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PROVISIONAL VERBATIM RECORD OF THE 84th MEETING

Held at Headquarters, New York,
on Friday, 11 December 1992, at 10 a.m.

President: Mr. GANEV (Bulgaria)

later: Mr. JESUS (Cape Verde)
(Vice-President)

- Question of equitable representation on and increase in the membership of the Security Council: draft resolution [40] (continued)

- The situation in the Middle East [35] (continued)

  (a) Reports of the Secretary-General

  (b) Draft resolutions

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- Question of Palestine [30] (continued)

  (a) Report of the Committee on the Exercise of the Inalienable Rights of the Palestinian People

  (b) Report of the Secretary-General

  (c) Draft resolutions

- Law of the sea [32] (continued)

  (a) Reports of the Secretary-General

  (b) Draft resolution

The meeting was called to order at 10.45 a.m.

AGENDA ITEM 40 (continued)

QUESTION OF EQUITABLE REPRESENTATION ON AND INCREASE IN THE MEMBERSHIP OF THE SECURITY COUNCIL: DRAFT RESOLUTION (A/47/L.26/Rev.1)

The PRESIDENT: Members will recall that the debate on agenda item 40 was held at the 69th plenary meeting, on 23 November.

I call on the representative of India, who will introduce draft resolution A/47/L.26/Rev.1.

Mr. LATHER (India): My delegation is gratified that a full debate has taken place this year on agenda item 40 - "Question of equitable representation on and increase in the membership of the Security Council". The number of participants in the debate and the ground covered by them exceeded previous levels, and the message came loud and clear that the time was propitious to study the question in depth.

We informed the General Assembly during the debate that my delegation, along with several other like-minded countries, would introduce a draft resolution on this item for adoption at this session. Today I have the privilege and the honour to introduce that draft resolution, contained in document A/47/L.26/Rev.1. I am glad to say that the sponsors have been able to accommodate the amendment proposed in document A/47/L.30.

The text of draft resolution A/47/L.26/Rev.1 is the outcome of extensive discussions and consultations among several delegations that were of the view that the time had now come to begin the process towards equitable representation on the Security Council and an increase in its membership formally, though in a modest manner, by inviting the views of the Member States.

(Mr. Lather, India)

It is natural that during this process the sponsors of this draft resolution made efforts to accommodate the views of the largest possible number of Member nations and thus arrive at a text which represents the consensus of the Member nations of this Organization.

This draft resolution is sponsored by Algeria, Barbados, Bhutan, Brazil, Chile, Colombia, Cuba, Egypt, Gabon, Guyana, Honduras, Indonesia, Jamaica, Japan, Jordan, Lebanon, Liberia, the Libyan Arab Jamahiriya, Lithuania, Malaysia, Mali, Mauritius, Mexico, Nepal, Nicaragua, Nigeria, Pakistan, Paraguay, Peru, Senegal, Togo, Tunisia, Uganda, Venezuela, Viet Nam, Zimbabwe and India.

Under the preambular paragraphs of the draft resolution, the General Assembly would recognize the increasingly crucial role of the Security Council in maintaining international peace and security, and the substantial increase in the membership of the United Nations. It would also express realization of the need to continue the process of restructuring of certain organs of the United Nations in the context of the principles, objectives and provisions of the Charter of the United Nations as well as of the call made at the Tenth Conference of the Heads of State or Government of Non-Aligned Countries at Jakarta for a review of the membership of the Security Council.

Under the draft resolution's operative paragraphs, the Assembly would request the Secretary-General to invite Member States to submit their written comments on a possible review of the membership of the Security Council and would further request the Secretary-General to submit these views in a report to the forty-eighth session of the General Assembly for its consideration.

(Mr. Luther, India)

As I mentioned earlier, the aim of the draft resolution is to promote an exchange of views on the subject among Member countries, for further consideration at the next session of the General Assembly.

The draft resolution is before the General Assembly and I recommend it for adoption by consensus. We hope that the historic process we are initiating today will strengthen the United Nations and enable it to discharge its enhanced responsibilities.

The PRESIDENT: May I take it that the General Assembly decides to adopt draft resolution A/47/L.26/Rev.1?

Draft resolution A/47/L.26/Rev.1 was adopted (resolution 47/62).

The PRESIDENT: I call on the representative of the United States, who wishes to explain his delegation's position on the draft resolution just adopted.

Mr. SARBANES (United States of America): The United States is pleased to support a General Assembly resolution inviting United Nations Member States to comment, not later than June 30 1993, on possible adjustments in the size and composition of the Security Council. The United States supports steps such as this one that are designed to enhance the operation of the Security Council. We look forward to making a submission on the timely subject of the Council's composition, on which we have made known our views in the past, and to receiving the report mandated by this resolution.

The Security Council must remain fully capable of safeguarding international peace and security. Fortunately, in recent years the Security Council has made significant progress towards assuming the constructive role intended for it by its founders. It has defeated Iraqi aggression in Kuwait, confronted problems of humanitarian need in the former Yugoslavia, in Iraq and

(Mr. Sarbanes, United States)

in Somalia, and helped build democracy in Angola, Cambodia and El Salvador. The United States attaches great importance to the work of the Security Council and would oppose revisions to the United Nations Charter that would undermine the Council's efficacy or efficiency.

The PRESIDENT: We have concluded this stage of our consideration of agenda item 40.

AGENDA ITEM 35 (continued)

THE SITUATION IN THE MIDDLE EAST

(a) REPORTS OF THE SECRETARY-GENERAL (A/47/672, A/47/673, A/47/716)
(b) DRAFT RESOLUTIONS (A/47/1.41, A/47/L.42, A/47/L.43)

The PRESIDENT: The Assembly will now resume its consideration of agenda item 35, "The situation in the Middle East". I should like to remind representatives that the debate on this item was concluded at the 79th plenary meeting, on 4 December 1992.

In connection with this item, the Assembly has before it three draft resolutions issued as documents A/47/L.41, A/47/L.42 and A/47/L.43. I now call on the representative of Indonesia, who will introduce the three draft resolutions.

Mr. NASIER (Indonesia): I have the honour, on behalf of the sponsors, to introduce draft resolutions A/47/L.41, A/47/L.42 and A/47/L.43 under agenda item 35, "The situation in the Middle East".

I wish to note that Morocco, Pakistan and Viet Nam have joined the sponsors of draft resolutions A/47/L.41 and A/47/L.42.

Furthermore, Algeria, Morocco, Pakistan and Viet Nam should be included in the list of sponsors of draft resolution A/47/L.43.

It has now been a quarter of a century since Israel occupied Palestinian and other Arab territories. Yet, despite the adoption of numerous resolutions by the Security Council and the General Assembly, as well as intense diplomatic efforts and actions to find a political solution to the conflict, the situation in the Middle East remains volatile and poses a threat to international peace and security.

The current peace process, which was initiated through the convening of the Madrid Conference in October of last year, gave renewed hope that a

(Mr. Nasier, Indonesia)

comprehensive, just and lasting solution to this long-standing conflict, at the core of which is the question of Palestine, could at last be achieved. However, the process has lurched along and has yet to show substantive progress. Israel, the occupying Power, has never ceased in its policy of changing the status and demographic composition of the occupied territories by directing relentless waves of Jewish immigrants to settle on Palestinian and Arab lands. It has also refused to implement Security Council resolutions 242 (1967) and 338 (1973) and the "land for peace" principle.

Such policies threaten to undermine the peace process and may escalate the conflict in the region and beyond.

It is against this background that the sponsors have put the draft resolutions before the Assembly for their consideration. These draft resolutions reflect the significant developments that have taken place since the adoption of the same resolutions by this body last year.

The texts of the draft resolutions, inter alia, reaffirm that the question of Palestine is the core of the conflict in the Middle East and that no comprehensive, just and lasting peace in the region will be achieved without the full exercise by the Palestinian people of its inalienable rights, as well as the unconditional and total withdrawal of Israel from Palestinian and other Arab lands, including Jerusalem.

Furthermore, the texts declare that Israel has failed to comply with the relevant Security Council and General Assembly resolutions.

The texts also deplore the transfer by some States of their diplomatic missions to Jerusalem in violation of Security Council resolution 478 (1980) and their refusal to comply with the provisions of that resolution, and calls

(Mr. Nasier, Indonesia)

upon those States to abide by the provisions of the relevant United Nations resolutions, in conformity with the Charter of the United Nations.

It is our hope that these resolutions, which would contribute to the achievement of a just, comprehensive and lasting peace in the Middle East, will receive the overwhelming support of Member States.

However, the sponsors of the draft resolutions would like to recommend that the General Assembly not take any action at this stage on draft resolution A/47/L.41, but reserve their right to request that action be taken on it at some later point during the current session.

The PRESIDENT: At the request of the sponsors, action on draft resolution A/47/L.41 is postponed to a later date to be announced.

The Assembly will now take a decision on draft resolutions A/47/L.42 and A/47/L.43.

We will first take a decision on draft resolution A/47/L.42.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Azerbaijan, Bahrain, Bangladesh, Belize, Bhutan, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, China, Comoros, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Egypt, Ethiopia, Gabon, Gambia, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Mauritius, Mongolia, Morocco, Myanmar, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Philippines, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Zimbabwe

Against: Israel, Micronesia (Federated States of), United States of America

Abstaining: Albania, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Barbados, Belarus, Belgium, Benin, Brazil, Bulgaria, Canada, Chile, Colombia, Côte d'Ivoire, Croatia, Czechoslovakia, Denmark, Dominica, Ecuador, Estonia, Fiji, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Jamaica, Japan, Kazakhstan, Kenya, Kyrgyzstan, Latvia, Lesotho, Liechtenstein, Lithuania, Luxembourg, Malta, Marshall Islands, Mexico, Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Singapore, Slovenia, Spain, Swaziland, Sweden, Thailand, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela

Draft resolution A/47/L.42 was adopted by 72 votes to 3, with 70 abstentions (resolution 47/63 A).*

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* Subsequently the delegations of Angola, Liberia, Mali, Qatar, Saint Kitts and Nevis and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: We turn now to draft resolution A/47/L.43.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zimbabwe

Against: Israel

Abstaining: Croatia, Marshall Islands, Micronesia (Federated States of), Togo, United States of America

Draft resolution A/47/L.43 was adopted by 140 votes to 1, with 5 abstentions (resolution 47/63 B).*

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* Subsequently, the delegations of Angola, Bosnia and Herzegovina, Croatia, Guinea-Bissau, Liberia, Mali, Qatar, Saint Kitts and Nevis, Sao Tome and Principe and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: Before calling on the first speaker in explanation of vote, may I remind members that, in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. TAYLOR (Canada): Canada applauds the decision of the sponsors to request to defer consideration of draft resolution A/47/L.41. This is a positive gesture which serves to build confidence among the parties involved in the conflict in the Middle East.

Canada has never accepted the legality of Israeli occupation of the Golan, and has on numerous occasions advocated that Israel should accept the application of the Fourth Geneva Convention to the occupied territories. Much highly contentious language has been dropped from draft resolution A/47/L.42 on the occupied Syrian Golan, an improvement which warrants our change from a negative vote to an abstention.

Nevertheless, we note that significant bilateral discussions are already under way between Syria and Israel. We believe that in that process lies the best prospect for peace between the parties. We would therefore have preferred that this draft resolution had not been brought to a vote.

Canada hopes that at the next General Assembly we shall see further positive approaches to the situation in the Middle East.

Mr. KHANDOGY (Ukraine): The delegation of Ukraine voted in favour of draft resolution A/47/L.43 in view of our long-standing support of the relevant resolutions of the General Assembly and the Security Council concerning Jerusalem.

However, we were obliged to abstain on draft resolution A/47/L.42 concerning the Syrian Golan since this issue is the subject of negotiations within the framework of the Madrid peace process.

(Mr. Khandogy, Ukraine)

This abstention notwithstanding, Ukraine continues to support the demand that Israel withdraw from the occupied Syrian Golan in implementation of the relevant Security Council and General Assembly resolutions.

