



General Assembly

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GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE FORTY-EIGHTH MEETING

Held at Headquarters, New York,  
on Wednesday, 28 November 1990, at 3 p.m.

President:

Mr. de MARCO

(Malta)

- Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States: Report of the Sixth Committee [135]
- Status of the Protocols additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts: Report of the Sixth Committee [136]
- Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives: Report of the Sixth Committee [137]
- United Nations Decade of International Law: Report of the Sixth Committee [138]
- Peaceful settlement of disputes between States: Report of the Sixth Committee [139]

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- Draft Code of Crimes against the peace and security of mankind; report of the International Law Commission on the work of its forty-second session: Report of the Sixth Committee [140 and 142]
- Report of the United Nations Commission on International Trade Law on the work of its twenty-third session: Report of the Sixth Committee [141]
- Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto: Report of the Sixth Committee [143]
- Report of the Special Committee on the Charter of the United Nations and on the strengthening of the role of the Organization [144]
  - (a) Report of the Sixth Committee
  - (b) Report of the Fifth Committee
- Report of the Committee on Relations with the Host Country: Report of the Sixth Committee [145]
- Additional Protocol on Consular Functions to the Vienna Convention on Consular Relations: Report of the Sixth Committee [146]
- Conciliation rules of the United Nations: Report of the Sixth Committee [147]

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

AGENDA ITEMS 135 TO 139, 140 AND 142, 141, AND 143 TO 147

OBSERVER STATUS OF NATIONAL LIBERATION MOVEMENTS RECOGNIZED BY THE ORGANIZATION OF AFRICAN UNITY AND/OR BY THE LEAGUE OF ARAB STATES: REPORT OF THE SIXTH COMMITTEE (A/45/730)

STATUS OF THE PROTOCOLS ADDITIONAL TO THE GENEVA CONVENTIONS OF 1949 AND RELATING TO THE PROTECTION OF VICTIMS OF ARMED CONFLICTS: REPORT OF THE SIXTH COMMITTEE (A/45/731)

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES: REPORT OF THE SIXTH COMMITTEE (A/45/732)

UNITED NATIONS DECADE OF INTERNATIONAL LAW: REPORT OF THE SIXTH COMMITTEE (A/45/733)

PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES: REPORT OF THE SIXTH COMMITTEE (A/45/734)

DRAFT CODE OF CRIMES AGAINST THE PEACE AND SECURITY OF MANKIND; REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS FORTY-SECOND SESSION: REPORT OF THE SIXTH COMMITTEE (A/45/735)

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTY-THIRD SESSION: REPORT OF THE SIXTH COMMITTEE (A/45/736)

CONSIDERATION OF THE DRAFT ARTICLES ON THE STATUS OF THE DIPLOMATIC COURIER AND THE DIPLOMATIC BAG NOT ACCOMPANIED BY DIPLOMATIC COURIER AND OF THE DRAFT OPTIONAL PROTOCOLS THERETO: REPORT OF THE SIXTH COMMITTEE (A/45/738)

REPORT OF THE SPECIAL COMMITTEE ON THE CHARTER OF THE UNITED NATIONS AND ON THE STRENGTHENING OF THE ROLE OF THE ORGANIZATION

(a) REPORT OF THE SIXTH COMMITTEE (A/45/739)

(b) REPORT OF THE FIFTH COMMITTEE (A/45/728)

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY: REPORT OF THE SIXTH COMMITTEE (A/45/740)

ADDITIONAL PROTOCOL ON CONSULAR FUNCTIONS TO THE VIENNA CONVENTION ON CONSULAR RELATIONS: REPORT OF THE SIXTH COMMITTEE (A/45/741)

CONCILIATION RULES OF THE UNITED NATIONS: REPORT OF THE SIXTH COMMITTEE (A/45/742)

The PRESIDENT: I call on the Rapporteur of the Sixth Committee,

Mr. Saeid Mirzaee-Yengejeh of the Islamic Republic of Iran, who will introduce the reports of that Committee on agenda items 135 to 139, 140 and 142, 141, and 143 to 147.

Mr. MIRZAE-YENGEJEH (Islamic Republic of Iran), Rapporteur of the Sixth Committee: I have the honour of presenting to the General Assembly the 12 reports of the Sixth Committee on its work on the agenda items allocated to it at this session. The reports are contained in documents A/45/730 to A/45/736 and A/45/738 to A/45/742.

