



General Assembly

PROVISIONAL

A/40/PV.112
12 December 1985

ENGLISH

Fortieth session

GENERAL ASSEMBLY

PROVISIONAL VERBATIM RECORD OF THE ONE HUNDRED AND TWELFTH MEETING

Held at Headquarters, New York,
on Wednesday, 11 December 1985, at 10.30 a.m.

President: Mr. DE PINIES (Spain)

- Consideration of the draft articles on most-favoured-nation clauses: report of the Sixth Committee [127]
- United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law: report of the Sixth Committee [128]
- Progressive development of the principles and norms of international law relating to the new international economic order: report of the Sixth Committee [130]
- Development and strengthening of good-neighbourliness between States: report of the Sixth Committee [131]
- Peaceful settlement of disputes between States: report of the Sixth Committee [132]

/...

This record contains the original text of speeches delivered in English and interpretations of speeches in the other languages. The final text will be printed in the Official Records of the General Assembly.

Corrections should be submitted to original speeches only. They should be sent under the signature of a member of the delegation concerned, within one week, to the Chief, Official Records Editing Section, Department of Conference Services, room DC2-750, 2 United Nations Plaza, and incorporated in a copy of the record.

A/40/PV.112

1(a-z)

- Draft Code of Offences against the Peace and Security of Mankind: report of the Sixth Committee [133]
- Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations [134]:
 - (a) Report of the Sixth Committee
 - (b) Report of the Fifth Committee
- Report of the United Nations Commission on International Trade Law on the work of its eighteenth session: report of the Sixth Committee [135]
- Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives: report of the Sixth Committee [136]
- Report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries [137]
 - (a) Report of the Sixth Committee
 - (b) Report of the Fifth Committee
- Report of the International Law Commission on the work of its thirty-seventh session: report of the Sixth Committee [138]
- Preparation for the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations: report of the Sixth Committee [139]
- Report of the Committee on Relations with the Host Country: report of the Sixth Committee [140]
- Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization: [141]
 - (a) Report of the Sixth Committee
 - (b) Report of the Fifth Committee
- Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: report of the Sixth Committee [142]
- Draft standard rules of procedure for United Nations conferences: report of the Sixth Committee [143]
- Draft Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption, Nationally and Internationally: report of the Sixth Committee [148]
- Report of the Economic and Social Council: report of the Sixth Committee [12]

The meeting was called to order at 10.55 a.m.

AGENDA ITEMS 127, 128, 130 TO 143, AND 148, AND 12 (continued)

CONSIDERATION OF THE DRAFT ARTICLES ON MOST-FAVOURLED-NATION CLAUSES: REPORT OF THE SIXTH COMMITTEE (A/40/977)

UNITED NATIONS PROGRAMME OF ASSISTANCE IN THE TEACHING, STUDY, DISSEMINATION AND WIDER APPRECIATION OF INTERNATIONAL LAW: REPORT OF THE SIXTH COMMITTEE (A/40/1010)

PROGRESSIVE DEVELOPMENT OF THE PRINCIPLES AND NORMS OF INTERNATIONAL LAW RELATING TO THE NEW INTERNATIONAL ECONOMIC ORDER: REPORT OF THE SIXTH COMMITTEE (A/40/978)

DEVELOPMENT AND STRENGTHENING OF GOOD-NEIGHBOURLINESS BETWEEN STATES: REPORT OF THE SIXTH COMMITTEE (A/40/1011)

PEACEFUL SETTLEMENT OF DISPUTES BETWEEN STATES: REPORT OF THE SIXTH COMMITTEE (A/40/999)

DRAFT CODE OF OFFENCES AGAINST THE PEACE AND SECURITY OF MANKIND: REPORT OF THE SIXTH COMMITTEE (A/40/1000)

REPORT OF THE SPECIAL COMMITTEE ON ENHANCING THE EFFECTIVENESS OF THE PRINCIPLE OF NON-USE OF FORCE IN INTERNATIONAL RELATIONS

(a) REPORT OF THE SIXTH COMMITTEE (A/40/1001)

(b) REPORT OF THE FIFTH COMMITTEE (A/40/1015)

REPORT OF THE UNITED NATIONS COMMISSION ON INTERNATIONAL TRADE LAW ON THE WORK OF ITS EIGHTEENTH SESSION: REPORT OF THE SIXTH COMMITTEE (A/40/935)

CONSIDERATION OF EFFECTIVE MEASURES TO ENHANCE THE PROTECTION, SECURITY AND SAFETY OF DIPLOMATIC AND CONSULAR MISSIONS AND REPRESENTATIVES: REPORT OF THE SIXTH COMMITTEE (A/40/936)

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

(a) REPORT OF THE SIXTH COMMITTEE (A/40/979)

(b) REPORT OF THE FIFTH COMMITTEE (A/40/1016)

REPORT OF THE INTERNATIONAL LAW COMMISSION ON THE WORK OF ITS THIRTY-SEVENTH SESSION: REPORT OF THE SIXTH COMMITTEE (A/40/961)

