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FIFTH COMMITTEE
72nd meeting
held on
Friday, 11 December 1981
at 3 p.m.
New York

SUMMARY RECORD OF THE 72nd MEETING

Chairman: Mr. BRODODININGRAT (Indonesia)

Chairman of the Advisory Committee on Administrative
and Budgetary Questions: Mr. MSELLE

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AGENDA ITEM 107: PERSONNEL QUESTIONS (continued)

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30 December 1981

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The meeting was called to order at 3.45 p.m.

AGENDA ITEM 107: PERSONNEL QUESTIONS (continued) (A/C.5/36/L.16/Rev.1, A/C.5/36/L.36, L.37 and L.40)

1. Mr. van HELLENBERG HUBAR (Netherlands) reported that, in the course of the consultations that had followed the adjournment of the 71st meeting, the sponsors had maintained their offer to incorporate into draft resolution A/C.5/36/L.16/Rev.1 the oral amendments proposed by the representative of Jordan at that meeting; in their view, those amendments improved the draft resolution. The sponsors had also considered various other written and oral amendments proposed to the draft resolution and had offered to accept most of them, but only on condition that consensus was achieved by doing so. With the same proviso, they had offered to accept the second amendment proposed by Bulgaria in document A/C.5/36/L.40, namely, that the tenth preambular paragraph should be deleted. The sponsors had also been prepared to incorporate paragraph 2 of document A/C.5/36/L.36 on condition that a qualification was added to the effect that the wording proposed for the eighth preambular paragraph did not prejudice the provisions of the Vienna Convention on Consular Relations. In that connexion, he reminded the Committee that the sponsors had already incorporated amendments proposed by the German Democratic Republic and Ethiopia when they had revised the original version of the draft resolution.
2. The sponsors had been unable to agree to incorporate paragraphs 1, 3, 4 and 5 of document A/C.5/36/L.36, however, for the reasons given at the 71st meeting. He therefore regretted to report that, by a very narrow margin, consensus had proved impossible. The sponsors were prepared to incorporate the Jordanian amendments, even in the absence of consensus, however. They hoped that the Committee would take a decision on the matter immediately since any other course would be a rebuff to the Secretary-General and would postpone action on the problems and individuals concerned.
3. Mr. FARIS (Jordan) said that his delegation had proposed amendments to the draft resolution for the purpose of achieving consensus. Since consensus had not been achieved, he was formally withdrawing the amendments. He was grateful none the less to the sponsors and suggested that, if they considered the Jordanian amendments useful, the sponsors might retain them on their own initiative.
4. Mr. EL SAFTY (Egypt) observed that a decision had to be taken on the issue. His delegation had hoped for a consensus decision, but instead there was a draft resolution with various amendments plus an Iraqi proposal to defer the issue until the thirty-seventh session. The Iraqi representative had invoked rule 131 of the rules of procedure to request that his proposal should be given priority. His delegation also wished to have priority given to the Iraqi proposal and to request a vote thereon.
5. The CHAIRMAN invited the Committee to vote on whether to give priority to the proposal made by Iraq at the 71st meeting to defer consideration of the item until the thirty-seventh session and recommend its allocation to the Sixth Committee.

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6. Mr. GODFREY (New Zealand), speaking in explanation of his vote before the vote, said that his delegation would vote against giving priority to the Iraqi proposal. The draft resolution had been the subject of lengthy consultations: consensus had almost been achieved and there was a good chance that the draft resolution, with various amendments incorporated, would be adopted. The adoption of that proposal would be in the interest of the United Nations and its staff, and the sponsors had even offered to accept the Iraqi proposal that, at the thirty-seventh session, the question should be allocated to the Sixth Committee. The draft resolution should therefore be voted on first.
7. Mr. FALL OULD MAALOU (Mauritania) said that, when the time came, his delegation would vote in favour of the Iraqi proposal to defer consideration of the question, since it had legal and political implications which required that it should be dealt with by the Sixth Committee.
8. Mrs. DORSET (Trinidad and Tobago) said that her delegation would vote to give priority to the Iraqi proposal so that the Committee could get that proposal out of the way and finally take a decision on the draft resolution.
9. Mr. EL SAFTY (Egypt) said that his delegation would vote to give priority to the Iraqi proposal because that proposal would help the Committee to avoid an unnecessary confrontation.
10. Mr. BOUZARBIA (Algeria) said that his delegation would vote to give priority to the Iraqi proposal.
11. Mr. KANAKARATNE (Sri Lanka) observed that the purpose of the Iraqi proposal was to defer consideration of the item because of its legal and political ramifications. If the draft resolution was voted on before the Iraqi proposal, the whole purpose of the Iraqi proposal, namely to wait until consensus could be achieved on a very important issue, would be vitiated.
12. Mr. BUNC (Yugoslavia) said that his delegation respected negotiation and consensus and would therefore support the Iraqi proposal in order to avoid unnecessary confrontation.
13. Mr. STUART (United Kingdom) said that his delegation opposed the Iraqi proposal to defer consideration of the question. A lengthy process of consultation had taken place in an effort to reach consensus, and the draft resolution should therefore be voted on first.
14. The CHAIRMAN invited the Committee to vote on whether or not to give priority to the Iraqi proposal to defer consideration of the question of respect of the privileges and immunities of officials of the United Nations and specialized agencies until the thirty-seventh session and to recommend that the question should be allocated to the Sixth Committee.
15. By 48 votes to 39, with 11 abstentions, the Committee decided to give priority to the Iraqi proposal.

