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GENERAL ASSEMBLY

PROVIS IONAL VERBATIM RECORD OF THE NINETY-FOURTH MEETING

Held at Headquarters, New York,
on Monday, 7 December 1987, at 3 p.m.

President: Mr. FIORIN (German Democratic Republic)

- United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law: report of the Sixth Committee [127]
- Progressive development of the principles and norms of international law relating to the new international economic order: report of the Sixth Committee [128]
- Peaceful settlement of disputes between States [129]
- Draft Code of Offences against the Peace and Security of Mankind: report of the Sixth Committee [130]

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- Development and strengthening of good-neighbourliness between States [138]
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 - (a) Report of the Secretary-General
 - (b) Convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation
 - (c) Report of the Sixth Committee

The meeting was called to order at 3.25 p.m.

AGENDA ITEMS 127 TO 130, 132 TO 135, 137 TO 139, AND 126 (continued)

UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SIXTH COMMITTEE (A/42/833)

PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER: REPORT OF THE SIXTH COMMITTEE (A/42/834)

PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES: REPORT OF THE SIXTH COMMITTEE (A/42/815)

DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND: REPORT OF THE SIXTH COMMITTEE (A/42/835)

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS TWENTIETH SESSION: REPORT OF THE SIXTH COMMITTEE (A/42/836)

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES: REPORT OF THE SIXTH COMMITTEE (A/42/769)

REPORT OF THE AD HOC COMMITTEE ON THE DRAFTING OF AN INTERNATIONAL CONVENTION AGAINST THE RECRUITMENT, USE, FINANCING AND TRAINING OF MERCENARIES

(a) REPORT OF THE SIXTH COMMITTEE (A/42/816)

(b) REPORT OF THE FIFTH COMMITTEE (A/42/846)

(c) LETTER FROM MALAWI (A/42/802)

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS THIRTY-NINTH SESSION: REPORT OF THE SIXTH COMMITTEE (A/42/837)

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/42/817)

(b) REPORT OF THE FIFTH COMMITTEE (A/42/847)

DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES: REPORT OF THE SIXTH COMMITTEE (A/42/818)

DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT: REPORT OF THE SIXTH COMMITTEE (A/42/819)

MEASURES TO PREVENT INTERNATIONAL TERRORISM WHICH ENDANGERS OR TAKES INNOCENT HUMAN LIVES OR JEOPARDIZES FUNDAMENTAL FREEDOMS AND STUDY OF THE UNDERLYING CAUSES OF THOSE FORMS OF TERRORISM AND ACTS OF VIOLENCE WHICH LIE IN MISERY, FRUSTRATION, GRIEVANCE AND DESPAIR AND WHICH CAUSE SOME PEOPLE TO SACRIFICE HUMAN LIVES, INCLUDING THEIR OWN, IN AN ATTEMPT TO EFFECT RADICAL CHANGES

(a) REPORT OF THE SECRETARY-GENERAL

(b) CONVENING, UNDER THE AUSPICES OF THE UNITED NATIONS, OF AN INTERNATIONAL CONFERENCE TO DEFINE TERRORISM AND TO DIFFERENTIATE IT FROM THE STRUGGLE OF PEOPLES FOR NATIONAL LIBERATION

(c) REPORT OF THE SIXTH COMMITTEE (A/42/832)

The PRESIDENT (interpretation from Russian): I call on Mr. McKenzie, Rapporteur of the Sixth Committee, to present the reports of that Committee.

Mr. MCKENZIE (Trinidad and Tobago), Rapporteur of the Sixth Committee: I have the honour of introducing the reports of the Sixth Committee on agenda items 126 to 130, 132 to 135 and 137 to 139.

It may be recalled that at the 73rd plenary meeting, on 18 November 1987, I introduced the report of the Sixth Committee (A/42/766) on agenda item 131, entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations" and that the General Assembly took action the same day on the draft resolution. Together with the report on item 131, the reports of the Sixth Committee that I have the honour of introducing today give an almost complete picture of the work accomplished by the Committee at the current session. Only one more report of the Committee remains, that is, in connection with item 136, on which the Committee expects to complete its work this week.

I shall now introduce the Sixth Committee's reports in the order in which they appear in the Journal.

