.

28. The Soviet Union was opposed to any attempts to undermine the foundations of the United Nations and to destroy the system of collective security provided for in the Charter. The United Nations had helped in the surmounting of various international crises, and some of the documents adopted had had positive effects, as in the case, for example, of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Declaration on the Strengthening of International Security and the Declaration of the Prevention of Nuclear Catastrophe. In the current circumstances also, the role of the United Nations had been enhanced in view of the danger posed by the arms race and the threat of nuclear war.

(Mr. Oleandrov, USSR)

29. An evaluation of the Special Committee's work as a whole revealed that the consideration of items was sometimes carried out in a climate of some tension. The Special Committee had before it important topics related to the current work of the United Nations and should find ways of enhancing the effectiveness of the Organization in the maintenance of international peace and security. His delegation supported that important work and believed that, with a responsible and realistic approach, the Special Committee could produce positive results.

30. The drafting of the Declaration on the Peaceful Settlement of International Disputes was clear evidence of the useful work of the United Nations. It was regrettable that at the thirty-eighth session there had been attempts to speed up the adoption of recommendations seeking to alter the procedures laid down in the Charter and the Security Council itself and even endeavouring to undermine the principle of unanimity. The effectiveness of the United Nations would be enhanced not through breaches of the Charter but through strict compliance with one of its basic principles, the rule of unanimity among the permanent members of the Security Council. The current situation was such that the principle of unanimity among the permanent members was the only solid foundation for the Council's work and the work of the United Nations as a whole. That principle strengthened the equality of States with different social and economic systems and prevented the Security Council from becoming an instrument of a group of States.

31. His country was convinced that the Security Council, in accordance with its functions and tasks, should settle questions and consider ways of enhancing the effectiveness of its work. Document S/15971 examined those questions and drew various conclusions. The members of the Security Council had participated actively in consultations on the means of enhancing the Council's effectiveness.

32. The Special Committee had also considered the topic of the peaceful settlement of disputes. The review of the proposals contained in the list prepared by the Special Committee at its 1979 session had demonstrated the interest of delegations in finding appropriate means of eliminating disputes and situations generating international conflict. The Special Committee had also considered the handbook on the pacific settlement of disputes, which would comprise all existing means and mechanisms available for that purpose. The handbook, which was to be of a practical nature, would bring to the attention of States the wide range of measures available by virtue of the Charter, stressing in particular the special function of the Security Council.

33. The Special Committee had also examined an oral proposal to establish within the United Nations a Permanent Commission on Good Offices, Mediation and Conciliation. In his delegation's opinion, that proposal was unacceptable because it violated the United Nations Charter and would undermine the prerogatives of the Security Council. His delegation reiterated its position on the establishment of that Commission as proposed in document A/38/343.

(Mr. Oleandrov, USSR)

34. The consideration of the item on the rationalization of existing procedures of the United Nations had been useful and productive. All delegations had agreed on the need for careful reflection in order to take decisions in that area and a constructive spirit had prevailed during its consideration. His delegation pointed out in particular the need to curb the excessive growth of the United Nations budget and to stem increases in the Secretariat staff. Steps must also be taken to eliminate programmes which were obsolete or of marginal use, which led to an increase in expenditure and the dispersion of efforts. The Special Committee should continue to consider that item.

35. With regard to the Special Committee's method of work, he said that any attempt to impose the viewpoint of one group of delegations on other States would obstruct the Special Committee's work and even undermine its possible viability. His delegation regretted that the Chairman of the Sixth Committee, in a statement focusing on the future work of the Special Committee, had expressed a preference for a tendentious view regarding the Special Committee's work. That view was not shared by many delegations and was rejected by his own.