Before introducing each of these reports in the order in which they appear in today's Journal, I wish to make the following general remarks.

Participants in the Sixth Committee's work at this session will agree that the debate on item 138, "United Nations Decade of International Law", offered them a good opportunity for a fruitful exchange of views on the question of the observance of international law as a prerequisite for the maintenance of international peace and security, which will ensure the success of the Decade of International Law. It was also in this context of reaffirmation of the obligation of States to observe international law with a view to ensuring a peaceful world that the importance of the work on the progressive development of international law and its codification undertaken by the International Law Commission, or by other competent bodies within the United Nations system of organisations, was fully appreciated by the Committee.

(Mr. Mirzaag-Kengeish,  
Rapporteur, Sixth Committee)

I also highlight the fact that, in the course of its consideration of the report of the Special Committee on the Charter and its debate on the Decade of International Law and on the report of the International Law Commission, the Committee succeeded in rationalizing its future work. It recommended that two items on its agenda - item 139, entitled "Peaceful settlement of disputes between States", and item 140, entitled "Draft Code of Crimes against the Peace and Security of Mankind" - should not be treated as independent items on its future agenda but should be considered within the framework of other relevant items. For the same reason of rationalization of its work, the Committee further recommended that agenda item 147, entitled "Conciliation rules of the United Nations", should also no longer be an independent item in its future agenda and that it too be considered within the framework of other relevant items.

Last, but not least, I would like to add that 9 out of the 13 draft resolutions or decisions of the Committee were adopted without a vote, which is characteristic of the spirit of co-operation that has prevailed at this session.

Those are the few general remarks I wanted to make on the reports of the Sixth Committee now before the Assembly. I shall now introduce each of the reports, beginning with the report (A/45/730) submitted under agenda item 135, entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States". The draft resolution that the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the report.

In the preambular part of the draft resolution the General Assembly would recall the resolution of the United Nations Conference on the Representation of States in Their Relations with International Organizations relating to the observer status of national liberation movements, and the current practice of inviting those

(Mr. Mirzass-Yengeish,  
Rapporteur, Sixth Committee)

movements to participate as observers in the work of the international organisations. In order to ensure their effective participation in the said international organisations, the General Assembly would, in the operative part of the draft resolution, urge all States that have not yet done so to consider the question of becoming parties to the Vienna Convention on the Representation of States in Their Relations with International Organisations of a Universal Character, and call upon States to accord to the delegations of the aforementioned national liberation movements the facilities, privileges and immunities necessary for the performance of their functions.

The Sixth Committee adopted this draft resolution by a recorded vote of 82 to 10, with 24 abstentions.

I turn now to the report of the Sixth Committee (A/45/731) submitted under agenda item 136, entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 3 of the report.

Under the terms of the preambular part of the draft resolution, the General Assembly would stress the need for consolidating and implementing the existing body of international humanitarian law and for the universal acceptance of such law. Under the operative part of the draft resolution, the General Assembly would, inter alia, note that, in comparison with the Geneva Conventions, the number of States parties to the two additional Protocols is still limited. The General Assembly would, accordingly, appeal to all States parties to the Geneva Conventions of 1949 that have not yet done so to consider becoming parties also to the additional Protocols at the earliest possible date. The Secretary-General would be

(Mr. Mirzane-Yaragiah,  
Rapporteur, Sixth Committee)

requested to submit to the General Assembly at its forty-seventh session a report on the status of the Protocols based on information received from Member States.

The Sixth Committee adopted the draft resolution without a vote.

I now turn to the report of the Sixth Committee (A/45/732) submitted under agenda item 137, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 10 of the report.

Under the terms of the preambular part of the draft resolution, the General Assembly would express its alarm at the repeated acts of violence against diplomatic and consular representatives, as well as against representatives to international and intergovernmental organizations and officials of such organizations. The General Assembly would also recall Security Council resolutions 664 (1990), 667 (1990) and 674 (1990) regarding, inter alia, certain recent flagrant violations of international law concerning the protection, security and safety of diplomatic and consular missions and representatives. By operative paragraph 2 the General Assembly would strongly condemn acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international and intergovernmental organizations and officials of such organizations, and would emphasize that such acts can never be justified. By operative paragraph 10 the General Assembly would enhance the reporting procedure concerning violations of the protection, security and safety of diplomatic and consular missions by requesting the Secretary-General to prepare, on an annual basis, an analytical summary of the reports received concerning such violations.

