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GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE SIXTY-EIGHTH MEETING

Held at Headquarters, New York,
on Thursday, 12 November 1987, at 3 p.m.

President: Mr. FLORIN (German Democratic Republic)

later: Mr. MASRI (Vice-President) (Syrian Arab Republic)

- Judgment of the International Court of Justice of 27 June 1986 concerning military and paramilitary activities in and against Nicaragua: need for immediate compliance: [30]

- (a) Report of the Secretary-General
- (b) Draft resolution

- Adoption of the agenda and organization of work [8] (continued)

- (a) First report of the General Committee
- (b) Amendment

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

AGENDA ITEM 30 (continued)

JUDGMENT OF THE INTERNATIONAL COURT OF JUSTICE OF 27 JUNE 1986 CONCERNING MILITARY AND PARAMILITARY ACTIVITIES IN AND AGAINST NICARAGUA: NEED FOR IMMEDIATE COMPLIANCE

- (a) REPORT OF THE SECRETARY-GENERAL (A/42/712)
- (b) DRAFT RESOLUTION (A/42/L.23)

Mr. GBEHO (Ghana): On behalf of the Ghana delegation and on my own behalf, I wish to congratulate you most warmly, Sir, on the skill, tolerance and good humour that you continue to bring to bear in discharging of your duties as President of this Assembly.

The Ghana delegation is participating in the present debate concerning the 1986 Judgment of the International Court of Justice on Nicaragua's complaint against the United States because the unfortunate situation in that part of Central America which the Judgment addressed continues to persist. The implication of this condition is that there are some Member States who, contrary to the dictates of the Charter, have no qualms in setting international law aside in order to advance their own objectives in the matter. For as long as our Organization continues to uphold the purposes and principles of the Charter and, especially, to seek peace and security globally, we believe that the General Assembly should continue to give serious attention to this regrettable situation which threatens the future of the United Nations.

The circumstance of Nicaragua, which manifests in heroic detail the resistance of a small nation against the forceful impositions of a mighty neighbour, invites reflection on the course of international relations systematically elaborated by the provisions of the Charter. The conclusion of the Esquipulas Agreement also compels commendation as an act of exceptional will by the five countries of Central

(Mr. Gbeho, Ghana)

America to overcome historic odds in the pursuit of peace and development for the community of peoples in that region.

Thus, in the articulation of the Esquipulas Agreement establishing the foundations for peace, the triumph of resistance cannot be unrelated to the obvious advantage of a common agreement on peace and mutual understanding. The Ghana delegation applauds the spirit of determination and common endeavour that epitomizes the universal desire for peace in security.

Clearly, the option for peace and the methods of peace were endorsed and given prominence by the Judgment of the International Court of Justice in June 1986, a fact which cannot be lost on all who are attached to the principles of justice as well as international law and order.

The case of military and paramilitary activities in and against Nicaragua is a matter of fact which, in its breadth, involves issues of singular importance to the cohesiveness and purpose of the international community. The decision of the International Court has detailed consequences for law and order, peace and security, sovereign equality and the right of peoples to choose their own way of life in the political, economic, and social realm, concepts which in their totality and daily expression touch on all nations and peoples. The decision is in many respects also an affirmation of the unity in diversity of the international community, and a strong rebuke to arbitrariness and methods of naked power, which are unequivocally prohibited by the Charter and international law.

There are some choice passages in the Judgment of the Court reference to which bear instruction for all Member States. The Ghana delegation was particularly struck by the discussion on whether in fact it can be said that a right of ideological intervention has so evolved as to be recognized by international law. It is undoubtedly a purported right which, if acknowledged, would have concrete

(Mr. Gbeho, Ghana)

relevance to the viability of the principles of non-intervention, the sovereign equality of States and prohibition of the use of force.

In determining whether or not a right exists under international law justifying intervention in the affairs of another State on ideological and other grounds, the Court pondered the question whether

"there might be indications of a practice illustrative of a belief in a kind of general right for States to intervene, directly or indirectly, with or without armed force, in support of an internal opposition in another State, whose cause appeared particularly worthy by reason of the political and moral values with which it was identified". (S/18221, annex, para. 206)

Indeed, such a claim seemed explicitly to govern the actions of the party against which the complaint of military and paramilitary activities had been filed, evidenced in that party's use and support of mercenary bands against Nicaragua, a matter which in the factual circumstances of the case had significant import and required careful analysis by the Court. Consequently, in outlining the factual basis for such a preoccupation, the Court observed in some detail that

"The United States authorities have on some occasions clearly stated their grounds for intervening in the affairs of a foreign State for reasons connected with, for example, the domestic policies of that country, its ideology, the level of its armaments, or the direction of its foreign policy". (para. 207)

These justifications the Court correctly described as mere statements of international policy and not assertions of the rules of existing international law. Further, the Court observed that

"no such general right of intervention, in support of an opposition within another State, exists in contemporary international law ... acts constituting a

(Mr. Gbehoo, Ghana)

breach of the customary principle of non-intervention will also, if they directly or indirectly involve the use of force, constitute a breach of the principle of non-use of force in international relations". (para. 209)

Unfortunately, the thrust of the clear and explicit decision of the Court has not yielded the requisite compliance by the party found to be in violation of norms clearly affirmed as compelling observance under both customary international law and the Charter of the United Nations.

What has occurred in practice has been a continuation of the policy of arming and financing the so-called contras for systematic incursion into Nicaraguan territory in pursuit of illegal and aggressive policies.

(Mr. Gbeho, Ghana)

This is a state of affairs which no Member of the United Nations should find comfort in. For it implies that the principles of the Charter and various instruments of international law have meaning only if they apply to the weak, that those who can assemble divisions of military might and armadas of naval superiority are exempt from the import of those principles. My delegation fears that this warped argumentation or supercilious attitude to international law may very well spell doom to the United Nations unless it is actively discouraged.

Significantly, the conceptual underpinnings informing the Judgment of the International Court of Justice is given life and vital expression in paragraph 1 of article 5 of the Esquipulas Agreement, which states:

"The Governments of the five Central American States shall request Governments of the region and Governments from outside the region which are providing either overt or covert military, logistical, financial or propaganda support, in the form of men, weapons, munitions and equipment, to irregular forces or insurrectionist movements to terminate such aid; this is vital if a stable and lasting peace is to be attained in the region". (A/42/521, annex, p. 6)

Thus is the illegal policy unequivocally rejected by those it is ostensibly designed to assist.

Gone are the days when the international order was premised on a balance of power formulated, policed and maintained by a private and exclusive club of great Powers; when unilateral acts by these Powers against smaller nations were acceptable as the norm in so far as they did not violate the perquisites of the tenuous demarcation of the world into "spheres of influence". That is the message of Esquipulas.

(Mr. Gbeho, Ghana)

There is a profound and creative will at work in Central America today which demands our attention and respect, a collective will which has chartered for itself principles of such sanctity as to humble the mighty and the meek. The five countries of Central America have determined in the preamble to their agreement to take up fully the historical challenge of forging a peaceful destiny for Central America; to commit themselves to the struggle for peace and the elimination of war; to make dialogue prevail over violence and reason over hatred; to dedicate these peace efforts to the young people of Central America, whose legitimate aspirations to peace and social justice, freedom and reconciliation have been frustrated for many generations.

The lessons of the history of that region compel my delegation to urge an end to acts of unilateralism exemplified by the stubborn insistence on continuing the financing and arming of the contras, acts which in their aggressive intentions violate the noble ideals of Esquipulas and the purposes and principles upon which the Charter of the United Nations is founded. It is also imperative that we unite to rebuke such blatant infractions, for they jeopardize our collective existence and security.

Let me conclude by conveying the respect and felicitations of the Government and people of Ghana to the Contadora and Support Groups for the wisdom and courage they have exhibited in the search for peace in their sub-region. Our special congratulations and solidarity go to Nicaragua, which, in the terrible conditions I have just described, not only has managed to survive aggression and destabilization but has also been magnanimous enough to implement the Esquipulas agreement. We should also like to join in doing honour to President Arias of Costa Rica and all the other Central American Presidents for the leadership role they have played in this matter. We hope that the labour and toil of all Central Americans will soon be crowned with success.

Mr. DELPECH (Argentina) (interpretation from Spanish): On several occasions in the past Argentina has spoken in the General Assembly or the Security Council on various aspects of the Central American crisis and voiced its concern at the effects that the prolongation or deterioration of that crisis could have on the entire hemisphere.

This time we can speak in a much more optimistic context, because the decisiveness, courage and resolve of the Presidents of Costa Rica, El Salvador, Honduras, Guatemala and Nicaragua have set in motion a mechanism for peace and reconciliation which, with the support of all, offers the best possible opportunity of finding a lasting solution to the tragic conflicts confronting our sister region, Central America.

The agreement which those countries signed in Guatemala in August received recognition with the awarding to President Arias of the Nobel Peace Prize. That agreement includes some practical elements that are necessary to the resolution of the crisis. Furthermore, it is based on sound principles of international law whose observance is essential to any just and lasting settlement.

Non-interference in the internal affairs of States, non-intervention, respect for territorial integrity, non-use or threat of the use of force, peaceful settlement of disputes and respect for the human rights and fundamental freedoms of all, and the embodiment of those principles in norms of international law, constitute one of the most significant steps of this century towards the establishment of civilized relations among nations. We must say that Latin American legal thinking made a considerable contribution to that.

In the context of the United Nations the International Court of Justice, as one of the principal organs under the Charter, plays the fundamental role of ensuring respect for and compliance with those norms. The main legal systems of

(Mr. Delpech, Argentina)

the world are represented in the Court, and its prestige is the result of the responsible and conscientious work it has done over a number of decades. In the case of its Judgment of 27 June 1986, the Court has merely applied existing principles of international law, in conformity with the United Nations Charter. As I have stated, those principles are also contained in the Esquipulas II agreements, which offer the hope that peace can be achieved in Central America.

We believe that respect for international law is a fundamental element of the conduct of relations among States. In our view, that implies compliance with this Judgment of the International Court of Justice.

The peace process under way in Central America can give grounds for optimism if it is supported by everyone. Argentina, together with the other members of the Contadora Support Groups, as well as the Secretaries-General of the United Nations and the Organization of American States, is actively co-operating to ensure the success of that process. We urge all the members of the international community, in particular those with ties and interests in the region, to join us in this crusade for peace - the peace to which our peoples are entitled.

Mrs. MUKUMBA (Zimbabwe): My delegation has already congratulated you, Sir, on your unanimous election to the presidency of the forty-second session of the General Assembly. At this stage I would merely wish to commend you for the skilful and competent manner in which you have guided, and continue to guide, our deliberations.

On 27 June 1986, the International Court handed down a ruling on the case brought before it by the Government of Nicaragua. The Court ruled that the United States of America, by training, arming, equipping, financing and supplying the contra forces or otherwise encouraging, supporting and aiding military and paramilitary activities in and against Nicaragua, had violated international law. The Court went on to rule that the United States was under a duty to refrain from all such acts. With regard to the damage already suffered by Nicaragua, the Court ruled that the United States was under an obligation to pay reparations to the Republic of Nicaragua and that the form and amount of such reparations, failing agreement between the parties, would be settled by the world Court itself.

That was a landmark decision. At stake was not just the fate of Nicaragua, important in itself though that is. The ruling was important also for other small States, such as mine. Devoid of the means of compulsion, we must largely depend on the efficacy of international law to make our way in the world. In addition, the ruling was important not only as a reaffirmation of important principles, such as those relating to non-intervention and non-interference, peaceful coexistence and the non-use or threat of use of force in international relations, but also in that it showed that a condoned illegality begets greater and more illegality.

It is not unreasonable to say that to ignore the flouting of one rule encourages the flouting of all the others. It is clear also that once that has occurred the world becomes a dangerous place for all of us. Even the great and the mighty among us predicate their policies and actions on the predictability of the

(Mrs. Mukumba, Zimbabwe)

behaviour of other actors of the system. In an environment wherein no law exists, such predictability is impossible.

Civilization demands such predictability. That is why the world Court was set up. Instead of being continually at war, States could bring their cases to the Court, the Court would ascertain the facts, reach its conclusions and hand down a ruling. Nicaragua took its case to the Court. The United States had the opportunity to defend itself before the Court, which it did. The Court ruled that the United States was in violation of international law. The United States was ordered to desist from its hostile acts against Nicaragua and to pay reparations for damage caused.