16. Mr. ROSENSTOCK (United States of America) said that, while his delegation was aware that deferring an issue often prevented unnecessary confrontation and disagreement, there were times when postponement was in itself definite action. The choice before the Committee was one of deciding whether or not it supported the United Nations and its staff.
17. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics), speaking on a point of order, observed that the representative of the United States was making a substantive statement. He asked whether that representative was explaining his vote or reopening the debate on the issue.
18. The CHAIRMAN appealed to delegations not to reopen the debate on the substantive aspects of the issue.
19. Mr. ROSENSTOCK (United States of America) said that he wished to make it clear that deferring the issue would not help to prevent confrontation but would be a rebuff to the United Nations and its staff, whom draft resolution A/C.5/36/L.16/Rev.1 sought to defend. The Legal Counsel had already pointed out that the draft resolution did not deal with the personal privileges and immunities of officials of the United Nations and specialized agencies but with the privileges and immunities of the organizations themselves. If the Committee deferred consideration of the item, it would be choosing not to take action on the case of a number of officials who had been detained and would also be preventing the Secretary-General from acting on their behalf. If it did so, some people would assume that it did not care about the staff of the various organizations or what happened to them. Every effort had been made to reach consensus, and the fact that those efforts had failed did not mean that the Committee should not act.
20. Mr. MAYCOCK (Barbados) said that his delegation saw no justification for deferring consideration of the question of respect of the privileges and immunities of officials of the United Nations and the specialized agencies until the following session. Draft resolution A/C.5/36/L.16/Rev.1 did not propose any radical measures, but merely represented the minimum which could be done to protect international civil servants. Deferring the question for another year would seriously erode the confidence of the staff, particularly those who served in the field, and might also result in prolonged imprisonment for those staff members who were being held incommunicado. A similar draft resolution might well not be submitted at the following session and Member States would then have failed in their duty to United Nations staff members. When the draft resolution had been adopted, his delegation would be happy to participate in a discussion of the broader aspects of the privileges and immunities of the international civil service in the Sixth Committee at the following session.
21. Mr. EL SAFTY (Egypt) said that all aspects of the question under consideration must be considered carefully and dispassionately in order to avoid confrontation. Although his Government fully supported the interests of the staff members of the United Nations and the specialized agencies, it also felt that confrontation would not serve the interests of those organizations or Member States and might seriously harm the Organization and further threaten the interests of staff members. The Iraqi proposal would provide the opportunity to study the question more thoroughly

(Mr. El Safty, Egypt)

and comprehend all its implications, and his delegation would vote in favour of it.

22. Mr. SAGRERA (Spain) said that, in addition to other good reasons for adopting draft resolution A/C.5/36/L.16/Rev.1, it would provide the incoming Secretary-General with the means to take firm action to protect the privileges and immunities of officials of the United Nations and the specialized agencies. If consideration of that question was deferred until the following session, that opportunity would be lost.

23. Mr. KANAKARATNE (Sri Lanka) said that the question under consideration was of vital importance to the long-term interests of the organizations in question, the international civil service and the sovereign rights of Member States. Although his delegation fully agreed with the statement made by the representative of the United States, it also felt that there was an important question of jurisdiction involved. The sponsors might have been better advised to submit draft resolution A/C.5/36/L.16/Rev.1 to the Sixth Committee or to seek a co-ordinated meeting of the Fifth and Sixth Committees to deal with such an important matter; that would have made it possible to produce a generally acceptable draft resolution.

24. His Government was fully aware of the rights, privileges and immunities of the international civil service and the degree to which they should be protected not only by the Secretary-General but, above all, by Member States. Nevertheless, the draft resolution did not take full account of the laws of Member States which were hosts to international organizations. Every effort should be made, therefore, to achieve a generally acceptable draft resolution which would deal in a balanced manner with the sovereign rights of Member States, the laws of host countries, the international functions of the Secretariat, and the privileges and immunities of staff members. His delegation therefore supported the Iraqi proposal and the arguments in its favour put forward by the representatives of Iraq and Democratic Yemen.

25. Mr. PEDERSEN (Canada) said that on the previous evening many representatives had probably seen a group of staff members assembled outside the Secretariat building pleading for delegations to help their imprisoned colleagues in various parts of the world. Delegations had the opportunity and obligation to help to ensure, through the Secretary-General and the executive heads of the specialized agencies, that justice was done in those cases in accordance with the relevant conventions on the privileges and immunities of international civil servants. To defer consideration of the question would be an abdication by Member States of their responsibilities under those conventions and would convey the message that it was not politically convenient to carry out those commitments. It might, in fact, result in prolonging the sentences of staff members who were already incarcerated. For humanitarian considerations, the members of the Committee could not in good conscience defer the matter any longer. Furthermore, help must be given to the incoming Secretary-General in the task of upholding the privileges and immunities of staff members. His delegation would therefore vote against the Iraqi proposal, and it requested a recorded vote on that proposal.

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26. Mrs. DORSET (Trinidad and Tobago) said that her delegation would vote against the Iraqi proposal. The question of respect of the privileges and immunities of officials of the United Nations and the specialized agencies was fully within the competence of the Fifth Committee under the agenda item on personnel questions. The Fifth Committee, which dealt with career development, salaries, pensions and so forth, should consider the entire situation of staff members of the Secretariat. Her delegation could not in good conscience agree to defer the consideration of the question until the following session. It was not a question of making new laws, but ensuring the application of existing laws in order to protect staff members. The relevant conventions and legal instruments already in force should be strictly observed.

27. Mr. MERIEUX (France) said that his delegation would vote against the Iraqi proposal because it was opposed to deferring consideration of the question on the pretext that there was no consensus. If consensus had to be reached on all questions having political implications, few decisions would be taken in the Committee. Furthermore, the practical implications of draft resolution A/C.5/36/L.16/Rev.1 merited immediate consideration.

28. Mr. RALLIS (Greece) said that his delegation had always supported the Secretary-General and the staff of the United Nations. The matter under consideration, which was of paramount importance for the Organization, should remain in the Fifth Committee and should be considered within the context of personnel questions involving the interests of the international civil service. His delegation would accordingly vote against the Iraqi proposal.