(Mr. Mirzace-Yengejeh,  
Rapporteur, Sixth Committee)

The draft resolution was adopted in the Sixth Committee by a recorded vote of 120 to 1.

I turn now to the report of the Sixth Committee (A/45/733) submitted under agenda item 138, entitled "United Nations Decade of International Law", which was the subject of my general remarks. As can be seen, the draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 10 of the report.

By operative paragraph 2 of the draft resolution the General Assembly would adopt the programme for the activities to be commenced during the first term (1990-1992) of the Decade, which is annexed to the draft resolution, as an integral part thereof. In this connection, the General Assembly would, under operative paragraph 1, express its appreciation to the Sixth Committee for the elaboration of the aforementioned programme within the framework of its Working Group, and request the Working Group to continue its work at the forty-sixth session in accordance with its mandate and methods of work. By operative paragraph 6 of the draft resolution the General Assembly would appeal to States, international organisations and non-governmental organisations working in this field and to the private sector to make financial contributions or contributions in kind for the purpose of facilitating the implementation of the programme for the activities of the Decade.

The draft resolution was adopted by the Sixth Committee without a vote.

The next report of the Sixth Committee (A/45/734) that I have to introduce is submitted under agenda item 139, entitled "Peaceful settlement of disputes between States", and this, too, was the subject of my general remarks. The draft decision which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the report.



(Mr. Mirzaee-Yengejeh,  
Rapporteur, Sixth Committee)

Under the terms of the draft decision the General Assembly would decide that the question of the peaceful settlement of disputes between States shall be examined within the framework of the programme for the United Nations Decade of International Law and in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, as appropriate.

The draft decision was adopted by the Sixth Committee without a vote.

Let me now turn to the report of the Sixth Committee (A/45/735) submitted under agenda items 140 and 142, entitled respectively "Draft Code of Crimes against the Peace and Security of Mankind" and "Report of the International Law Commission on the work of its forty-second session". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 11 of the report.

Under the operative part of the draft resolution the General Assembly would request the International Law Commission to continue its work on the topics in its current programme, with a view to reaching at its forty-third session the goals indicated in its report. The General Assembly would further invite the Commission, as it continues its work on the elaboration of the draft Code of Crimes against the Peace and Security of Mankind, to consider further and analyse the issues raised in its report on the question of international criminal jurisdiction, including the possibility of establishing an international criminal trial mechanism. Moreover, the General Assembly would express its appreciation for the efforts of the Commission to improve its procedures and methods of work, and to formulate proposals on its future programme of work.

The Sixth Committee adopted the draft resolution without a vote.

I turn next to document A/45/736, containing the report of the Sixth Committee on agenda item 141, "Report of the United Nations Commission on International

(Mr. Mirzaee-Yengejeh,  
Rapporteur, Sixth Committee)

Trade Law on the work of its twenty-third session". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 7 of this report.

Under the preambular part of the draft resolution the General Assembly would reaffirm its conviction that the progressive harmonization and unification of international trade law would significantly contribute to universal economic co-operation among all States and to the elimination of discrimination in international trade law and, thereby, to the well-being of all peoples. Under the operative part of the draft resolution the General Assembly would, among other things, reaffirm the mandate of the Commission and the importance, in particular for developing countries, of its work concerned with training and assistance in the field of international trade law. The General Assembly would also repeat its invitation to those States that have not yet done so to consider signing, ratifying or acceding to the conventions elaborated under the auspices of the Commission.

The Sixth Committee adopted the draft resolution without a vote.

The next report of the Sixth Committee is before the Assembly in document A/45/738. It is submitted under agenda item 143, "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 9 of the report.

Under the operative part of the draft resolution the General Assembly would express its satisfaction at the useful informal consultations held at this session to study the aforementioned instruments, as well as the question of how to deal further with them with a view to facilitating the reaching of a generally acceptable decision in the latter respect. The General Assembly would also take

(Mr. Mirzase-Yengejeh,  
Rapporteur, Sixth Committee)

note of the oral report of the Chairman of the Sixth Committee on those consultations. It would further decide that these informal consultations will be resumed at the forty-sixth session of the General Assembly.