36. Any attempt to transform the Special Committee into an instrument to reform the United Nations and its Charter would inevitably bring about futile confrontations. His delegation did not share the position that the Special Committee had not made progress in its work, or the pessimistic attitude regarding its effectiveness. Efforts to blame the ostensible ineffectiveness on the principle of consensus prevailing in the Special Committee were unjust. His delegation regretted the fact that some delegations had refused to examine the conciliatory proposals of the Chairman of the Special Committee concerning the list of proposals relating to the item on the maintenance of peace and security. His delegation objected to any modification in the Special Committee's mandate and the efforts to disrupt the existing procedure, in particular the principle of consensus. The patient search for agreed solutions to the problems concerning the strengthening of the role of the Organization was the only realistic and constructive way to deal with the items that the Committee had before it.

37. The alarming international situation required that the United Nations use its full potential. During the Secretary-General's visit to the Soviet Union in March 1983, Mr. Andropov, General Secretary of the Communist Party of the Soviet Union, had expressed his country's support for efforts designed to strengthen the United Nations role in favour of peace and security and co-operation among States, in accordance with the Charter. His country would pursue those efforts, convinced that compliance with the Charter was the best way to strengthen the role of the Organization.

AGENDA ITEM 129: REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES (continued) (A/38/43, A/38/106-S/15628, A/38/135-S/15678, A/38/327-S/15911, A/38/432-S/15992, A/38/371-S/15944, A/38/507-S/16044; A/C.6/38/L.5 and L.10/Rev.1)

38. Mr. ADEYEMI (Nigeria), introducing draft resolution A/C.6/38/L.5 on the report of the Ad Hoc Committee on the Drafting of an International Convention against the

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(Mr. Adeyemi, Nigeria)

Recruitment, Use, Financing and Training of Mercenaries and commenting on the statement of its administrative and financial implications, contained in document A/C.6/38/L.10/Rev.1, issued by the Secretary-General in accordance with rule 153 of the rules of procedure of the General Assembly, announced that Guyana, Sao Tome and Principe, Trinidad and Tobago, Uruguay and Zaire, and later Panama, had become sponsors of the draft resolution, thus bringing their number to 53.

39. He pointed out that the date for holding the next session of the Ad Hoc Committee had been moved forward and that the Committee would meet from 30 April to 25 May 1984. A comparison of the statement of the administrative and financial implications contained in document A/C.6/38/L.10/Rev.1 with document A/C.6/38/L.10 showed that it would cost less to hold the session at Geneva than in New York.

40. The Sixth Committee had, as in previous years, aired its views on the work of the Ad Hoc Committee and had encouraged it to tackle the task of elaborating the draft convention entrusted to it by the General Assembly. His delegation expressed the hope that the Ad Hoc Committee would complete its mandate at its next session.

41. Although the draft resolution under consideration was procedural, there were a few innovations. Paragraph 3 requested the Ad Hoc Committee to consider the suggestions and proposals of Member States, bearing in mind the comments submitted to the Secretary-General and those expressed in the Sixth Committee, including the views expressed on the definition of the term "mercenary". Paragraph 4 invited the Ad Hoc Committee to take into account the draft articles contained in paragraph 56 of the report of the Ad Hoc Committee (A/38/43). Paragraphs 5 and 6 related to the documentation and facilities necessary for the performance of the Ad Hoc Committee's work.

42. After extensive consultations, his delegation and all the sponsors had considered that the next session of the Ad Hoc Committee should be held at Geneva - since it would be cheaper than if held in New York - from 30 April to 25 May 1984. He requested the Committee to adopt the draft resolution by consensus.

43. The CHAIRMAN invited the Committee to take a decision on draft resolution A/C.6/38/L.5, relating to agenda item 129.

44. Mr. AL-QAYSI (Iraq) said that as he had participated actively in the consultations on the draft resolution he considered it appropriate to comment on the administrative and financial implications set forth in document A/C.6/38/L.10/Rev.1. His delegation wished the meeting to be held at Geneva and agreed with everything that had been said by the representative of Nigeria, but it was important that delegations should receive some information on the meetings of the International Law Commission so that they would know what might happen should there be simultaneous meetings of the Commission and the Ad Hoc Committee for the period of two weeks.