29. Miss ZONICLE (Bahamas) said that her delegation would abstain in the vote on the Iraqi proposal. The decision to abstain was based on what her delegation perceived as the primary issues addressed by the draft resolution and the amendments to it. Those issues included the non-implementation of the agreements referred to in paragraph 3 (a) of document A/C.5/36/31, which had resulted in hardship and even suffering for certain United Nations staff members; monitoring of the observance of international agreements; the duty of the Secretary-General with regard to the staff of the United Nations; and the implications for staff members of non-action by the Fifth Committee at the current session. Both the Fifth and the Sixth Committees had a responsibility under the Charter with regard to the question of respect of the privileges and immunities of officials of the United Nations and the specialized agencies. Immediate action should therefore be taken to prevent further hardship for staff members and to uphold Articles 97 and 100 of the Charter.

30. Mr. ASP (Sweden) said that his delegation would vote against the Iraqi proposal because the Committee should not reverse its decision to deal with the question. Furthermore, if the question were to be deferred until the following year, it might not receive the consideration it merited.

31. Mr. STUART (United Kingdom) said that his delegation would vote against the Iraqi proposal. It agreed completely with the statement made by the representative of Trinidad and Tobago.

32. Mr. BOUZARBIA (Algeria) said that his delegation would vote in favour of the Iraqi proposal. The question under consideration had become highly politicized and went beyond the rights and duties of international civil servants. Draft resolution A/C.5/36/L.16/Rev.1 did not take account of certain important legal aspects of the question, such as conflict between the laws of State and international law.

33. Ms. LOPEZ ORTEGA (Mexico) said that she would vote against the Iraqi proposal because her delegation was opposed in principle to postponing the taking of decisions from one session to another of the General Assembly, particularly when extensive negotiations had been undertaken to secure consensus.

34. Mr. ZINIEL (Ghana) said that the question under consideration was a neutral one. His delegation had considered the matter purely on the merits of the report of the Secretary-General, submitted in accordance with General Assembly resolution 35/212. Draft resolution A/C.5/36/L.16/Rev.1 dealt with general principles and made no specific references to any country or individual. His delegation firmly supported Article 100 of the Charter which laid down the obligations of staff members as international officials responsible only to the Organization and the duty of Member States to respect the exclusively international character of the responsibilities of the Secretary-General and the staff. The draft resolution in question was designed to remind both the staff and the Member States of their responsibilities. His delegation would vote against the Iraqi proposal in accordance with the position it had taken with regard to draft resolution A/C.5/36/L.27.

35. Mr. AL-KHAYYAL (United Arab Emirates) said that his delegation would vote in favour of the proposal by Iraq that the question should be deferred until the thirty-seventh session.

36. Mr. HICKEY (Australia) said that, as a sponsor of draft resolution A/C.5/36/L.16/Rev.1, he would vote against the proposal by Iraq. His delegation questioned the wisdom and responsibility of deferring the question. The Committee had very little time left in which to deal with a highly sensitive question, and it was very tempting to defer it. However, the easy way out was not always the right course. If the question was deferred, it might subsequently prove impossible to adopt a similar resolution; moreover, there would be serious consequences for some staff members who were still incarcerated.

37. He hoped that draft resolution A/C.5/36/L.16/Rev.1 would be adopted. The Secretary-General's report was not perfect, but it had been available for some time, and the question had been under discussion for a month. The sponsors of the draft resolution had had long discussions about it, had considered amendments and had made efforts to achieve a compromise by incorporating some of the proposals made by other delegations. However, some other proposals were contrary to the aim of the draft resolution, which was to protect United Nations staff in accordance with existing conventions, and it was therefore impossible to accept them.

38. There was nothing sinister about the draft resolution, which merely reminded Member States and the Secretary-General of the obligation to protect international staff. No new privileges were being conferred, and no encroachments on sovereignty

(Mr. Hickey, Australia)

were being made. The draft resolution did no more than recall provisions that already existed, and he only regretted that it had proved necessary to do so.

39. Mr. RICHTER (German Democratic Republic) referred to his statement at the 60th meeting that his country attached great importance to the observance of international agreements and international law; that applied also to the Conventions on privileges and immunities. At that meeting he had also said that the report by the Secretary-General in document A/C.5/36/31 showed that it was desirable to supplement the existing instruments, and that the German Democratic Republic would be glad to participate in efforts to that end in the competent body.

40. His delegation accordingly supported the proposal by Iraq.

41. Mr. BRUGAL (Cuba) said that draft resolution A/C.5/36/L.16/Rev.1 had many legal and political aspects which were outside the competence of the Fifth Committee. His delegation would accordingly support the proposal by Iraq to defer consideration of the question until the following session and to refer it to the Sixth Committee.

42. At the request of the representative of Canada, a recorded vote was taken on the proposal by the delegation of Iraq to defer the question until the thirty-seventh session and to recommend that it should be referred to the Sixth Committee.

In favour: Afghanistan, Algeria, Angola, Argentina, Bahrain, Benin, Brazil, Bulgaria, Burma, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Djibouti, Egypt, Ethiopia, German Democratic Republic, Guyana, Hungary, Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Malawi, Mauritania, Mongolia, Mozambique, Oman, Poland, Qatar, Romania, Sri Lanka, Syrian Arab Republic, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Viet Nam, Yemen, Zaire.

Against: Australia, Austria, Barbados, Belgium, Belize, Canada, Colombia, Costa Rica, Denmark, Ecuador, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Greece, Ireland, Italy, Jamaica, Japan, Kenya, Liberia, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Philippines, Portugal, Samoa, Senegal, Sierra Leone, Singapore, Solomon Islands, Spain, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Abstaining: Bahamas, Burundi, Central African Republic, Chile, Congo, Gabon, Guatemala, Guinea, India, Israel, Ivory Coast, Madagascar, Peru, Rwanda, Uganda, United Republic of Cameroon.