The draft resolution was adopted by the Sixth Committee without a vote.

I now turn to the report of the Sixth Committee before the Assembly in document A/45/739. It is submitted under agenda item 144, "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization". Two draft resolutions are reproduced in paragraph 15 of the report and recommended by the Sixth Committee to the General Assembly for adoption.

Under the operative part of draft resolution I the General Assembly would, in particular, decide that the Special Committee will hold its next session from 4 to 22 February 1991 in order to carry out its mandate as summarized in operative paragraph 3. Under the same draft resolution the General Assembly would also request the Secretary-General to complete the work on the preparation of the draft handbook on the peaceful settlement of disputes between States and to submit it, in its final form, to the Special Committee at its session in 1991.

Draft resolution I was adopted by the Sixth Committee by a vote of 94 to none, with 1 abstention.

Under the operative part of draft resolution II, entitled "Rationalization of existing United Nations procedures", the General Assembly would approve the conclusions of the Special Committee as set forth in the annex to the draft resolution and decide that those conclusions shall be reproduced as an annex to the General Assembly's rules of procedure. I should like to point out that this text is an important contribution by the Special Committee and the Sixth Committee to the efficiency of the General Assembly's work.

(Mr. Mirzae-Yencaieh,  
Rapporteur, Sixth Committee)

Draft resolution II was adopted by the Sixth Committee by a vote of 92 to none, with 1 abstention.

I shall now turn to the report of the Sixth Committee in document A/45/740. It is submitted under agenda item 145, "Report of the Committee on Relations with the Host Country". The Sixth Committee recommends to the General Assembly for adoption the draft resolution contained in paragraph 7 of the report.

Under the operative part of the draft resolution the General Assembly would, inter alia, express the hope that the host country will continue to take all necessary measures to prevent any interference with the functioning of missions accredited to the United Nations. It would also express its appreciation for the efforts made by the host country and its hope that the outstanding problems will be duly resolved in a spirit of co-operation and in accordance with international law. It would further urge the host country, in the light of the consideration by the Committee of travel regulations issued by the host country, to continue to bear in mind its obligations to facilitate the functioning of the United Nations and missions accredited to it. The General Assembly would request the Committee to continue its work, in conformity with Assembly resolution 2819 (XXVI) of 15 December 1971.

The draft resolution was adopted by the Sixth Committee without a vote.

(Mr. Mirzaee-Yengejeh,  
Rapporteur, Sixth Committee)

I turn to the report of the Sixth Committee (A/45/741) on agenda item 146, entitled "Additional protocol on consular functions to the Vienna Convention on Consular Relations". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 7 of the report.

Under the operative part of the draft resolution the General Assembly would take note with interest of the proposal concerning the elaboration of an additional protocol on consular functions to the Vienna Convention on Consular Relations. It would also request the Secretary-General to seek the views of Member States as well as of other States parties to the said Convention on the proposal, including the procedure to be followed in considering the item, and to submit a report thereon to the General Assembly at its forty-sixth session.

The Sixth Committee adopted the draft resolution without a vote.

Lastly, I turn to the report of the Sixth Committee (A/45/742) submitted under agenda item 147, entitled "Conciliation rules of the United Nations", to which I referred in my general remarks. The draft decision which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 3 of the report.

Under the terms of the draft decision the General Assembly would request the Secretary-General to circulate the document relating to the draft conciliation rules of the United Nations, as amended, to all Member States, organs and competent specialized agencies of the United Nations, regional intergovernmental organizations and international legal bodies and to invite them to send him their observations, comments and suggestions. The Secretary-General would also be requested to submit a report containing the replies received to the General Assembly at its forty-sixth session.

The draft decision was adopted by the Sixth Committee without a vote.

(Mr. Mirzaee-Yengeieh,  
Rapporteur, Sixth Committee)

This concludes my presentation of the reports of the Sixth Committee. I am conscious of the fact that I may have unduly overtaxed the patience of members of the Assembly, but I hope that they will agree with me that the achievements of the Sixth Committee at this session have been sufficiently noteworthy to deserve an item-by-item presentation, no matter how sketchy.