Mr. FIFE (Norway): I have the honour to speak on behalf of the Nordic countries: Denmark, Finland, Iceland, Sweden and Norway.

The Nordic countries regret that they had to abstain on the draft resolution on the Golan. While we recognize the positive changes in the text as compared with the corresponding resolution adopted during the forty-fifth session of the General Assembly, it unduly prejudges the outcome of the peace process that is currently under way.

Moreover, we should like to reiterate that the Nordic countries remain committed to Security Council resolutions 242 (1967) and 497 (1981).

Mr. ROBINSON (United States of America): My Government's views are well known on resolutions that speak conclusively to the issue under direct negotiation between parties of the region. This Assembly should support the process of these negotiations rather than prejudge its outcome.

My Government is greatly disappointed by the adoption of draft resolution A/47/L.42 concerning the Golan Heights. A draft resolution on the matter was not voted upon last year, and we had hoped that it would not be voted upon this year. My Government voted for Security Council resolution 497 (1981) on the status of the Golan Heights. This month parties to the Madrid process are engaged in an eighth round of bilateral negotiations. Many of us are aware that the topic of the Golan Heights is among the most central issues in the framework of ongoing bilateral negotiations.

(Mr. Robinson, United States)

As Secretary of State Baker said in Madrid last year, the United States is sensitive to the respective parties' desires for peace, land and security. These three issues all relate to one another, and in complex ways. The parties in the region are now negotiating directly with one another on these issues. For these reasons, we believe that this resolution should not have been adopted by the General Assembly.

As has been our practice in the past, the United States abstained in the voting on the draft resolution concerning Jerusalem. We are convinced that Jerusalem must remain undivided, but that its final status should be decided through negotiations.

Many of our discussions this fall showed that the Madrid process has signalled a turning point in the Assembly's approach to Middle East issues. Old and futile tactics are rightly being discarded. We are pleased that the Assembly did not vote on one of the most unhelpful resolutions of the past; we trust that that resolution will remain in the past.

Parties in the region are abandoning polemics and taking up pragmatic, creative approaches to challenging problems. We ask parties outside the region to do all in their power to support the efforts of those in the region.

Mr. ABOLHASSANI-SHAHREZA (Islamic Republic of Iran): Since my delegation is fully committed to the advancement of the situation in the Middle East, we supported and voted in favour of the draft resolutions contained in documents A/47/L.42 and L.43.

However, my delegation, in line with its well-known position, expresses its reservations regarding those parts of the draft resolutions which implicitly or explicitly render recognition to the Zionist entity.

Therefore, my delegation requests that its reservations be officially recorded.

Mr. SUMI (Japan): Japan abstained in the voting on draft resolution A/47/L.42, on the situation in the Middle East. I should like to put on record the reason for its abstention. The draft resolution is a substantial improvement over resolution 45/03 B adopted on this question two years ago. Japan voted against the earlier resolution on the grounds that it singled out for criticism a permanent member of the Security Council and referred to Israel as a non-peace-loving Member State. Although this year's draft resolution is free of those attacks, Japan does not support its adoption at this time. Inasmuch as substantive discussions are under way on the issue of the Golan Heights, Japan believes it would have been better to await the outcome of the talks before putting draft resolution A/47/L.42 to the vote.

Japan appreciated the decision of the Syrian Government last year to defer the draft resolution, and had hoped to see it deferred again this year.

Lastly, Japan would like to express its appreciation to the sponsoring Arab States and to the Palestine Liberation Organization (PLO) for their decision to defer draft resolution A/47/L.41; we believe it unnecessary for that text to be voted upon at this time of ongoing peace talks. We believe that good gesture will enhance the Madrid peace process.

Mr. CLIFF (United Kingdom): I have the honour to speak on behalf of the European Community and its member States.

First, I should like to say that we welcome the decision of the sponsors to defer action on draft resolution A/47/L.41. It is a contentious text, and we believe its deferral is a very positive contribution towards the Middle East peace process.

(Mr. Cliff, United Kingdom)

The Twelve have just abstained in the vote on draft resolution A/47/L.42, on the Golan. This in no way undermines our support for Security Council resolutions 242 (1967) and 497 (1981), to which we remain fully committed. Although we welcome the changes in the text and have no major difficulties with the substance of the resolution, we would have preferred that it had not been put to the vote. We do not think it appropriate that the General Assembly should adopt a resolution which prefigures the outcome of the negotiations which are currently going on between the parties concerned.

Mr. LOZINSKY (Russian Federation) (interpretation from Russian): The Russian delegation welcomes the reasonable approach taken by Arab countries in not putting to the vote draft resolution A/47/L.41, which repeats the content of resolution 46/82 A.

At the same time, we regret that, unlike the text submitted at the forty-sixth session, this year's draft resolution A/47/L.42 was put to the vote. The delegation of the Russian Federation, as a sponsor of the current peace process, abstained in the voting on that draft resolution because it reflects a one-sided approach to the questions of substance that are now under discussion at the Arab-Israeli negotiations.

The PRESIDENT: The General Assembly has thus concluded the present stage of its consideration of agenda item 35.

As previously announced, the Assembly is postponing action on draft resolution A/47/L.41 to a later date to be announced.

AGENDA ITEM 30 (continued)

QUESTION OF PALESTINE

(a) REPORT OF THE COMMITTEE ON THE EXERCISE OF THE INALIENABLE RIGHTS OF THE PALESTINIAN PEOPLE (A/47/35)

(b) REPORT OF THE SECRETARY-GENERAL (A/47/716)

(c) DRAFT RESOLUTIONS (A/47/L.35, L.36, L.37/Rev.1, L.38 AND L.39)

The PRESIDENT: I remind representatives that the debate on this item was concluded at the 77th plenary meeting, held on 2 December 1992.

I call on the Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, who will introduce draft resolutions A/47/L.35, L.36, L.37/Rev.1, L.38 and L.39.

Mr. CISSÉ (Senegal), Chairman of the Committee on the Exercise of the Inalienable Rights of the Palestinian People (interpretation from French): In addition to the sponsors listed on the documents before the Assembly, the following countries have become sponsors of draft resolutions A/47/L.35 and A/47/L.36: Bangladesh, Indonesia, the Lao People's Democratic Republic, Madagascar, Malaysia, Mali, Pakistan, Saudi Arabia, Tunisia, Ukraine and Viet Nam.

(Mr. Cissé, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

Morocco, Sudan and Yemen have also become sponsors of all five draft resolutions. India and Mali have become sponsors of draft resolutions A/47/L.35, A/47/L.36, A/47/L.37/Rev.1 and A/47/L.38.

On behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I have the honor to introduce to the Assembly draft resolutions A/47/L.35, A/47/L.36, A/47/L.37/Rev.1, A/47/L.38 and A/47/L.39.

The first three draft resolutions, A/47/L.35, A/47/L.36 and A/47/L.37/Rev.1, are basically the same as those submitted in previous years. They are designed to enable the Committee, the Division for Palestinian Rights and the Department of Public Information to continue their programme of work authorized at the forty-sixth session, provision for which has been made in the programme budget for the biennium 1992-1993.

In draft resolution A/47/L.35 the Assembly would endorse the recommendations contained in the Committee's report and request the Committee to continue to keep under review the situation relating to the question of Palestine and to report and make suggestions to the General Assembly or the Security Council, as appropriate. The Assembly would also authorize the Committee to continue to exert all efforts to promote the implementation of its recommendations, and to make such adjustments in its programme of work as it considers necessary, to give special emphasis to the need to mobilize public opinion in Europe and North America and to report thereon to the General Assembly at its forty-eighth session and thereafter.

The Assembly would also request the Committee to continue to extend its cooperation to non-governmental organizations and to take the necessary steps

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to expand its contacts with those organizations. In the same draft resolution, A/47/L.35, the Assembly would request the United Nations Conciliation Commission for Palestine, as well as other United Nations bodies associated with the question of Palestine, to continue to cooperate fully with the Committee.

Under draft resolution A/47/L.36, which deals specifically with the role of the Secretariat, the General Assembly would request the Secretary-General to provide the Division for Palestinian Rights of the Secretariat with the necessary resources, to strengthen its programme of research, studies and publications through the establishment of an adequately staffed and equipped computer-based information system on the question of Palestine, and to ensure that it continues to discharge the tasks detailed in previous resolutions, including the organization of seminars, meetings and symposia of non-governmental organizations. It would also invite Governments and organizations to lend their cooperation to the Committee and the Division for Palestinian Rights in the performance of their respective tasks. It would also take note with appreciation of the action taken by Member States to observe annually on 29 November the International Day of Solidarity with the Palestinian People.

By draft resolution A/47/L.37/Rev.1, which concerns the role of the Department of Public Information, the General Assembly would request the Department, in cooperation and coordination with the Committee on the Exercise of the Inalienable Rights of the Palestinian People, to continue, with the necessary flexibility as may be required by developments affecting the

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question of Palestine, its special information programme on the question of Palestine, with particular emphasis on public opinion in Europe and North America. In particular, it would request the Department to disseminate information on all the activities of the United Nations systems relating to the question of Palestine; to continue to issue and update publications on the various aspects of the question of Palestine; to expand its audiovisual material on the subject; to organize and promote fact-finding news missions for journalists to the area, including the occupied territories; and, lastly, to organize international, regional and national encounters for journalists.

Draft resolution A/47/L.38 deals with the peace process. In this text the General Assembly would refer to the fundamental elements of resolution 46/75 of 11 December 1991. By paragraph 2 the Assembly would welcome the ongoing peace process which started in Madrid and express hopes that it will lead to the establishment of a comprehensive, just and lasting peace in the region. In the next paragraph it would express the need for the United Nations to play a more active and expanded role in the current peace process.

In addition, in paragraph 4, the Assembly would state that it considers that the convening, at a certain stage, of an International Peace Conference on the Middle East, under the auspices of the United Nations, with the participation of all parties to the conflict, including the Palestine Liberation Organization, on an equal footing, and the five permanent members of the Security Council, based on Council resolutions 242 (1967) and 338 (1973) and the legitimate national rights of the Palestinian people, primarily the right to self-determination, would contribute to the promotion of peace in the region.

(Mr. Cissé, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

In paragraph 5 the Assembly would reaffirm the principles for the achievement of comprehensive peace: the withdrawal of Israel from the Palestinian territory occupied since 1967, including Jerusalem, and from the other occupied Arab territories; guaranteeing arrangements for peace and security of all States in the region, including those named in resolution 181 (II) of 29 November 1947, within secure and internationally recognized boundaries; resolving the problem of the Palestine refugees in conformity with General Assembly resolution 194 (III) of 11 December 1948, and subsequent relevant resolutions; dismantling the Israeli settlements in the territories occupied since 1967; and, lastly, guaranteeing freedom of access to Holy Places, religious buildings and sites.

In paragraphs 6 and 7 the General Assembly would note the expressed desire and endeavours to place the Palestinian territory occupied since 1967, including Jerusalem, under the supervision of the United Nations for a transitional period or, alternatively, to provide international protection for the Palestinian people there, as part of the peace process, and request the Secretary-General to continue his efforts with the parties concerned, and, in consultation with the Security Council, for the promotion of peace in the region, and to submit progress reports on developments in this matter.

As can be seen, this text is moderate and objective in its approach to the problem. In adopting it, the General Assembly would make a positive, constructive contribution to the restoration of peace, stability and security in the Middle East, thereby enabling the Palestinian people to make progress towards the recovery of their inalienable and legitimate rights.

(Mr. Cissé, Chairman, Committee on the Exercise of the Inalienable Rights of the Palestinian People)

I also have the honour to introduce draft resolution A/47/L.39. In this draft resolution the General Assembly would condemn the policies and practices of Israel which violate the human rights of the Palestinian people in the occupied Palestinian territory, including Jerusalem. It would demand that Israel abide scrupulously by the Geneva Convention relative to the Protection of Civilian Persons in Time of War and desist immediately from those policies and practices which are in violation of the provisions of the Convention. It would call upon all the High Contracting Parties to the Convention to ensure respect by Israel for the Convention. The General Assembly would strongly deplore the continuing disregard by Israel, the occupying Power, of the relevant decisions of the Security Council and reaffirm that the occupation by Israel of the Palestinian territory since 1967, including Jerusalem, and of the other Arab territories in no way changes the legal status of those territories. It would request the Security Council to examine with urgency the situation in the occupied Palestinian territory with a view to considering measures needed to provide international protection to the Palestinian civilians in the Palestinian territory occupied by Israel since 1967, including Jerusalem. It would invite the international community to enhance its support for the Palestinian people and would request the Secretary-General to examine the present situation in the occupied territory by all means available to him and to submit periodic reports thereon.