That country has still not complied with these injunctions. Instead it continues to finance the mercenary contra army against the legitimately constituted Government of Nicaragua. It continues its hostile propaganda war. It continues its illegal overflights of Nicaraguan territory and persists in providing military intelligence and logistical support for the contras.

If the United States will not heed the injunctions of the world Court, whom then will it heed? Perhaps the collective conscience and disapprobation of the international community. Pursuant to a similar debate on the same subject last year the Assembly, through its resolution 41/31, called for full and immediate compliance with the Judgment of the world Court as a matter of urgency and in conformity with the relevant provisions of the Charter of the United Nations. That was a clear manifestation of the views of the international community. One would have hoped that its call would have been given the respect it deserved. But has that been the case? Clearly it has not.

Instead of desisting from its hostile acts against Nicaragua, as stipulated by the world Court, the United States Administration has continued those hostile acts. It continues to this day to fund and direct its mercenary contra army

(Mrs. Mukumba, Zimbabwe)

against the Republic of Nicaragua. Since the adoption of resolution 41/31 a further \$6.7 million have been appropriated for purposes of continuing this aggression, and we are informed that the Administration intends to request an additional \$270 million for the same purpose.

This is a very serious development. Not only does it display contempt for the International Court of Justice ruling and the expressed views of the international community, as set out in resolution 41/31, but it also seriously endangers the recently concluded Guatemala Accord on the "Procedure for the establishment of a firm and lasting peace in Central America". In that document the five Presidents stated, inter alia, the following:

"The Governments of the five Central American States shall request Governments of the region and Governments from outside the region which are providing either overt or covert military, logistical, financial or propaganda support, in the form of men, weapons, munitions and equipment, to irregular forces or insurrectionist movements to terminate such aid; this is vital if a stable and lasting peace is to be attained in the region." (A/42/521, p. 6)

In view of the desirability of encouraging the peace process in Central America, therefore, it is even more vital that the United States should comply with the Judgment of the world Court.

In his treatise on analytical jurisprudence, entitled "The Concept of Law", H. L. A. Hart, former professor of jurisprudence at Oxford University, states that law cannot be seen merely as orders backed by threats, so that when the wherewithal for compulsion is non-existent law, too, ceases to exist. Rather, the professor notes, law has an internal aspect, whereby the errant party itself, without detection or compulsion, feels in its conscience the need for compliance. That is what we request the United States to do now - to comply. The stated views of the

(Mrs. Mukumba, Zimbabwe)

international community should guide the United States as regards where the conscience of humanity lies.

This Assembly represents that collective conscience. It is therefore important that it express that conscience by voting for the present draft resolution, which calls on the United States to comply with the ruling. By so doing the Assembly would contribute towards the strengthening of the peace process in Central America. It would be upholding legality in international relations.

The PRESIDENT (interpretation from Russian): I shall now call upon those delegations which wish to explain their votes before the voting.

May I remind representatives that, in accordance with decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. MEZA (El Salvador) (interpretation from Spanish): On 7 August this year the Presidents of the five Central American countries, supported by the desire for peace of all five Central American peoples, signed in Guatemala an agreement entitled "Procedure for the establishment of a firm and lasting peace in Central America". On that day the five Central American Governments expressed their political will and their good faith to comply with the provisions of the Agreement in order to attain peace and stability for the region.

(Mr. Meza, El Salvador)

With the signing of that Treaty, a new historic stage was reached in inter-Central American relations; it radically changed the political climate surrounding regional developments.

The implementation of the new mechanisms has given rise to many expectations, not only within Central American countries but also in the much broader context of the international community. This puts to the test the ability, willingness, desire, co-operation and understanding within the region necessary to attain an essential objective for which our peoples have long been striving: internal and regional peace.

In keeping with that aspiration, and recognizing that peace is essential to the realization of such important objectives, as economic and social well-being, in a conciliatory and peace-oriented spirit, our Governments have adopted a series of measures to achieve the goals proposed in the Guatemala Accords. It is our fervent wish that the procedures of consultation, dialogue and negotiation will lead to the political solution of national problems and the regional crisis, which we Central Americans deserve.

We are convinced that Central American Governments have the duty and the commitment to make every effort to exhaust all possible means of resolving any problem which may have an impact on the regional crisis. Our main objective is to work towards a process of détente and to avoid the polarization and confrontation that for so many years have hurt Central American peoples.

In this context we welcome the possibilities which have arisen to begin new negotiations which take into account all existing differences, with a view to finding a solution leading to a just and beneficial peace in Central America.

Consistent with what I have said, and in order not to prejudge or take a position which might influence those initiatives, and further bearing in mind the

(Mr. Meza, El Salvador)

spirit of conciliation of the Guatemala Accords, my delegation will abstain in the voting.

Mr. JACOBVITS DE SZEGED (Netherlands): The Netherlands will vote in favour of the draft resolution under consideration because it considers respect for the rule of law in international relations and the peaceful settlement of disputes to be of paramount importance.

The International Court of Justice at The Hague is the principal body of the United Nations to uphold the rule of law, and it plays an invaluable role in the settlement of international disputes.

The Kingdom of the Netherlands is one of the very few countries that have recognized the compulsory jurisdiction of the Court, without any reservations. It is our view that all Members should accept such compulsory jurisdiction.

A draft resolution which calls for compliance with a Judgment of the International Court of Justice is incomplete without a paragraph calling for States to recognize the compulsory jurisdiction of the Court. In this connection, it is with some irony that we note that most of those countries that support the draft resolution under consideration do not recognize the compulsory jurisdiction of the Court and show no intention of doing so.

The support of those States for this draft resolution therefore does not seem to be based on a desire to enhance respect for the Court, but rather on a desire to meet short-term political objectives. It would be highly regrettable if the International Court of Justice should thus be abused for political motives.

In the light of what I just said about the real nature of this draft resolution, the Netherlands has serious reservations about a yearly recurrence of such a resolution.

The draft resolution does not add any new element to the existing situation, and in no way contributes to current peace initiatives in Central America.

(Mr. Jacobovits De Szeged,
Netherlands)

The draft resolution is merely repetitive of last year's resolution 41/31, and in the long run could threaten the prestige of the International Court of Justice.

We sincerely hope that the sponsors of this draft resolution will take this into account when considering possible action under this agenda item at next year's session of the General Assembly.

Mr. ENGO (Cameroon): We consider it important that we explain to the Assembly at this time the thinking of our delegation in participating in so critical a vote. Undoubtedly, the United Nations is seized of a problem that unfortunately threatens everything for which the Charter stands, including friendly relations and co-operation among States.

We have an indirect state of war between two Member States that must be considered undesirable in regard to the machinery and instruments for the peaceful settlement of disputes prescribed by the Charter of the Organization of which we are all Members.

My delegation strongly supports the Charter principles, especially those outlined and progressively developed in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States, adopted by the Assembly in 1970.

My delegation would always - as my Head of State has invariably insisted - emphasize that the last frontier for the peaceful settlement of disputes must at all times be those dispute-settlement systems prescribed by the Charter, which includes the International Court of Justice. When the International Court or any of the arbitration formalities that have been set up there have passed their judgements, it is imperative that all States should attempt to comply with them. We observe that in these particular circumstances there has been a move by one of

(Mr. Engo, Cameroon)

the parties not to accept jurisdiction, even though they are committed to compulsory jurisdiction.

Therefore, to the extent that the draft resolution calls for respect for the decisions of the International Court of Justice, the text has our full support. My delegation has also borne in mind that at this period in time, through the Contadora Group, a regional arrangement has been worked out, an arrangement that appears to be supported by both sides. In fact, President Ortega repeated yesterday, as President Reagan had done before him, full support for the document.

It is our view that at this stage more emphasis should be given to everything that will facilitate a solution to the problem and that at this time no elements should be introduced that are likely further to complicate the negotiations. It is our hope that both sides in the discussions will find highly undesirable any element that causes loss of life and that presents difficulty in promoting development in a country that has been torn by civil strife within the nation itself.

It is in this spirit that we are compelled to abstain in the voting. That abstention must not be interpreted as meaning that we do not support the idea of the International Court as the only and most effective means of determining actions of States in the United Nations system. We will in fact abstain with the prayer that the initiatives which we understand may be under way in the next days or so will in fact lead to peace in Nicaragua and that the people will be enabled to resolve their economic and social problems in a peaceful atmosphere.

The PRESIDENT (interpretation from Russian): The Assembly will now take a decision on draft resolution A/42/L.23.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ecuador, Ethiopia, Fiji, Finland, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Maldives, Mali, Mexico, Mongolia, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Romania, Sao Tome and Principe, Seychelles, Solomon Islands, Spain, Sudan, Swaziland, Sweden, Togo, Trinidad and Tobago, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe

Against: Israel, United States of America

Abstaining: Antigua and Barbuda, Bahrain, Belgium, Brunei Darussalam, Cameroon, Central African Republic, Chad, Costa Rica, Côte d'Ivoire, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, France, Gambia, Germany, Federal Republic of, Grenada, Guatemala, Honduras, Italy, Jamaica, Japan, Jordan, Lebanon, Liberia, Luxembourg, Malaysia, Malta, Mauritius, Morocco, Niger, Oman, Paraguay, Portugal, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Somalia, Sri Lanka, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, Zaire

Draft resolution A/42/L.23 was adopted by 94 votes to 2, with 48 abstentions (resolution 42/18).*

The PRESIDENT (interpretation from Russian): I now call on those representatives who wish to explain their votes.

*Subsequently the delegations of Guyana, Suriname and the Syrian Arab Republic advised the Secretariat that they had intended to vote in favour; the delegation of Togo had intended to abstain.

Mr. ANDRADE DIAZ DURAN (Guatemala) (interpretation from Spanish): In compliance with the precise instructions of my Foreign Ministry, we abstained in the vote just taken.

However, Guatemala wishes to define very clearly its position on this important question. First, Guatemala has always recognized the International Court of Justice to be the highest international judicial organ, and has fully adhered to its Statutes. We recognize its power to define its jurisdiction and competence with regard to the cases which come before it for consideration. We respect and abide by its judgments, unless in any case that affects our direct interests, we have to make certain reservations in accordance with the appropriate time-limit and formalities. We do not doubt the legal validity of its judgments and we believe that the international community should endorse them.

From a legal standpoint, in this case Guatemala has no objection whatsoever as to procedure and, as I have said, respects the Judgment that was handed down. Nevertheless, the political element in the draft resolution gives cause for certain comments.

We Central Americans, at the meeting which has been called Esquipulas II, in the city of Guatemala, without outside interference of any kind, of our own will and in the exercise of our full sovereignty, decided by common agreement to sign, on 7 August this year, the document entitled "Procedure for the establishment of firm and lasting peace in Central America".

The Guatemala Accords reflect our determination to work towards peace in the area and to preserve peace. At the same time, they incorporate the obligation for each of our Governments to promote processes of national reconciliation which will make possible the restoration of the democratic system, with full guarantees of human rights within a framework of freedom and political pluralism. The Central American process is under way; we are making progress, with the determined and invaluable co-operation of the Contadora Group and the Support Group and the

(Mr. Andrade Diaz Duran,
Guatemala)

important assistance of the Secretaries-General of the United Nations and of the Organization of American States (OAS).

We still have a great deal to do, but we have faith in the future. With flexibility and imagination, but above all in strict compliance with the universally accepted principles of international law enshrined in the Charter of this Organization, we shall move forward, fulfil and give effect to our other commitments, and thus achieve a final solution which will enable us to overcome the regional crisis in all its aspects; that is, at the political, economic and social levels.

It was for these reasons, and in compliance with the instructions of our Foreign Ministry, that we abstained. Above all, Guatemala did not wish to cast a vote which could be interpreted as interference in the political process to which we are all committed and to which we attach such great importance.

Mr. WIJEWARDANE (Sri Lanka): My delegation abstained in the vote. The decision to do so does not in any way detract from our belief, understanding and acceptance that States Members of the United Nations must function within the ambit of established international law. Nations big and small which are Members of this Organization have subscribed to an international covenant, including the Charter of the United Nations, and they must abide by such law. However, there were factors in the matter under consideration which compelled us to view it in a different perspective.