Before concluding let me state that I feel in duty bound not to let this opportunity go by without paying a special tribute to all those who contributed to the success of the Sixth Committee's work, thus enabling me to complete the report that I have just presented.

First of all I wish to congratulate all representatives and colleagues in the Committee, who demonstrated their high professional skills, sense of responsibility and respect for different approaches and views in the course of the Committee's deliberations.

I wish to address a special word of thanks to the Chairman of the Sixth Committee, Mr. Vaclav Mikulka, a distinguished jurist whose diplomatic skills and human qualities helped the Committee to conduct its deliberations efficiently and in a businesslike manner. The Chairman was assisted by two able Vice-Chairmen, Mr. Jan-Japp Van de Velde and Mr. Lukabu Khabouji N'Zaji, with whom, in my capacity as Rapporteur, I had the honour to serve as an officer of the Committee.

A special word of thanks goes also to the Legal Counsel, Mr. Carl-August Fleischhauer, and to Mr. Kotliar, Secretary of the Sixth Committee, to the two Deputy Secretaries, Ms. Jacqueline Dauchy and Mr. Andronico Adede, and to all the staff of the Codification Division who assisted them in providing such dedicated service to the Committee throughout its session. My thanks go also to all interpreters, translators, conference officers and documents officers who contributed to the work of the Committee and to its successful conclusion.

The PRESIDENT: If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee which are before the Assembly today.

It was so decided.

The PRESIDENT: Statements will therefore be limited to explanations of vote. The positions of delegations regarding the various recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records.

I remind members that under paragraph 7 of decision 34/401 the General Assembly agreed that

"When the same draft resolution is considered in a Main Committee and in plenary meeting, a delegation should, as far as possible, explain its vote only once, that is, either in the Committee or in plenary meeting unless that delegation's vote in plenary meeting is different from its vote in the Committee."

Further, I remind delegations that, also 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.

Before we begin to take action on the recommendations in the reports of the Sixth Committee I should like to advise representatives that we shall proceed with the voting in the same manner as in the Sixth Committee. This means that where recorded and non-recorded voters were taken in the Committee, the same will be done in the Assembly.

I hope that we may proceed to adopt without a vote those recommendations that were adopted without a vote in the Sixth Committee, unless delegations have already notified the Secretariat otherwise.

(The President)

We turn first to the report of the Sixth Committee (A/45/730) on agenda item 135, "Observer status of national liberation movements recognized by the Organisation of African Unity and/or by the League of Arab States".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of its report. A recorded vote has been requested.

A recorded vote was taken.

**In favour:** Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Côte d'Ivoire, Cuba, Cyprus, Djibouti, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

**Against:** Belgium, France, Germany, Israel, Italy, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America

**Abstaining:** Australia, Austria, Bulgaria, Canada, Costa Rica, Czechoslovakia, Denmark, Dominica, El Salvador, Finland, Greece, Honduras, Hungary, Iceland, Ireland, Japan, Liechtenstein, Malta, New Zealand, Norway, Poland, Portugal, Romania, Spain, Sweden, Turkey

The draft resolution in paragraph 8 of document A/45/730 was adopted by 116 to 9, with 26 abstentions (resolution 45/37).



The PRESIDENT: We have thus concluded our consideration of agenda item 135.

The Assembly will now turn to agenda item 136, "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts". The report of the Sixth Committee on this item appears in document A/45/731.

The Assembly will take a decision on the draft resolution recommended by the Sixth Committee in paragraph 8 of that report.

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly too wishes to adopt it?

The draft resolution in paragraph 8 of document A/45/731 was adopted (resolution 45/38).

The PRESIDENT: We have thus concluded our consideration of agenda item 136.

We turn now to the report of the Sixth Committee (A/45/732) on agenda item 137, "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

The Assembly will take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Italy,

Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

**Against:** Iraq

The draft resolution in paragraph 10 of document A/45/732 was adopted by 148 votes to 1 (resolution 45/39).

**The PRESIDENT:** We have thus concluded our consideration of agenda item 137.

We turn now to the report of the Sixth Committee (A/45/733) on agenda item 138, "United Nations Decade of International Law".