The five draft resolutions I have just introduced were formulated with a firm resolve to contribute to the peace process that is now under way, to put an end to violence and repression and to make real progress towards a comprehensive, just and lasting solution to the question of Palestine. On

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behalf of the Committee on the Exercise of the Inalienable Rights of the Palestinian People, I invite delegations to show the same resolve and to demonstrate their solidarity with the Palestinian people once again by taking a position clearly and categorically in favour of these draft resolutions.

The PRESIDENT: The Assembly will now proceed to consider the five draft resolutions, A/47/L.35, L.36, L.37/Rev.1, L.38 and L.39.

I shall now call upon representatives who wish to explain their vote before the voting on any or all of the draft resolutions. May I recall that, in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats. Representatives will also have an opportunity to explain their vote after all the votes have been taken.

Mr. ROBINSON (United States of America): Since we met last year in this Hall to consider the item entitled "The question of Palestine", an unprecedented set of negotiations has been conducted. The peace process launched at Madrid on 30 October 1991 has resulted in eight rounds of bilateral negotiations thus far between parties to the Middle East conflict. This fall the parties conducted a second round of multilateral discussions on issues of vital concern to all parties in the Middle East.

As a sponsor, with Russia, of the negotiations, we are pleased that the United Nations is now taking part in the multilateral working groups as a full extraregional participant. We look forward to working with the United Nations Special Representative for United Nations participation in the multilaterals, Ambassador Gharekhan.

(Mr. Robinson, United States)

As all parties today are aware, the United States is committed to a just, lasting and comprehensive peace settlement through direct negotiations along two tracks, between Israel and the Arab States and between Israel and the Palestinians, based on United Nations Security Council resolutions 242 (1967) and 338 (1973).

Let me recall what President George Bush said at the opening session of the Peace Conference at Madrid on 30 October. He stated:

> "Peace will only come as a result of direct negotiations, compromise, give-and-take. Peace cannot be imposed from the outside by the United States or anyone else. While we will continue to do everything possible to help the parties overcome obstacles, peace must come from within."

The draft resolutions before the General Assembly today acknowledge the process that began at Madrid. But these resolutions fail to affirm the guiding principle of ongoing negotiations, namely, that the Governments and peoples of the region themselves should shape the future of the Middle East. Outsiders - and that includes most Governments represented here today - can only assist the parties directly involved in seizing their responsibilities and persevering in the hard and often frustrating task of resolving the differences that have so long divided them. The Assembly should support the negotiating process that the parties with most at stake have chosen to pursue.

While draft resolution A/47/L.38 has improved from last year's resolution 46/75, we regret that it remains flawed in two important respects. First, the draft resolution contains language which seeks to determine the outcome of issues that are now under consideration by the parties to the peace process and that must be resolved through direct negotiations between them. Secondly,

(Mr. Robinson, United States)

the draft resolution refers specifically to the format and participants of an international peace conference. Again, these are questions which properly belong in the hands of those Governments and peoples in the region which have the most at stake in achieving peace, security and stability. As one of the sponsors of the current Middle East Peace Conference, the United States finds itself unable to support such a proposal. We will therefore vote "No" on this draft resolution.

The other draft resolutions introduced under this item are mostly unchanged from those submitted last year. My delegation voted against those draft resolutions at that time and will do so again today. We would have greatly preferred fewer resolutions under this and other Middle East-related agenda items.

In conclusion, let me say that the United States recognizes fully the desire of the members of the Assembly to see the peace process in the Middle East move forward and to achieve the goal we all seek: a just, lasting and comprehensive peace in the Middle East.

Mr. LOZINSKIY (Russian Federation) (interpretation from Russian): The achievement of a comprehensive, just and lasting settlement in the Middle East is undoubtedly one of the priority objectives in the preservation and maintenance of international peace and security. The position of the Russian Federation on this issue is well known and was enunciated in our statement at the present session of the General Assembly on 3 December.

We believe that under present conditions the negotiating process begun last year at Madrid is the sole reliable way to achieve a lasting peace in the Middle East. Notwithstanding all the difficulties, the process is ongoing and

(Mr. Loginskiy, Russian Federation)

is gaining momentum, creating prospects for achieving a settlement that should not lead to the victory of one of the parties and the defeat of the other but, rather, should provide an opport ity for all peoples of the region to live in conditions of peace and security.

(Mr. Lozinskiy, Russian Federation)

Today as never before, all parties, both those taking part in the negotiations and those that can contribute to their advancement, must adopt a constructive and responsible approach and reject any steps that might complicate the peace process. In these circumstances, the United Nations, which has an obligation to respond sensitively to any change in the international situation, must find an adequate form for the most effective assistance it can give to the negotiations in progress. In this connection, the establishment of a favourable atmosphere for achieving a settlement would be particularly significant.

Recognizing its obligations as a sponsor of the peace process, the Russian Federation believes it important that the General Assembly should speak out in support of it. We have expressed the idea that at its present session, instead of presenting the traditional and clearly outdated draft resolution concerning the convening of an International Peace Conference on the Middle East, the Assembly should adopt a brief draft resolution which would be aimed at promoting the Arab-Israeli negotiations now under way and would not touch upon on the substance of the questions being discussed at those negotiations. In our view, such a draft resolution might read as follows:

"The General Assembly,

"Recognizing that the achievement of a comprehensive settlement of the Middle East conflict would be a significant contribution to the cause of consolidating international peace and security,

"Noting broad international support for the process of peaceful settlement now taking place within the framework of the Peace Conference on the Middle East, at both the bilateral and the multilateral levels,

(Mr. Lozinskiy, Russian Federation)

"Expressing the hope that the negotiation process will conclude with the achievement of a comprehensive settlement in the Middle East,

"Noting with satisfaction that the parties to the negotiations have begun the discussion of questions relating to the substance of a Middle East settlement,

"Emphasizing that the negotiations have entered a crucial stage,

"1. Reaffirms the urgent need for the achievement of a comprehensive, just and lasting settlement of the Arab-Israeli conflict;

"2. Welcomes the negotiation process within the framework of the Madrid Peace Conference on the Middle East, taking place at a bilateral level and also in multilateral working groups, as substantial progress towards the practical achievement of a comprehensive, just and lasting peace in the region;

"3. Calls on all parties to those peace negotiations to demonstrate a constructive and responsible approach and to continue the search for solutions to the complex questions of a settlement;

"4. Calls on all parties involved to endeavour to ensure a favourable atmosphere for the ongoing negotiations in order to promote their successful conclusion."

The delegations of many countries, including a number of Arab States, have supported our idea. The delegation of the United States, the other sponsor of the peace process, has also taken a positive attitude towards the substance of the draft. Unfortunately, however, the delegations of the countries sponsoring draft resolution A/47/L.38, which deals with an International Peace Conference on the Middle East, did not agree to our proposal that adoption of the draft resolution should be deferred. Under

(Mr. Lozinskiy, Russian Federation)

these circumstances, the Russian delegation has no choice but to forgo a formal introduction of its draft resolution.

We wish to express our regret that a number of countries are continuing to insist on the adoption of a resolution on an International Peace Conference on the Middle East. That initiative played a positive role in the past, giving impetus to the work on the question of practical ways and means to resolve the Arab-Israeli conflict. Today, however, we cannot fail to see that, with the unfolding of the current peace process, which is supported by the entire international community, the idea of convening an international conference is not in keeping with existing realities. In essence, the provisions of draft resolution A/47/L.38 calling for the convening of an international conference are in fact a call to substitute such a conference for the process already under way. The principles for achieving peace in the Middle East stated in that draft resolution go beyond the bounds of the Madrid formula, on the basis of which the Arab-Israeli negotiations are taking place, and imposing them can only complicate those negotiations.

We are thus forced to conclude that draft resolution A/47/L.38 in fact represents an attempt to erode the basis of the entire peace process by imposing on it the approach of one of the parties to the conflict. Its adoption would work to the detriment of that process, and hence it is counterproductive. We therefore appeal once again to the sponsors of that draft resolution not to put it to the vote.

If the sponsors nevertheless insist on a vote on that draft resolution, then the Russian delegation, as a sponsor of the current peace process for a Middle East settlement, will vote against paragraphs 4, 5 and 6 and will abstain on the draft resolution as a whole. If there is no separate vote, we shall be forced to vote against the entire draft resolution,

(Mr. Lozinskiy, Russian Federation)

As for the other draft resolutions under the agenda item entitled "Question of Palestine", the Russian delegation will abstain on draft resolutions A/47/L.35 and A/47/L.39, since they deal with the substance of the questions being discussed in the Arab-Israeli negotiations, and will vote in favour of draft resolutions A/47/L.36 and A/47/L.37, dealing with the activities of a number of United Nations bodies.

The PRESIDENT: We have heard the last speaker in explanation of vote before the voting. The Assembly will now proceed to take a decision on the five draft resolutions before it.

I call on Mr. Sukhodrev, Director of General Assembly Affairs.

Mr. SUKHODREV: I should like to inform members that, should the General Assembly adopt draft resolutions A/47.L.35, L.36, L.37, L.38 and L.39 concerning the question of Palestine, the Secretary-General does not anticipate that any programme budget implications would arise.

As regards the requirements relating to the establishment of an adequately staffed and equipped computer-based information system, referred to in paragraph 2 of draft resolution A/47/L.36, the establishment of such a system was already mandated by General Assembly resolution 46/74 B, and reference to it was made in the related statement of programme budget implications in document A/C.5/46/59, submitted to the Assembly at its forty-sixth session. Following a review of the programme of work of the Committee on the Exercise of the Inalienable Rights of the Palestinian People and the Division for Palestinian Rights, it is estimated that additional requirements, including staff resources, arising during the period 1992-1993 for the further development of the information system can be absorbed within available resources.

The PRESIDENT: The Assembly will now begin the voting process and will first take a decision on draft resolution A/47/L.35.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Israel, Micronesia (Federated States of), United States of America

Abstaining: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Costa Rica, Croatia, Czechoslovakia, Denmark, Dominican Republic, Estonia, Finland, France, Germany, Honduras, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, Russian Federation, San Marino, Slovenia, Solomon Islands, Sweden, United Kingdom of Great Britain and Northern Ireland

Draft resolution A/47/L.35 was adopted by 115 votes to 3, with 40 abstentions (resolution 47/64 A).*

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* Subsequently the delegations of Guinea-Bissau, Sao Tome and Principe and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: The Assembly will now take a decision on draft resolution A/47/L.36.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Republic of Korea, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Israel, United States of America

Abstaining: Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Croatia, Czechoslovakia, Denmark, Dominican Republic, Estonia, Finland, France, Germany, Hungary, Iceland, Ireland, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Marshall Islands, Micronesia (Federated States of), Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Moldova, Romania, San Marino, Slovenia, Sweden, United Kingdom of Great Britain and Northern Ireland

Draft resolution A/37/L.36 was adopted by 119 votes to 2, with 37 abstentions (resolution 47/64 B).*

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* Subsequently the delegations of Guinea-Bissau, Sao Tome and Principe and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: The Assembly will now take a decision on draft resolution A/47/L.37/Rev.1.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Israel, United States of America

Abstaining: Dominican Republic, Marshall Islands, Micronesia (Federated States of)

Draft resolution A/47/L.37/Rev.1 was adopted by 152 votes to 2, with 3 abstentions (resolution 47/64 C).*

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* Subsequently the delegations of Guinea-Bissau, Sao Tome and Principe and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: The Assembly will now take a decision on draft resolution A/47/L.38.