The International Court of Justice has delivered itself of an advisory opinion in the resolution of the matter placed before it. The option to accept or otherwise is inherently the right of the Member State concerned acting within its sovereignty. We do not believe that the merits of the advisory opinion of the International Court of Justice should be open to debate. The decision whether to

(Mr. Wijewardane, Sri Lanka)

abide by that opinion expressed by the International Court of Justice is within the competence of the Member State concerned. We would not like to interfere in its sovereign decision. We would, however, appeal to the Member State concerned to rethink its attitude and lend its considerable weight and influence to strengthening the role of the International Court of Justice when it acts in an advisory capacity and makes pronouncements within the scope and ambit of international law.

Mr. FEYDER (Luxembourg) (interpretation from French): The delegation of Luxembourg abstained in the vote on draft resolution A/42/L.23, for the following reasons.

Legally speaking, Luxembourg is still firmly wedded to the principles of international law and the role of the International Court of Justice. Nevertheless, Luxembourg feels that a negotiated solution to the persistent problem of the conflict in Central America is essential. In this respect there is a new situation which is deserving of the active support of all countries Members of the United Nations. The Arias plan is an authentic basis for a peaceful settlement and reconciliation. The most recent meeting of the Organization of American States (OAS) has proved that a new desire for dialogue exists and that a political solution to the conflict is now possible.

We must therefore rely on dialogue and negotiation and set aside the quarrels of the past.

Mr. GUTIERREZ (Costa Rica) (interpretation from Spanish): My delegation abstained in the vote on this question since we believe that in the attempt to maintain the text of the resolution adopted at the forty-first session the most recent events in Central America have been ignored. We see this question as having both a legal and a political aspect, but the language used in the draft resolution is vague and does not indicate clearly what should be understood by compliance with the Judgment of the International Court of Justice; in other words, it does not distinguish between the two aspects.

The legal problem has to do with whether a State must comply with the judgment of an international tribunal whose jurisdiction it does not recognize and in a case in which the Court considers it a party although the State has expressly determined

(Mr. Gutierrez, Costa Rica)

not to be. This problem goes to the very root of international law as a non-imperative law. Our country recognizes the compulsory nature of the judgments of the International Court of Justice in express statements, but there is today in national legal circles a current of opinion concerning their definitive nature which supports the idea that changes should be introduced and recognizes that any State that does not accept that compulsory jurisdiction is acting within its sovereign rights.

My Government has been very interested to note that many countries which do not accept the jurisdiction of the Court with regard to their international problems support a resolution which maintains that the Court can act as a binding tribunal even in the case of States which have not recognized it or have denounced it. My delegation believes that that thesis, which is based on a variety of criteria, is not in keeping with the present development of international law.

The political problem relates to the fact which we consider to be of the utmost importance, that if there is to be effective peace in Central America the intervention or support, which extraregional States give to political forces operating in the region must cease. On this question the Agreement concluded on 7 August of this year by the Central American Presidents - generally known as the Esquipulas II Agreement, very clearly states that the suspension of such assistance is necessary for peace to be achieved. The Agreement states the following:

"The Governments of the five Central American States shall request Governments of the region and Governments from outside the region which are providing either overt or covert military, logistical, financial or propaganda support, in the form of men, weapons, munitions and equipment, to irregular forces or insurrectionist movements to terminate such aid; this is vital if a stable and lasting peace is to be attained in the region." (A/42/521, para. 5)

(Mr. Gutierrez, Costa Rica)

A series of statements has been issued by our Government, and personally by Mr. Oscar Arias Sanchez, President of the Republic, insisting on this. In the interest of brevity I will not quote from these, especially as one of them was a statement made in this Assembly. International public opinion has acted on the basis of that thesis, and the Government of the United States of America has announced its decision to act in accordance with the Agreement reached by the Central American Presidents.

If the purpose of the present resolution was to ensure the ending of assistance by all extraregional powers to the parties to the Central American conflict it should not have referred to only one of them, but should have encompassed all who act in that manner, or used general language.

My Government hopes that, through compliance with all the aspects of the Agreement between the Central American Presidents, the purpose of this resolution will be attained, but it believes that all the extremes of that Agreement must be looked at together and none of them should be treated more favourably than the others.

For all these reasons my delegation found it necessary to abstain in the vote on the draft resolution.

Mr. SVOBODA (Canada): Just as we did in the case of the resolution adopted at the forty-first session of the Assembly, Canada voted in support of the resolution on the International Court of Justice case on Nicaragua. In so doing we wished to emphasize our belief in the importance of all States refraining from interference in the internal affairs of others. In our view, this is particularly crucial at a time when we witness progress being made on the Central American peace plan, signed in Guatemala on 7 August last. We remain well aware of the complexities of the questions that were before the Court in this case and note that there were dissenting judgments. In voting for the resolution Canada was once more

(Mr. Svoboda, Canada)

registering its full support for the Court as the highest judicial body in the United Nations system. We urge the parties to act within the spirit of the Court's decision and to seek a peaceful solution to the matters in dispute.

Finally, representatives having now passed their collective, if not unanimous, opinion on this matter in terms virtually identical to those of last year, we wonder whether it is essential for us to do so repeatedly unless circumstances so merit. We add the hope therefore, that in the interests of efficiency this item will not in future be routinely inscribed on our agenda. In that sense we very much preferred the text of last year's resolution, resolution 41/31.

Mr. TAVERAS GUZMAN (Dominican Republic) (interpretation from Spanish):

My country, the Dominican Republic, abstained in the vote that has just been taken, on the basis, of course, of higher instructions from our Foreign Ministry, but we wish to add a few points of clarification which seem to us to be useful.

First, our people wish to reiterate the tradition which underlies and justifies our position and behaviour here.

(Mr. Taveras Guzman, Dominican Republic)

We in the Dominican Republic have always expressed solidarity and supported peace and freedom, and we have respected the independence and the rights of other peoples. We have advocated the legal equality of States, the upholding of the rights of the human person, compliance with international obligations legally entered into, the peaceful settlement of conflicts, non-intervention in the affairs of other States, the self-determination of peoples, non-use of force against the integrity or political independence of other States, international co-operation and the establishment of international social justice. As a country, we recognize the power and importance of the decisions of the tribunal at The Hague and we recognize that it is the highest legal organ of the United Nations system.

We abstained in the voting today on various parts of the draft resolution now under consideration. However, we insist and shall continue to insist on placing our faith in initiatives entered into in good faith in bodies such as the Contadora and Support Group, and we support the Guatemala Group and its important Agreement, as well as the efforts being made by all those countries, persons and organizations that are truly working towards a peaceful settlement of the problems in our countries.

Lastly, I hope this problem will find a good solution, a peaceful solution arrived at through discussion.

Mr. ST.-PHARD (Haiti) (interpretation from French): The delegation of Haiti would like to take this opportunity to reiterate its unflagging adherence to the guidelines inherent in the Charter of the United Nations and its position that the International Court of Justice represents the supreme legal body of the United Nations system and the international community as a whole. The underlying sense of our vote is the faith we must have that negotiated political solutions will be found to conflicts between two Member States of the United Nations. Nothing should

(Mr. St.-Phard, Haiti)

be done that would be conducive to intervening in the internal affairs of such States. We would express the hope that the parties to this international dispute, which has been the cause of such human tragedy and material losses, will find a common will resolutely and unambiguously to embark on a course in which the spirit and letter of the Arias plan will be respected.

The PRESIDENT (interpretation from Russian): We have heard the last speaker in explanation of vote after the vote.

I shall now call on those representatives who wish to speak in exercise of the right of reply. I would remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second and should be made by delegations from their seats.

Mr. PIEDRA (United States of America): I wish to exercise the right of reply of the United States to the statements by Libya and Cuba.

As far as Libya is concerned, it ill behoves the representative of a Government infamous for its brutal terrorism, directed at many of the members of this body, to lecture the United States on international law.

Libya, as an instrument of national policy, kills police officers in London, commits aggression against Chad, orders the murder of its own nationals in the United States and elsewhere and bombs amusement centres in Berlin. Are these lessons that the international community should learn from Libya?

The same country that today lectures the United States on morality and ethics has been shipping massive amounts of arms to the Irish Republican Army. Is the tragic murder of innocent people last weekend in Enniskillen - many of them

(Mr. Piedra, United States)

children - an example of Libya's support for the most basic principles of international law and respect for the goals of the United Nations?

It is also an extraordinary anomaly to be lectured on justice and respect for law by the representative of Castro's Cuba, a régime which for more than 25 years has crushed efforts on the part of its own people to seek personal liberty and justice. The Castro régime took power by force and keeps it by terror. It holds some 15,000 political prisoners - the world's highest per capita concentration of political prisoners. It has systematically compiled a record of brutality and oppression unsurpassed in our hemisphere. It continues to resist the democratic revolution that has swept over most of Latin America. Through torture, repression and imprisonment, Castro's tyrannical Government has sought to silence those who protest against that inhumane system. The courageous few who have survived years in prison and managed to escape paint a picture of concentration camps, humiliation and disrespect for the most elemental rights of man. It saddens me to hear the representative of Cuba, that bastion of freedom and democracy, quote from Cuba's national hero, José Martí, when he knows perfectly well that his country's totalitarian, dictatorial and ruthless régime represents the antithesis of everything that José Martí stood and died for.

(Mr. Piedra, United States)

Fortunately, as we say in Spanish

(spoke in Spanish)

"Words are blown away by the wind"

and I hope that the words and false accusations of the representative of Castro's Cuba will also be blown away.

(continued in English)

Nicaragua, by choosing countries such as Libya and Cuba to try to uphold its position, proves the weakness of the case it has brought before the Assembly.

Mr. ORAMAS OLIVA (Cuba) (interpretation from Spanish): I shall be brief, so as not to help the representative of the United States divert attention from the core of the question - the fact that his Government has decided not to abide by the Judgment of the International Court of Justice.

I cannot tell whether it was as a result of bad faith or ignorance that the representative of the United States made a number of statements about my country that could have been written by the disinformation section of the same specialized agencies that were singled out for having hoodwinked public opinion in the United States and international public opinion very recently in the case of Libya, and that years ago created conditions to justify the horrible crime of the Gulf of Tonkin. It is a shame that there is such baseness of spirit and that either blindness or deafness prevents the representative of the United States from appreciating that the world is aware of the ruses of the United States, that history reflects the suffering inflicted on our peoples in the Americas, and that, in this case, all we ask is peace for Central America.

Mr. TREIKI (Libyan Arab Jamahiriya) (interpretation from Arabic): It is said that hard facts are bitter, that they are harsh. The fact of the matter before us is reflected in the overwhelming majority in favour of the draft resolution that we have just voted on, which was opposed by the United States, the bastion of democracy and the defender of law.

The United States representative wishes to focus the attention on the shameful position of its Administration in rejecting compliance with the Judgment of the International Court of Justice after that Administration has repeatedly rejected and challenged the resolutions of the General Assembly.

What logic is the representative of the United States invoking? Who invaded Grenada? Who murdered the Palestinian children? Who despises the blacks in the United States? Who murdered Allende? Who murdered Lumumba? Was it not the United States Central Intelligence Agency?

Let us assume for the sake of argument that what the United States representative said about Libya and Cuba is true. Let us assume that we are the terrorists and that the United States agrees to resort to the International Court of Justice and to accept its Judgment. We should like the United States delegation to declare here that it accepts and recognizes the judgments of the Court. We formally challenge the United States delegation to prove its claims before the International Court of Justice. We challenge it to declare here that the United States is willing to go to the Court to prove its accusations against Libya. We can safely say that it cannot, because it does not comply with - indeed, it despises - the judgments of the International Court of Justice. It wants to play the role of an idiotic policeman who does not believe in anything but shedding the blood of innocent people. No region of the world - Viet Nam, Lebanon, Libya - has been spared its massacre of people, either directly or through its puppets.

(Mr. Treiki, Libyan Arab
Jamahiriya)

Now we are discussing a Judgment of the International Court of Justice. Will the United States accept international law? Yesterday we elected a United States representative to the International Court of Justice. There is no Libyan or Cuban on the Court. Let the United States go to that Court. What we have just seen is condemnation of the policy of the United States Government.

Mr. PIEDRA (United States): I believe that no serious person can give credence to the statements made by the representative of Castro's Cuba. Everyone knows that, if the people of Cuba were given free exit, the great majority of its population would go to that imperialist, capitalist and bourgeois society called the United States. One does not need ballots in Cuba; people vote with their feet.

