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ASSEMBLY**
FORTY-SECOND SESSION
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GENERAL COMMITTEE
2nd meeting
held on
Wednesday, 16 September 1987
at 3 p.m.
New York

SUMMARY RECORD OF THE 2nd MEETING

Chairman: Mr. FIORIN (President of the General Assembly)

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ORGANIZATION OF THE FORTY-SECOND REGULAR SESSION OF THE GENERAL ASSEMBLY, ADOPTION
OF THE AGENDA AND ALLOCATION OF ITEMS: MEMORANDUM BY THE SECRETARY-GENERAL
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The meeting was called to order at 3.20 p.m.

ORGANIZATION OF THE FORTY-SECOND REGULAR SESSION OF THE GENERAL ASSEMBLY, ADOPTION OF THE AGENDA AND ALLOCATION OF ITEMS: MEMORANDUM BY THE SECRETARY-GENERAL
(A/BUR/42/1) (continued)

Section III. Adoption of the agenda

Item 142

1. The CHAIRMAN invited the Committee to continue its discussion of whether to incorporate in the agenda of the General Assembly the item entitled "Aggression against and occupation of Chad by Libya".
2. Mr. ENGO (Cameroon) said that the question before the General Committee was simple: whether to accede to the request by a sovereign State that a particular item should be discussed by the General Assembly. Individual members might have their personal views as to the utility of such a discussion, but such views were never allowed to influence the procedure in the Committee, and the Committee must not be swayed by political arguments, charged emotions notwithstanding. No one had yet voiced actual opposition to the inclusion of the item. The Committee should therefore recommend addition of the item to the agenda of the General Assembly, but request the President of the Assembly to consult the parties involved about the most appropriate time for the item to be taken up.
3. Mr. LOZINSKY (Union of Soviet Socialist Republics) said that the dispute in question ought to be resolved in an African framework, without outside interference. The Organization of African Unity (OAU) had renewed the mandate of the Ad Hoc Mediation Committee it had established to deal with the question; efforts to settle the dispute should continue along those lines. Discussing the matter in the General Assembly would not help to bring about a solution. He shared the view that the proposed item should not be added to the agenda.
4. Mr. ADOUM (Chad) said that his country had been the first to respond favourably to the overtures by the Chairman of OAU and had always sought to resolve its differences with Libya peacefully. The Committee should be aware, however, that the cease-fire called for by OAU, which had come into effect on 10 September, had been violated by Libya every day since: villages had been bombed and shelled, and Libyan aircraft had penetrated Chadian airspace. His country would certainly send representatives to the reconciliation meeting scheduled for 25 September, if that meeting ever took place. Meanwhile, he saw no inconsistency between the current efforts by OAU to re-establish peace and his country's request for the dispute to be discussed in the United Nations.
5. Mr. OULD CHEIKH EL GAOUTHE (Mauritania) expressed his regret that two African countries had brought a purely regional dispute before the United Nations when the Organization of African Unity had already begun to take action on the matter. He appealed to both parties to return the matter for further discussion within the

(Mr. Ould Cheikh El Gaouthe,
Mauritania)

African Group, and called upon the Chairman to postpone further action in the General Committee pending the outcome of those discussions.

6. After a short procedural discussion, the CHAIRMAN said that the Committee should hear all the delegations that were currently scheduled to speak before interrupting its consideration of the matter.

7. Mr. KOUASSI (Togo) said that it would be preferable to resolve the dispute between Chad and the Libyan Arab Jamahiriya at the regional level and refer it to the United Nations only if regional efforts failed. In any event, the United Nations could hardly arrive at or impose a settlement without the co-operation of OAU.