43. The proposal by Iraq was rejected by 51 votes to 41, with 16 abstentions.

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Draft resolution A/C.5/36/L.16/Rev.1, and amendments to it in documents
A/C.5/36/L.36, L.37 and L.40

44. Mr. FARIS (Jordan) said that in view of the rejection of the proposal by Iraq and after consultation with various delegations, he wished to resubmit the amendments he had originally proposed at the 71st meeting.

45. Mr. van HELLENBERG HUBAR (Netherlands) said that he believed that he was expressing the views of all the sponsors of draft resolution A/C.5/36/L.16/Rev.1 in thanking the representative of Jordan and accepting the amendments he proposed. The sponsors had discussed them at length, and believed they could bring the Fifth Committee nearer to a draft resolution that could be adopted by a broad majority.

46. Mr. FARIS (Jordan) said that he would read out the amendments in question. In the third preambular paragraph the words "Having considered" should be replaced by the word "Noting", and in the last preambular paragraph, the following words should be added after the word "immunities": "in accordance with the provisions of the second preambular paragraph above". In paragraph 1 the words "whether internationally or locally recruited" should be deleted, and the words "the relevant Conventions" should be replaced by "the relevant multilateral Conventions and bilateral agreements"; after the words "international law" the words "and in accordance with the provisions of the applicable bilateral agreements between the host country and the United Nations organizations or the specialized or related agency concerned" should be added. In paragraph 4 the words "inherent right and duty" should be replaced by the words "responsibility in accordance with the multilateral Conventions and the applicable bilateral agreements with the host country".

47. The CHAIRMAN said that, in accordance with the rules of procedure, the Committee should consider first the amendments in document A/C.5/36/L.36.

48. Mr. GEBRE-MEDHIN (Ethiopia) proposed that a separate vote should be taken on each paragraph of document A/C.5/36/L.36.

49. Mr. PEDERSEN (Canada) said that the representatives who had worked hard on draft resolution A/C.5/36/L.16/Rev.1 had tried to be objective and to produce a resolution that would be most effective in helping the Secretary-General to fulfil his responsibilities. His delegation would unfortunately be obliged to vote against the amendments in document A/C.5/36/L.36, because they went against the core of the resolution, and he believed that it was impossible to vote for both draft resolution A/C.5/36/L.16/Rev.1 and document A/C.5/36/L.36, since they were incompatible. The effect of the amendments would be a serious dilution of the principle of the Secretary-General's inherent rights and duties in respect of the protection of the functional immunities of the staff.

50. Mr. FALL OULD MAALOUM (Mauritania) said that for the reasons he had given during his explanation of vote on the proposal by Iraq, his delegation would abstain in the voting on the amendments in document A/C.5/36/L.36 and on draft resolution A/C.5/36/L.16/Rev.1.

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51. Mr. EL SAFTY (Egypt) said that his delegation would abstain in the voting on all the amendments and on the draft resolution itself; it regarded all the proposals as essentially unbalanced.

52. Mr. KANAKARATNE (Sri Lanka) asked whether the sponsors would agree to the proposal that, instead of having the new preambular paragraph proposed in document A/C.5/36/L.36 replace the eighth preambular paragraph of draft resolution A/C.5/36/L.16/Rev.1, it should be added as an additional preambular paragraph after the eighth preambular paragraph.

53. Mr. SAGRERA (Spain) said that the sponsors of draft resolution A/C.5/36/L.16/Rev.1 would necessarily have to regard a vote in favour of the amendments in document A/C.5/36/L.36 as a vote against the draft resolution.

54. Mr. BOUZARBIA (Algeria) said that, in view of the circumstances in which the debate had taken place in the Fifth Committee, his delegation would abstain in the voting on all the amendments and on draft resolution A/C.5/36/L.16/Rev.1.

55. Mr. ROSENSTOCK (United States of America) said his delegation would vote against the amendments in document A/C.5/36/L.36. The amendment proposed in paragraph 1 was tantamount to saying "for yes, read no". The fourth preambular paragraph of the draft resolution supported an important principle, and the amendment proposed to replace it by a statement that varying views were held.

56. With respect to the second amendment in document A/C.5/36/L.36, he would reflect on the proposal by Sri Lanka. However, paragraph 2 of the draft resolution was concerned with ensuring that staff observed the obligations incumbent upon them and accordingly, even if the wording of the amendment in question were to be added as an additional preambular paragraph, it would be superfluous.

57. The third amendment in document A/C.5/36/L.36 would change the text of the draft resolution by suggesting that the Secretariat should be stripped of the right to express interest in and concern about the situation of Secretariat officials who found themselves in difficulties, which might well include trial or detention. That would lead to a very unfortunate situation, in which members of the Secretariat were left stranded with no one to turn to for help.

58. Mr. MONTHE (United Republic of Cameroon) said that he disagreed with the view that to vote in favour of the amendment would be tantamount to rejecting the draft resolution; if that were so, the Legal Counsel would have indicated that the amendments were, in fact, new proposals and not amendments at all. Accordingly, they had to be treated as amendments, and their adoption would not mean rejection of the main proposal. That understanding would be the basis of his delegation's vote.

59. Draft resolution A/C.5/36/L.16/Rev.1 had been brought closer to his delegation's views as a result of the amendments proposed by the representative of Jordan.

60. Mr. LAHLOU (Morocco) said that he supported the proposal by Sri Lanka.

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61. Mr. MARTORELL (Peru) said that some delegations had decided earlier that if the decision was taken to proceed with the discussion in the Fifth Committee on the rights and privileges of the United Nations and the specialized agencies, they would give full support to the draft resolution.

62. There had been an opportunity for careful study of the amendments, and the delegations concerned had noted that, while the issue of referring the question to another Committee had arisen, the Fifth Committee had taken a sovereign decision to discuss the question itself. The sponsors had made every effort to secure consensus by accepting a number of amendments. In view of those facts, his delegation was unable to support any of the amendments, and fully endorsed the draft resolution as it stood.