I also reject all the spurious and ridiculous accusations made by the representative of Libya. Let me just say that the hundreds of men, women and children killed and maimed by terrorist bombs the world over are the best testimony to the horror provoked, sponsored and financed by the Qaddafi régime.

Mr. ORAMAS OLIVA (Cuba) (interpretation from Spanish): I apologize to my colleagues for speaking again in reply to the representative of the United States. I know that the United States does not like it when we speak the truth here, as have many delegations.

I would simply tell the representative of the United States that the blood of those who have died in Namibia, Angola, Palestine, Nicaragua and other areas of the world is the best proof of what we have said here about the attitude and behaviour of his Government.

Mr. TREIKI (Libyan Arab Jamahiriya) (interpretation from Arabic): I am sorry to speak again, but I wish to say that the best reply to the representative of the United States is the fact that 94 States condemned the United States for disregarding international law and failing to comply with the Judgment of the International Court of Justice.

The PRESIDENT (interpretation from Russian): That concludes our consideration of agenda item 30.

Before we take up agenda item 8, I shall suspend the meeting for consultations.

The meeting was suspended at 4.50 p.m. and resumed at 5.40 p.m.

AGENDA ITEM 8 (continued)

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK

- (a) FIRST REPORT OF THE GENERAL COMMITTEE (A/42/250)
- (b) AMENDMENT (A/42/L.18)

The PRESIDENT (interpretation from Russian): The Assembly will now turn its attention to paragraphs 36 and 40 of the first report of the General Committee (A/42/250).

Members of the Assembly will recall that the Assembly also has before it an amendment submitted by the delegation of Cameroon (A/42/L.18).

Delegations will also recall that at its fifty-ninth plenary meeting, on 6 November, the representative of Zambia moved, within the terms of rule 74 of the rules of procedure, that no action be taken for the time being on the recommendation of the General Committee for the inclusion of the item in the agenda, as well as on the amendment in document A/42/L.18.

Rule 74 reads as follows:

"During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote".

I call on the representative of Chad on a point of order.

Mr. ADOUM (Chad) (interpretation from French): When on 18 September this year my delegation subscribed to the proposal made by the representative of Cameroon, my brother Ambassador Paul Engo, the main concern of the Assembly at that time was to avoid a sterile debate on the title of the item which Chad had

(Mr. Adoum, Chad)

requested be inscribed on the agenda of the present session. I hardly need to recall that, by a majority vote, the General Committee recommended the inclusion of this item on the agenda and that it is a principle which is respected by all that a sovereign State, a Member of our Organization, may request the inscription of an item on the agenda of the General Assembly.

The request of Chad is based on that principle and motivated by the constant desire of the Government of my country to seek ways and means of finding a peaceful settlement of an international dispute between itself and Libya, because for more than a decade now we have been suffering Libyan aggression and occupation, of which the General Assembly has been regularly and fully informed. Its situation as an occupied country suffering aggression might have prevailed over the spirit of compromise but, in accordance with that spirit and in a desire to negotiate, we agreed to consultations and all the titles proposed by the representatives of Cameroon and Madagascar, the latter in his capacity as Chairman of the African Group of countries for the month of October.

Furthermore you yourself, Sir, made a proposal to facilitate the consultations, which were nearing a standstill, and, although your proposal tied consideration of the question to current initiatives by the Ad Hoc Committee of the Organization of African Unity, Chad accepted it, again in a spirit of conciliation. But we must observe that the other party, I have in mind the Libyan delegation, indulged in a dishonest game, the disgraceful torpedoing of the consultations, obviously in an attempt to prevent any progress being made, going even so far as to take advantage of the respite provided by consultations to shoot down the Chadian proposal, that was hardly worthy of the representative of Tripoli. In the light of this effort at blockade, this deliberate attempt to block which we have seen, my delegation is now -

The PRESIDENT (interpretation from Russian): I apologize for interrupting the representative of Chad but the representative of Libya has asked to speak on a point of order. I call on him.

Mr. TREIKI (Libyan Arab Jamahiriya) (interpretation from Arabic): Would you please, Sir, draw the attention of the speaker to the fact that he was called to speak on a point of order and not to debate the agenda item or to speak in such language, which is unfamiliar in this body. He might well have used it in other forums.

The PRESIDENT (interpretation from Russian): I request the representative of Chad to bear in mind what has just been said, and to continue his remarks.

Mr. ADOUM (Chad) (interpretation from French): I had not intended to go into the substance of the matter. I would simply like to provide some further information which might be edifying to this Assembly.

So, in the light of this deliberate attempt to block the matter which we have seen, we were obliged to request that the General Assembly take a decision on the new title proposed by the representative of Cameroon, which we accept totally.

Furthermore, and still trying to find a compromise, the Government of the Republic of Chad, in response to the appeal made by the current Chairman of the Organization of African Unity and to respect and act in accordance with the calendar of the Ad Hoc Committee, requested the inscription of this item and asked that the debate on the substance of the matter be deferred until the OAU Ad Hoc Committee on the conflict between Chad and Libya had reached its conclusions, in the framework of the timetable laid down in Lusaka. That is a demonstration of open-mindedness on the part of the Government of Chad.

(Mr. Adoum, Chad)

We would therefore like the General Assembly to take a decision in the light of these new clarifications regarding the inscription of item 140 of the present agenda.

In favouring the inscription of this item, delegations would avoid creating a dangerous precedent by denying a State a right which belongs to it according to the Charter. Furthermore, the result of complying with the request of Chad would mean that we would be recognizing the grave illegality of one independent State's using force against another, because in reality it is the military occupation of Chad by Libya that we are talking about here.

The Chadian delegation firmly believes that right and morality will prevail over blackmail and diktat, which Libya is trying to impose on this Assembly, because what is at stake here is not only the right of Chad as a Member State but also the implementation of Article 35 of the Charter.

(Mr. Adoum, Chad)

It is also a question of the territorial integrity of any independent State. If Chad is refused - as some delegations have suggested, particularly those of Zambia and Libya - the right to inscribe an item on the agenda of the General Assembly, then the General Assembly will have implicitly recognized not only that Libya, but any other expansionist State, has the right - which would be a serious infringement of the Charter - to carry out with impunity acts of aggression against and occupation of another State, and even annex the territory of another State.

The delegation of Chad firmly believes that the General Assembly will not accept this heavy responsibility. In sum, it is essential -

The PRESIDENT (interpretation from Russian): I apologize. The representative of Libya has asked to speak on a point of order.

Mr. TREIKI (Libyan Arab Jamahiriya) (interpretation from Arabic): Mr. President, I ask you to draw the attention of the speaker to the fact that he asked to speak on a point of order and yet has now spoken on the substance of the matter. Please call the speaker to order and request him to exercise discipline, which seems to be lacking on his part.

The PRESIDENT (interpretation from Russian): The representative of Zaire has asked to speak on a point of order, and I call on him.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French): My delegation has in fact risen on a point of order because we can go from points of order to points of disorder, but I think we should use our points of order to have order respected in the Assembly and also to make it possible for delegations to express their positions on the important matter before us.

Two months ago in the General Committee a recommendation was submitted to the Assembly for this item to be included on the agenda. That recommendation was made after a vote was taken by the various members of the General Committee.

(Mr. Bagbeni Adeito Nzengeya,
Zaire)

Consequently, my delegation would like you first to start, Sir, by placing before the Assembly that recommendation of the General Committee, since the consultations which were to take place, not on the question of inscribing the item on the agenda, but rather on the title of the item, have not been successful.

My delegation would also like to give its firmest possible support to the request made by the representative of Chad that this item be included, and, in order to give the respect due to the current Chairman of the Organization of African Unity (OAU), that the debate be deferred awaiting the outcome of the efforts being made by the current Chairman of the OAU and the Chairman of the Ad Hoc Committee dealing with this conflict.

In the circumstances, on the basis of Articles 33 and 35 of the Charter, my delegation would like to know whether a Member State can prevent another Member State from placing an item on the agenda, in accordance with those Articles. I do not think that this could be the intention of our colleague from Zambia, because this would constitute an extremely unfortunate precedent, since any State which was the victim of aggression by another State would not have an opportunity to express its views before the Assembly, the aggressor simply refusing to have the item inscribed on the agenda.

Therefore, Mr. President, I should like you, first, to take up again, purely on a procedural basis, the recommendation that was originally made by the General Committee and the recommendation on the basis of which consultations were to be held - and I recall quite clearly that on 18 September in this Hall consultations were to be carried out, not on the inscription of the item, but rather on its title.

Can any Member State deny another Member State the right to have an item inscribed on the agenda? That is the first question I ask various colleagues who have spoken on points of order.

(Mr. Bagbeni Adeito Nzengeya,
Zaire)

The appeal made by the current Chairman of the OAU is in connection with the efforts under way in the OAU Ad Hoc Committee. This is an appeal which has been heeded by the representative of Chad, who has requested that discussion of the item be deferred in the light of the efforts now being made. Consequently, we should now, first and foremost, take a decision purely and simply on the recommendation of the General Committee on including this item on the agenda of the General Assembly, since this matter has been hanging fire for two months now.

The PRESIDENT (interpretation from Russian): The representative of Zambia has asked to speak on a point of order, and I now call on him.

Mr. ZUZE (Zambia): I have asked to speak to make two points. The first is to make a very brief statement on the rumour that was circulated this morning, that the Chairman of the Organization of African Unity (OAU) had sent me, as his representative, instructions to vary the terms of the motion put to the Assembly by my delegation last Friday. I have investigated this matter and I find that no such instructions exist.

The second point is to repeat the substance of the motion: that action on the recommendation of the General Committee be deferred until the report of the OAU Ad Hoc Committee is considered by the Special Committee of the OAU on the matter. Many references have been made to Zambia trying to block the inscription. I thought I had made myself very clear on Friday. Let me reiterate again that there is no intention on the part of the Chairman of the OAU, on whose behalf I speak, to block the right of any Member State to inscribe, and if possible to debate, the issue at the United Nations.

I have explained why his appeal was made, and my colleague from Cameroon in his explanation of vote this afternoon brought out some very important points.

(Mr. Zuze, Zambia)

These are the points I was emphasizing when I made this motion. That representative, who is my very close brother, in his explanation of vote on Nicaragua said that his delegation believed that a regional arrangement had been worked out through the Contadora Group which appeared to be supported by both sides and that at that stage more emphasis should be given to everything that would help to find a solution to the problem. I must thank my brother for this statement, because this is precisely what we are trying to do here.

It is my understanding that the summit meeting is to take place at the end of this month. We should therefore know the outcome in the Ad Hoc Committee by that time, and perhaps we should decide then what course of action to take.

Let me reiterate. I am not in the camp that is trying to block, or attempting to misinterpret, the appeal of the Chairman of the OAU - namely, to block the right of any Member State to inscribe, and if possible, to debate an issue. That is a right we cherish; and that is a right we stand by.

The PRESIDENT (interpretation from Russian): I call on the representative of Cameroon on a point of order.

Mr. ENGO (Cameroon): It is not my wish to use the right of a point of order to express my views. I merely wanted to correct an impression which my sweet brother, with whom I share such great fellowship in a common cause to defend African values, in a way did not see my comments today in a proper context.

With regard to the Nicaraguan situation, we did recognize the fact that there had been an agreement, and once there is an agreement in substance, it should be followed to the very end.

The draft resolution we considered today was not a draft resolution seeking to inscribe an item on Nicaragua. It merely asked that certain steps be taken to implement the decision of the International Court of Justice, an agreement reached by the Court, an agreement reached by the Contadora Group. So the situation is not exactly the same as we have here. I do not wish to go into further debate, but merely to make this little correction.

I apologize to my brother if I did not speak the English language clearly enough for him to understand.

The PRESIDENT: I call on the representative of Chad.

Mr. ADOUM (Chad) (interpretation from French): I was at a point of ending my statement when I was interrupted. But what I was going to say has just been said most eloquently by my brother the Permanent Representative of Zaire.

I would also like to dispel any ambiguities here. Reference has been made to an African summit at the end of this month. The summit deals with economic matters. The question of Chad and Libya has been entrusted to an Ad Hoc Committee. So I wonder to what extent the economic summit may take up that item, which is not on its agenda. There is an Ad Hoc Committee which deals with the

(Mr. Adoum, Chad)

matter and which has set up a timetable and there have been in the meantime, at the request of the Acting Chairman, many contacts between our respective capitals. My Head of State has listened to his African counterparts and this morning he gave us -

The PRESIDENT (interpretation from Russian): I understood that the representative of Madagascar had raised a point of order. However, this appears to be incorrect information. I now call on the representative of Chad to continue his statement, bearing in mind that we are not in the general debate on this matter.