(Mr. McKenzie, Rapporteur,
Sixth Committee)

I shall, therefore, begin by introducing the Sixth Committee's report (A/42/833) on item 127, entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law". The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the report.

Under the terms of the operative paragraphs of the draft resolution, the General Assembly would, among other things, authorize the Secretary-General to carry out in 1988 and 1989 the activities specified in his report under the item and would renew its invitation to States, interested organizations and individuals to make voluntary contributions to finance activities under the various components of the programme.

With respect to operative paragraph 14 of the draft resolution, I have the honour to inform the Assembly that the 13 Member States nominated by the regional Groups to serve as members of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law are the following: Bangladesh, Cyprus, France, Ghana, the Libyan Arab Jamahiriya, Mexico, the Netherlands, Romania, Turkey, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, Venezuela and Zaire.

As indicated in paragraph 7 of the report, operative paragraph 14 of the draft resolution should accordingly be finalized by including the names of the Member States constituting the Advisory Committee which I have just read out. The Sixth Committee adopted this draft resolution without a vote.

I now turn to the report of the Sixth Committee (A/42/834) on agenda item 128, entitled "Progressive development of the principles and norms of international law

(Mr. McKenzie, Rapporteur,
Sixth Committee)

relating to the new international economic order". The draft resolution recommended by the Sixth Committee for adoption by the General Assembly is reproduced in paragraph 9 of the report.

Under the draft resolution, the General Assembly would, among other things, request the Secretary-General to continue seeking proposals of Member States concerning the most appropriate procedures to be adopted with regard to consideration of the analytical study submitted by the United Nations Institute for Training and Research (UNITAR), as well as the codification and progressive development of international law relating to the new international economic order, and to include the proposals received in a report to the General Assembly at its forty-third session. The General Assembly would also recommend that the task of completing the elaboration of the process of codification and progressive development of the principles of international law relating to the new international economic order should be undertaken in an appropriate forum within the framework of the Sixth Committee of the General Assembly. The draft resolution was adopted by the Sixth Committee by a vote of 102 to none, with 23 abstentions.

I turn next to the report of the Sixth Committee (A/42/815) on agenda item 129, entitled "Peaceful settlement of disputes between States". The draft resolution recommended to the General Assembly for adoption was adopted by the Sixth Committee by a roll-call vote of 100 to none, with 20 abstentions, and is reproduced in paragraph 9 of the report.

Under the terms of the draft resolution, the Assembly would, among other things, urge all States to observe and to promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes in the settlement of their international disputes, and call upon Member States to make full use, in accordance with the Charter, of the framework provided by the United

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Sixth Committee)

Nations for the peaceful settlement of disputes and international problems. The Assembly would also request the Secretary-General to submit a report at the forty-third session containing the replies of Member States, relevant United Nations bodies and specialized agencies, regional intergovernmental organizations and interested international legal bodies on the implementation of the Manila Declaration and ways and means of increasing the effectiveness of that document.

The report of the Sixth Committee on item 130, entitled "Draft Code of Offences against the Peace and Security of Mankind", to which I now turn, is in document A/42/835. The draft resolution which the Sixth Committee recommends to the General Assembly for adoption is reproduced in paragraph 8 of the report. It was adopted by the Sixth Committee by a vote of 107 to 5, with 14 abstentions.

In accordance with the draft resolution, the General Assembly, would inter alia, invite the International Law Commission to continue its work on the elaboration of the draft code of offences against the peace and security of mankind, including the elaboration of a list of crimes, taking into account the progress made by the Commission at its thirty-ninth session, as well as the views expressed during the forty-second session of the General Assembly.

I now turn to agenda item 132, entitled "Report of the United Nations Commission on International Trade Law on the work of its twentieth session". The report of the Sixth Committee on this item is in document A/42/836.

As appears from paragraph 14 of the report, the Sixth Committee recommends to the General Assembly the adoption of two draft resolutions, which are reproduced in that paragraph.

Under the terms of draft resolution I, on the report of the United Nations Commission on International Trade Law (UNCITRAL) on the work of its twentieth session, which the Sixth Committee adopted without a vote, the General Assembly

(Mr. McKenzie, Rapporteur,
Sixth Committee)

would, inter alia, recommend that the Commission should continue its work on the topics included in its programme of work. The Assembly would also invite States which have not yet done so to consider ratifying or acceding to the specific conventions enumerated in that paragraph of the draft resolution.