63. The CHAIRMAN announced that the sponsors had decided to accept the proposal by Sri Lanka that the text of the second amendment in document A/C.5/36/L.36 should be added as an additional preambular paragraph after the eighth preambular paragraph of the draft resolution.

64. Mr. ROSENSTOCK (United States of America) said that his delegation would have no difficulty whatever with wording recalling the obligations of the staff. However, he wished to make it clear that there was no question of the observance of the obligations in question being a pre-condition for the privileges and immunities.

65. The CHAIRMAN invited the Committee to vote on the amendments in document A/C.5/36/L.36, paragraph by paragraph.

66. A recorded vote was taken on each paragraph of document A/C.5/36/L.36.

Paragraph 1

In favour: Afghanistan, Angola, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Lao People's Democratic Republic, Madagascar, Malawi, Mongolia, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Against: Australia, Austria, Bahamas, Barbados, Belgium, Belize, Canada, Colombia, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Ghana, Greece, Ireland, Israel, Italy, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire.

Abstaining: Algeria, Argentina, Bahrain, Brazil, Burundi, Central African Republic, Chile, China, Congo, Egypt, Gabon, Guatemala, Guinea,

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Guinea-Bissau, Guyana, Ivory Coast, Kenya, Mauritania, Nigeria, Oman, Rwanda, Tunisia, Uganda, United Republic of Cameroon, Zambia.

67. Paragraph 1 of document A/C.5/36/L.36 was rejected by 51 votes to 21, with 25 abstentions.

Paragraph 2

68. The CHAIRMAN invited the Committee to vote on paragraph 2, as orally amended by the representative of Sri Lanka, with the agreement of the sponsors of document A/C.5/36/L.36. That amendment would have the effect of making the words "Recalling also the obligations of the staff in the conduct of their duties, to observe the laws and regulations of Member States" a new additional preambular paragraph that would follow the eighth preambular paragraph of draft resolution A/C.5/36/L.16/Rev.1 instead of replacing it.

In favour: Afghanistan, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Belize, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Chile, Costa Rica, Cuba, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Greece, Guatemala, Hungary, India, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Lao People's Democratic Republic, Lebanon, Luxembourg, Madagascar, Malawi, Mexico, Mongolia, Morocco, Netherlands, New Zealand, Norway, Oman, Panama, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Senegal, Singapore, Spain, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, United Republic of Cameroon, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire.

Against: Colombia, Germany, Federal Republic of, Ghana, Liberia, Papua New Guinea, Solomon Islands, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Algeria, Angola, Bahamas, Brazil, Central African Republic, China, Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Guyana, Mauritania, Nigeria, Sierra Leone, Tunisia, Zambia.

69. Paragraph 2 of document A/C.5/36/L.36, as orally amended, was adopted by 75 votes to 8, with 17 abstentions.

70. Mr. AKAKPO (Togo) said that he had not participated in the vote because it had not been clear to him what the amendment involved, but on reflection he asked to be recorded as having voted for the amendment.

71. Mr. MAUALA (Solomon Islands) said that he wished to change his vote on paragraph 2 of document A/C.5/36/L.36, as amended, and to be recorded as having voted in favour of instead of against it.

Paragraph 3

In favour: Afghanistan, Angola, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, Chile, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Lao People's Democratic Republic, Malawi, Mongolia, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yugoslavia.

Against: Australia, Bahamas, Barbados, Belgium, Belize, Canada, Colombia, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Ghana, Greece, Ireland, Israel, Italy, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Zaire.

Abstaining: Algeria, Argentina, Austria, Bahrain, Brazil, Burundi, China, Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Guyana, Ivory Coast, Kenya, Mauritania, Nigeria, Oman, Qatar, Rwanda, Sierra Leone, Tunisia, United Republic of Cameroon, Zambia.

72. Paragraph 3 of document A/C.5/36/L.36 was rejected by 51 votes to 23, with 24 abstentions.

Paragraph 4

In favour: Afghanistan, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Hungary, Lao People's Democratic Republic, Madagascar, Mongolia, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republic, Viet Nam.

Against: Australia, Austria, Barbados, Belgium, Belize, Canada, Colombia, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Ghana, Greece, Ireland, Italy, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Zaire.

Abstaining: Algeria, Argentina, Bahamas, Bahrain, Brazil, Burundi, Central African Republic, China, Congo, Egypt, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Israel, Ivory Coast, Kenya,

Malawi, Mauritania, Oman, Rwanda, Sierra Leone, Tunisia, United Republic of Cameroon, Yugoslavia, Zambia.

73. Paragraph 4 of document A/C.5/36/L.36 was rejected by 52 votes to 19, with 28 abstentions.

Paragraph 5

In favour: Afghanistan, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, Gabon, German Democratic Republic, Hungary, Lao People's Democratic Republic, Madagascar, Mongolia, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

Against: Australia, Austria, Bahamas, Barbados, Belgium, Belize, Canada, Chile, Colombia, Costa Rica, Denmark, Finland, France, Germany, Federal Republic of, Ghana, Greece, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Lebanon, Liberia, Luxembourg, Malawi, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire.

Abstaining: Algeria, Argentina, Bahrain, Brazil, Burundi, Central African Republic, China, Congo, Egypt, Guatemala, Guinea, Guinea-Bissau, Guyana, India, Ivory Coast, Mauritania, Oman, Qatar, Rwanda, Sierra Leone, Tunisia, United Republic of Cameroon, Zambia.

74. Paragraph 5 of document A/C.5/36/L.36 was rejected by 59 votes to 20, with 23 abstentions.

75. Mr. GODFREY (New Zealand) requested a separate vote on the individual amendments in document A/C.5/36/L.37. His delegation had no particularly strong feelings regarding the proposed new paragraph 2 but would find it more acceptable if the sponsor agreed to add at the end of that paragraph the words ", without prejudice to the Vienna Convention on Consular Relations of 1963."