8. Mr. NZENGEYA (Zaire) said that, under Article 35 of the Charter, any Member of the United Nations could bring any dispute to the attention of the Security Council or of the General Assembly. Chad had suffered repeated acts of aggression at the hands of the Libyan Arab Jamahiriya over a period of years. Part of its territory was still occupied, by a country which violated international law and the principles of the United Nations Charter. The question ought to have been put on the agenda of the General Assembly long before. Indeed, the aggressor State had invoked the Charter to ensure discussion within the General Assembly of an act of aggression which it claimed to have suffered. The item should be added to the agenda, so that the international community could go into it in detail and discuss such aspects as the restoration to Chad of its rights over the territory now occupied by Libya.

9. The Ad Hoc Committee set up by OAU to mediate the conflict had suffered a setback, and its Chairman had resigned. Libya had not acted in good faith, and had refused even to receive the members of the Ad Hoc Committee who had gone to Tripoli. The cease-fire called for by OAU had already been violated, by Libya. It was likely that the Ad Hoc Committee of OAU and the General Assembly would reach complementary, not mutually exclusive, conclusions.

10. Mr. AZZAROUK (Libyan Arab Jamahiriya) said that the previous speaker had described the Libyan Arab Jamahiriya and its leadership in unacceptable terms. The Zairian delegation and leadership were the last people entitled to speak in such terms. The human rights situation in Zaire was well known. It was no secret who had murdered Patrice Lumumba and sold his country out to foreign interests. The Committee also knew what forces had prompted the representative of Zaire to support the current proposal.

11. Mr. NZENGEYA (Zaire), speaking on a point of order, said that the representative of the Libyan Arab Jamahiriya had made offensive remarks about Zaire, while at the same time the Libyan Arab Jamahiriya was bombing villages and refusing to accept a cease-fire. Several missions from the Commission on Human Rights had visited Zaire and had submitted satisfactory reports. He asked the Chairman to call the representative of Libyan Arab Jamahiriya to order.

12. The CHAIRMAN called upon all members to keep to the agenda.
13. Mr. AZZAROUK (Libyan Arab Jamahiriya) said that the representative of Zambia, at the meeting of the General Committee held that morning, had clearly stated that OAU would pursue its good offices. It would be unfair to obstruct the efforts of the OAU Chairman, especially since Article 52 of the Charter stated that Member States should make every effort to achieve peaceful settlement of local disputes through regional arrangements.
14. The Libyan Arab Jamahiriya was the victim of aggression. Its conflict with Chad was being exploited, and Western arms were being sent to Chad. If the international community took part in the dispute, the entire region was likely to become involved in a protracted conflict. He therefore requested that the item should not be added to the agenda.
15. Mr. LEGWAILA (Botswana) said that his delegation did not, in principle, oppose the inclusion of the item. The fact that the OAU Ad Hoc Committee had the item before it should be borne in mind, and the situation should therefore be discussed in the United Nations at an auspicious time.
16. The CHAIRMAN suggested that the list of speakers should be closed.
17. Mr. MAHBUBANI (Singapore) and Mr. OUDOVENKO (Ukrainian Soviet Socialist Republic) asked to be included in the list of speakers.
18. The CHAIRMAN said that, with those additions, the list of speakers was closed.
19. It was so decided.
20. Mr. BLANC (France) said that the Libyan Arab Jamahiriya had been constantly violating United Nations and OAU rules requiring respect for the sovereignty and territorial integrity of Chad. Over the past 20 years, its repeated interventions in Chad's internal affairs had caused Chad to bring the question before the Security Council several times. France fully supported the OAU efforts to find a peaceful solution to the conflict. Significant progress had been made by the Chairman of OAU in achieving acceptance of a cease-fire; in addition, the President of Gabon would try the following week, on behalf of OAU, to bring the parties together again. Discussion of the question within the United Nations would help clarify the positions of the parties, in particular that of the Libyan Arab Jamahiriya, which had been practising an "empty chair" policy, refusing to co-operate with OAU and its Ad Hoc Committee. France therefore supported Chad's request.
21. Mr. EL-FATTAL (Syrian Arab Republic) said that the use of the term "aggression" in the proposed item seemed to him to be tantamount to passing judgement on the situation in advance. Since OAU had been established in full compatibility with the Charter, it was competent to deal with the conflict.