Mr. ADOUM (Chad) (interpretation from French): I certainly do not intend to start a debate here. What I wish to say is the following. Chad has every respect for the initiatives of the Organization of African Unity (OAU). Chad has every trust in the Organization, of which we are a founding member. That is why the Government of the Republic of Chad, after being contacted by several African Heads of State, has simply asked for the inscription of the item - this is something which is agreed to for all member States - and we would agree to postpone consideration of the item until the Ad Hoc Committee of the Organization of African Unity has carried out its programme as agreed on in Lusaka.

The PRESIDENT (interpretation from Russian): Let me just clarify the situation in which we find ourselves. The representative of Zambia, at the meeting on 6 November, introduced a proposal under rule 74 not to take a decision on the recommendation to include an item on the agenda or in respect of the amendment introduced in document A/42/L.18. Rule 74 of the rules of procedure states:

"During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

(The President)

I would call on the Assembly not to enter into an extensive procedural debate, but, rather, to abide by rule 74, in accordance with which we should proceed.

We keep interrupting the procedures and points of order are raised. I have no other way out than to call on those representatives raising points of order. But this is simply protracting the meeting and it does not lead to a decision. So I would make an appeal. I would appeal to all representatives to make it possible for us to arrive at some kind of decision, because otherwise we will have to suspend the meeting once again for consultations as I see no other possible solution.

I would request that account be taken of this.

I call on the representative of Cameroon on a point of order.

Mr. ENGO (Cameroon): Once again I do not wish to interrupt the proceedings, but in order that delegations may know what we are voting for, I think that we ought to know very clearly what it is that the representative of Zambia has said. It would appear that the statement you have just made, Mr. President, was correct up to the point that the statement was made, but it did not appear to include the comments made this afternoon by my brother, which gave some indication as to the time-lapse he had in mind. It is not very clear to my delegation at this stage whether the proposal is in accordance with what you, Mr. President, say, or that of the representative of Zambia, which would give us some idea of for how long we can expect to adjourn the matter.

In fact, the word "adjourn" would not be a very good word to use under the rule. I think it is a suspension of the discussion until a fixed date, that he has very kindly indicated. If that is so, Mr. President, you need only nod to say, "yes, my interpretation is correct". If not, I would ask that my brother repeat what his intentions really are.

The PRESIDENT (interpretation from Russian): I now call on the representative of Zaire on a point of order.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French): My delegation would just like to know whether the Assembly can suspend the discussion of an item which has not yet been placed on the agenda. The item has not yet been placed on the agenda, and that would have to happen for a discussion to take place. This motion, based on rule 74, is out of order. Rule 71 says:

"During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure."

We would like to raise a point of order under rule 71. And rule 40 says:

"The General Committee shall, at the beginning of each session, consider the provisional agenda, together with the supplementary list, and shall make recommendations to the General Assembly, with regard to each item proposed, concerning its inclusion in the agenda, the rejection of the request for inclusion or the inclusion of the item in the provisional agenda of a future session."

(Mr. Bagbeni Adeito Nzengeya, Zaire)

I shall not refer to the second part of this rule, since it is rule 40 that now applies, the General Committee having called for the inclusion of the item. If any decision is to be taken by the Assembly, that decision should therefore be taken in keeping with rule 40, not in keeping with rule 74, for the item is not inscribed on the agenda to be discussed or considered in plenary meetings.

The PRESIDENT (interpretation from Russian): The representative of Madagascar has asked to speak on a point of order.

Mr. RABETAFIKA (Madagascar) (interpretation from French): I am going to raise a genuine point of order. With all due respect, Mr. President, may I ask you when I may speak under rule 74 of the rules of procedure?

The PRESIDENT (interpretation from Russian): Once again, I shall read out rule 74:

"During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote."

Accordingly, I think that under this rule everything is perfectly clear, and we should proceed in accordance with that rule. I would suggest that we end this procedural discussion and proceed in accordance with that rule.

For me to respond to the question put by the representative of Madagascar, I must have an opportunity to conduct the meeting without interruption. But what is happening is that there are constant interruptions on points of order, and in that way we do not arrive at any decision.

I call on the representative of Cameroon on a point of order.

Mr. ENGO (Cameroon): I apologize, Mr. President, but, with all due respect, the establishment of the rules of procedure had a particular motivation, that is, to draw attention to a deviation from rules that had already been set up. A representative raises a point of order so that that point of order may be ruled upon by the President. I think in some instances an appeal has been made and you very rightly transferred the appeal to the speaker. But my delegation posed a question as a point of order, and that is to say that we ought to know exactly the content of the question that is put. I would, with all due respect, request that some ruling be made on that, some answer be given, because my delegation and many others here may well be voting on something of which they are not aware. We shall then have to face our Governments later if our interpretation of what we are voting for or against happens to be different from the intention behind the proposal. So may I, with all great respect, Mr. President, appeal to you to make rulings when points of order are raised, either that there is no point of order or if in fact there is a point of order, that you make an appropriate ruling. That will in fact help our work.

The PRESIDENT (interpretation from Russian): I call on the representative of Madagascar on a point of order.

Mr. RABETAFIKA (Madagascar) (interpretation from French): I have another point of order, perhaps just as valid this time as the first point I raised a moment ago. Since a number of questions have been asked on the validity of rule 40 as compared to that of rule 74, then on discussing an item not on the agenda, then on the very scope of rule 74. My delegation formally requests that the Legal Counsel give us an opinion on the questions that have just been raised.

The PRESIDENT (interpretation from Russian): The representative of Norway has asked to speak on a point of order, and I call on him.

Mr. VRAALSEN (Norway): I merely wish to add my voice to that of my friend from Cameroon. Of course, we can always proceed on rule 74, but I think it is essential for us to know on what we are actually going to take a decision. As Ambassador Engo said earlier, our colleague from Zambia had made a clarification. To my mind, it should be very simple. I would appeal to you, Mr. President, to make this clear so that we can proceed.

What I understand, and I ask you to confirm this - either you do it yourself or perhaps somebody can help us - is that we are going to defer consideration of the relevant recommendation of the General Committee until the end of this month. That is what I understand from what was said by my colleague from Zambia a moment ago. I would ask you please to rule on this, or to ask somewhere whether this is the right understanding, and then perhaps we could proceed and conclude the matter.

The PRESIDENT (interpretation from Russian): Before calling on the next speaker on a point of order, I should like to give the following explanation. The representative of Zambia introduced a proposal that for the time being no decision be taken on the recommendation to include the item on the agenda, as well as on the amendment in document A/42/L.18. Any delegation at any time can raise this matter and the Assembly would then take a decision. According to rule 74 there has been no time-limit imposed to date.

I call on the representative of Ghana on a point of order.

Mr. GBEHO (Ghana): Even though I have the floor on a point of order, I wish to apologize to my colleagues for taking this procedural route to achieve my objective.

Mr. President, I think that the meeting is running away with all of us. With all due respect, I would suggest that what is required at this point is a ruling from you, so that we can end this matter shortly.

At the close of our debate last Friday a motion was introduced under rule 74. Rule 74 states specifically that, after such a motion has been introduced, two other delegations may speak in favour and two against, and then the matter should go directly to a vote.

Soon after the introduction of that motion, another motion was introduced, suggesting that we adjourn the meeting because delegations were tired. We have rested, we have come back refreshed, and what is required is for you to proceed under rule 74. If for some reason or another some other delegation enters a point of order to make a suggestion to you concerning the procedure to be used, then the rules require that you rule immediately as to whether that point of order itself is in order. If it is not, then the prescriptions of rule 74 should apply immediately. If you rule otherwise, then your ruling will be the order of the day.

Sir, I plead with you to give us a ruling on this matter, so that we can conclude the matter.

The PRESIDENT (interpretation from Russian): I would rule that we proceed in accordance with rule 74 of the rules of procedure, regarding not taking a decision now on the inclusion on the agenda of the item, that no action for the time being be taken on the amendment circulated in document A/42/L.18, as was proposed at the 59th meeting by the representative of Zambia. Pursuant to rule 74, I would now call on two speakers who may speak in favour of the motion and two against the motion.

(The President)

I call on the representative of Norway, who wishes to speak on a point of order.

Mr. VRAALSEN (Norway): I asked you a question, Mr. President, about the clarification that was offered earlier this afternoon by our colleague from Zambia concerning the time span. He made a comment which for my delegation is extremely important, and I should like to have that clarified and confirmed. He did not say "just for the time being". What he said in effect was that we should defer consideration of the relevant recommendation from the General Committee until the end of this month. This is what I should like to put to the Ambassador of Zambia through you, Mr. President. This is very important for my delegation in dealing with the matter when we eventually come to the vote. It is necessary for us to have this clarification, and I think we are entitled to have this clarification.

The PRESIDENT (interpretation from Russian): I call on the representative of Zambia to answer the question.

Mr. ZUZE (Zambia): I thank my colleague from Norway for raising that point. I will say again what I said this afternoon. The substance of the motion is that action on the recommendation of the General Committee be deferred until the report of the Organization of African Unity Ad Hoc Committee is considered by the Organization of African Unity special summit meeting on the matter. I did go further to say that, from my information, the special summit meeting is to take place at the end of this month.

I would also take the point of my colleague from Chad, who referred to the same matter. In his view, the special summit meeting at the end of the month will consider items of an economic nature. I deliberately used the words "special summit meeting". My information is that most, if not all, the Heads of State in the Organization of African Unity will be meeting in Addis Ababa to take up the

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question of the date. While there, they intend to consult one another on this matter. That is the time scale that I am looking to. I hope I have myself clear and that we are now in a position to proceed.

The PRESIDENT (interpretation from Russian): I call on the representative of Zaire, who wishes to speak on a point of order.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French): I should like to draw the attention of the Assembly to two specific points. The first relates to the recommendation of the General Committee under rule 40. For two months the item has not been included on the agenda. If we wait for another month, the plenary session will have virtually completed its work.

The second point to which I would draw attention is that the representative of Chad was kind enough to agree to the inscription of the item, but taking into consideration the programme established by the Organization of African Unity summit meeting early next month to be able to take a decision on the matter.

I do not see the point of anyone trying to interrupt me as I represent a sovereign State. If it is the representative of Ghana, I would simply say that when there were other attacks there were items included on the agenda. I have listened to my colleague from Ghana, and I would ask him to be kind enough to listen to me now.

Mr. President, I would ask that you take a decision according to rule 71 of the rules of procedure and not rule 74. I think my point of order is still valid, and I would ask you to rule on this motion in keeping with rule 71.

The PRESIDENT (interpretation from Russian): Let me explain that there are three requests to be allowed to speak on points of order, but I cannot call on three representatives at exactly the same time. So I will call on them in the order in which they raised the points of order. I call on the representative of Democratic Yemen, who was the first to raise a point of order.

Mr. AL-ASHTAL (Democratic Yemen): I want to respond to questions that have been put on the interpretation of rule 74. If that is clear, I think we shall be ready to vote on the procedural aspect at this meeting.

Rule 74, fortunately, has been used many times in the past four years. Some of my colleagues who have spoken this afternoon have used it. By now it has a history which all of us know. It is a very clear, categorical history, showing that adjournment of the debate when raised in a session of the General Assembly means adjournment of the debate for the entire session.

I have myself used rule 74 a number of times. Therefore, I know the interpretation that was given by the Legal Counsel at one point or other. Fortunately, the Legal Counsel is with us, and I believe he will confirm that interpretation.

The PRESIDENT (interpretation from Russian): I call on the representative of Gabon on a point of order.

Mr. BIFFOT (Gabon) (interpretation from French): As the representative of the Chairman of the Ad Hoc Committee of the Organization of African Unity on the conflict between Chad and Libya, I wish to make it clear that the Committee's conclusion cannot possibly be given before the second half of January 1988, because of the Committee's timetable. Therefore, no possibility should be raised of the results of the Committee's work being known before the second half of January.

The PRESIDENT: I call on the representative of Ghana on a point of order.

Mr. GBEHO (Ghana): Since you have decided, Mr. President, to make this an afternoon of points of order, I wish merely to exercise my right.