76. With regard to the proposed new paragraph 3, his delegation was not opposed to having a comparative analysis made of the privileges and immunities enjoyed by staff in headquarters countries but considered that the proposed new paragraph 4 prejudged the results of that study. If the proposed new paragraph 3 was to be adopted, it should appear elsewhere in the resolution since it dealt with the privileges of staff and not with their immunities.

77. Mr. KUDRYAVTSEV (Union of Soviet Socialist Republics) said that he could accept the New Zealand suggestion to include a reference to the Vienna Convention in the proposed new paragraph 2. He would, moreover, withdraw his delegation's

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(Mr. Kudryavtsev, USSR)

proposal to add a new paragraph 4. However, he pointed out that his delegation had also proposed in the working group the addition of another new paragraph, to read as follows:

"Decides that, starting from its thirty-seventh session, the item entitled 'Respect for the privileges and immunities of officials of the United Nations and the specialized agencies' should be considered by the Sixth Committee of the General Assembly."

It was his understanding that that paragraph was agreeable to the sponsors of the draft resolution.

78. Mr. van HELLENBERG HUBAR (Netherlands) said that the inclusion of the paragraph proposed orally by the Soviet delegation would not enhance the quality of the draft resolution. In fact, it ran counter to the decision taken earlier in the meeting to have the matter discussed in the Fifth Committee.

79. Mr. ROSENSTOCK (United States of America) said that his delegation would vote against all the amendments proposed in document A/C.5/36/L.37 because they distorted the focus of the draft resolution. Neither the history of the item nor any of the reports submitted to the General Assembly suggested that any of the issues raised by the proposed amendments lay at the core of the problem. The proposed new paragraph 2 was unnecessary and created problems. Where there were relations of nationality between a United Nations staff member and a State which had arrested or detained that staff member, it could be presumed that the proposed provision was operative under law. Where the State of nationality had no diplomatic relations with the State with which the staff member had encountered problems, legal difficulties would arise.

80. The comparative analysis requested in the proposed new paragraph 3 was similar to one made in 1974. It would be a waste of resources to organize another study since no substantial changes had occurred in the intervening period.

81. Mr. PEDERSEN (Canada) said that he had no objections to the proposed new paragraph 2, although it was redundant. His delegation could support that paragraph, as amended by the representative of New Zealand.

82. As to the new paragraph proposed orally by the Soviet delegation, his delegation considered that, if the Sixth Committee was to deal with the item, it should consider only the legal aspects, while the personnel aspects should remain before the Fifth Committee. The new paragraph should be placed at the end of the operative part of the draft resolution.

83. Mr. HICKEY (Australia) said that the new paragraph proposed orally by the Soviet delegation was procedurally incorrect. The Fifth Committee could not decide that an item would be considered by the Sixth Committee; it could only recommend that course.

84. The CHAIRMAN said that the draft resolution would be a recommendation from the Fifth Committee to the General Assembly and, if adopted in plenary meeting, it would constitute a decision of the General Assembly as a whole.

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85. Mr. ZINIEL (Ghana) said that the proposed new paragraph 2 might well conflict with Article 100 of the Charter.

86. Mr. SLØRDAHL (Norway) said that, as a sponsor of draft resolution A/C.5/36/L.16/Rev.1, he did not think that any of the new paragraphs proposed in document A/C.5/36/L.37 was acceptable and would vote against them.

87. Mr. SAGRERA (Spain) said that he wished to make his delegation's position absolutely clear. It had agreed in the working group, earlier in the day, in a spirit of flexibility, to the Soviet suggestion to have the legal aspects of the question referred to the Sixth Committee and the personnel aspects to the Fifth Committee. However, the working group had subsequently failed to reach consensus on the matter.

88. Mr. HICKEY (Australia) said that his delegation would vote against all the new paragraphs proposed in document A/C.5/36/L.37.

89. A recorded vote was taken on proposed new paragraph 2, as amended.

In favour: Afghanistan, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Gabon, German Democratic Republic, Hungary, India, Lao People's Democratic Republic, Madagascar, Mongolia, Poland, Romania, Sri Lanka, Syrian Arab Republic, Trinidad and Tobago, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, Viet Nam, Yemen, Yugoslavia.

Against: Australia, Austria, Barbados, Belgium, Belize, Canada, Chile, Colombia, Costa Rica, Denmark, Ethiopia, Finland, France, Germany, Federal Republic of, Ghana, Greece, Ireland, Israel, Italy, Japan, Liberia, Luxembourg, Malawi, Malaysia, Mexico, Morocco, Netherlands, Nigeria, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Spain, Sweden, Thailand, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire, Zambia.

Abstaining: Algeria, Argentina, Bahamas, Bahrain, Brazil, Central African Republic, China, Congo, Egypt, Guatemala, Guinea, Guinea-Bissau, Guyana, Ivory Coast, Jamaica, Kenya, Lebanon, Mauritania, Qatar, Rwanda, Sierra Leone, Sudan, Tunisia, Uganda.

90. Proposed new paragraph 2, as amended, was rejected by 48 votes to 27, with 24 abstentions.

91. A recorded vote was taken on proposed new paragraph 3.

In favour: Afghanistan, Benin, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen,

Ethiopia, German Democratic Republic, Hungary, India, Ivory Coast, Lao People's Democratic Republic, Lebanon, Madagascar, Malawi, Mongolia, New Zealand, Poland, Romania, Sri Lanka, Syrian Arab Republic, Trinidad and Tobago, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Cameroon, Viet Nam, Yemen, Yugoslavia.