I call on the representative of Indonesia.

**Mr. NASIER (Indonesia):** My delegation wishes to add its name to the list of sponsors of the draft resolution recommended by the Sixth Committee in its report on this item.

**The PRESIDENT:** The Secretariat has taken note of the statement of the representative of Indonesia.

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report (A/45/733).

(The President)

The draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly too wishes to adopt it?

The draft resolution in paragraph 10 of document A/45/733 was adopted (resolution 45/40).

The PRESIDENT: We have thus concluded our consideration of agenda item 138.

The Assembly will now consider the report of the Sixth Committee (A/45/734) on agenda item 139, "Peaceful settlement of disputes between States".

The Assembly will take a decision on the draft decision recommended by the Sixth Committee in paragraph 3 of its report.

The draft decision was adopted by the Sixth Committee without a vote. May I consider that the Assembly too wishes to adopt it?

The draft decision in paragraph 3 of document A/45/734 was adopted.

The PRESIDENT: That concludes our consideration of agenda item 139.

The Assembly will now consider the report of the Sixth Committee (A/45/735) on agenda item 140, "Draft Code of Crimes against the Peace and Security of Mankind", and agenda item 142, "Report of the International Law Commission on the work of its forty-second session".

The Assembly will take a decision on the draft resolution entitled "Report of the International Law Commission on the work of its forty-second session", recommended by the Sixth Committee in paragraph 11 of its report.

The Sixth Committee adopted the draft resolution without a vote. May I consider that the General Assembly wishes to do the same?

The draft resolution in paragraph 11 of document A/45/735 was adopted (resolution 45/41).

**The PRESIDENT:** That concludes our consideration of agenda items 140 and 142.

We turn next to the report of the Sixth Committee (A/45/736) on agenda item 141, "Report of the United Nations Commission on International Trade Law on the work of its twenty-third session".

The Assembly will take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of its report.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution in paragraph 7 of document A/45/736 was adopted (resolution 45/42).

**The PRESIDENT:** We have thus concluded our consideration of agenda item 141.

The Assembly will now consider the report (A/C.6/738) of the Sixth Committee on agenda item 143, "Consideration of the draft articles on the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier and of the draft optional protocols thereto".

The Assembly will take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report. This draft resolution was adopted by the Sixth Committee without a vote. May I consider that the Assembly wishes to do the same?

The draft resolution in paragraph 9 of document A/45/738 was adopted (resolution 45/43).

**The PRESIDENT:** This concludes our consideration of agenda item 143.

We turn next to the report (A/45/739) of the Sixth Committee on agenda item 144, "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

I call on the representative of Cuba, who wishes to explain his vote before the voting.

**Mr. MILICA CANTELAR** (Cuba) (interpretation from Spanish): My delegation wishes to make a statement for the purpose of reiterating its position on and interpretation of draft resolution II of document A/45/739, regarding the rationalization of existing United Nations procedures. This draft resolution contains recommendations that will appear as an annex to the General Assembly's rules of procedure.

We have serious reservations regarding the application and interpretation of the wording in paragraph 1 of those recommendations. In our view, this provision should not be interpreted so broadly as to limit the sovereign rights of States.

(Mr. Mujica Centelar, Cuba)

We have observed at this session a rather greater tendency than at previous sessions to seek formulations in which consensus predominates. At the twenty-sixth session my delegation stated that in principle we did not oppose the rationalisation of Assembly procedures with the aim of reducing administrative costs, taking better advantage of the time available and making the work of the Assembly more effective. However, we expressed objections to rationalization being used in practice to introduce consensus as a fixed rule for decision-making by the General Assembly and its organs. This, in our view, would violate the right of States set out in Article 18 of the Charter and, far from contributing to the strengthening of the democratic character of the decisions of the General Assembly and its organs, it would result in weakening and indeed invalidating it.

My delegation accordingly wishes to insist on unrestricted observance of Article 18 of the Charter.

The PRESIDENT: The Assembly will now take decisions on the two draft resolutions recommended by the Sixth Committee in paragraph 15 of its report (A/45/739).

The Assembly will first take a decision on draft resolution I, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

The report of the Fifth Committee on the programme-budget implications of draft resolution I is contained in document A/45/728.

A recorded vote has been requested.