Under the terms of draft resolution II, concerning a draft convention on international bills of exchange and international promissory notes, which was adopted by the Sixth Committee by 80 votes to none, with 46 abstentions, the General Assembly would, among other things, request the Secretary-General to draw the attention of all States to the draft convention, ask them to submit the observations and proposals which they wish to make on the draft convention before 30 April 1988, and circulate these observations and proposals to all Member States before 30 June 1988. The Assembly would also decide to consider the draft convention in question at its forty-third session, with a view to its adoption at that session, and to create to this end within the framework of the Sixth Committee a working group as specified in operative paragraph 3 of the draft resolution.

I now turn to the report of the Sixth Committee (A/42/769) on agenda item 133 entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". The draft resolution recommended by the Sixth Committee is reproduced in paragraph 8 of the report.

(Mr. McKenzie, Rapporteur,
Sixth Committee)

In accordance with the draft resolution, the General Assembly would, among other things, strongly condemn acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations, and emphasize that such acts can never be justified. The Assembly would also request all States to report to the Secretary-General as promptly as possible serious violations of the protection, security and safety of diplomatic and consular missions and representatives, as well as missions and representatives with diplomatic status to international intergovernmental organizations, and would address States on the specific matters referred to in operative paragraphs 4 to 8 of the draft resolution. The Assembly would also invite the Secretary-General to submit at its forty-third session any views he may wish to express on the matters referred to in paragraph 12 of the draft resolution.

The Sixth Committee adopted this draft resolution without a vote.

I now turn to agenda item 134, concerning the report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries.

The report of the Sixth Committee is contained in document A/42/816. The report of the Fifth Committee on the programme-budget implications of the draft resolution which the Sixth Committee recommends to the Assembly for adoption is contained in document A/42/846. There is also document A/42/802, relating to the membership of the Ad Hoc Committee.

The Sixth Committee adopted the draft resolution, which is reproduced in paragraph 10 of the report, without a vote. According to the provisions of the draft resolution, the General Assembly would, among other things, renew the mandate of the Ad Hoc Committee with a view to enabling it to complete its work, and to

(Mr. McKenzie, Rapporteur,
Sixth Committee)

that end would request the Ad Hoc Committee to make every effort to submit its final report containing a draft international convention against the recruitment, use, financing, and training of mercenaries to the General Assembly if possible at its forty-third session. In this connection, the Assembly would authorize the Ad Hoc Committee to hold its seventh session early in 1988. The Sixth Committee agreed that this session would be held from 25 January to 12 February 1988.

I turn now to agenda item 135, "Report of the International Law Commission on the work of its thirty-ninth session". The Sixth Committee's report is contained in document A/42/837. Paragraph 7 of the report reproduces the draft resolution which the Sixth Committee adopted without a vote and which it recommends to the General Assembly for adoption.

Under the draft resolution, the Assembly would recommend that the International Law Commission should continue its work on the topics in its current programme, and, under paragraph 5, the Assembly would request the Commission to keep under review the planning of its activities for the term of office of its members, bearing in mind the desirability of achieving as much progress as possible in the preparation of draft articles on specific topics.

May I also mention that in paragraph 6 of the draft resolution the Assembly would recommend the continuation of efforts to improve the ways in which the report of the International Law Commission is considered in the Sixth Committee, with a view to providing effective guidance for the Commission in its work, and to that end would decide that the Sixth Committee hold consultations at the commencement of the forty-third session of the General Assembly, including, inter alia, consultations on the establishment of a working group, the character and mandate of which are to be determined, to meet during the debate on the report of the

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Sixth Committee)

International Law Commission in order to allow for a concentrated discussion on one or more of the topics on the agenda of the Commission.

The report of the Sixth Committee on agenda item 137, concerning the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, is in document A/42/817, to which I now turn.

In paragraph 10 of the report, the Sixth Committee recommends to the Assembly for adoption a draft resolution which the Committee itself adopted without a vote. The report of the Fifth Committee on the programme-budget implications of the draft resolution is contained in document A/42/847.