Against: Australia, Barbados, Belgium, Belize, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, France, Germany, Federal Republic of, Ghana, Greece, Guatemala, Ireland, Israel, Italy, Japan, Kenya, Liberia, Luxembourg, Malaysia, Mexico, Morocco, Netherlands, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Spain, Sweden, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire, Zambia.

Abstaining: Algeria, Argentina, Austria, Bahamas, Bahrain, Brazil, Central African Republic, China, Congo, Egypt, Finland, Gabon, Guinea, Guinea-Bissau, Guyana, Jamaica, Mauritania, Oman, Qatar, Rwanda, Sierra Leone, Sudan, Tunisia, Uganda.

92. Proposed new paragraph 3 was rejected by 48 votes to 30, with 24 abstentions.

93. A recorded vote was taken on the new paragraph proposed orally by the representative of the Soviet Union.

In favour: Afghanistan, Argentina, Bahrain, Belize, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, Gabon, German Democratic Republic, Guyana, Hungary, India, Israel, Lao People's Democratic Republic, Malawi, Mongolia, Poland, Romania, Rwanda, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Viet Nam, Yemen, Yugoslavia.

Against: Australia, Austria, Barbados, Belgium, Canada, Chile, Colombia, Costa Rica, Denmark, Ecuador, Finland, France, Germany, Federal Republic of, Ghana, Greece, Ireland, Italy, Jamaica, Japan, Lebanon, Liberia, Luxembourg, Malaysia, Mexico, Netherlands, Nigeria, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Spain, Sweden, Thailand, Togo, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Zambia.

Abstaining: Algeria, Bahamas, Brazil, Burundi, Central African Republic, China, Congo, Egypt, Guatemala, Guinea, Guinea-Bissau, Ivory Coast, Kenya, Madagascar, Mauritania, Morocco, New Zealand, Qatar, Sierra Leone, Sudan, Tunisia, Uganda, United Republic of Cameroon, Venezuela, Zaire.

94. The new paragraph proposed orally by the representative of the Soviet Union was rejected by 45 votes to 31, with 25 abstentions.

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95. Mr. OKWARO (Kenya) said that his delegation supported the Jordanian amendments, which covered all matters of concern to his delegation. Since the sponsors of draft resolution A/C.5/36/L.16/Rev.1 had agreed to those amendments, he saw no reason to defer the matter until the following session, although he had no objection to the Sixth Committee looking into the matter. His delegation had therefore voted against the motion to defer consideration of the draft resolution until the following session.

96. The CHAIRMAN invited the Committee to vote on the amendments in document A/C.5/36/L.40, as revised.

97. A recorded vote was taken on paragraph 1 of document A/C.5/36/L.40, as revised.

In favour: Afghanistan, Argentina, Bahrain, Benin, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Chile, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Guatemala, Hungary, India, Kenya, Lao People's Democratic Republic, Lebanon, Madagascar, Malawi, Mongolia, Morocco, Panama, Poland, Romania, Rwanda, Sri Lanka, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Uruguay, Viet Nam, Yemen.

Against: Australia, Austria, Bahamas, Barbados, Belgium, Belize, Canada, Colombia, Costa Rica, Denmark, Ecuador, Finland, France, Germany, Federal Republic of, Ghana, Greece, Ireland, Israel, Italy, Jamaica, Japan, Liberia, Luxembourg, Malaysia, Mexico, Netherlands, New Zealand, Nigeria, Norway, Papua New Guinea, Peru, Philippines, Portugal, Samoa, Singapore, Solomon Islands, Spain, Sweden, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire, Zambia.

Abstaining: Algeria, Burundi, Central African Republic, China, Congo, Egypt, Gabon, Guinea, Guinea-Bissau, Guyana, Ivory Coast, Mauritania, Senegal, Sierra Leone, Tunisia, Uganda, United Republic of Cameroon, Venezuela, Yugoslavia.

98. Paragraph 1 of document A/C.5/36/L.40, as revised, was rejected by 45 votes to 34, with 19 abstentions.

99. A recorded vote was taken on paragraph 2 of document A/C.5/36/L.40, as revised.

In favour: Afghanistan, Benin, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, Hungary, Lao People's Democratic Republic, Madagascar, Mongolia, Poland, Romania, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam, Yemen.

Against: Australia, Austria, Bahamas, Barbados, Belgium, Belize, Canada, Colombia, Costa Rica, Denmark, Ecuador, Finland, France, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece,

India, Ireland, Israel, Italy, Jamaica, Japan, Kenya, Lebanon, Liberia, Luxembourg, Malawi, Malaysia, Mexico, Morocco, Netherlands, New Zealand, Nigeria, Norway, Panama, Papua New Guinea, Peru, Philippines, Portugal, Samoa, Senegal, Singapore, Solomon Islands, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire, Zambia.

Abstaining: Algeria, Argentina, Bahrain, Brazil, Burundi, Central African Republic, Chile, China, Congo, Egypt, Gabon, Guatemala, Guinea, Guinea-Bissau, Guyana, Ivory Coast, Mauritania, Rwanda, Sierra Leone, Tunisia, Uganda, United Republic of Cameroon, Yugoslavia.

100. Paragraph 2 of document A/C.5/36/L.40, as revised, was rejected by 57 votes to 19, with 23 abstentions.

101. Mr. CULLEN (Argentina) said that the Spanish text of the third preambular paragraph of draft resolution A/C.5/36/L.16/Rev.1 needed to be brought into line with the original English.

102. Mr. van HELLENBERG HUBAR (Netherlands) said that he had omitted to mention in his statement at the preceding meeting that Ghana had become a sponsor of draft resolution A/C.5/36/L.16/Rev.1.