22. Mr. BIFFOT (Gabon) said that unfortunately, no clarification had been forthcoming with regard to the rumours that had been circulating that there would very probably be one seat vacant again at Lusaka. Rationally speaking, there was no incompatibility between the consideration of the problem by both OAU and the United Nations at the same time. United Nations efforts would be a supplementary and positive contribution.

23. The CHAIRMAN said that the representative of the Central African Republic had asked to participate in the discussion. If there was no objection, he would invite him to take a place at the Committee table.

24. At the invitation of the Chairman, Mr. Gbezera-Bria (Central African Republic) took a place at the Committee table.

25. Mr. GBEZERA-BRIA (Central African Republic) said it was clear from the statements of the two parties that they were willing to resolve the issues by peaceful means. If the inclusion of the item would contribute to a solution, his delegation would support it. He agreed with the position taken by Cameroon and Botswana, and suggested that the Chairman should hold further consultations.

26. Mr. SALAH (Jordan) said that it was not proper in the current debate to discuss the details of the conflict. Every sovereign State had a right to independence and to the peaceful settlement of disputes. Every State was also entitled to express its views. In the past, the United Nations had considered conflicts which were, at the same time, on the agenda of OAU. However, the African leaders had not yet finalized their efforts, and should be given a chance to do so.

27. Mr. MAHBUBANI (Singapore) said that Chad had the right, under Articles 11 (2) and 35 (1) of the Charter, to bring to the attention of the General Assembly or the Security Council any questions relating to the maintenance of international peace and security. To refuse Chad's request would be a violation of the letter and spirit of the Charter. Moreover, Singapore, as a small country, felt that rejection of the request could damage the interest and security of all small States. In supporting Chad's request, his delegation was not taking sides. Perhaps, as some previous speakers had suggested, the item could be inscribed but its consideration postponed until an appropriate time.

28. Mr. OUDOVENKO (Ukrainian Soviet Socialist Republic) recalled that OAU had recently renewed the mandate of the ad hoc committee set up specifically to end the conflict between Chad and the Libyan Arab Jamahiriya. That committee was the appropriate mechanism, and should be given a chance to operate. That approach would be in keeping with the Charter, and in particular its Article 52 (2). His delegation therefore opposed the inclusion of the item in the agenda.

29. Mr. ROSENSTOCK (United States of America) said that his delegation firmly supported the inclusion of the item, just as it had not objected to the proposal of item 35. Regional arrangements for the maintenance of peace and security were undeniably important. However, they should not be used as a pretext for denying a

(Mr. Rosenstock, United States)

State Member the opportunity to have its voice heard concerning a matter which undeniably concerned international peace and security.

30. Ms. ASTORGA-GADEA (Nicaragua) said that the title of the proposed item appeared to prejudice the situation. Her delegation therefore proposed that it be amended to read "Dispute between Chad and Libya", thus bringing it into line with the formula adopted by the Organization of African Unity.
31. Mr. ENGO (Cameroon) said that, in the conflict between Chad and Libya, the arms used were not manufactured on the African continent, but had been brought from outside. The issue was not a border incident. He did not subscribe to the argument that the matter could not be discussed in the United Nations if it was being discussed in OAU. Any efforts made in OAU and the United Nations would help. He suggested that the item be recommended for inclusion in the agenda, and consultations take place on how to proceed from there on.
32. The CHAIRMAN asked the representative of Chad whether his delegation could agree to change the title of the item.
33. Mr. ADHOUM (Chad) said that the title as it stood was the only one his delegation could accept.
34. Mr. AZZAROUK (Libyan Arab Jamahiriya), speaking on a point of order, said that his delegation could not agree to the inclusion of the item as currently worded. The Committee should consider the Nicaraguan amendment on its merits.
35. Mr. MOUMIN (Comoros) said that an opinion should be obtained from the Legal Counsel as to whether there was precedent for changing the title of an item.
36. Mr. BIRCH (United Kingdom) said that the conflict between Libya and Chad was much more than a dispute. His delegation believed that the item should be kept in its original form.
37. The PRESIDENT said he had been informed that there were precedents for changing the title of items.
38. Mr. ENGO (Cameroon) said that such changes had been made only with the consent of the parties concerned. Moreover, the appropriate body in the United Nations system for dealing with disputes was not the General Assembly, but the International Court of Justice. Accordingly, it was inappropriate to use the word "dispute" in the title of the proposed item, especially in view of the position of the representative of Chad.
39. Mr. NZENGEYA (Zaire) said that, under Article 35 of the Charter, Chad was entitled to bring a dispute to the attention of the General Assembly. In exercising that right, it had submitted an explanatory memorandum in accordance with rule 20 of the rules of procedure. Libya could not use a double standard by invoking a rule in order to have its own item included and denying Chad the right to do the same.