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(Mr. Al-Qaysi, Iraq)

45. His delegation referred to paragraph 2 (b) of document A/C.6/38/L.10/Rev.1, according to which during the weeks 7-18 May one meeting would be held daily when the International Law Commission or its Drafting Committee was not meeting. The custom of the Commission was to hold one meeting on Monday afternoons, plenary meetings in the mornings of Tuesday, Wednesday and Thursday, leaving the afternoons for meetings of the Drafting Committee, and one plenary meeting on Friday morning, leaving Friday afternoon free. In the past, the Drafting Committee had been established in the third or fourth week, which meant that the substance of paragraph 2 (b) was logical. The Ad Hoc Committee could hold meetings on Monday mornings, Tuesday, Wednesday and Thursday afternoons and Friday afternoons.

46. At its latest session, the Commission had decided to establish the Drafting Committee during the first week, so as to clear the backlog of work. There was also a consensus that the Commission's Planning Group should meet during the first week of the Commission's session, which was to begin on 7 May, so as to programme the work for the following three years. In addition, the Commission would take up the topic "International liability for injurious consequences arising out of acts not prohibited by international law" as early as the first week.

47. Accordingly, and in conformity with paragraph 2 (b) of document A/C.6/38/L.10/Rev.1, the Ad Hoc Committee would be able, during the period 7-18 May, to hold only two meetings, on Monday mornings and Friday afternoons, if the Commission decided not to use that time for its Drafting Committee or Planning Group.

48. His delegation believed it was appropriate that the Commission and the Ad Hoc Committee should hold simultaneous meetings in the desire that the Ad Hoc Committee should complete its mandate the following year at Geneva and considering the possibility that the Ad Hoc Committee would benefit from the knowledge of members of the Commission in order to make progress in its work; he wished, however, to know whether the Secretariat could provide an assurance that the meetings of the Commission and the Ad Hoc Committee would not have to fit in with each other.

49. Mr. FRANCIS (Chairman of the International Law Commission) said that he disagreed with the contents of paragraph 2 (b) of document A.C.6/38/L.10/Rev.1. Unless separate services were provided from 7-18 May for the Commission and the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, the Sixth Committee would have to take another decision. In addition to the backlog facing the Commission, to which its Drafting Committee would have to pay priority attention, there was the question of establishing a working group to deal with draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier. If that working group was not established, the Drafting Committee would have to work more or less full time and, if it was established, it would meet when the Drafting Committee was not working. It was not possible for the activities of the Ad Hoc Committee to be adapted to the Commission's working programme for 1984 during the period of time referred to. Perhaps it would be convenient for the Ad Hoc Committee could meet in Geneva immediately after the end of the Commission's

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(Mr. Francis)

session on 27 July. In that way, it would be able to meet from the end of July to the beginning of August and complete its report in time for it to be examined by the General Assembly at its next session.

50. The CHAIRMAN said that, by decision of the General Assembly, that day was the last for the adoption of resolutions having financial implications.

51. Mr. FERRARI BRAVO (Italy) said that he shared the opinion of the representative of Iraq and his interest in the success of the work of the Ad Hoc Committee and the Commission. The sponsors of the draft resolution wanted the Ad Hoc Committee to meet in Geneva from 30 April to 25 May. The problems mentioned referred solely to the provision of meeting services. According to document A/C.6/38/L.10, an amount of \$197,100 was available for that purpose for a four-week session in New York. The cost in Geneva, during the same period of time, would amount to \$166,000. There was a divergence between the figures given in documents A/C.6/38/L.10 and L.10/Rev.1: the figure in the latter document represented a saving of approximately \$111,000. In view of the availability of conference rooms in Geneva, that amount would be sufficient to defray the additional costs to enable the Commission and the Ad Hoc Committee to meet without difficulty. Therefore, the Ad Hoc Committee's meetings could be held in Geneva. Nevertheless, the Secretariat should provide a clear explanation of the figures.