Under the provisions of the draft resolution, the General Assembly would, among other things, decide that the Special Committee should hold its session for a period of three weeks early in 1988 so as to undertake the tasks enumerated in operative paragraph 3 of the draft resolution and to report on its work at the forty-third session of the General Assembly. The Assembly would request the Secretary-General to continue, on a priority basis, the preparation of a draft handbook on the peaceful settlement of disputes between States and to report to the Special Committee at its session in 1988 on the progress of work, before submitting to it the draft handbook in its final form, with a view to its approval at a later stage. The Sixth Committee agreed that this session would be held from 22 February to 11 March 1988.

The report of the Sixth Committee on the next agenda item - item 138, entitled "Development and strengthening of good-neighbourliness between States" - is contained in document A/42/818.

(Mr. McKenzie, Rapporteur,
Sixth Committee)

Paragraph 10 of the report reproduces the draft resolution which the Sixth Committee recommends to the General Assembly for adoption. In the Sixth Committee the draft resolution was adopted by a roll-call vote of 101 to none, with 21 abstentions.

In accordance with the draft resolution, the General Assembly would, inter alia, reaffirm that good-neighbourliness fully conforms with the purposes of the United Nations and shall be founded upon the strict observance of the principles of the United Nations as embodied in the Charter and in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, and so presupposes the rejection of any acts seeking to establish zones of influence or domination. The Assembly would decide to continue and to complete at its forty-third session the task of identifying and clarifying the elements of good-neighbourliness and to begin the elaboration of a suitable international document on this subject within the framework of a sub-committee on good-neighbourliness.

Regarding item 139, entitled "Draft body of principles for the protection of all persons under any form of detention or imprisonment", the Sixth Committee's report is in document A/42/819. As appears from the report, the Sixth Committee this year again established a working group to continue the consideration of the draft body of principles.

Paragraph 11 of the report contains the draft decision, adopted without a vote, which the Sixth Committee recommends to the General Assembly for adoption. The draft decision provides for the re-establishment at the next session of the General Assembly of a working group of the Sixth Committee in order to complete during that session the elaboration of the draft body of principles for the protection of all persons under any form of detention or imprisonment.

(Mr. McKenzie, Rapporteur,
Sixth Committee)

Finally, I invite the Assembly to turn its attention to the report of the Sixth Committee (A/42/832) on agenda item 126, entitled "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes: (a) report of the Secretary-General; (b) convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation".

The draft resolution adopted by the Sixth Committee is in paragraph 14 of the report. It was adopted in the Committee by 128 votes to 1, with 1 abstention.

Under the draft resolution, the General Assembly would, among other things, unequivocally condemn once again as criminal all acts, methods and practices of terrorism whenever and by whomever committed, including those which jeopardize friendly relations among States and their security, would address all States on specific matters relating to the question of international terrorism, in accordance with operative paragraphs 4 to 8 of the draft resolution, and, similarly, would address relevant specialized agencies and international organizations on matters covered in operative paragraphs 9 to 11.

In operative paragraph 12 of the draft resolution, the Assembly would request the Secretary-General to seek the views of Member States on international terrorism in all its aspects and on ways and means of combating it, including the convening, under the auspices of the United Nations, of an international conference to deal with international terrorism in the light of the proposal referred to in the penultimate preambular paragraph of the draft resolution. The General Assembly

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Sixth Committee)

would also, under operative paragraph 13 of the draft resolution, request the Secretary-General to follow up, as appropriate, the implementation of the draft resolution and to submit a report to the General Assembly at its forty-fourth session.

Finally, under operative paragraph 14, the Assembly would specify that nothing in the draft resolution could in any way prejudice the right to self-determination, freedom and independence, as derived from the Charter of the United Nations, of peoples forcibly deprived of that right as referred to in the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, particularly peoples under colonial and racist régimes and foreign occupation or other forms of colonial domination or, in accordance with the principles of the Charter and in conformity with the above-mentioned Declaration, the right of these peoples to struggle to this end and to seek and receive support.

As I said at the beginning of this statement, this almost concludes my presentation of the reports of the Sixth Committee. I am conscious of the fact that I may have unduly taxed the patience of the 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 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 majority of the Committee's reports, which I have just introduced.

(Mr. McKenzie, Rapporteur,
Sixth Committee)

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 deliberations in the Committee.