A recorded vote was taken.

**In favour:** Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

**Against:** None

**Abstaining:** Libyan Arab Jamahiriya

Draft resolution I, in paragraph 15 of document A/45/739, was adopted by 147 votes to none, with 1 abstention (resolution 45/44).\*

**The PRESIDENT:** The Assembly will now take a decision on draft resolution II, entitled "Rationalization of existing United Nations procedures".

A recorded vote has been requested.

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\* Subsequently, the delegation of Argentina advised the Secretariat that it had intended to vote in favour.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Israel, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Saint Lucia, Samoa, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: None

Abstaining: Cuba

Draft resolution II, in paragraph 15 of document A/45/739, was adopted by 149 votes to none with 1 abstention (resolution 45/45).

The PRESIDENT: I call on the representative of Colombia, who wishes to explain his vote.

MR. ALZATE (Colombia) (interpretation from Spanish): This statement is being made on behalf of the delegations of the following countries: Argentina, Bolivia, Brazil, Costa Rica, Chile, the Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Paraguay, Peru, Uruguay and Colombia.



(Mr. Alzate, Colombia)

The delegations of those countries express their satisfaction at the outcome of the work of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization in respect of the rationalization of existing United Nations procedures. The Committee's conclusions appear in the annex to draft resolution II in document A/45/739.

(Mr. Alzate, Colombia)

In this regard, we wish expressly to place on record our interpretation of paragraph 1 of the annex. We believe that, in emphasizing once again that Article 18 of the Charter remains in full force, that paragraph reaffirms the right of each member of the General Assembly to a vote. Without prejudice to that right and whenever possible, informal consultations may be conducted with the broadest possible participation of Member States with a view to arriving at agreed texts of resolutions and decisions. Similarly, it is our understanding that these conclusions on the rationalization of procedures, given their character as a subsequent rule, affect paragraph 104 of section D of chapter VII of annex V of the General Assembly's rules of procedure, which were adopted by resolution 2837 (XXVI), of 17 December 1971.

The PRESIDENT: I wish to draw to the attention of the Assembly a matter relating to membership of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization.

Members will recall that, by a letter dated 3 October 1990 (A/45/567), the Federal Minister for Foreign Affairs of the Federal Republic of Germany informed the Secretary-General that, through the accession of the German Democratic Republic to the Federal Republic of Germany with effect from 3 October 1990, the two German States had united to form one sovereign State.

Consequently the seat that had been occupied by the former German Democratic Republic in the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization became vacant as at 3 October 1990.

In accordance with General Assembly resolution 3349 (XXIX), adopted on 17 December 1974, the members of this Committee are appointed by the President of the General Assembly, with due regard for the principle of equitable geographical distribution.

(The President)

After consultations with regional groups, I have appointed Hungary as a member of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, with effect from today.

May I take it that the Assembly takes note of this appointment?

It was so decided.

The PRESIDENT: We have concluded our consideration of agenda item 144.

The Assembly will turn now to the report of the Sixth Committee (A/45/740) on agenda item 145, entitled "Report of the Committee on Relations with the Host Country".

The Assembly has to take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of the report.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution in paragraph 7 of document A/45/740 was adopted (resolution 45/46).

The PRESIDENT: We have concluded consideration of agenda item 145.

The Assembly will turn next to the report of the Sixth Committee (A/45/741) on agenda item 146, entitled "Additional Protocol on consular functions to the Vienna Convention on Consular Relations".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of the report.

The Sixth Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution in paragraph 7 of document A/45/741 was adopted (resolution 45/47).

The PRESIDENT: We have concluded consideration of agenda item 146.

The Assembly will turn now to the report of the Sixth Committee (A/45/742) on agenda item 147, entitled "Conciliation rules of the United Nations".

The Assembly has to take a decision on the draft decision entitled "United Nations rules for the conciliation of disputes between States", which is recommended by the Sixth Committee in paragraph 8 of the report.

The Sixth Committee adopted the draft decision without a vote. May I take it that the General Assembly wishes to do the same?

The draft decision in paragraph 8 of document A/45/742 was adopted.

The PRESIDENT: The Assembly has now concluded consideration of agenda item 147, and of all the reports of the Sixth Committee.

The meeting rose at 4.30 p.m.