52. Mr. LACLETA (Spain) said that he shared the concerns expressed by the representatives of Iraq and Italy and by Mr. Francis, although, as a member of the Ad Hoc Committee, it was a matter of indifference to him whether the meetings were held at Geneva or New York.

53. Mr. AL-QAYSI (Iraq) stressed that the Secretariat should provide a specific guarantee that services would be provided to both the Ad Hoc Committee and the Commission, which should meet simultaneously at Geneva on the dates indicated, without the activities of the one interfering with those of the other.

54. Mr. ROMANOV (Secretary of the Commission) said that paragraph 2 (b) of document A/C.6/38/L.10/Rev.1 was very clear. The Ad Hoc Committee would meet when facilities were available. Clearly, the meetings of the Commission and its bodies had priority. The text of paragraph 2 (b) was based on the work of the Commission and the Ad Hoc Committee, on the understanding that the timetable established therein was acceptable to the latter.

55. Mr. FRANCIS (Chairman of the International Law Commission) said that when paragraph 2 had been drafted it had been thought that in 1984 the Commission would dispense with some afternoon meetings. Because of the Drafting Committee's backlog and the other important activities of the Commission mentioned by the representative of Iraq, that would not happen.

56. Mr. ROSENSTOCK (United States of America) said that it would not be suitable for the Ad Hoc Committee to meet twice a week, or a maximum of five times a week, because it would not advance in its work. Therefore, he could not participate in

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(Mr. Rosenstock, United States)

approving the decision on those terms. In any case, he was surprised that the Ad Hoc Committee could not meet in New York in the months of June and July, given the number of conference rooms available and the activities that usually took place in those months.

57. Mr. BERMAN (United Kingdom) said that although it was not for the Sixth Committee to determine the venue of the Ad Hoc Committee's session, and probably not for it to set the dates of the session either, document A/C.6/38/L.10/Rev.1 were not very clear. There was no indication whether the Ad Hoc Committee's session could be accommodated on a basis different from that described in the document. If the session could be accommodated only in accordance with the schedule given in that document, he would like to know why. The question of financial implications should be settled as soon as possible, because his delegation would like to participate in the adoption of the draft resolution by consensus.

58. Mr. EDON (Benin) inquired whether the Nigerian delegation had any comments.

59. Mr. ADEYEMI (Nigeria) said that his delegation shared the concerns of the other sponsors regarding paragraph 2 (b) of document A/C.6/38/L.10/Rev.1. He asked whether the Sixth Committee would agree on a greater number of meetings. Such meetings were necessary if the problem was to be solved. He requested a 10-minute suspension of the current meeting for consultations.

60. The CHAIRMAN said that, in view of the limited time available, the meeting could not be suspended. The representative of the Budget Division wished to make a statement.

61. Mr. DUVAL (Budget Division), referring to the estimate given in paragraph 3 of document A/C.6/38/L.10/Rev.1, said that there had been an error in the figure for meeting servicing costs. The correct figure was \$66,000 and the total was \$209,900.

62. Mr. FIGUEROA (Department of Conference Services) said that the months of May and June were the peak period for meetings throughout the world. During that period, over 100 meetings per week, a greater number than was currently scheduled, would be held in New York. The situation was the same in Geneva and Vienna, except that the services available in Vienna were not on such a large scale. Under the proposed arrangement for the Ad Hoc Committee's session, services available to the International Law Commission would be provided, on an alternate basis, to the Ad Hoc Committee. Additional services could not be obtained.

63. Mr. FERRARI BRAVO (Italy) asked whether it was physically impossible to hold 10 additional meetings in the two weeks between 7 and 18 May or whether cost was the problem.

64. Mr. FIGUEROA (Department of Conference Services) said that the figures for the cost of the Ad Hoc Committee's session given in document A/C.6/38/L.10/Rev.1 were based on the assumption that the services available to the Commission would be used, on an alternate basis, by the Ad Hoc Committee. It was not a question of cost; it was physically impossible to provide additional services. The problem was not interpreters, but rooms.