Separate, recorded, votes have been requested on operative paragraphs 4, 5 and 6. Is there any objection to that request? Since there is no objection, I shall first put to the vote operative paragraph 4 of draft resolution A/47/L.38.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic. Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Israel, Marshall Islands, Micronesia (Federated States of), Russian Federation, United States of America

Abstaining: Albania, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Costa Rica, Croatia, Czechoslovakia, Denmark, Dominica, Dominican Republic, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Paragraph 4 was retained by 87 votes to 5, with 58 abstentions.*

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* Subsequently the delegations of Liberia and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: I shall now put to the vote operative paragraph 5 of draft resolution A/47/L.38.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Chad, China, Colombia, Comoros, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Dominican Republic, Israel, Marshall Islands, Micronesia (Federated States of), Russian Federation, United States of America

Abstaining: Albania, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Czechoslovakia, Denmark, Dominica, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Kenya, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Slovenia, Solomon Islands, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Paragraph 5 was retained by 87 votes to 6, with 59 abstentions.*

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* Subsequently the delegations of Liberia and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: I shall now put to the vote operative paragraph 6 of draft resolution A/47/L.38.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Chad, Chile, China, Colombia, Comoros, Costa Rica, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, Fiji, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Israel, Marshall Islands, Micronesia (Federated States of), Russian Federation, United States of America

Abstaining: Albania, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Belarus, Belgium, Belize, Bolivia, Bosnia and Herzegovina, Bulgaria, Cameroon, Canada, Croatia, Czechoslovakia, Denmark, Dominica, Dominican Republic, Estonia, Finland, France, Germany, Greece, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Nepal, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Moldova, Romania, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Slovenia, Solomon Islands, Spain, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Paragraph 6 was retained by 90 votes to 5, with 57 abstentions.*

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* Subsequently the delegations of Liberia and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: I now put to the vote draft resolution A/47/L.38, as a whole. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Azerbaijan, Bahrain, Bangladesh, Barbados, Bhutan, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Comoros, Côte d'Ivoire, Cuba, Cyprus, Democratic People's Republic of Korea, Djibouti, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Gabon, Gambia, Ghana, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Israel, Marshall Islands, Micronesia (Federated States of), United States of America

Abstaining: Albania, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Bulgaria, Canada, Costa Rica, Croatia, Czechoslovakia, Denmark, Dominica, Dominican Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Japan, Kazakhstan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malawi, Netherlands, New Zealand, Norway, Panama, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Slovenia, Solomon Islands, Spain, Swaziland, Sweden, Ukraine, United Kingdom of Great Britain and Northern Ireland, Uruguay

Draft resolution A/47/L.38, as a whole, was adopted by 93 votes to 4, with 60 abstentions (resolution 47/64 D).*

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* Subsequently, the delegations of Guinea-Bissau, Liberia, Sao Tome and Principe and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: The Assembly will now take a decision on draft resolution A/47/L.39. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Cuba, Cyprus, Czechoslovakia, Democratic People's Republic of Korea, Denmark, Djibouti, Dominica, Ecuador, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Saudi Arabia, Senegal, Sierra Leone, Singapore, Slovenia, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Tunisia, Turkey, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe

Against: Israel, Micronesia (Federated States of), United States of America

Abstaining: Bolivia, Costa Rica, Côte d'Ivoire, Croatia, Dominican Republic, Malawi, Marshall Islands, Russian Federation, Togo, Uruguay

Draft resolution A/47/L.39 was adopted by 146 votes to 3, with 10 abstentions (resolution 47/64 E).*

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* Subsequently, the delegations of Guinea-Bissau, Sao Tome and Principe and Trinidad and Tobago advised the Secretariat that they had intended to vote in favour.

The PRESIDENT: I shall now call on representatives wishing to explain their votes.

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

Mr. TAYLOR (Canada): Canada this year abstained in the voting on draft resolution A/47/L.38, on the International Peace Conference on the Middle East. In doing so we were aware of and appreciated the efforts the sponsors made to take account of the peace process that began at Madrid in October 1991. Canada strongly supports that process and believes it represents our best hope for a just and lasting peace in the Middle East.

In the light of the peace process we had hoped that the sponsors would have deferred consideration of the draft resolution, which we believe could send confusing signals and complicate the peace process. That was the reason for our continued abstention.

Canada is also grateful to the sponsors for the changes made in draft resolution A/47/L.37/Rev.1, on information, which made it possible for us to vote in favour. We urge the Department of Public Information and the Division of Palestinian Rights to use their best efforts to ensure that the information they disseminate is thoroughly objective and contributes to the success of the peace process.

Canada voted in favour of draft resolution A/47/L.39. Canada has always supported the application of the Fourth Geneva Convention to the occupied territories and urged Israel to accept its applicability. We would, however, have welcomed a more balanced resolution that reflected the full range of causes of violence in the occupied territories.

(Mr. Taylor, Canada)

Canadians hope that the present peace process, in both its bilateral and its multilateral aspects, can build to agreements and mutual confidence between all the parties that will eventually end the concerns expressed by these resolutions.

Mr. TARI (Israel): My delegation voted against the draft resolutions just adopted under the agenda item on the question of Palestine because they distort the true nature of the Arab-Israeli conflict and stand in opposition to any genuine notion of peace. We should like, however, to focus on draft resolution A/47/L.38, calling for an International Peace Conference on the Middle East, as it stands out as a particularly blatant contradiction of the conditions of the current peace process.

This past Monday, 7 December 1992, the bilateral peace negotiations between Israel and its Arab neighbours resumed in Washington, D.C. The talks are a continuation of the peace process begun at Madrid under the co-sponsorship of the United States and the Russian Federation. The multilateral working groups have been meeting lately as well, with the United Nations as a full participant.

As the peace talks are continuing in both bilateral and multilateral frameworks, there is no reason for the United Nations to adopt a resolution calling for an International Peace Conference on the Middle East. Indeed, the Secretary-General states in his report that

> "sufficient agreement does not exist to permit the convening of an International Peace Conference on the Middle East". (A/47/716, para. 5)

Recognizing the contradiction between the current peace process and the resolution on an International Peace Conference, the sponsors of the draft resolution this year inserted wording calling for the convening of the

(Mr. Tari, Israel)

international conference "at a certain stage", rather than now. This change was made in order to create the impression that the resolution and the current peace process are somehow compatible. That, however, is not the case.

Operative paragraph 5 of draft resolution A/47/L.38, just adopted, enumerates five so-called principles for the achievement of peace. On the one hand, those "principles" clearly prejudge and predetermine the outcome of the negotiations, in contradiction to any fair notion of peace. On the other hand, the peace process that began in Madrid is based on the principle of direct negotiations without preconditions between Israel and its Arab neighbours. The resolution, then, clearly contradicts the principle underlying the current peace process.

But we note with satisfaction that many countries did not find it possible to support this resolution. We believe, as always, that the proper forum for solving the Arab-Israeli conflict lies in direct negotiations without preconditions among the parties, and we call upon our neighbours to help promote the Middle East peace process. Israel for its part is committed to doing its utmost to bring this process to a fruitful outcome.

Mr. KHANDOGY (Ukraine): The delegation of Ukraine voted in favour of the draft resolutions contained in documents A/47/L.37/Rev.1 and A/47/L.39, as both of them address the question of international protection of Palestinians in the occupied territories and the importance of the dissemination of accurate information regarding the situation of human rights in the occupied territories.

My delegation abstained, however, on draft resolution A/47/L.38, because its subject-matter relates to a question that is currently being discussed in the framework of the Madrid peace process. We do not believe it is appropriate to take a position on the issues that are under negotiation by all the parties concerned.

Furthermore, the delegation of Ukraine believes that, in view of the ongoing negotiations, the question of the convening of an International Peace Conference on the Middle East is a matter that can be decided upon with due regard to the final outcome of the Madrid process. It is true that more than a year has passed since the beginning of this process without any substantial results. But we also think that the four-month-old Israeli Government should be encouraged to demonstrate its declared willingness to seek a lasting settlement in the Middle East that is acceptable to all.

Mr. MALIK (Iraq) (interpretation from Arabic): My delegation voted in favour of all the draft resolutions on the question of Palestine, which were adopted by the Assembly a few moments ago. Nevertheless, and at the same time, we wish to express reservations about the fifth preambular paragraph and operative paragraph 2 of draft resolution A/47/L.38 for reasons that we have explained on several occasions.

I also want to put on record our reservations on the tenth preambular paragraph of draft resolution A/47/L.42 on the situation in the Middle East.

Mr. ABOLHASSANI-SHAHREZA (Islamic Republic of Iran): Since my delegation is fully committed to the advancement of the Palestinian cause, we voted in favour of the draft resolutions contained in documents A/47/L.35, A/47/L.36, A/47/L.37/Rev.1, A/47/L.38 and A/47/L.39. However, my delegation would like to express its reservation regarding those parts of the aforementioned draft resolutions that implicitly or explicitly give recognition to the Zionist entity. Therefore, my delegation requests that its reservation be officially recorded.

Mr. PATOKALLIO (Finland): I have the honour to speak on behalf of the five Nordic countries - Denmark, Iceland, Norway, Sweden and my own country, Finland. The Nordic countries regret that they had to abstain in the vote on draft resolution A/47/L.38. We also abstained in the separate votes on operative paragraphs 4, 5 and 6 of that draft resolution.

The Nordic countries strongly support the current Middle East peace process, based as it is on Security Council resolutions 242 (1967) and 338 (1973). We continue to believe that all efforts of the international community should be directed towards assisting the peace process now under way. While the present text is a considerable improvement over the corresponding resolution of last year, it continues to address substantive issues dealt with in the negotiations in a manner that tends to prejudge their eventual outcome. Moreover, the draft resolution puts an emphasis on a different framework of negotiations than the current peace process.

Over a number of years the Nordic countries have supported the idea of an International Peace Conference on the Middle East under United Nations auspices. Since the Madrid process was initiated, new circumstances have, however, prevailed, and we believe that the discussion of a draft resolution on such a United Nations conference is not appropriate at this stage.

Mr. ARRIA (Venezuela) (interpretation from Spanish): Venezuela voted in favour of the five draft resolutions that the Assembly has just adopted, in unswerving solidarity with the main purpose of recovering the inalienable rights of the Palestinian people. However, we also feel obliged to indicate that the type of language used in some parts of draft resolution A/47/L.39 does not, in our opinion, contribute to the success of the negotiation process in the Middle East. What we really wish to support is the culmination of that process, which would ensure compliance with Security Council resolutions, which are binding on the parties that have thus accepted them publicly.

This language does not, in our view, help to promote the climate of fundamental détente required by a process of normalization that is so complex and sensitive. We cannot but note the very substantial changes that are occurring in the region, which as never before are offering real and concrete prospects and possibilities. The aggressive language not only does not help or adequately recognize the current state of affairs, but rather undermines and weakens the process.

The General Assembly cannot but recognize that new realities and circumstances prevail. We cannot continue to be caught up in the rhetoric of confrontation. Face to face meetings have already produced important results, which we must strengthen. And we must move ahead not return to the past.

(Mr. Arria, Venezuela)

Objectively speaking, no one can deny that the peace process of direct negotiations that began in Madrid is making progress. But it is not doing so with the speed that had been hoped for by those of us who consider that the Palestinian cause is closely linked to the purposes and the very cause of the United Nations, just as the right of the Jews to reconstitute their own State was once linked to that cause. Now it is the struggle of the Palestinians for that very right which is the focus of my delegation's interest, over and above any other consideration.

The world community has a clearly established opinion and position on the Palestinian cause that it will not abandon.

Lastly, public opinion in all countries will play a decisive role in the acceptance of future agreements. That is why we believe it is now essential to set about changing public opinion, which is today firmly entrenched, in order to ensure that the decisions reached garner the indispensable support and are welcomed by public opinion. In this respect, the United Nations has a significant responsibility.

Mr. SUMI (Japan): First of all, Japan appreciates the improvement of wording in draft resolution A/47/L.37/Rev.1 that made it possible for Japan to vote in favour. This good gesture, we believe, will further enhance the amicable atmosphere in the Madrid peace process.