There is a better way for the Assembly to do its work. That better way can be found only in the rules of procedure that the founding fathers gave us. You have made a ruling, Sir, and the rules of procedure require that those whom you then

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call, if you are not proceeding directly to the vote, shall speak only to challenge your ruling, in which case you put that matter to a vote immediately. I humbly submit that, if representatives ask to speak on a point of order and do not challenge your ruling, you have the right to conduct the meeting in the way that you have ruled. Much of what we have heard this afternoon since your ruling cannot be qualified as challenges to your ruling. All the new proposals in the statements we have heard serve only to complicate this afternoon's proceedings.

It is true, Sir, that you cannot call on three representatives at the same time on points of order. But it is equally true that you can make a ruling that will enable this work to continue in a calm atmosphere and according to our rules of procedure. I once again appeal to you to use the rules of procedure to guide us.

The PRESIDENT (interpretation from Russian): I call on the representative of Chad on a point of order.

Mr. ADOUM (Chad) (interpretation from French): I have listened very carefully to all the preceding speakers. It seems to me that the position is clear. Chad wishes to exercise its sovereign right. There was a motion opposing that sovereign right. As preceding speakers have said, we must abide by the rules of procedure. We must therefore take a decision on Chad's sovereign right to have a question inscribed on the agenda.

The PRESIDENT (interpretation from Russian): My ruling is that we proceed in accordance with rule 74 of the rules of procedure, taking into account the explanation given by the representative of Zambia, who suggested that no action be taken for the time being on the recommendation to include the item on the agenda or on the amendment in document A/42/L.18.

Mr. ADOUM (Chad) (interpretation from French): With all due respect, Sir, I should like further precision. I did not quite grasp what you were saying.

The PRESIDENT (interpretation from Russian): I will repeat the ruling. It is that, under rule 74 of the rules of procedure, in view of the motion submitted by the representative of Zambia, no action is to be taken for the time being on the recommendation for inclusion of the item on the agenda or on the amendment in document A/42/L.18.

I call on the representative of Norway on a point of order.

Mr. VRAALSEN (Norway): It is still not quite clear to me, Sir, what your ruling is. When you use the expression "for the time being" does that take fully into account the clarification offered by the representative of Zambia this afternoon?

The PRESIDENT (interpretation from Russian): My ruling is given in view of the motion by the representative of Zambia, and taking into account the explanation he gave.

I call on the representative of Zaire on a point of order.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French): We have noted your decision, Mr. President, with the necessary calm - a calm that is not always a characteristic of some of our colleagues - but we should like you to specify at least the period that the decision will cover. Will the deadline be the end of our work or the end of this month? Since our work is drawing to a close, this must be decided at today's meeting.

(Mr. Bagbeni Adeito Nzengeya,
Zaire)

We should of course also take into account the explanation by the Chairman of the Ad Hoc Committee of the Organization of African Unity in charge of the dispute between two Member States. This is our concern, Sir, and I trust it is shared by a large number of delegations.

I should like to appeal to my colleague from Ghana not to interrupt me when I am speaking.

The PRESIDENT (interpretation from Russian): I call on the representative of Cameroon, who has asked to speak on a point of order.

Mr. ENGO (Cameroon): I apologize for speaking again but, like the representative of Norway, I would appeal to you, Mr. President that we should take a decision. If we are employing the rule that has been invoked here by the representative of Zambia then I think we should be putting to the vote the question posed by Zambia, the proposal made by Zambia, and not interpretations of it. This afternoon we have listened to the spirit in which he has made this proposal. In fact, he has given certain delimitations. If we merely say that we defer, we could "defer" for 10 years, but that is not his intention. His intention is that certain events will take place and the deferment will not exceed the duration of those activities. That is what concerns the representative of Norway, I believe, and also my delegation. It would be very simple for us to say that we are voting on the proposal made by Zambia, as made by Zambia. In that case, there would be no further points of order from Cameroon. But if an interpretation is given such as that which, with all due respect, Mr. President, you have undertaken to give, then we shall continue to raise a point of order to make sure that we are able to report to our Government what exactly we were voting upon.

The PRESIDENT (interpretation from Russian): I call on the representative of Chad.

Mr. ADOUM (Chad) (interpretation from French): What I wanted to say has been in substance said by my colleague from Cameroon. It seems to me that we are faced with a situation. There is a motion that has been submitted under rule 74. Should we take a position on that motion under rule 74, or is it a decision that you, Mr. President, have taken yourself? If that is the case, then my delegation would challenge that ruling and that understanding.

As far as we are concerned, we feel a decision should be taken on the motion submitted by Zambia under rule 74.

The PRESIDENT (interpretation from Russian): I call on the representative of Ghana.

Mr. GBEHO (Ghana): I wish to make two points. I still appeal that we should abide by the rules of procedure. I believe that if you, Mr. President, had called on two delegations to speak in favour of the motion and two against, some of the clarifications that you are being asked for from all parts of the Hall would have been answered. That is the reason why two other delegations are allowed to speak for and against the motion.

Secondly, my delegation takes instructions from no other delegation, however eminent or knowledgeable. My delegation does its work according to the rules of procedure and I take exception to what the representative of Zaire has said about my delegation. Points of order are in the rule book and my delegation will continue to raise them, even if it means banging our shoes on the table like some eminent person did 28 years ago, who I understand has been rehabilitated.

The PRESIDENT (interpretation from Russian): We have a motion submitted by Zambia at the 59th meeting, on 6 November 1987 in which he moved, within the terms of rule 74 of the rules of procedure, that no action, for the time being, be taken on the recommendation of the General Committee for inclusion of the item in the agenda, or on the amendment in document A/42/L.18.

(The President)

Since questions have been raised as to how we should understand "for the time being", I have said that we should take into account the explanations that were given to us by the representative of Zambia. If that will not be necessary, then we would proceed under rule 74, because the representative of Zambia gave no specific date.

We must arrive at some decision. I could, of course, rule; I could take a decision under rule 74 of the rules of procedure, not, for the time being, to take a decision on the recommendation for inclusion of the item on the agenda or on the amendment in document A/42/L.18. If anybody wishes to challenge this, then there is rule 71, which indicates that a representative may challenge a President's ruling. If anybody wishes to challenge my ruling that we proceed under rule 74 not to take a decision now on the recommendation for inclusion of the item or on the amendment in document A/42/L.18, then let anyone who so wishes challenge that ruling.

I call on the representative of Chad on a point of order.

Mr. ADOUM (Chad) (interpretation from French): Mr. President, with all due respect, we are distressed to see that you are persisting in your ruling. I do not think that the President of the General Assembly is entitled to take a decision by himself. It is up to the plenary meeting to apply the rules of procedure of the General Assembly, and that is why I said earlier that I was challenging your understanding and your clarification. It is not a question of suspending the meeting in this manner. We should abide by rule 74, which is very clear: there would be two speakers for, and two against, the motion and then the motion would be immediately put to the vote. The Assembly is sovereign.

The PRESIDENT (interpretation from Russian): I call on the representative of Suriname on a point of order.

Mr. VREEDZAAM (Suriname): As my delegation understands rule 74, two representatives should have been allowed to speak in favour of the motion and two against; after that, the motion should have been put to the vote. Once we had voted on the motion, no ruling by the President would in fact have been required.

It is the Assembly that has to vote on the motion. Therefore, Mr. President, I would ask you to start again and ask whether there are two representatives who wish to speak in favour of the motion and two who wish to speak against, so that we can proceed to put the motion by the delegation of Zambia to the vote.

The PRESIDENT (interpretation from Russian): I call on the representative of Zaire on a point of order.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French): If the Assembly were to take a decision on the motion presented by one of our colleagues under rule 74, the result would simply be that this question would be postponed sina dia. That is contrary to the principles of the Charter, in particular Articles 33 and 35. It is also contrary to the spirit of rule 40 of the Assembly's rules of procedure.

The General Committee of this forty-second session made a recommendation and submitted it to the plenary Assembly. If that recommendation does not meet with the consent of the Assembly, it can take a decision to that effect.

That having been said, we formally contest this motion made under rule 74, because its effect is to prevent a Member State from exercising its right to place before the Assembly questions that are very important to that delegation. Furthermore, it would set a most regrettable precedent, which would affect not only small- and medium-sized States, but all States. Last year an item was inscribed on

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the agenda because one Member State felt that an act of aggression had been committed against it. The General Assembly cannot have a double standard; it cannot agree to include an item proposed by one Member State and refuse to include an item proposed by another Member State.

I should like to tell my colleague from Ghana that he can pound on the table if he wishes to do so - even with his shoe - but that certainly will not frighten the delegation of Zaire.

Mr. RABETAFIKA (Madagascar) (interpretation from French): Mr. President, I admire your patience; it is exemplary. I wish I had your patience.

In fact, I have been patiently waiting to speak now for about three quarters of an hour, in order to support the motion submitted by the delegation of Zambia. I note with dismay that some of our colleagues, using the pretext of points of order, have already spoken against the Zambian motion. I apologize for saying this, Mr. President, but perhaps you should have ruled them out of order. If things are left as they are now, I should not speak myself, since everyone who has spoken has spoken against the motion. We must count up the number of representatives who have spoken against. Of course, we should not count the delegation of Chad, which has a special interest in this item, but all the others must be counted.

Furthermore, endless points of order have been raised. You have ruled on those points of order, Mr. President, under rule 71. In the circumstances, how can your ruling be challenged? You did not substitute yourselves for the Assembly. You simply said, "We shall now apply rule 71". Rule 71 states that if a representative wishes to challenge a ruling made by the President on a point of order, it should say so formally, and a vote will be taken.

(Mr. Rabetafika, Madagascar)

I hope that those delegations that are in favour of the motion will be given an opportunity to state their views. If that does not happen, this will all look like filibustering - I believe that that is the word used in this country for this state of affairs.

The PRESIDENT (interpretation from Russian): I call on the representative of the United Republic of Tanzania on a point of order.

Mr. KATEKA (United Republic of Tanzania): I wish to join the representative of Madagascar in supporting the motion put forward by the delegation of Zambia under rule 74.

This is a sad day for Africa. Our aim was to postpone consideration in the General Assembly of the Chad-Libyan conflict, in order to avoid a regional problem being magnified in this Hall. Unfortunately, we have in the end achieved what we had intended to avoid - that is, we have fought African battles in the General Assembly.

If the motion by the delegation of Zambia is put to the vote, my delegation will vote in favour of it - but this will be without prejudice to the right of the delegation of Chad to have an item inscribed on the agenda in the exercise of its sovereign right.

The PRESIDENT (interpretation from Russian): I call on the representative of Cameroon on a point of order.

Mr. ENGO (Cameroon): Once again, Mr. President, I must say that I have not asked to speak on a point of order.

Following the ruling that you made that rule 74 should be applied, my delegation has heard two representatives speaking in favour of the motion and one speaking against it. My delegation would like to express its view. I believe that in the main it is a view against -

The PRESIDENT (interpretation from Russian): I call on the representative of Madagascar on a point of order.

Mr. RABETAFIKA (Madagascar) (interpretation from French): I must object to this approach, Mr. President. I too have heard some representatives speaking against the motion. In fact, there were more than three of them. I would remind you that when I began to speak I was interrupted by someone who raised a point of order. I apologize, Sir, but I feel that now you should call on me to speak.

The PRESIDENT (interpretation from Russian): I rule that the Assembly will now vote, under rule 74, on not taking any action for the time being on the recommendation for the inclusion of an item on the agenda or on the amendment in document A/42/L.18.

If I understood correctly the representative of Zaire, he appeals against that ruling. I would like to ask the representative of Zaire if he wishes rule 71 to be applied. That rule states that an appeal shall be put to the vote.

Mr. BAGENI ADEITO NZENGEYA (Zaire) (intepretation from French): Yes, Sir, that is the position of my delegation. You have just conveyed it very clearly and concisely. I should like the Assembly to reach a decision on that proposal. A Member State is potentially involved. Chad, then, must be given the right to include the item on the agenda. The delegation of Chad has, after all, as a compromise, not insisted that the debate should take place immediately. The representative of Chad was willing to await the results of consultations among Heads of State. Given that important fact, I think it is essential that the plenary Assembly allow Chad to place the item on the agenda. But I do not think it should discuss the matter first. It should instead await the discussions between the Acting Chairman of the Organization of African Unity and the Acting Chairman of the Ad Hoc Committee on the conflict between Libya and Chad.