65. Mr. MAYCOCK (Barbados) noted that, as the United Kingdom representative had said, it was probably not for the Sixth Committee to set the dates of the session. On the other hand, it was generally agreed that it would be useful for the Ad Hoc Committee to hold its session in Geneva.

66. Financial questions were within the competence of another Main Committee. The Sixth Committee's draft resolution might indicate that the General Assembly would like the Ad Hoc Committee to hold its session in Geneva; it would thus be left to the Committee on Conferences to allocate an appropriate period.

67. Mr. EDON (Benin) asked whether there could be a one-week extension of the Ad Hoc Committee's session to allow for a few additional meetings.

68. Mr. FIGUEROA (Department of Conference Services) said that he did not know when such an additional week of meetings could be accommodated; the problem would begin on 7 May and continue throughout the International Law Commission's session, in other words, until July.

69. Mr. EDON (Benin) asked whether, since the Ad Hoc Committee was currently scheduled to complete its work on 25 May, it could extend its session until 1 June for example.

70. Mr. FIGUEROA (Department of Conference Services) said that the Ad Hoc Committee could extend its session by one week, on condition that it shared the services made available to the International Law Commission.

71. Mr. FRANCIS (Chairman of the International Law Commission) said that that was not a solution. The Commission would be unable to share with the Ad Hoc Committee the services made available for the Commission's session.

72. Mr. JESUS (Cape Verde) suggested that the Sixth Committee should suspend its meeting for 10 minutes for consultations, with a view to reaching an agreement.

73. The CHAIRMAN replied that the meeting could not be suspended because interpretation was available only until 6.30 p.m.

74. Mr. ADEYEMI (Nigeria) proposed that the Ad Hoc Committee's session should be held in New York or in Geneva from 3 to 24 August 1984, as recommended by the Secretariat in document A/C.6/38/L.10.

75. Mr. ROSENSTOCK (United States of America) said that he appreciated the spirit of co-operation demonstrated by the Nigerian delegation. It might be possible to adopt the draft resolution on the basis of the dates 3 to 24 August. The Chairman of the Sixth Committee might request the Fifth Committee to consider the case of the Ad Hoc Committee, the International Law Commission and the Drafting Committee. The draft resolution might simply state that the Ad Hoc Committee's session would be held, without specifying the venue.

76. The CHAIRMAN said that the spirit of co-operation had prevailed. The draft resolution could be adopted on the basis of the suggestions made. If there were no objections, he would take it that the Committee wished to adopt by consensus draft resolution A/C.6/38/L.5, as orally revised.

77. It was so decided.

78. Mr. SCHRICKE (France) said he was surprised the Chairman could take it that the draft resolution was adopted when his delegation had asked to comment on the draft. In any event, the dates given in the draft resolution were rather peculiar; 3 August would fall on a Friday, an unusual day for the start of a session.

79. The CHAIRMAN said that the time of day and the day of the week were immaterial when there was a desire to work. The session could be held from 30 July to 24 August, and those dates could be included in the draft resolution just adopted by consensus.

80. Mr. SCHRICKE (France) said that the draft resolution could hardly be referred to as one adopted by consensus when his delegation had been attempting to obtain information on the text. He had raised his hand before the Chairman had declared the draft resolution adopted. If the draft resolution gave the dates 3 to 24 August and the Secretariat subsequently proposed 30 July, instead of 3 August, as the first day of the session, that would be an amendment to a decision supposedly adopted by consensus. It would be better to follow the United States suggestion and indicate in the draft resolution that the Ad Hoc Committee would meet for four weeks, without specifying the dates, in accordance with standard practice in the drafting of resolutions. The text still had to be adopted by the plenary Assembly; the problem could therefore still be settled.

81. The CHAIRMAN said that the French delegation's statement had to do with procedure, not with the substance of the draft resolution; it was therefore not contesting the draft, which had already been adopted.

The meeting rose at 6.30 p.m.