On the other hand, Japan abstained in the voting on the draft resolution on an International Peace Conference on the Middle East. I should like to put on record the reason for its abstention.

It has been Japan's policy to support the convening of an International Peace Conference on the Middle East under the auspices of the United Nations. Moreover, Japan appreciates that this resolution is an improvement over the one submitted last year, since it makes it clear that the International

(Mr. Sumi, Japan)

Conference will not supersede the ongoing talks that were initiated in Madrid last year. My delegation believes, however, that at this juncture we should encourage the ongoing talks and refrain from taking any action that might prejudge the outcome of the talks or send a confused signal to the world. Japan would have preferred this resolution to be deferred and therefore decided to abstain.

Mr. CLIFF (United Kingdom): I have the honour to speak on behalf of the European Community and its member States.

We have just abstained in the voting on draft resolution A/47/L.38, concerning the Middle East peace process and the eventual convening of an International Peace Conference under the auspices of the United Nations. We recognize that the text of this resolution is a considerable improvement on that of the resolution on the International Peace Conference on the Middle East adopted last year. Indeed, our difficulty with the resolution is largely one of timing rather than of substance. We do not think it appropriate that the General Assembly should adopt a resolution which prefigures the outcome of negotiations while those negotiations are going on. We would have preferred that this draft resolution not be put to a vote. For the reasons I have just outlined, we also abstained on the separate votes on operative paragraphs 4, 5 and 6.

The European Community and its member States fully support the current Middle East peace process, which is based on Security Council resolutions 242 (1967) and 338 (1973). We shall continue to play an active and constructive part in the process in accordance with our positions of principle as the basis for a just, lasting and comprehensive settlement of the Arab-Israel conflict and the Palestinian question. We hope that all parties

(Mr. Cliff, United Kingdom)

from the region will participate in the multilaterals, and welcome the United Nations participation in the most recent round.

We consider that the bilateral and multilateral talks should go hand in hand, each reinforcing the other. There is now an unprecedented opportunity to create peace. It is essential that the commitment shown by the parties to the process be maintained and that a climate of mutual confidence be established.

Ms. BIRD (Australia): Draft resolution A/47/L.38, just adopted, on an International Peace Conference on the Middle East fails, in our view, to give significant recognition to the current Middle East peace process. As it stands, the resolution will not do much to assist that process and will be seen by some as prescribing its outcome.

In our view, as the resolution cannot in its current form make a constructive contribution to the settlement of the Arab-Israel dispute, it would have been preferable to defer the resolution. For these reasons, Australia abstained in the voting on the resolution as a whole and on the three paragraphs on which separate votes were held. Our abstention on the resolution in no way reflects any diminution of our concern for a comprehensive, lasting and just settlement in the Middle East and our support for the current Middle East peace process.

Australia's vote in favour of draft resolution A/47/L.39, on the uprising of the Palestinian people, is consistent with the concern we have long expressed at the violence in the territories and the violations of human rights which have resulted from Israeli measures taken against the intifadah. Australia has, however, consistently taken the position that the General Assembly, in the wording of its resolutions, should avoid provocative language which exacerbates differences and hinders peacemaking, rather than

(Ms. Bird, Australia)

constructively advancing it, and there are aspects of this resolution which are less balanced than they might be in this respect.

The situation in the occupied territories requires an approach that seeks accommodation and an end of violence from all quarters. An understanding of the situation in the occupied territories requires not only an appreciation of the legitimate claims of the Palestinian people to self-determination, but recognition of the historical situation in which Israel has found itself from its original establishment by a decision of this Organization, of the pattern of conflict continuing over a period of 42 years, and of the concern Israel has for its own security and survival so long as its right to exist within secure and recognized boundaries is not universally accepted.

The great difficulty Israel has faced in dealing with the situation in the occupied territories serves to reinforce the urgent need for a comprehensive settlement to the Arab-Israeli dispute. Australia therefore encourages all parties to continue to participate constructively in the bilateral and multilateral discussions in the current Middle East peace process.

The PRESIDENT: In accordance with General Assembly resolutions 3237 (XXIX) of 22 November 1974 and 43/177 of 15 December 1988, I now call on the Observer of Palestine.

Mr. AL-KIDWA (Palestine) (interpretation from Arabic): In the name of the Permanent Observer Mission of Palestine to the United Nations and on behalf of the Palestinian people both in and outside the occupied territories, and also on behalf of the Palestinian leadership and of the negotiating delegation of Palestine to the current peace process, which started in Madrid last year - on behalf of all of the aforementioned, I am privileged and honoured to extend our thanks and our deepest appreciation to all those Member States that have voted in favour of the important resolutions that were adopted by the General Assembly a while ago. We should also like to express our understanding to those who have abstained this year hoping to witness a positive change towards positive voting next year.

We have already put forward in detail, in our statement dated 7 December before the Committee on the Exercise of the Inalienable Rights of the Palestinian People, our approach in dealing with the resolutions of the General Assembly in view of the current peace process, as well as the principles that we think the Assembly should always invoke. We shall not repeat the same statement now; however, we should like to underscore the importance now and in the future of those principles which we have defined as follows: firstly, the permanent responsibility of the United Nations vis-à-vis the question of Palestine, until this question is resolved in practice and in all its aspects; secondly, the effectiveness and implementation of United Nations resolutions, particularly those of the Security Council, that are binding, regardless of developments in the current

(Mr. Al-Kidwa, Palestine)

peace process, which we support, or in any other process; and thirdly, the principle that any positive change in the international community's stance towards Israel, should always be meticulously concurrent with and equal to genuine progress in the peace process and in the actual situation on the ground in the occupied territories.

In this respect, we regret that, so far, we see no justification at all for such a change. At any rate, we cannot understand that the negotiations and the current peace talks in which we participate and which we support, could justify changing the principled sound position of Member States in a negative direction. This is something we cannot understand and which, we think, is detrimental to the peace process, above all else.

In this connection, and in view of the traditional friendship between the Russian and Palestinian peoples, we cannot but express our regret as to the position taken by the Russian Federation. We think that this position might affect its credibility as cosponsor of the peace process, and put in question the very logic of having two sponsors for the Conference and for the current peace process.

Along with all of our Arab brethren and our friends in the Islamic world and the non-aligned countries, we have demonstrated considerable flexibility by not putting draft resolution A/47/L.41 to the vote at this stage and submitting a general conception that is positive, without, of course, abandoning our principles. We appreciate the responsiveness of some Member States, while we regret that other countries did not respond. However we believe, as I have said before, in the possibility of future improvement through dialogue and continous discussion.

(Mr. Al-Kidwa, Palestine)

Once again, the General Assembly of the United Nations has stood by right and justice and championed peace. This, if our view, is the real victory that has been achieved today. The General Assembly has sent the correct message to all the parties concerned, to our long suffering people in the occupied territories, to the Israeli Government and to all the other Arab parties.

I conclude by thanking you all for your continued support over the years and for this instance of support in particular.

AGENDA ITEM 32 (continued)

LAW OF THE SEA

(a) REPORTS OF THE SECRETARY-GENERAL (A/47/512, A/47/623)

(b) DRAFT RESOLUTION (A/47/L.28)

Mr. BUTLER (Australia): Twenty years ago the United Nations Seabed Committee paved the way for the commencement of the Third United Nations Conference on the Law of the Sea. This work took the best part of a decade, culminating in the adoption of the United Nations Convention on the Law of the Sea in 1982.

Thus we are marking a historic anniversary, because 10 years ago representatives from 119 States, including Australia, signed this Convention. Never before had an international agreement attracted so many signatories so quickly. During that Conference Australia, in its speech marking the opening for signature of the Convention, recalled the circumstances which had led to the convening of the United Nations Conference on the Law of the Sea and how the law of the sea Convention met the challenge of those circumstances.

Now, as the Convention's entry into force grows near, I believe we would do well to bear in mind those circumstances in addressing today's challenge, which is to achieve a universally accepted and applied legal regime for the oceans.

(Mr. Butler, Australia)

The need for a comprehensive and widely accepted Convention arose from the serious disorder that threatened the oceans in the late 1960s. Inequities and inadequacies were perceived in the traditional law of the sea. Fishing grounds were faced with depletion, and the rules governing their exploitation unfairly favoured the rich and disadvantaged the poor. Archipelagic States believed their security and integrity were jeopardized by the doctrine that the waters surrounding their islands were high seas. Pollution controls were inadequate to deal with disasters involving supertankers, and flag States were failing to take appropriate enforcement actions. There was uncertainty about the extent of coastal States' rights over the continental shelf, and many States were making excessive territorial-sea claims that threatened the high-seas rights of other States. There were also fears of a resources grab in the seabed beyond national jurisdiction.

The Convention sought to provide a balanced and equitable solution to deal with all the issues related to the use of the oceans. The achievements of the Convention are historic. They reflect a renegotiation of the rules governing title to all the resources of the sea and the seabed, and the rules governing most of the important uses of the sea, such as navigation, research and pollution control.*

The Convention broke new ground in many directions, such as establishment of a 200-nautical-mile exclusive economic zone and an obligation on all States to protect and preserve the marine environment in accordance with internationally agreed rules and standards, as well as tighter rules for the conservation of fisheries. Despite the fact that the Convention has not yet

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* Mr. Jesus (Cape Verde), Vice-President, took the Chair.

(Mr. Butler, Australia)

entered into force, the understandings reached during its negotiation have been very successful in guiding State practice in many aspects of the law of the sea.

As stated in the Secretary-General's excellent report on the law of the sea, 126 States now have a territorial sea of 12 nautical miles or less and 86 States claim an exclusive economic zone, with a further 20 claiming exclusive fisheries zones. In this context, Australia welcomes the Secretary-General's report on the law of the sea as a comprehensive chronicle of the year's events and commends the Division for Ocean Affairs and the Law of the Sea for its effective work in all areas of marine affairs.

Despite the achievements of the Convention, State practice in all areas is not uniformly consistent with the provisions of the Convention. While there is general acceptance of the concepts contained in the Convention, much domestic legislation does not reflect the details of the obligations which underlie those concepts. The longer the Convention remains in limbo, the greater is the danger that there will be divergence in interpretation by States of crucial aspects of the Convention. The Convention could run the risk of becoming all things to all States. Individual States' interpretations of particular provisions of the Convention could then be, at best, enforceable only against States subscribing to the same interpretation.

With the Convention universally in force, its innovative and flexible dispute-settlement mechanisms would allow for the creation of a corpus of international law interpreting the provisions of the Convention in a uniform and consistent manner. For these reasons, Australia sees entry into force of a widely accepted Convention as the surest way of achieving long-term order and stability in the world's oceans.

(Mr. Butler, Australia)

In this context, Australia wishes to join in the expression of appreciation in the draft resolution for the Secretary-General's efforts in convening consultations aimed at addressing issues of concern to some States, in order to achieve universal participation in the Convention. These consultations have played a crucial role in creating an atmosphere in which the chances of universal participation in the Convention have been improved significantly.

Australia particularly supports the recognition in this year's General Assembly draft resolution of the fact that there have been political and economic changes in the course of the decade which has elapsed since the adoption of the law of the sea Convention. At the same time, we remain committed to the principles which have guided us thus far, including the common-heritage principle.

(Mr. Butler, Australia)

Entry into force of the Convention is drawing near. In Australia's view, our common objective of the establishment of a universal legal order for the world's oceans can be assisted by rapid progress in the Secretary-General's consultations in the coming year. We therefore welcome the widening of participation in the consultations to include all interested States. We hope that there will be broad representation at all further consultations, and that they will soon come to a successful conclusion.

Australia also commends the achievements of the law of the sea Preparatory Commission in the course of the last year, particularly the progress towards preparation of provisional final reports and the adoption of understandings on the fulfilment of obligations by the two new pioneer investors.

Australia's support for the Convention as a whole and for the achievement of universal participation has been underlined by its steady implementation of Convention provisions in domestic legislation. Recently, Australia established a 12-nautical-mile territorial sea. It also decided to establish an Australian exclusive economic zone, to redefine Australia's continental shelf and to establish a 24-nautical-mile contiguous zone.