I feel that that is a decision which should be adopted by this Assembly under rule 71.

The PRESIDENT (interpretation from Russian): Rule 71 reads as follows:

"During the discussion of any matter, a representative may rise to a point of order, and the point of order shall be immediately decided by the President in accordance with the rules of procedure. A representative may appeal against the ruling of the President. The appeal shall be immediately put to the vote, and the President's ruling shall stand unless overruled by a

(The President)

majority of the members present and voting. A representative rising to a point of order may not speak on the substance of the matter under discussion."

I shall now therefore put to the vote Zaire's appeal against my ruling to put to the vote the motion submitted by Zambia in the context of rule 74.

A recorded vote was taken.

In favour: Antigua and Barbuda, Australia, Austria, Belgium, Belize, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Denmark, Egypt, Equatorial Guinea, France, Gabon, Germany, Federal Republic of, Greece, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Morocco, Netherlands, New Zealand, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Zaire

Against: Afghanistan, Algeria, Angola, Bahrain, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, Finland, Gambia, German Democratic Republic, Ghana, Hungary, India, Indonesia, Iran (Islamic Republic of), Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Mozambique, Nicaragua, Niger, Nigeria, Panama, Poland, Qatar, Romania, Saudi Arabia, Seychelles, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

Abstaining: Argentina, Bahamas, Barbados, Bolivia, Brazil, Ecuador, Fiji, Guinea, Guyana, Nepal, Norway, Pakistan, Paraguay, Peru, Philippines, Saint Vincent and the Grenadines, Samoa, Somalia, Togo, United Republic of Tanzania, Uruguay, Venezuela

The appeal against the President's ruling was rejected by 65 votes to 34, with 22 abstentions.

The PRESIDENT (interpretation from Russian): Since the General Assembly has now taken its decision, we shall continue our work under rule 74, and I shall call on two representatives to speak in favour of the motion and two against.

Mr. RABETAFIKA (Madagascar) (interpretation from French): We would be the last to challenge the right of the representative of Chad to draw the attention of the General Assembly to a dispute between his country and Libya. That right is acknowledged in the relevant provisions of the Charter, and in the course of the

(Mr. Rabetafika, Madagascar)

consultations among members of the African Group no delegation - and I stress, no delegation - questioned that right.

As Chairman of the African Group for the month of October, I wish to thank the delegation of Chad for agreeing to give due consideration to my suggestions - for which I did not claim paternity - which are set forth in document A/42/L.18.

I should like also to pay a tribute to the Libyan delegation for co-operating with me during all stages of consultations.

Since the beginning of 1987, and more specifically since 4 March, when it was first requested that this item be placed on the provisional agenda, new events have occurred. A decision of the Heads of State or Government of the Organization of African Unity (OAU) was adopted to renew, on 27 February 1987, the mandate of the Ad Hoc Committee concerned with the Chad-Libya border dispute. This time that Committee was made up of Heads of State or Government.

Then there was the declaration by the two belligerents that there would be a cease-fire on 11 September last.

Finally, there was the meeting of the Ad Hoc Committee of the OAU in Lusaka, Zambia, on 23 September 1987, when the Committee called upon both parties, inter alia, first to maintain and consolidate the cease-fire at all levels and, secondly, to refrain from "any act which might internationalize the conflict" in the interests of "finding a speedy, peaceful, African solution" to the border dispute. A timetable was adopted for that purpose, 3 September to 30 December; legal and cartographic experts were to meet in Libreville, Gabon. On 7 January 1988, there is to be a meeting of ministers in Libreville, Gabon, followed by a meeting of Heads of State members of the Ad Hoc Committee in Dakar, Senegal.

(Mr. Rabetafika, Madagascar)

It goes without saying that the Ad Hoc Committee will report to the forthcoming Conference of Heads of State and Government, who, in turn, will decide whether the Ad Hoc Committee has or has not completed its duties. It was these considerations that prompted the vast majority of African delegations, at the two meetings that were held on 16 October under my chairmanship, to insist that the vigorous appeal to the international community on 6 October last by Mr. Kenneth Kaunda, current chairman of OAU, "to refrain from any action which might further complicate the situation" be followed up.

To sum up, first a cease-fire has been in effect for more than two months between the two belligerents, mirabile visu, even though, because of the good faith of the two parties, no committee has been created to monitor the cease-fire. Secondly, an appeal has been made by the Ad Hoc Committee of OAU to the two parties to refrain from any act which might internationalize the conflict. Thirdly, a vigorous appeal has been made by the current Chairman of the OAU to the international community to give the OAU a chance to find a lasting solution to this problem. Fourthly, the Ad Hoc Committee has expressed "its preference for a negotiated African solution". No reservations were entered by the members of the Ad Hoc Committee or by the parties directly concerned.

For all these reasons, my delegation believes that the Assembly should not postpone a debate on item 140 of the provisional agenda for this session recommended by the General Committee, because we have not, after all, reached that stage - but should postpone consideration of the part of the first report of the General Committee concerned with that item. The item that we are at present discussing is item 8, entitled "Adoption of the agenda and organization of work".

(Mr. Rabetafika, Madagascar)

My delegation therefore supports the motion of the Ambassador of Zambia, the representative of the current Chairman of the OAU, and believes that, in the interest of the co-operation that exists between the OAU and the United Nations, the Assembly should do its utmost to help the OAU to carry out its task in the best conditions and should not do anything that might hamper its work.

The PRESIDENT (interpretation from Russian): I call on the representative of Malawi on a point of order.

Mr. MANGWAZU (Malawi): I and many of my colleagues have witnessed here this afternoon the magic of democracy. What might fittingly have been described as a tower of Babel has been turned into a quiet, respectable house. It is my belief that, when I have finished speaking in support of the motion that has been seconded by Madagascar, we shall resort again to that magic wand and vote. But why must we vote on this? Why must I speak on this? It is because we want to let Africa resolve its own problems. I think that, left to itself, Africa is capable of resolving its problems.

I speak in this regard because I wear the hat of Chairman for the month of the African Group. I would have preferred to remain silent, but that, in my opinion, would have been tantamount to abdicating my responsibilities. I did not want to do that; I am not the type to do that. Again, to be neutral and not take sides would be tantamount to remaining silent, in the terms of a mathematical equation. To be neutral and remain quiet, again, is to abdicate one's responsibilities.

I support the motion of our colleague Ambassador Zuze of Zambia, because it is an appeal from the Chairman of the Organization of African Unity (OAU), Mr. Kenneth Kaunda, who asked that this matter be left to be solved under the auspices of the OAU, as eloquently and properly explained by both the Ambassador of Zambia and my colleague from Madagascar.

(Mr. Mangwazu, Malawi)

It is fitting according to our culture as Africans that we respect our elders, in this case the Chairman of the OAU. I therefore appeal to Asia, Latin America and the Caribbean, the Western European and other States, the Eastern European States and all African countries to support the motion, for the reason already given that Africa should be left, at least for the moment, to try to resolve its problem without bringing it here, because that would only make it more difficult for the Ad Hoc Committee and the OAU to resolve the Chad-Libya conflict.

The PRESIDENT: I call on the representative of Zaire on a point of order.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French):

Despite the reception given by the Assembly to the appeal that we made, my delegation remains convinced that the delegation of Chad has every right to request the General Assembly to inscribe this item on the agenda, in accordance with Articles 33 and 35 of the Charter.

(Mr. Bagbeni Adeito Nzengeya, Zaire)

Secondly, the delegation of Chad has informed the Assembly that it intends not to press for consideration of the item immediately, once inscribed, at the plenary Assembly level, so as to enable the bodies of the OAU that are seized of the matter to continue their action in that area. Accordingly my delegation does not see why we should not inscribe the item at this time, particularly since the delegation of Chad has agreed that it should be inscribed without the Assembly's considering it immediately.

In conclusion, if the Assembly should so decide, then I would ask whether a Member State subjected to aggression by another can still seize the Assembly of that situation, or whether we must return to the period between the first and second world wars, when States conducted themselves without any respect for the rules of international law. We are here because the Charter exists, and because of its spirit. We are all Members of the United Nations, and we can exercise our rights enshrined in the Charter. I do not see why the plenary would deny any Member State of that right.

The PRESIDENT: I now call on the representative of Cameroon.

Mr. ENGO (Cameroon): My delegation is one of those that deeply regret what has happened this afternoon. But we should also like to warn the non-Africans among us that they should not think we are in fact washing our dirty linen in public. We have no dirty linen to wash in public.

The spirit of the African group and African people must be clearly understood. We do meet, and we argue, we debate, we come to a conclusion, because a very strong chemistry of culture links us. There is also a very definite, very clear biology of attitudes and temperament. At the end of the day the Africans that have been seen debating on either side of the aisle, will, like good lawyers, be found smiling at one another as they leave this Hall. So let us not allow an

(Mr. Engo, Cameroon)

undue interpretation of bad blood to seep into the debate here.

On the one hand, this issue is really one of principle and practice; on the other, it also concerns dealing with practical reality. I heard my brother from Malawi ask us to remember that on the African scene we respect our elders. I agree with him. But I think that when one looks at the system that has been imposed upon us, we must elect people by a system foreign to us. We have come to have leaders, and all Heads of State are our elders. Among themselves they do not consider one to be older than the other. If you have to go by age, then I think President Kaunda is still one of the young and dynamic ones we have. Thank God for his health, and thank God for his energies.

We have to go through history to understand why my delegation will find it difficult to support the proposal made by my brother from Zambia. We had this issue before us in the General Committee. From that moment, I think it was recognized by all delegations that it is the nature of life in the United Nations system that a sovereign State, when it feels aggrieved, should come before the United Nations and inscribe an item, and we should all discuss it. We strongly supported the item that was put forward by one of our brothers in this forum against a super-Power which, according to information from the press and elsewhere, had bombarded a small nation. We would have resisted very strongly any attempt by the super-Power to try to block - directly or indirectly - the right of that State to inscribe that item.

It is the same thing here. We are not talking about the big and the small. One of our number again feels aggrieved at something that has happened, a most unfortunate situation between two brothers. They have found it proper to come before this body, to place their grievances in an item before us. It is important to note that not a single delegation spoke against inscription. That is very important. It is undesirable that we should, directly or indirectly, seem to be

(Mr. Engo, Cameroon)

seen shattering that right, breaking that practice, breaking the principle that has long been established. This is the issue. A delegation undertook, at your insistence, to co-ordinate. And we can speak from some experience as to what the issue really was. There was no objection with regard to inscription.

The only objection put forward was with regard to the title. The word "aggression" and the unfortunate word "occupation" - words that usually come from the big boys about the small ones - had been used. And there was an outcry on the other side that it prejudged the situation. We have had the opportunity to consult on both sides and to remove all that appeared to be a nuisance. That is, we removed those words. The proposal to which you referred, Mr. President, now talks plainly about conflict between both sides. We would have thought that under those circumstances we would have proceeded to accept the inscription. The objection came with regard to timing. This was only because, in its wisdom, the Organization of African Unity (OAU) decided to set up a machinery for examining the complaints on both sides with a view to justifying an appeal for a cease-fire. The timing was the issue.

Then we had the wisdom of the visit of the Chairman of the OAU. He arrived here and appealed that nothing should be done. We have the text that has been circulated to us here. It does not say "do not inscribe", but urges the international community to refrain from such action that will complicate the situation. What action is there? It was not the international community that brought the item here; it was a sovereign State. But an action to which I believe our father alluded was the undertaking of a discussion of the item. That would be an action by the international community.

So I do not think we should belabour the idea of giving Africa a chance to resolve its problems. Over that, there is no dispute. We should all like to see the results from there, and we are very encouraged that today the representative of

(Mr. Engo, Cameroon)

Chad would circulate to all of us the decision of the President and Government of that country to permit the African initiative to be carried to the very end. For those who read French, I think the text came in French.

(spoke in French)

"Chad had accepted to defer the debate until the Ad Hoc Committee of the OAU had completed its timetable or schedule."

(continued in English)

This is a much broader attitude even than that proposed by my brother. My brother from Zambia is uncertain. He is trying to fix the next meeting. But the Chadian says that with regard to the effort being made by the OAU, until the Ad Hoc Committee completes its own agenda, we shall not take a decision here.

In those circumstances, how can one say that the opportunity has not been given to the OAU to resolve the problem?