I wish to address a special word of thanks to the Chairman of the Sixth Committee, Mr. Rajab Azzarouk, whose diplomatic skills and patience helped the Committee to conduct its deliberations efficiently and in a businesslike manner. The Chairman was assisted by two able Vice-Chairmen, Mr. Scharioth of the Federal Republic of Germany and Mr. Mikolka of Czechoslovakia, 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. Kalinkin, Secretary of the Sixth Committee, and all the staff of the Codification Division who assisted him in providing such dedicated service to the Committee throughout its sessions.

The PRESIDENT (interpretation from Russian): 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 before the Assembly today.

It was so decided.

The PRESIDENT (interpretation from Russian): 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

(The President)

"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 the delegation's vote in plenary meeting is different from its vote in the Committee."

The Assembly will first consider the report of the Sixth Committee (A/42/833) on agenda item 127, entitled "United Nations programme of assistance in the teaching, study, dissemination and wider appreciation of international law".

The draft resolution recommended by the Sixth Committee in paragraph 8 of its report was adopted by the Committee without a vote.

May I take it that the General Assembly, bearing in mind the statement just made by the Rapporteur in connection with operative paragraph 14 of the draft resolution, also wishes to adopt the draft resolution?

The draft resolution was adopted (resolution 42/148).

The PRESIDENT (interpretation from Russian): We have concluded our consideration of agenda item 127.

The Assembly will now turn to the report of the Sixth Committee (A/42/834) on agenda item 128, entitled "Progressive development of the principles and norms of international law relating to the new international economic order".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 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, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, 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: None

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Greece, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

The draft resolution was adopted by 131 votes to none, with 24 abstentions (resolution 42/149).*

The PRESIDENT (interpretation from Russian): We have concluded our consideration of agenda item 128.

The Assembly will now consider the report (A/42/815) of the Sixth Committee on agenda item 129, entitled "Peaceful settlement of disputes between States".

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

(The President)

I shall now call on those representatives who wish to explain their votes before the voting.

Mr. VOIOU (Romania): My delegation, as a main sponsor of the draft resolution entitled "Peaceful settlement of disputes between States", introduced in the Sixth Committee on behalf of 50 sponsors, has nothing in particular to state by way explanation of vote. The draft resolution is self-explanatory.

Nevertheless, this is a special day and I should like to say the following.

Recently my delegation held very informal consultations with the delegations which abstained in the vote on the draft resolution contained on pages 6 and 7 of document A/42/815. My delegation optimistically believed that there was a real chance to reach a consensus on this draft resolution, in keeping with the established tradition in the Sixth Committee. To my surprise, I learned that there will be a request for a vote on it. The meaning of this request is quite simple. In the Sixth Committee consensus was broken on the draft resolution as a whole. That was Act I. Last year we also had Act II, an attempt to prevent a consensus on an operative paragraph on which we indeed had a consensus in the Sixth Committee. Now we have Act III, namely, an attempt to break the consensus on the whole item.

My delegation had the opportunity to emphasize the importance of the question of peaceful settlement of disputes and of the fact that adherence by all States to the fundamental principles of international law was an essential condition for the solution of international problems and the maintenance of peace and security.

Five years after the adoption of the Manila Declaration on the Peaceful Settlement of International Disputes is a good time for the Sixth Committee to review its implementation by Member States. That exercise should take place at the next session of the General Assembly on the basis of a report by the Secretary-General to be submitted in accordance with paragraph 4 of the draft resolution on page 7 of document A/42/815.

(Mr. Voicu, Romania)

My delegation had the opportunity to take a stand on the substance of this question in the Sixth Committee. Let me just take up two aspects.

First, the draft resolution speaks of the peaceful settlement of disputes. This is a separate and topical subject, one of the greatest importance in international life today. Any attempt to question the legitimacy of the presence of this item on the agenda can only be interpreted as a basic reservation on a fundamental principle of the United Nations Charter. This reservation can only concern the very process of the peaceful settlement of disputes through the progressive development and codification of international law and by increasing the effectiveness of the United Nations in this area.