The significance of the law of the sea Convention was underlined this year by the United Nations Conference on Environment and Development (UNCED), when it recommended the convening of an intergovernmental conference under United Nations auspices

> "with a view to promoting effective implementation of the provisions of the United Nations Convention on the Law of the Sea on straddling fish stocks and highly migratory fish stocks". (A/CONF.151/26 (vol. II), para. 17.49 (e))

(Mr. Butler, Australia)

That call by UNCED reflects the concerns of the global community, and particularly of coastal States, over problems caused by unregulated high-seas fishing, which now results in overexploitation of these resources in many of the world's oceans. Australia supports the initiative to elaborate and develop principles and measures which give full effect to the Convention's provisions in order to ensure a sustainable future for these fisheries.

These developments emphasize the fact that the law of the sea Convention deals with matters which go far beyond those that are of concern to some States with regard to the deep seabed mining regime to apply to the international seabed area. Universal participation in the law of the sea Convention will provide a stable regulatory framework for all aspects of ocean space, which certainly must be in the interests of all States.

Ten years after adoption of the Convention, we stand on the threshold of its entry into force. It is Australia's hope that progress can be achieved so that, before entry into force, conditions will be ripe for universal participation in the Convention.

Mrs. FRECHETTE (Canada): This year we mark the tenth anniversary of the adoption of the law of the sea Convention. As we do so, a pressing question arises: will it be a universally accepted Convention or not? The draft resolution before us notes that 52 of the 60 ratifications required to bring the Convention into force have now been achieved; that number will likely increase before year's end. The draft resolution also notes the productive dialogue on seabed mining issues that has been under way under the auspices of the Secretary-General in order to facilitate universal participation in the Convention.

(Mrs. Fréchette, Canada)

The Canadian delegation has played an active role in these consultations and congratulates the Secretary-General on the time and interest he has devoted to this question, ably assisted by the Legal Counsel, Mr. Carl-August Fleischhauer. Real progress has been made in narrowing the issues of concern to States and in seeking ways in which they can be accommodated.

Last week a debate took place in Canada's House of Commons on the question of whether or not Canada should ratify the Convention. The debate was requested by the opposition but it afforded the Government the opportunity of outlining its views on the Convention, including on its many positive aspects.

The 1982 United Nations law of the sea Convention was negotiated to be the definitive international legal instrument governing all uses of ocean space. It deals in a comprehensive way with issues such as maritime jurisdiction, navigation rights, boundary delimitation, exploration and exploitation of resources, environmental protection and conflict resolution. With the longest coastline in the world and with important ocean interests, Canada regards the Convention as a major contribution to world security and to the sustainable exploitation of ocean space. Canada was a very active participant in the negotiations leading up to the conclusion of the Convention, and benefits directly from many of its provisions. Many of them are widely considered to be demonstrative of customary international law. With all these benefits, it is in the interest of the international community to achieve a universally accepted Convention.

(Mrs. Fréchette, Canada)

(spoke in French)

At the same time, however, the Government explained to the House of Commons that since the 1970s it had come to realize, along with many other States, that seabed mining will not provide the early economic benefits that the international community once thought it would. Changed economic circumstances mean that the economic viability of parts of the regime are questionable. We recognize that only an economically viable seabed mining regime can benefit the international community.

In today's economic climate, such a regime must be able to stand on its own without placing an undue financial burden on States parties. This is all the more true when it is recognized that seabed mining is decades away. I think it fair to say that a number of the costs related to the implementation of the Convention's seabed mining provisions are unnecessary for States parties to pay.

For that reason, the Government told the House of Commons that it would await the conclusion of the Secretary-General's initiative before making a final decision on ratification. The question of ratification is therefore one of interest and debate in Canada, and we very much hope that the Secretary-General's fruitful consultations can be brought to a successful conclusion in 1993. We would then hope that Canada could join with many other States in taking up the question of ratification.

We therefore urge all States which have been engaged in these consultations to use the next session, scheduled for the end of January, to make rapid progress towards achieving universal acceptance of the Convention.

Canada will certainly work towards that goal.

Mr. NASIER (Indonesia): At the outset I should like to express on behalf of the Indonesian delegation our sincere appreciation of the valuable reports (A/47/512 and A/47/623) of the Secretary-General on developments relating to the United Nations Convention on the Law of the Sea. They outline the extensive activities that have been undertaken and constitute a significant chronicle of the progress made during the past year.

Permit me also to take this opportunity to commend the Chairman of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea, Ambassador José Luis Jesus of Cape Verde, for his outstanding leadership in guiding the Commission's work.

On the tenth anniversary of the Convention it is fitting to recall that the role of this historic landmark in consolidating law and order of the seas is in keeping with the loftiest human ideals of justice and respect for the interests and rights of all States and peoples. It is a source of great satisfaction to us that the Convention was produced as a result of the efforts of the entire international community, through cooperation, dialogue and perseverance, to shape a more peaceful world in which universal and national interests are harmoniously combined.

Indonesia has viewed the 1982 Convention since its adoption as a major accomplishment in the development of international law of the oceans. It is the first comprehensive treaty and effective legal instrument governing all aspects of the various uses of the oceans and their resources. In order to bring about universal adherence to the Convention, our task is now to overcome differences through dialogue and to identify ways and means of achieving mutually acceptable solutions so that all States become parties to the Convention.

(Mr. Nasier, Indonesia)

Against this backdrop, it is therefore indeed gratifying to note that 52 States have consented to be bound by the Convention; this has been done by 50 instruments of ratification and two instruments of accession, which have been deposited with the Secretary-General. We welcome the Secretary-General's initiative to achieve universal participation by convening informal consultations concerning Part XI of the Convention. Indonesia was pleased to participate in the dialogue and earnestly hopes that these consultations will result in further progress towards the goal of universality. The greater openness demonstrated in the informal talks of June to August 1992 is a valuable indicator of the willingness of all States to seek agreement to facilitate the entry into force of a widely accepted Convention on the Law of the Sea.

The reports of the Secretary-General provide an interesting review of the practice of States that have adopted domestic legislation during the period from 1982 to 1992 to reflect broadly agreed provisions of the Third United Nations Conference on the Law of the Sea. Such State practices show that the international community realizes the importance of the Convention to national ocean policy; rather than waiting for it to enter into force after the required number of ratifications, States have proceeded with implementation of Convention provisions in their national laws. Although Indonesia has followed this pattern, it realized that the effectiveness of the Convention depended greatly on its becoming a legal force, and that this could be best achieved through formal ratification. Thus on 31 December 1985 it enacted Law No. 17 of 1985 concerning Indonesia's ratification.

As an archipelagic State, Indonesia, which comprises more than 13,000 islands, attaches immense importance to the inclusion of the archipelagic

(Mr. Nasier, Indonesia)

State principles in the 1982 Convention on the Law of the Sea. Formal acceptance of this principle as part of the international law of the sea is the culmination of 25 years of efforts. According to Part IV of the Convention, on archipelagic States, an archipelagic State may draw archipelagic baselines joining the outermost points of the outermost islands, but with a limit to the length of such baselines. Also included in these provisions is the ratio of the land territory to the area of water. It should be noted that the 1957 Djuanda Declaration on Indonesian Territorial Waters and its Law No. 4 of 1960 reflect the relevant principles contained in the United Nations Convention on the Law of the Sea.

One of the most significant developments of the 1982 Convention is the incorporation of the regime of the exclusive economic zone. This brings under national jurisdiction large tracts of water. In effect, the legal regime sui generis is a response to the concern of the international community over the real threat of depletion of the fishery resources of coastal waters. Article 57 of the Convention states that a coastal State cannot claim an exclusive economic zone beyond 200 nautical miles from the baselines from which the breadth of the territorial sea is measured. In line with that, Indonesia issued the 1980 Declaration on the Indonesian Exclusive Economic Zone, which claimed 200 miles. It was prompted to issue this Declaration by the need to preserve the living resources of the sea outside Indonesian territorial waters and provide rational management of them. Indonesia was also aware that claims to an exclusive economic zone were already part of customary law, as evidenced by State practice.

In view of the fact that claims to exclusive economic zones would overlap, Article 74 of the Convention directs States to resolve exclusive

(Mr. Nasier, Indonesia)

economic zone boundary disputes on the basis of international law so as to reach an equitable agreement. All States members of the Association of South-East Asian Nations (ASEAN) have adopted this position in their respective legislations. The Convention suggests that States concerned should make every effort in a spirit of mutual understanding and cooperation to enter into provisional arrangements during this period so as not to hamper the reaching of the final agreement. Therefore, the Indonesian exclusive economic zone Act goes beyond the provisions of article 74, paragraph 3, of the Convention by stipulating that pending agreement of any dispute a median line shall be used if there are no special conditions, such as the presence of another country less than 200 nautical miles om the Indonesian coast.

It is important to note that the Convention confers sovereign rights on coastal States with regard to the conservation and management of natural resources. Indonesia has adopted legislation to govern marine scientific research and the preservation of the environment. It requires that exploration and exploitation activities shall be carried out with the consent of the Indonesian Government. This law also provides for foreign legal entities to be granted access to the surplus of the total allowable catch. Indonesia thus clearly recognizes the access principle. Our Agriculture Minister recently announced that in return for access foreign fishing vessels must either export the fish from local ports or sell it locally. This is specifically provided for in Article 62, paragraph 4 (h), of the Convention, which allows the coastal State to insist that the catch be landed in local ports.

(Mr. Nasier, Indonesia)

Recognition of the marine environment has led to encouraging progress in the development of legal mechanisms for the protection and preservation of the marine environment. In this context our national legislation contains provisions designed to implement paragraph 1 (b) (iii) of article 56 of the Convention on the Law of the Sea, holding that the coastal State has jurisdiction with regard to the protection and preservation of the marine environment.

On the legislative level, draft legislation has been produced on permits for fishing enterprises, living-resources management and fishery monitoring, control and surveillance. In addition to these legislative efforts, several projects with regard to the management of fisheries have been carried out by Indonesia in cooperation with Australia. Other cooperative projects are also being carried out with the Philippines and several countries in the Pacific on the tagging of highly migratory species.

For the past two decades the States members of the Association of South-East Asian Nations (ASEAN) have been actively engaged in regional cooperation to foster peace and stability in their immediate environment. In this regard they participated in informal talks to harmonize and coordinate their policies in the South China Sea with a view to extending regional cooperation in that area as well. It will be recalled that the January 1992 Singapore Declaration by the ASEAN member States asserted that intraregional dialogues were the most viable means of resolving threats to regional peace and security. Those efforts paved the way for adoption of the Declaration on the South China Sea at Manila on 22 July 1992.

For its part, Indonesia extends its full support towards promoting cooperation among the littoral States of the South China Sea area. In this

(Mr. Nasier, Indonesia)

connection it was pleased to convene the Workshop on Managing Potential Conflicts in the South China Sea Area, in Bali, Indonesia, held during January 1990 and July 1992. We are confident that, instead of focusing on potentials for conflicts and confrontation, the spirit and practices of peaceful cooperation on the basis of common interest and mutual benefit generate a far more conducive atmosphere in addressing conflict situations.

Indonesia is pleased to be a sponsor of draft resolution A/47/L.28, which is before the General Assembly. It reflects the progress made during the past year and enjoys broad support. We realize that there exist some complex problems that cannot be solved instantaneously. In the prevailing atmosphere of cooperation it is our firm belief that resolution of these outstanding problems related to the law of the sea regime is in the interests of all States. Against this backdrop we must continue our deliberations with a view to reconciling the positions of all those involved.

In conclusion, it is pertinent to note the relevant sections of the Declaration of the Tenth Summit Meeting of the States members of the Movement of Non-Aligned Countries, which stated, inter alia, that the Convention on the Law of the Sea is an important instrument for maintaining law and order in ocean affairs, for promoting cooperation among States and for providing potentials for the orderly management and development of ocean resources as well as for the protection of the marine environment. To that end they urged all States to ratify the 1982 United Nations Convention on the Law of the Sea so that it might enter into force as soon as possible. Indonesia, for its part, reaffirms its commitment to this lofty goal.