We heard a brother speak earlier today and say that we should not in fact take up this matter. That is the implication of what my brother from Malawi would say: we should not take up the matter at all, but give Africa a chance. I do not think that is the spirit in which President Kaunda spoke. We would find it extremely difficult in the circumstances to support the proposal as it is.

(Mr. Engo, Cameroon)

It is with respect for my brothers and with a terrific sense of regret that we are not able to do that, because if, in fact, we follow that, we are saying to the Chadians, "You have no right to come here, even if nobody opposes your coming here, we are not going to inscribe it". At the same time, we would be misinterpreting President Kaunda, saying that he included the Chadian inscription. We would vote, unfortunately, against the proposal by Zambia. But the implication is simply this, that, if in fact our position succeeds, then we would have an opportunity to vote on the amendment that has been proposed after my delegation had consulted around the room, in which case we would end up inscribing, and we would also satisfy the objection as to the timing by not taking the issue until such time as Africa has had an opportunity to pass its judgement. If, after that judgement has been given, Chad still continues to have extra complaints, they will have an opportunity to do it. If everything has been settled, then I think we will all be able to meet and congratulate ourselves that peaceful means have been adopted to resolve problems.

The PRESIDENT (interpretation from Russian): I shall now put to the vote the motion submitted by the representative of Zambia that no action be taken for the time being on the recommendation for inclusion of the item, as well as on the amendment circulated in document A/42/L.18.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Bahrain, Benin, Bhutan, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, Gambia, German Democratic Republic, Ghana, Guinea, Hungary, India, Indonesia, Iran (Islamic Republic of), Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mauritania, Mongolia, Mozambique, Nicaragua, Nigeria, Panama, Papua New Guinea, Poland, Qatar, Romania, Saudi Arabia, Seychelles, Solomon Islands, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe

Against: Antigua and Barbuda, Australia, Austria, Belgium, Belize, Bolivia, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Côte d'Ivoire, Denmark, Ecuador, Egypt, Equatorial Guinea, Fiji, Finland, France, Gabon, Germany, Federal Republic of, Greece, Grenada, Haiti, Honduras, Iceland, Iraq, Ireland, Israel, Italy, Japan, Luxembourg, Mauritius, Mexico, Morocco, Netherlands, New Zealand, Norway, Paraguay, Peru, Portugal, Saint Vincent and the Grenadines, Samoa, Singapore, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zaire

Abstaining: Argentina, Bahamas, Barbados, Brazil, Brunei Darussalam, Djibouti, Guyana, Jamaica, Malta, Nepal, Niger, Pakistan, Philippines, Rwanda, Sao Tome and Principe, Sierra Leone, Somalia, Thailand, Togo, Trinidad and Tobago, Tunisia

The motion was adopted by 67 votes to 52, with 21 abstentions.

The PRESIDENT (interpretation from Russian): I call on the representative of Chad on a point of order.

Mr. ADOUM (Chad) (interpretation from French): My delegation greatly regrets that the General Assembly has decided in favour of Zambia's proposal. But we do note the fact that, in so doing, the Assembly has decided only not to take a decision for the time being on the recommendation of the General Committee. For the time being, I would repeat. You, Mr. President, as well as the representative of Zambia, explained the significance of this proposal. Consequently, the decision adopted here is essentially provisional. Chad, therefore, reserves the right to

(Mr. Adoum, Chad)

ask the Assembly to state its opinion on the recommendation of the Bureau of the General Committee and Cameroon's proposal, which remains before us, at an appropriate time in the future. I would request that this statement be entered into the records.

The PRESIDENT (interpretation from Russian): I shall now call on those delegations wishing to speak in explanation of vote.

May I remind delegations that, in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. GAD (Denmark): I should like to explain the vote of the 12 member States of the European Community on this issue.

The Twelve adhere to the basic principle that the General Assembly should grant all requests for the inscription of an item on its agenda provided it is not incompatible with the Charter. They do not believe that anything in Article 52 of the Charter affects this basic right. It is, moreover, for the country requesting inscription to determine the wording of the item in question.

Mr. VALDERRAMA (Philippines): My delegation also recognizes the right of a Member State under the Charter to bring to the attention of the General Assembly any dispute which it considers as likely to endanger international peace and security. In the same manner, however, my delegation also recognizes the desirability of resorting to regional arrangements in the pacific settlement of disputes. We support efforts of regional organizations, of which the parties to a dispute are members, to try to help bring about a negotiated settlement.

My delegation thus abstained on the motion put forth by the representative of Zambia. It is my delegation's hope, however, that whatever results from this

(Mr. Valderrama, Philippines)

afternoon's deliberations, the substantive issue, which is the dispute between Chad and Libya, will be resolved peacefully to the satisfaction of both parties and in the interests of international peace and security.

Mr. BORG-OLIVIER (Malta): Malta has abstained in the vote on the motion presented by the representative of Zambia. We regret very much that, notwithstanding the intensive efforts that have been made in the past weeks, it has not been possible to arrive at a compromise acceptable to all concerned.

While we support deferral of the substantive discussion at this stage, in view of the efforts under way under the auspices of the Organization of African Unity, we believe that the well-established principle that a Member State has the right to bring before this Assembly any matter of concern to it should be respected. In this context, of course, any item proposed for inclusion in the agenda should be appropriately worded in a way that does not prejudge the issue in question.

Mr. VRAALSEN (Norway): My delegation had hoped, and for a time also expected, to be able to support the motion of the representative of Zambia. That expectation was based on the clarification the Ambassador offered us this afternoon, in which he defined the time-frame in fairly precise terms. However, despite the repeated requests to you, Mr. President, from myself and some of my colleagues in this Hall to include this specifically in your wording of the precise motion on which we were to vote this afternoon, you did not do so. Your wording, in the view of my delegation, was ambiguous and did not give us a sufficient guarantee that the matter would be before us before this session of the General Assembly was adjourned.

In the circumstances, our respect for and adherence to the principle of the right of every nation to have a matter inscribed on the agenda of the General Assembly weigh very heavily. That is a principle to which we attach the greatest importance and which we shall do our utmost to uphold. It was in that spirit that my delegation, much to our regret, found itself forced to cast a negative vote this afternoon.

Mr. SVOBODA (Canada): Canada voted against the motion just adopted because we believed that at its heart was an attempt to prevent inscription of an item on our agenda. We share the view of the Twelve that this Assembly should grant requests for inscription in accordance with the Charter and our rules of procedure.

Canada would have voted in favour of the application of the rules of procedure had there been a clear understanding that the matter of inscription was merely suspended temporarily and that it would be returning to this Assembly before its conclusion. This, however, has not been the historical application of the rule cited, and therefore we could not support the motion. We very much regret that there could not have been an acceptable compromise and that a clearer ruling on the votes before us today was not possible.

Mr. DELPECH (Argentina) (interpretation from Spanish): The delegation of Argentina abstained in the procedural vote on the question before the Assembly for two main reasons: first, on grounds of principle and, secondly, on grounds of timeliness. As far as the first is concerned, we believe that we must as a matter of principle respect the right of every country to ask for the inscription of an item on the agenda. This was not clear in the proposal by the delegation of Zambia, as was shown by the long debate on the subject. And, with regard to timeliness, in view of the present stage of the matter and the lack of agreement between the countries of the region on procedural matters, we thought it best to abstain.

It is clear from what we have said that our vote today is without prejudice to the Argentine position on the substantive question.

Mr. DEEN (Malaysia): My delegation voted in favour of the motion by Zambia in its capacity as current Chairman of the Organization of African Unity (OAU). We are confident that the consultations now under way within the framework of the OAU will contribute to a solution. My delegation would like also to reaffirm its support for the principles governing inscription of agenda items. We regard that as a right of every Member State.

Mr. MOYA PALENCIA (Mexico) (interpretation from Spanish): The delegation of Mexico would like to explain its negative vote on the motion just dealt with. First, our vote should be understood as exclusively procedural and not on a matter of substance. Therefore it does not prejudice the origins, or the substance of the dispute between the two Member States concerned, or the responsibility for it.

Mexico reiterates its firm support for the principle of the peaceful settlement of disputes, no matter in which forum or by what means. We take this

(Mr. Moya Palencia, Mexico)

opportunity to urge all the States concerned to seek ways and means of reaching a peaceful settlement to their differences.

On behalf of my delegation, I should like also to say that we voted against the motion because we recognize the right of every country to ask for an item to be inscribed on the Assembly's agenda and believe that that right should not be limited in any way.

Furthermore, the mere fact that a dispute is being discussed in a regional body does not in any way mean that the countries of that region should not submit the conflict or situation to the United Nations. To believe otherwise would be contrary to the universal mandate that the Charter entrusts to our Organization.

I wish also to make a comment on procedure. We believe that the adoption of decisions to take no action, except in the most exceptional circumstances, suggests a tendency to immobilize or paralyse multilateral organizations, and that we should guard against such a tendency. Those bodies were created precisely to deal with unforeseen circumstances in international relations imposed on Member States in the course of their political, social, and economic life.

Finally, we reiterate our appeal to the countries concerned to make every effort to reach a peaceful settlement of their dispute.

Mr. NOGUEIRA-BATISTA (Brazil): The Brazilian delegation favours, as a matter of principle, the inclusion on the agenda, under Article 35 of the Charter, of any item proposed by Member States, provided its title is worded in a manner that does not prejudice the deliberations on the subject proposed for discussion.

The Brazilian delegation also favours questions involving two Member States of the same geographical region being discussed first at the regional level whenever possible. In the present case the regional group in question was unable to reach an agreement which would have helped the General Assembly come to a decision. In those circumstances, the Brazilian delegation abstained in the vote on the motion by Zambia under rule 74.

Mr. BAGBENI ADEITO NZENGEYA (Zaire) (interpretation from French): My delegation voted against the Zambian motion, for the following reasons: first, respect for the principles of the Charter; secondly, the right of any Member State to have recourse to the Assembly or the Security Council on any dispute between it and another State, in accordance with the provisions of the Charter; thirdly, the *raison d'être* of the United Nations, which is to protect and guarantee the political independence, territorial integrity and sovereignty of every Member State; and, fourthly, the fact that Chad favoured postponing debate on the question until the Organization of African Unity Ad Hoc Committee had completed its agenda.

For all those reasons my delegation continues, and will continue, to lend its full support to the inclusion of the item on the agenda. We trust, Sir, that you will consider the possibility of having the Assembly adopt the General Committee's recommendation to that effect.

Mr. KAM (Panama) (interpretation from Spanish): My delegation voted for the motion that has just been adopted, essentially for the reasons put forward by the representative of Zambia, who spoke as representative of the Organization of African Unity (OAU). We also took into account the explanation given by the representative of Madagascar.

However, our vote should by no means be construed as failure to recognize the right of every State Member of the United Nations to ask the Assembly to include on the agenda items it considers to be vital to its national interests. That is an essential right that we feel we and the other Members have. Today is meant to be no exception, but we wish to defer consideration of the matter because procedures connected with the peaceful settlement of disputes are moving ahead in the OAU. We wish once again to express our confidence in the methods being pursued by President Kaunda.

Mr. SUYOI (Brunei Darussalam): My delegation carefully followed this afternoon's deliberations. It abstained on the motion by Zambia, because we found it difficult not to support the right of a sovereign State to inscribe on the agenda an item it felt it should inscribe. However, my delegation notes that the Ad Hoc Committee of the Organization of African Unity (OAU) is now seized of the issue, which Chad is prepared to submit to it. My delegation is confident that the OAU can find a solution to the problem between two brotherly countries which are also members of the Organization of the Islamic Conference.

Mr. ORTIZ GANDARILLAS (Bolivia) (interpretation from Spanish): My delegation wishes to explain its vote against the motion by Zambia, on the basis of the right of every State Member of the United Nations to bring here any matter that it believes deserves our Organization's attention. My delegation was therefore voting in recognition of that right which all Member States enjoy - the right to bring to this Organization matters they consider are of interest or are basic problems for them.

Mr. BENZAQUEN (Peru) (interpretation from Spanish): My delegation voted against the motion, bearing in mind the right of every State Member of the United Nations to inscribe items on the General Assembly's agenda in accordance with the requirements of its national interests and explicitly in keeping with provisions of the Charter. According to the language of the Charter, handling a matter in a regional forum shall not mean that it cannot be taken up in the universal forum, the United Nations.

The meeting rose at 8 p.m.