103. Mr. BANGURA (Sierra Leone) said that his delegation had abstained in the votes on the amendments contained in documents A/C.5/36/L.36, L.37 and L.40 and would abstain on draft resolution A/C.5/36/L.16/Rev.1, as amended, as a whole. His country had an outstanding record with regard to the treatment of international civil servants and his delegation's abstention merely reflected its view that the issues raised by the draft resolution transcended administrative and budgetary considerations. The Fifth Committee could have benefited considerably and the draft resolution been enriched if the views of the Sixth Committee had at least been sought. His delegation's abstention should not in any way cast doubt on his country's firm commitment to protect the international civil servants serving in Sierra Leone.

104. The CHAIRMAN said that separate votes had been requested on the fourth preambular paragraph and paragraphs 1 and 4, as amended.

105. The fourth preambular paragraph was adopted by 70 votes to 13, with 18 abstentions.

106. Paragraph 1, as amended, was adopted by 70 votes to 14, with 17 abstentions.

107. Paragraph 4, as amended, was adopted by 72 votes to 14, with 16 abstentions.

108. A recorded vote was taken on draft resolution A/C.5/36/L.16/Rev.1, as amended, as a whole.

In favour: Argentina, Australia, Austria, Bahamas, Barbados, Belgium, Belize, Benin, Burma, Burundi, Canada, Central African Republic,

Chile, Colombia, Costa Rica, Denmark, Ecuador, Ethiopia, Finland, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Guatemala, India, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Lebanon, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Mexico, Morocco, Nepal, Netherlands, New Zealand, Nigeria, Norway, Oman, Panama, Papua New Guinea, Peru, Philippines, Portugal, Qatar, Rwanda, Samoa, Senegal, Singapore, Solomon Islands, Spain, Sri Lanka, Sudan, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United States of America, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Afghanistan, Algeria, Bahrain, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, China, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, German Democratic Republic, Guinea, Guinea-Bissau, Guyana, Hungary, Lao People's Democratic Republic, Mauritania, Mongolia, Poland, Romania, Sierra Leone, Syrian Arab Republic, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

109. Draft resolution A/C.5/36/L.16/Rev.1, as amended, as a whole, was adopted by 78 votes to none, with 27 abstentions.

110. Mr. SITUSI (Malawi) said that his delegation had voted in favour of the amendment to paragraph 1 proposed by the delegations of Ethiopia and the German Democratic Republic and in favour of the draft resolution, as amended, as a whole. It reserved its position, however, with regard to paragraph 1.

111. Mr. GEBRE-MEDHIN (Ethiopia) said that his delegation had voted in favour of the draft resolution as a whole as a demonstration of his country's commitment to respect the privileges and immunities of the staff of the United Nations and because some of its amendments had been approved by the Committee or taken into account by the Jordanian amendments that had been accepted. However, it had reservations regarding paragraphs 1 and 4, which it had set forth at earlier meetings.

112. Mr. ORON (Israel) said that his delegation was pleased to have been able to support the draft resolution as a whole. Israel was a party to the 1946 Convention on the Privileges and Immunities of the United Nations and accordingly maintained proper relations with the agencies of the United Nations operating in its region. Israel's relations with UNRWA were governed by a specific agreement of 14 June 1967. The Israeli authorities endeavoured to give prompt notice to the Agency and the family concerned in the case of the arrest of a staff member, irrespective of whether he or she was locally or internationally recruited. He was not aware of any case in which an individual had been arrested or detained because of any act relating to his functions as a United Nations staff member.

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113. Mr. FARIS (Jordan) said that his delegation had voted in favour of the draft resolution as a whole but had reservations with regard to the third preambular paragraph, which referred to a report of the Secretary-General (A/C.5/36/31) which lacked accuracy and used misleading terms relating to his country's name. The term "east Jordan" had been used improperly instead of his country's official name, which had since 1946 been the "Hashemite Kingdom of Jordan". The United Nations dealt not with geography but rather with sovereign States having officially recognized names and boundaries.

114. He noted with dissatisfaction that no reference had been made, in connexion with the West Bank, to the fact that it had been an occupied territory since 1967, as both the Security Council and the General Assembly recognized. His country was accused in the report of the Secretary-General of violating various conventions and agreements without being given an opportunity to defend itself. He therefore rejected the report as it stood and requested that a corrigendum should be issued. He expressed the hope that the provisions of the draft resolution would be complied with in the occupied Arab territories where Israel was violating not only the Convention on the Privileges and Immunities of the United Nations but other relevant agreements.

115. Mr. GEPP (Brazil) said that a number of the issues raised by draft resolution A/C.5/36/L.16/Rev.1 required further legal study and that, for that reason, his delegation had abstained in the voting.

116. Mr. SHERMAN (Liberia) said that his delegation had voted in favour of the draft resolution. In difficult and protracted negotiations the sponsors had demonstrated their openmindedness by incorporating the views of various Members, and the final product was well balanced.

117. Mr. GALLEGOS (Chile) said that his delegation had voted in favour of the draft resolution in order to express support for its general aim, as a reaffirmation of the various conventions in force relating to the privileges and immunities of United Nations staff. His delegation had abstained in the voting on paragraph 1 because it would have preferred a clearer statement that in no case did the privileges and immunities of United Nations staff affect the independence of the national judiciary or the domestic laws of Member States.

118. Mr. BUNC (Yugoslavia) said that he had voted in favour of the draft resolution because of his strong support for the work of the United Nations and its agencies. His delegation's vote should be understood as an affirmation of both the privileges and immunities of staff and their duties and responsibilities. A number of legal issues raised by the draft resolution required further consideration.

119. Mr. YOUNIS (Iraq) said that his delegation had proposed deferring the question until the following session because the discussion at the current session had revealed diverging views and because the draft resolution dealt with political and legal matters falling outside the Fifth Committee's sphere of competence. As it considered a precipitate decision unwise, his delegation had not participated in the vote. That did not mean that his Government did not respect the Conventions of 1946 and 1947. On the contrary, as the future host country of ECWA, it was providing every possible assistance to the United Nations and its staff.

The meeting rose at 6.35 p.m.