40. Mr. AZZAROUK (Libyan Arab Jamahiriya) said that the proposed change in the title of the item was in line with the latest OAU resolution, and should be given immediate consideration. The word "aggression" was not acceptable to his delegation. It was Libya which had recently been a victim of aggression by Chad, involving a 60-mile incursion into Libyan territory and the destruction of a civilian airport.
41. Mr. OUDOVENKO (Ukrainian Soviet Socialist Republic) proposed that the Nicaraguan proposal be put to the vote.
42. Mr. JACOROVITS DE SZEGED (Netherlands) said that Chad had the right to propose the item in the wording it wished.
43. Mr. ABDELAZIZ AL-KAWARI (Qatar) said that the Nicaraguan proposal presented the best way out of the impasse.
44. Mr. BLANC (France) said that since Chad was opposed to a change in the heading of its request, the Committee should take a decision on the proposed item as originally worded.
45. The CHAIRMAN invited the Committee to vote first on the Nicaraguan amendment of item 142.
46. There were 10 votes in favour, 10 votes against and 4 abstentions.
47. The CHAIRMAN said that, in accordance with rule 133 of the rules of procedure, the amendment should be regarded as rejected.
48. He then invited the Committee to vote on the inclusion of item 142 in the agenda.
49. By 13 votes to 6, with 7 abstentions, the Committee decided to recommend that the General Assembly should include item 142 in the agenda.
50. Mr. Gbezera-Bria (Central African Republic) withdrew.

Item 143

51. The CHAIRMAN said that the inclusion of item 143 had been proposed by Côte d'Ivoire (A/42/142). The representative of Côte d'Ivoire had asked to participate in the discussion of the item in accordance with rule 43 of the rules of procedure.
52. At the invitation of the Chairman, Mr. Bamba (Côte d'Ivoire) took a place at the Committee table.
53. Mr. BAMBA (Côte d'Ivoire) said that the African Development Bank was heavily involved in implementing the United Nations Programme of Action for African Economic Recovery and Development 1986-1990. As host country to the Bank,

(Mr. Bamba, Côte d'Ivoire)

Côte d'Ivoire had proposed the inclusion of item 143 because, as an Observer in the General Assembly, the Bank would participate more effectively in that programme and especially in its follow-up.

54. Mr. OULD CHEIKH EL GAOUTHE (Mauritania) said that he strongly supported the inclusion of the item in the agenda.

55. The Committee decided to recommend that the General Assembly should include item 143 in the agenda.

56. Mr. Bamba (Côte d'Ivoire) withdrew.

Item 144

57. The Committee decided to recommend that the General Assembly should include item 144 in the agenda.

Item 145

58. The CHAIRMAN said that the inclusion of item 145 had been proposed by Honduras (A/42/191) and supported by 11 other Member States (A/42/191/Add.1-2). The representative of Honduras had asked to participate in the discussion of the item in accordance with rule 43 of the rules of procedure.

. At the invitation of the Chairman, Mr. Hernandez Alcerro (Honduras) took a place at the Committee table.