Secondly, the suggestion expressed in the Sixth Committee on the deletion of this item from the agenda for reasons of rationalization are groundless, and all members know why. Indeed, the question of the peaceful settlement of disputes has always been considered in combination with the item concerning the report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization. This practice proved successful and caused no difficulty whatsoever to anyone. This way of discussing the two items created no problems for either agenda item. That is why it seems to my delegation that all the conditions for not asking for a vote on the draft resolution concerning the peaceful settlement of disputes had been met.

Therefore, I appeal to delegations which have asked for a vote on this draft resolution not to insist on that request. It is an appeal to restore consensus on the draft resolution - consensus which we had in the past and which we should like to maintain, or to restore, today when, as the draft resolution itself underlines, the question of the peaceful settlement of disputes should represent one of the central concerns for States and of the United Nations.

The PRESIDENT (interpretation from Russian): The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report (A/42/815). A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, 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: None

Abstaining: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America

The draft resolution was adopted by 136 votes to none, with 20 abstentions (resolution 42/150).

The PRESIDENT (interpretation from Russian): That concludes our consideration of agenda item 129.

I now invite members to turn their attention to the report (A/42/835) of the

(The President)

Sixth Committee on agenda item 130, entitled "Draft Code of Offences against the Peace and Security of Mankind".

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, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, 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: France, Germany, Federal Republic of, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Belgium, Canada, Denmark, Finland, Iceland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, Turkey

The draft resolution was adopted by 136 votes to 5, with 14 abstentions (resolution 42/151).

The PRESIDENT (interpretation from Russian): We have now concluded our consideration of agenda item 130.

(The President)

We turn next to the report (A/42/836) of the Sixth Committee on agenda item 132, entitled "Report of the United Nations Commission on International Trade Law on the work of its twentieth session".

The Assembly will now take a decision on the draft resolutions recommended by the Sixth Committee in paragraph 14 of its report.

Draft resolution I is entitled "Report of the United Nations Commission on International Trade Law on the work of its twentieth session". The Sixth Committee adopted the draft resolution with a vote. May I take it that the General Assembly wishes to do likewise?

Draft resolution I was adopted (resolution 42/152).

The PRESIDENT (interpretation from Russian): Draft resolution II is entitled "Draft Convention on International Bills of Exchange and International Promissory Notes". A recorded vote has been requested.

A recorded vote was taken.

In favour: Algeria, Angola, Antigua and Barbuda, Bahamas, Bahrain, Bangladesh, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Iraq, Italy, Jordan, Kuwait, Lebanon, Lesotho, Liberia, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Qatar, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: None

Abstaining: Argentina, Australia, Austria, Barbados, Byelorussian Soviet Socialist Republic, Canada, Cyprus, Denmark, Finland, Germany, Federal Republic of, Guyana, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Ireland, Israel, Jamaica, Japan, Kenya, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Mongolia, Netherlands, New Zealand, Norway, Oman, Philippines, Poland, Romania, Samoa, Singapore, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Viet Nam

Draft resolution II was adopted by 114 votes to none, with 40 abstentions (resolution 42/153).

The PRESIDENT (interpretation from Russian): We have thus concluded our consideration of agenda item 132.

We turn now to the report (A/42/769) of the Sixth Committee on agenda item 133, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives".

The Assembly will now take a decision on the recommendation of the Sixth Committee contained in paragraph 8 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 was adopted (resolution 42/154).

The PRESIDENT (interpretation from Russian): We have thus concluded our consideration of agenda item 133.

May I now invite members to turn their attention to the report (A/42/816) of the Sixth Committee on agenda item 134, entitled "Report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries".

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report.

(The President)

The programme budget implications of the draft resolution are contained in the report of the Fifth Committee (A/42/846). The Sixth Committee adopted the draft resolution without a vote. May I take it that the General Assembly also wishes to adopt it?

The draft resolution was adopted (resolution 42/155).

The PRESIDENT (interpretation from Russian): In connection with this item, I should like to draw the attention of members to a letter addressed to the Secretary-General by the Chairman of the African Group, contained in document A/42/802, relating to the membership of the Ad Hoc Committee. In accordance with that communication, the African members of the Ad Hoc Committee in 1988 will be: Algeria, Angola, Benin, Ethiopia, Nigeria, Togo, Seychelles, Zaire and Zambia.

Finally, I should like to inform members that agreement has been reached to hold the 1988 session of the Ad Hoc Committee from 25 January to 12 February 1988.