Mr. KOROMA (Sierra Leone): Some 25 years ago, in a historic statement in this Hall, Ambassador Arvid Pardo, then Permanent Representative of Malta to the United Nations, adumbrated a profound legal and political framework for the ocean space that would ensure that peace and stability reign in that region and that the exploration and exploitation of its resources beyond national jurisdictions be carried out for the benefit of mankind as a whole, irrespective of the geographic location of States, land-locked or coastal, and taking into particular consideration the interests and needs of the developing countries. That historic statement galvanized the profound desire of the international community to elaborate a peaceful regime for the ocean space. Following intensive and arduous negotiations, it resulted in the adoption of the United Nations Convention on the Law of the Sea, the tenth anniversary of which we are today observing.

The tenth anniversary of the opening of the Convention for signature at Montego Bay, Jamaica, has special significance for Sierra Leone, which participated intensively in formulating the Convention. It marks a special occasion for me, since I had the privilege of participating in the ceremony and of signing the Final Act of the Conference and the Convention itself on behalf of my Government. Twenty-five years after Ambassador Arvid Pardo made his historic address to the General Assembly and introduced the concept of the common heritage of mankind, we heard him again yesterday, with the same eloquence and clear far-sightedness, call for implementation of the principle. We again applaud his vision and courage. We should also, at this tenth anniversary of the Convention on the Law of the Sea, recall the outstanding contributions of the late Shirley Amerasinghe, who was Chairman of the Ad Hoc Committee, the Sea-Bed Committee, and President of the Conference itself. In the same vein it would be fitting on this occasion to recall the

(Mr. Koroma, Sierra Leone)

roles played by the late Mr. Stavropoulos, who was United Nations Legal Counsel at the time, and Mr. Bernardo Zuleta of Colombia, who was the first Under-Secretary-General of the Law of the Sea, who, in their various capacities, helped in laying the foundations and putting the edifice of the Convention in place.

In reviewing the achievements of these 10 years we are grateful to the Secretary-General for the report in document A/47/512, which summarizes the developments in and provides an interesting assessment of the law of the sea. As we have to come to appreciate over the years, we again express our thanks to the Secretary-General for the annual report he has submitted in document A/47/623. We also note the report on large-scale pelagic drift-net fishing and its impact on the living marine resources of the world's oceans and seas (A/47/487) submitted to the Second Committee. That report, too, we find extremely useful.

As I stated earlier, one of the motivating factors - and, indeed, expectations - of the law-of-the-sea exercise was that the resources of the oceans should benefit mankind as a whole, and especially the needs and interests of the developing countries, and that the region to be developed was to provide for the orderly and safe development and rational management of the ocean and its resources and for expanding opportunities in the use thereof.

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Thus, while the Conference proceeded to negotiate by consensus, many countries seized the opportunity to adapt their laws and bring under national jurisdiction the maritime areas adjacent to their coasts, and others had extended their maritime zones prior to that. Sierra Leone did so as well; but to satisfy its demand for sources of food and revenue to contribute to its national development as a developing coastal State, Sierra Leone brought under its authority the management of its ocean resources in adjacent seas. In doing so, it did not deny the existing freedoms of communication and navigation or the freedom of the high seas beyond the limits of national jurisdiction.

Sierra Leone is also aware of the ecological balance that has to be struck between environment and development, but the price of protecting the environment must be shared with those who have traditionally polluted it and who continue to do so, even though they are among the wealthiest industrial nations. The United Nations Conference on Environment and Development brought this issue to the fore. The follow-up must incorporate the resolution of the problems faced by the developing countries.

As a developing country, Sierra Leone is dependent on the international community, the United Nations Development Programme, the World Bank and other funding agencies for its development programmes. We are dependent on the United Nations - its specialized agencies and bodies - for the information, advice and technical expertise we require to build upon our limited infrastructure. It is for this reason that we welcome the two reports of the Secretary-General, "Realization of the benefits under the United Nations Convention on the Law of the Sea: needs of States in regard to development and management of ocean resources" (A/45/712) and "Realization of benefits

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under the United Nations Convention on the Law of the Sea: measures undertaken in response to needs of States in regard to the development and management of ocean resources and approaches for further action" (A/46/722). We anticipated and await positive support, specific activities and comprehensive programmes aimed at alleviating the problems identified in those reports.

We wish the United Nations to broker arrangements between us - the developing countries - and the donor countries and financial institutions to assist in the development of our marine resources and in securing the benefits of the Convention on the Law of the Sea. Ten years after its opening for signature, many of the promises of socio-economic development that motivated the adoption of the new legal regime, an equitable order for sharing the resources of the ocean, have not seen the light of day. The Sierra Leone delegation would not want the prospect of a stable legal regime to be threatened by the development demands of Governments that may be desperate. There are some who still seek to extend their jurisdiction - if they are unable to survive - unless they can harvest the resources of the jurisdictional zones recognized under the Convention.

In this connection, my delegation would like to reiterate the relevant preambular paragraphs and operative paragraphs 16 and 17 of the draft resolution, which requests the competent international organizations, the United Nations Development Programme, the World Bank and other multilateral funding agencies, in accordance with their respective policies, to intensify financial, technological, organizational and managerial assistance to the developing countries in their efforts to realize the benefits of the comprehensive legal regime established by the Convention and to strengthen

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cooperation among themselves and with donor States in the provision of such assistance. The draft resolution also requests the Secretary-General to keep under review, in cooperation with States and the competent international organizations, the measures being undertaken and any necessary follow-up action, in order to facilitate the realization by States of the benefits of the comprehensive legal regime established by the Convention, and to report thereon periodically to the General Assembly.

As we commemorate this tenth anniversary, we hope that the Secretary-General's consultations aimed at resolving the outstanding issues will enjoy early success, thus paving the way for the widest possible acceptance of the Convention. The few remaining ratifications or accessions for its entry into force will soon be received, and this should in turn advance the ratification process among States that have not yet ratified it. It is time for widespread adherence - the global acceptance that was always anticipated for the comprehensive Convention.

Finally, as a former Secretary-General said when launching the Third United Nations Conference on the Law of the Sea, the sea cannot be used peacefully or harmoniouly if only a few countries benefit from it while the others live in poverty. The Convention provides the affirmation that the seas and oceans are to be part of a policy of peace, not one of confrontation, and an ideal of human coexistence, not a strategy of privileges. It must serve a humanized policy of distribution of goods and natural resources to all mankind.

The Sierra Leone delegation would like to commend Mr. Jesus for his presidency of the Preparatory Commission for the last six years. Sierra Leone wishes to become one of the sponsors of draft resolution A/47/L.28.

Mr. NYAKYI (United Republic of Tanzania): The United Nations is today marking the tenth anniversary of the adoption of the United Nations Convention on the Law of the Sea, a remarkable legal instrument which attracted a record number of signatures - 119 - on the first day it was opened for signature, thus making it truly unique. By December 1984, 117 States and 42 entities had already signed the Convention, for a total of 159 signatories.

The importance and uniqueness of this instrument is further evidenced by the fact that, except for part XI relating to seabed mining, other provisions of the Convention are already being implemented by States even before the Convention formally comes into force.

The Secretary-General's report (A/47/512) dated 5 November 1992, on the progress made in the implementation of the comprehensive legal regime embodied in the Convention, has underlined what we have always believed: the Convention remains a widely appreciated and useful instrument to States. The report contains a review of recent legislation indicating that States continue to adopt or modify their legislation in accordance with the provisions of the Convention. For example, Argentina, Belize, China and Jamaica have done so during the period 1991-1992. This report was prepared in response to the request of the General Assembly, by its resolution 46/78 of 12 December 1991, to mark the tenth anniversary of the adoption of the Convention.

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The report shows that 52 States have now consented to be bound by the Convention. Uruguay's ratification, announced yesterday, brings the number to 53. However, considering the rapid pace at which the Convention was signed, and in view of the Convention's importance and the necessity for it to achieve universality, we see the ratifications and accessions as inadequate. This inadequacy is underlined by the fact that the 52 consenting States are all developing countries. This must raise grave doubts as to the practical benefits which can be expected from the Convention when it enters into force.

Owing to a multitude of diverse interests and the geographical peculiarities of participating States, the negotiations leading to the conclusion and final adoption of the Treaty were not easy. It was clear from the very start of the negotiations that a long and arduous road lay ahead before the conclusion of an instrument successfully integrating the interests of islands - natural and artificial and including archipelagos - and coastal and landlocked States, among them States which have seas but are geographically and geologically disadvantaged States. It is an instrument cutting across developing and developed countries, big and small. The Convention establishes rights and obligations on the uses of the oceans for both navigational and non-navigational purposes, such as those relating to the exclusive economic zone, the continental shelf and the high seas. The Convention also provides for marine environmental protection and marine scientific research. There is a dispute-settlement mechanism in relation to the application or interpretation of the Convention and also for certain special regimes established by it.

The role of the Convention for the promotion of international peace and security is self-evident. While the oceans have served as a means of

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communication and of promotion of commerce through cooperation, they have also helped to bring countries together and thus have contributed to the promotion of international peace and security. For that matter, the Convention becomes a vital instrument for cooperation in order to reduce tension and foster preventive diplomacy and peacemaking. It can also be used for peace-keeping purposes. Thus, although not yet in force, the Convention has helped in the strengthening of cooperation and the reduction of tensions between States while providing for the potential socio-economic development of all peoples of the world.

Closer international cooperation is required to fight the misuse of the oceans for criminal and other undesirable activities, such as illicit drug trafficking, piracy, armed robbery, dumping of hazardous wastes, and other crimes.

While the ratifications and/or accessions necessary for the Convention to enter into force are about to be received, the mandate of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea is far from having been carried out. Since 1983 the mandate of the Preparatory Commission has been, inter alia, to prepare for the establishment of the Authority and the Tribunal and to make the necessary arrangements for the start of their work. Without question, the Preparatory Commission has not fully discharged its mandate.

Since its inception the Preparatory Commission has a number of achievements to its credit, including the resolution of questions relating to overlapping claims and those relating to the implementation of resolution II. Under the Commission's guidance, a good number of pioneer investors have been registered and they are fulfilling their obligations in a satisfactory manner.

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On the other hand, there is a belief that we have now reached a stage where some post-negotiation problems, now popularly known as "outstanding issues", cannot be resolved in the framework of the Preparatory Commission. A forum for the resolution of these problems was found in the informal consultations initiated by the Secretary-General, and my delegation was happy to lend its support to them. When the consultations began, in 1990, we were convinced that they were going to help the Preparatory Commission discharge its mandate. Regrettably, that has not been the case. Instead, the informal consultations aimed at achieving universal participation in the Convention now appear to be acquiring priority over the work of the Preparatory Commission. The Group of 77 has always cautioned that the initiative by the Secretary-General should, in fact, be seen as assisting in the resolution of the hard-core issues, which are basically the same in both forums - the Preparatory Commission and the informal consultations initiated by the Secretary-General. The Secretary-General's consultations can still play a useful role if the participants can muster the necessary political will and negotiate in good faith. Calling for the winding up of the work of the Preparatory Commission, while encouraging the informal consultations to take over its unfinished business is not in anyone's best interest.

While the Secretary-General is continuing the informal consultations, my delegation is prepared to accommodate any useful proposals that would help to resolve difficulties that pose special problems to a number of delegations. But it will not be able to go along with changes such as the suggested system of royalties to replace the Enterprise *in toto*.

(Mr. Nyakyi, United Republic of Tanzania)

We have taken note of the draft final reports which were submitted during the tenth summer session of the Preparatory Commission. We shall make our contribution in the discussion of these reports during the Commission's eleventh session. For now we should simply like to emphasize that the draft reports are, of necessity, provisional in nature, reflecting the results of work done so far and identifying the pending issues. Hence the door to further consideration of the pending issues is not closed. We are of the view that there are certain pending issues which could be resolved if a further attempt was made.