60. Mr. HERNANDEZ ALCERRO (Honduras), observing that the Charter of the Organization of American States (OAS) had recently been amended to ensure membership in the Organization by any State in the region so desiring, drew attention to the many provisions in the OAS Charter, as well as in norms subsequently adopted by OAS, calling for co-operation with the United Nations and its specialized agencies, particularly in the economic, social and cultural fields.

61. The inclusion of an agenda item giving due recognition to such co-operation had broad support among OAS member States and was a matter of importance, in view particularly of the various other agenda items on regional co-operation with the United Nations that had, as indicated in document A/42/191, figured in past agendas.

62. The CHAIRMAN said that the representatives of Cuba, Costa Rica and El Salvador had asked to participate in the discussion of the item; if there was no objection, he would invite them to take places at the Committee table.

63. At the invitation of the Chairman, Mr. Velasco-San José (Cuba), Mrs. Castro de Barahona (Costa Rica) and Mr. Meza (El Salvador) took places at the Committee table.

64. Mr. VELASCO-SAN JOSE (Cuba) said that the Organization of American States, unlike other regional organizations, was not representative of its continent since not all countries of the region participated in its work and indeed some, like Cuba, had even been excluded from membership. OAS had, in fact, recently been the instigator of aggression against certain countries of the region.

65. Mrs. CASTRO de BARISH (Costa Rica) recalling her Government's endorsement of item 145 and reiterating paragraphs 4 and 5 of document A/42/191, expressed the hope that the item would be included in the agenda.

66. Mr. MEZA (El Salvador) reiterated his Government's support for the Honduran proposal. In the past, a number of other agenda items dealing with co-operation between regional organizations and the United Nations had been adopted and that constituted a precedent not to be overlooked. The co-operation between OAS and the United Nations, a sterling example of which was the recent Central American initiative by their respective Secretaries-General, needed to be institutionalized. It should be noted that OAS drew its strength from pluralism: the argument against the inclusion of item 145 by one country simply highlighted the preponderance of the arguments in its favour.

67. Mr. CANETE (Paraguay) said that the Charters of both the United Nations and OAS contained incentives for mutual co-operation, and the objectives of both Organizations were consistent. Paraguay urged inclusion of item 145, which should be regarded as complementary to the proposed agenda item 146.

68 The Committee decided to recommend that the General Assembly should include item 145 in the agenda.

69. Mr. Hernandez Alcerro (Honduras), Mr. Velasco-San José (Cuba), Mrs. Castro de Barish (Costa Rica) and Mr. Meza (El Salvador) withdrew.

Item 146

70. The CHAIRMAN said that the inclusion of item 146 had been proposed by Mexico and Peru (A/42/192) and supported by the Group of Latin American and Caribbean States (A/42/192/Add.1) [and also separately by Bolivia (A/42/192/Add.2)]. The representatives of Mexico and Peru had asked to participate in the discussion of the item in accordance with rule 43 of the rules of procedure.

71. At the invitation of the Chairman, Mrs. Ruiz-Zapata (Mexico) and Mr. Alzamora (Peru) took seats at the Committee table.

72. Mrs. RUIZ-ZAPATA (Mexico) urged the Committee, on the basis of the arguments put forward in document A/42/192, to recommend inclusion of the item.

73. Mr. ALZAMORA (Peru) expressed the hope that the Committee would act favourably upon the request for the inclusion of item 146, which, as the Chairman had indicated, had received the unanimous support of the Group of Latin American and Caribbean States.

74. The Committee decided to recommend that the General Assembly should include item 146 in the agenda.

75. Mrs. Ruiz-Zapata (Mexico) and Mr. Alzamora (Peru) withdrew.

Item 43 (continued)

76. The CHAIRMAN recalled the proposal of the representative of Cameroon that consultations should be held regarding the possible merger of item 43 with other items. Upon consultation, it had been concluded that agenda item 43 should be maintained as a separate item but that arrangements would be made to discuss it concurrently with the related agenda item 41, as proposed by Cameroon.

77. It was so decided.

The meeting rose at 6.15 p.m.