We have thus concluded our consideration of agenda item 134.

Next, we shall consider the report (A/42/837) of the Sixth Committee on agenda item 135, entitled "Report of the International Law Commission on the work of its thirty-ninth session".

I call on the representative of Poland for an explanation of vote before the voting.

Mr. KAKOLECKI (Poland): I wish to state for the record that the Polish delegation fully supports the draft resolution on the report of the International Law Commission and that it wanted to sponsor it in the Sixth Committee. It is only because of technical reasons that Poland is not on the list of sponsors.

The PRESIDENT (interpretation from Russian): The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of its report (A/42/837). The Sixth Committee adopted the draft resolution dealing with the report of the International Law Commission without a vote. May I take it that the General Assembly wishes to do likewise?

The draft resolution was adopted (resolution 42/156).

The PRESIDENT (interpretation from Russian): We have thus concluded our consideration of agenda 135.

(The President)

The Assembly will now consider the report (A/42/817) of the Sixth Committee on agenda item 137, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization".

I invite the Assembly to turn its attention to the recommendation of the Sixth Committee in paragraph 10 of its report.

The report of the Fifth Committee on the programme budget implications of the draft resolution is in document A/42/847.

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

The draft resolution was adopted (resolution 42/157).

The PRESIDENT (interpretation from Russian): I should like to inform members that agreement has been reached to hold the 1988 session of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization from 22 February to 11 March 1988.

We have thus concluded our consideration of agenda item 137.

May I now call the attention of members to the report (A/42/818) of the Sixth Committee on agenda item 138, entitled "Development and strengthening of good-neighbourliness between States".

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

Mr. VOICU (Romania): The delegation of Romania, as the main sponsor of the draft resolution entitled "Development and strengthening of good-neighbourliness between States", which was introduced in the Sixth Committee on behalf of 44 Member States, has no particular aspect of the draft resolution to address in an explanation of vote. The draft resolution is very clear and self-explanatory; nevertheless, for the future work on the subject some ideas could be emphasized before the plenary Assembly.

(Mr. Voicu, Romania)

First, it should be stressed that the question of the development and strengthening of good-neighbourliness between States has aroused great interest. That is only natural since, as history shows, it is between neighbouring countries that most problems appear and that the likelihood of disputes is the greatest. Moreover, the phenomenon of geographical proximity is becoming increasingly complex, owing precisely to the development of political, economic, technological and human relations that such a phenomenon tends to produce.

Secondly, the maintenance and expansion of friendly relations and co-operation between neighbouring States and between States in the same geographical area are essential in order to pave the way for the consideration and peaceful solution of any problems, taking due account of the legitimate interests of the parties concerned and on the basis of the fundamental principles of international law. That is also the way to prevent further disputes from developing and existing disputes from being exacerbated.

Thirdly, good-neighbourliness is a vast and complex subject, where many bilateral, subregional and regional concerns converge. It is not by accident that countries in various regions of the world are taking action in any form they consider appropriate in an endeavour to improve their relations and solve their problems on the basis of the principles of equality and mutual advantage. Ample experience has been gained in the field of good-neighbourliness at the bilateral, regional and subregional levels and in the context of international organizations. Many common elements and parallel or similar approaches to the concept of good neighbourliness can be detected in the practice of States. Good-neighbourliness consists in a virtually unlimited series of bilateral relations whose physical content is extremely varied and whose purpose is to deal with numerous aspects of relations between countries, but the relations in question must be based on strict observance of the set of generally accepted principles and rules.

(Mr. Voicu, Romania)

Fourthly, it should be pointed out also that the approach to good-neighbourliness cannot be purely political, purely legal, purely technical or purely practical. A one-sided approach cannot provide a complete picture of the concept. It is obvious that neighbouring States, as well as other States, have a general duty to co-operate with each other, but over and above that general duty co-operation special requirements where neighbouring States are concerned are involved. There are areas in which such co-operation is essential in order to solve the problems that arise and there are forms of co-operation that are valid in the context of relations between neighbouring States even though they may also be adopted by States that are more distant from each other. The way in which various practical aspects of such co-operation are to be dealt with in the context of relations between neighbouring States and between States that are in proximity to each other, as well as the specific duty of each individual State in that respect, are undoubtedly questions that should be settled by the countries concerned, such as, for instance, the scope of co-operation and the ways and means of maintaining it; but consideration should also be given to the areas in which co-operation between neighbouring States takes place and to various methods that are likely to be adopted with a view to maintaining such co-operation.