My delegation joins in the expressions of gratitude for and satisfaction with the results achieved at the United Nations Conference on Environment and Development in Rio this past June. The inclusion of a chapter relating to the protection of the oceans, seas and their living resources is further evidence of a continuing, and indeed growing, interest in the efforts to implement and strengthen international law relating to the protection of the marine environment.

Chapter 17 of Agenda 21 entitled, "Protection of the oceans, all kinds of seas, including enclosed and semi-enclosed seas, and coastal areas and the protection, rational use and development of their living resources", provides for rights and obligations of States and lays down ways and means to approach the protection and sustainable development of the marine and coastal environments and their resources. Among the programme areas envisaged is the integrated management and sustainable development of the coastal areas, including the exclusive economic zone; this is one of Tanzania's priorities. The final objective is to achieve the sustainable use and conservation of the

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living resources under Tanzania's national jurisdiction. The country is currently undertaking the preparation of integrated marine policies with the assistance of the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat.

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In their efforts to maintain and strengthen regional and subregional cooperation in marine affairs, the Indian Ocean Marine Affairs Cooperation (IOMAC) and the Ministerial Conference on Fisheries Cooperation among African States bordering the Atlantic Ocean provide very good examples of growing cooperation. Though still in its infancy, the former has been institutionalized and is proving to be very effective.

IOMAC, which was established in 1990 at Arusha, Tanzania, has made encouraging progress in such fields as technical cooperation, shipping, port development and marine science cooperation. Although the agreement establishing IOMAC is yet to enter into force, there are promising indications that the coastal and hinterland States stand to achieve long-term benefits arising from the activities of the organization. However, one thing needs to be stressed: IOMAC's success will heavily depend on the assistance and coordinated efforts which the developed countries and the United Nations and its agencies are willing to provide in response to the needs of its member States through their regional cooperative efforts.

It cannot be sufficiently stressed that regional organizations like IOMAC are the most appropriate tools and vehicles for executing the major marine-related programmes stipulated in Agenda 21. We therefore expect the United Nations agencies to cooperate with IOMAC and to work through it to achieve the desired goals, consonant with the needs of its member States. The relevant international organizations, the United Nations Development Programme (UNDP) and other multilateral funding agencies, could, on the basis of their mandates, provide all the necessary financial, technical, organizational and managerial assistance to facilitate the realization by IOMAC and similar

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organizations of the benefits to be derived from the ocean's legal regime. The Division for Ocean Affairs and the Law of the Sea in the Office of Legal Affairs has an important coordinating role to play. We are glad to note that such coordinated assistance efforts have already been initiated by UNDP, which has indicated the possibility of obtaining funding support for specific programmes from the Global Environment Facility, UNDP's Capacity 21 initiative or other funding sources. We note that the availability of such support will depend on specific programmes' having been developed by IOMAC itself and its member States.

In its capacity as the current Chairman of IOMAC, the Tanzanian delegation would like to take this opportunity to announce that the organization's Standing Committee, which met in Colombo, Sri Lanka, from 26 to 30 October 1992 for its eighth meeting, resolved that as soon as the IOMAC agreement entered into force it would be amended to allow for the membership of States other than coastal and hinterland States of the Indian Ocean which are active there and which have shown interest in, commitment to and support for the marine activities of IOMAC. At the same forum the Standing Committee noted that no formal objection was raised to the recognition of France as an Indian Ocean State. We are grateful to the 23 countries, including major maritime Powers, and the 12 organizations which attended the eighth meeting of the Standing Committee. We appreciate their contribution to the success of IOMAC. We would also like to thank the United States Government and the Intergovernmental Oceanographic Commission for sponsoring, in conjunction with IOMAC, the International Scientific Symposium on Marine Scientific Cooperation in the Indian Ocean. The Symposium, which preceded the meeting of the

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Standing Committee, brought together some 50 scientists, with the objective of providing a long-term programme of assistance to Indian Ocean States in developing their marine scientific capabilities.

In conclusion, we wish to reiterate the widely shared conviction that the oceans should be used for peaceful purposes and for the benefit of mankind. The world community should use the seas to foster peace and economic and social development. Already it is becoming clear that as land-based resources dwindle a rush for the resources of the sea is inevitable. Only an international legal regime governing the use of the seas and oceans can guarantee that such use is peaceful.

Mr. VILLEGAS (Mexico) (interpretation from Spanish): My delegation appreciates the value of the Secretary-General's report, which provides a solid framework for the discussion of this item. We also wish to express our gratitude to Mr. Satya Nandan for his many years of work as the Secretary-General's Special Representative, while recognizing the advantages of restructuring, which now places the Division for Ocean Affairs and the Law of the Sea, whose contributions are very valuable, under the Under-Secretary-General for Legal Affairs, the Legal Counsel.

We also wish to express our appreciation of the creative work of Ambassador José Luis Jesus of Cape Verde in carrying out the delicate task of leading the Preparatory Commission. We wish him success in guiding the eleventh session, scheduled for next spring, when reports on 10 years of cumulative work by the Special Commissions and the Commission will be considered.

(Mr. Villegas, Mexico)

We also find very useful, and are grateful for, the report (A/47/512), marking the tenth anniversary of the adoption of the Convention, on progress made in the implementation of the comprehensive legal regime embodied in the United Nations Convention on the Law of the Sea, and the report (A/47/487) on large-scale pelagic drift-net fishing.

Just as the passage of time has confirmed the validity of the Convention's main concepts, it has become clear that there are new situations, which cannot be disregarded, resulting from profound global political and economic changes that could not have been foreseen at the beginning of the previous decade. My Government appreciates the value of the dialogue developed at the informal consultative meetings, which identified questions of the seabed mining regime that raised problems for some States, without calling into question the concept of the common heritage of mankind. We therefore feel that it is most appropriate that this year the Secretary-General increased the participation of delegations in the consultations. It should be said that so far attendance has been good, but we feel that a more active and committed participation by more delegations is needed. In this context, we wish to express our appreciation to the Legal Counsel, Mr. Carl-August Fleischhauer, for having organized two sessions of informal consultations this year, and for convening the session scheduled for 28 and 29 January next year.

During 1992 the international community has considered questions to do with the seas and oceans at several meetings, as indicated in the Secretary-General's report. Mexico had the honour of hosting the International Conference on Responsible Fishing, held from 6 to 8 May, which resulted in the adoption of the Cancún Declaration. It was also agreed to

(Mr. Villegas, Mexico)

promote, within the legal framework provided by the Convention on the Law of the Sea, effective international cooperation towards the achievement of rational and sustainable management and conservation of the living resources of the high seas. That is compatible with Agenda 21, adopted at the United Nations Conference on Environment and Development in Rio de Janeiro.

(Mr. Villegas, Mexico)

The content of the various international meetings on sea-related issues reflects a wide range of topics. The proliferation of critical activities at sea, which involve a number of areas - for example, cooperation in the struggle against drug trafficking, health, navigational safety, the transportation of dangerous substances, fisheries, and so on - requires constant evaluation. Therefore, we endorse the idea, contained in the report, concerning the need to carry out a world-wide review of the situation and the functioning of existing and planned regional and subregional arrangements with a view to promoting the exchange of information and experience at the world level, together with closer coordination of regional and subregional activities.

We also share the view that the number of ratifications necessary to the Convention's entry into force is coming ever closer to being achieved. In this connection, we welcome the ratification submitted by Uruguay, and we hope that the Convention will enter into force as soon as possible so that concrete steps may be taken to evaluate its current status, taking into account the political position of 60 ratifying States.

As a State that has ratified the Convention and as one of the sponsors of the draft resolution on the law of the sea, Mexico is encouraged by the fact that this year's draft resolution preserves the features that made possible, at the forty-sixth session of the General Assembly, a reduction in the small number of negative votes. We, for our part, consider this a propitious occasion for reiteration of Mexico's commitment to continue its firm support for all efforts at perfecting the law of the sea regime.

The PRESIDENT: We have heard the last speaker in the debate on this item.

(The President)

I wish to announce that the following additional countries have become sponsors of draft resolution A/47/L.28: Costa Rica, Djibouti, Guinea-Bissau and Sierra Leone.

The Assembly will now take a decision on draft resolution A/47/L.28, as orally revised.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czechoslovakia, Denmark, Djibouti, Dominica, Dominican Republic, Egypt, El Salvador, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Kenya, Kuwait, Lao People's Democratic Republic, Latvia, Lesotho, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Micronesia (Federated States of), Mongolia, Morocco, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Paraguay, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovenia, Solomon Islands, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukraine, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Viet Nam, Yemen, Zimbabwe

Against: Turkey

Abstaining: Azerbaijan, Ecuador, Germany, Israel, Panama, Peru, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela

The draft resolution, as orally revised, was adopted by 135 votes to 1, with 9 abstentions (resolution 47/65).

The PRESIDENT: I shall now call on those representatives who wish to explain their votes after the vote.

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

Mr. AKAY (Turkey): Turkey voted against the draft resolution on the law of the sea (A/47/L.28), which has just been adopted by the General Assembly. The reason for my delegation's negative vote is that some of the elements contained in the Convention on the Law of the Sea that prevented Turkey from approving the Convention are retained in this resolution.

Turkey supports the international efforts to establish a regime of the sea that is based on the principle of equity and is acceptable to all States. However, the Convention does not make adequate provision for special geographical situations and, consequently, is not able to establish a satisfactory balance between conflicting interests.

Furthermore, the Convention makes no provision for the registering of reservations on specific clauses. Although we agree with the Convention in its general intent and with most of its provisions, we were unable, owing to these serious shortcomings, to sign it. This being the case, we cannot accept the provision in this resolution that requires States, in drafting their national legislation, to conform with the Convention on the Law of the Sea.

Mr. MARTINEZ GONDRA (Argentina) (interpretation from Spanish): My country interprets the third preambular paragraph and operative paragraph 7 of this resolution in accordance with the statement made by the Argentine Republic on 5 October 1984, when it signed the United Nations Convention on the Law of the Sea - in particular, with the last paragraph of that statement, which says that the Convention itself clearly establishes in article 318 that only its annexes form an integral part of it.

The PRESIDENT: I shall now call on those representatives who wish to speak in exercise of the right of reply.

May I remind members that, in accordance with General Assembly decision 34/401, statements in exercise of the right of reply are limited to 10 minutes for the first intervention and to five minutes for the second, and should be made by delegations from their seats.

Mr. LIAO Jincheng (China) (interpretation from Chinese): Yesterday afternoon one representative, in the course of his speech, spent quite a long time talking about the dispute on Nanhai - South China Sea - territory. He made a claim to sovereignty over the archipelagos of Xisha and Nansha. The Chinese delegation wishes to state its position.

Since ancient times the archipelagos of Xisha and Nansha have been part of the Chinese territory, and Wan'an reef is part of China's Nansha archipelago. China has sufficient historical and jurisprudential evidence to prove this fact, and it possesses indisputable territorial sovereignty over those two archipelagos.

We have always held that the dispute over Nansha archipelago should be resolved by peaceful means, through negotiations between the countries concerned. We have also put forward the proposal of shelving the dispute for common exploration.

Mr. LE LUONG MINH (Viet Nam): I wish to respond to the statement made by the representative of China in exercise of his right of reply.

The representative of China referred to the archipelagos of Hoang Sa, or Paracels, and Truong Sa, or Spratly.

Viet Nam's position on this question is clear: the archipelagos of Hoang Sa, or Paracels, and Truong Sa, or Spratly, are parts of Vietnamese territory. They come under the sovereign rights of Viet Nam.

(Mr. Le Luong Minh, Viet Nam)

However, we recognize that there are countries which have made sovereignty claims over these archipelagos. We advocate peaceful negotiations with all countries concerned to settle the disputes.

Concerning the question of the Eastern Sea, we have on many occasions voiced our support for the Association of South-East Asian Nations (ASEAN) declaration of 22 July 1992.

In his statement before the Assembly yesterday the Permanent Representative of Viet Nam made our position clear. I will not go any further.

The PRESIDENT: We have thus concluded our consideration of agenda item 32.

The meeting rose at 2.10 p.m.