Fifthly, it is to be noted that the order in which various elements of good-neighbourliness are considered and clarified is not so important. What really matters is recognition of the unbreakable link between their legal, practical and political aspects and their common basis, namely, the principles of international law.

The resolutions adopted at previous sessions of the General Assembly provide guidelines for the elaboration of a suitable international document on the development and strengthening of good-neighbourliness between States, within the

(Mr. Voicu, Romania)

framework of a sub-committee on good-neighbourliness. That is the sense of paragraph 5 of the relevant draft resolution on pages 6 and 7 of document A/42/818.

Finally, it is obvious that my delegation wishes to invite all delegations to join the traditional and consistent consensus on the draft resolution on the development and strengthening of good-neighbourliness between States.

The PRESIDENT (interpretation from Russian): The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report (A/42/818).

Separate, recorded votes have been requested on the seventh preambular paragraph and on operative paragraph 5 of the draft resolution. If there is no objection, I shall put those paragraphs to the vote first.

As I hear no objection, I shall now put to the vote the seventh preambular paragraph of the draft resolution.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroun, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Vietnam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Australia, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Austria, Brazil, Dominican Republic, Israel, Jordan, Malta, New Zealand, Venezuela

The seventh preambular paragraph was retained by 126 votes to 19, with 8 abstentions.

The PRESIDENT (interpretation from Russian): I now put to the vote operative paragraph 5.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Barbados, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Brazil, Dominican Republic, Israel, Jordan, Malta, New Zealand, Venezuela

Operative paragraph 5 was retained by 125 votes to 20, with 7 abstentions.

The PRESIDENT (interpretation from Russian): I now put to the vote the draft resolution as a whole. 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, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, 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: None

Abstaining: Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America

The draft resolution as a whole was adopted by 133 votes to none, with 22 abstentions (resolution 42/158).

The PRESIDENT (interpretation from Russian): That concludes our consideration of agenda item 138.

Next, we turn to the report of the Sixth Committee (A/42/819) on agenda item 139, entitled "Draft Body of Principles for the Protection of all Persons under Any Form of Detention or Imprisonment".

The Assembly will now take a decision on the recommendation of the Sixth Committee.

In paragraph 11 of its report, the Sixth Committee recommends the adoption of a draft decision which it adopted without a vote. May I take it that the General Assembly wishes to adopt it?

The draft decision was adopted.

The PRESIDENT (interpretation from Russian): We have concluded our consideration of agenda item 139.

The Assembly will now consider the report of the Sixth Committee (A/42/832) on agenda item 126, entitled "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes: (a) report of the Secretary-General; (b) convening, under the auspices of the United Nations, of an international conference to define terrorism and to differentiate it from the struggle of peoples for national liberation".

The PRESIDENT (interpretation from Russian): I call on the representative of Israel, who would like to explain her vote before the voting.

Ms. CHOKRON (Israel): The draft resolution before us has many positive elements. First and foremost, in operative paragraph 1, it again unequivocally condemns as criminal all acts, methods and practices of terrorism. The delegation of Israel appreciates the efforts of many to reaffirm this condemnation and to rebuff attempts to legitimize certain terrorist acts and to distinguish between permitted and forbidden terrorism.

However, the present draft resolution represents a certain withdrawal in comparison with resolution 40/61 and brings about rhetorical compromises which may lead to new compromises in the future. The delegation of Israel finds it necessary to vote against this draft resolution in order to draw a clear line. There is nothing that may justify terrorism. Nothing justifies deliberate and systematic attacks on civilians - not the banner of national liberation, nor any other banner. It is this principle that must remain beyond compromise.

The PRESIDENT (interpretation from Russian): The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 14 of its report (A/42/832). 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, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, 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, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, 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, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe

Against: Israel, United States of America

Abstaining: Honduras

The draft resolution was adopted by 153 votes to 2, with one abstention (resolution 42/159).

The PRESIDENT (interpretation from Russian): We have concluded our consideration of agenda item 126.

The meeting rose at 4.45 p.m.