PREPARATION FOR THE UNITED NATIONS CONFERENCE ON THE LAW OF TREATIES BETWEEN STATES AND INTERNATIONAL ORGANIZATIONS OR BETWEEN INTERNATIONAL ORGANIZATIONS: REPORT OF THE SIXTH COMMITTEE (A/40/952)

REPORT OF THE COMMITTEE ON RELATIONS WITH THE HOST COUNTRY: REPORT OF THE SIXTH COMMITTEE (A/40/1012)

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

(a) REPORT OF THE SIXTH COMMITTEE (A/40/1013)

(b) REPORT OF THE FIFTH COMMITTEE (A/40/1017)

DRAFT BODY OF PRINCIPLES FOR THE PROTECTION OF ALL PERSONS UNDER ANY FORM OF DETENTION OR IMPRISONMENT: REPORT OF THE SIXTH COMMITTEE (A/40/981)

DRAFT STANDARD RULES OF PROCEDURE FOR UNITED NATIONS CONFERENCES: REPORT OF THE SIXTH COMMITTEE (A/40/1002)

DRAFT DECLARATION ON SOCIAL AND LEGAL PRINCIPLES RELATING TO THE PROTECTION AND WELFARE OF CHILDREN, WITH SPECIAL REFERENCE TO FOSTER PLACEMENT AND ADOPTION, NATIONALLY AND INTERNATIONALLY: REPORT OF THE SIXTH COMMITTEE (A/40/998)

REPORT OF THE ECONOMIC AND SOCIAL COUNCIL: REPORT OF THE SIXTH COMMITTEE (A/40/997)

Mr. Molefi Pholo (Lesotho), Rapporteur of the Sixth Committee, presented the reports of that Committee (A/40/977, A/40/1010, A/40/978, A/40/1011, A/40/999, A/40/1000, A/40/1001, A/40/935, A/40/936, A/40/979, A/40/961, A/40/952, A/40/1012, A/40/1013, A/40/981, A/40/1002, A/40/998, A/40/997) and then spoke as follows:

Mr. PHOLO (Lesotho), Rapporteur of the Sixth Committee: I have the honour, as Rapporteur of the Sixth Committee, to introduce the reports of the Sixth Committee on items 12, 127, 128, 130 to 143, and 148. It will be recalled that on Monday, 9 December, I introduced the report of the Sixth Committee on item 129 entitled "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of those forms of terrorism and acts of violence which lies in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes" and that the General Assembly took action on the same day on the draft resolution recommended by the Sixth Committee. Together with the report on item 129, the reports of the Sixth Committee, which I have the honour to introduce today, give a complete picture of the work accomplished by the Committee at the current session.

(Mr. Pholo, Rapporteur,
Sixth Committee)

I shall introduce the Sixth Committee's reports in the order of the items to which they refer. On item 12, the Sixth Committee, as appears from its report contained in document A/40/997, confined itself to taking note of Chapter I of the Economic and Social Council.

Regarding item 127 entitled "Consideration of the draft articles on most-favoured-nation clauses", I draw the Assembly's attention to the Sixth Committee's report circulated under the symbol A/40/977 and to the draft resolution contained in paragraph 8 thereof. Operative paragraph 3 of the draft resolution requests the Secretary-General to invite Member States to comment on the most appropriate procedure for completing work on most-favoured-nation clauses and on the forum for future discussion. Under operative paragraph 5, the item is to be included in the provisional agenda of the Assembly's forty-third session in 1988. The Sixth Committee adopted this draft resolution without a vote and I hope that the Assembly will do the same.

The next item considered by the Sixth Committee at this session is item 128 entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law". The report of the Sixth Committee to the General Assembly is contained in document A/40/1010. Under the terms of the draft resolution reproduced in paragraph 7 of the report, the General Assembly, inter alia, would authorize the Secretary-General to carry out in 1986 and 1987 the activities specified in his report under the item and would renew its invitation to States, interested organizations and individuals to make voluntary contributions to finance activities under various components of the Programme.

The Sixth Committee adopted this draft resolution without a vote and I hope that the General Assembly will do likewise.

(Mr. Pholo, Rapporteur,
Sixth Committee)

I now invite the Assembly's attention to the report of the Sixth Committee on agenda item 130 entitled "Progressive development of the principles and norms of international law relating to the new international economic order" contained in document A/40/978. The draft resolution which the Sixth Committee recommends to the General Assembly for adoption and which is reproduced in paragraph 10 of the report was adopted by the Sixth Committee by a vote of 76 to none, with 17 abstentions. Operative paragraph 1 urges Member States that have not yet done so to submit, not later than 30 June 1986, their views and comments with respect to the study prepared by the United Nations Institute for Training and Research (UNITAR) on the subject, including proposals concerning further action and procedures with regard to the consideration of that study.

Operative paragraph 2 recommends that the consideration of the most appropriate procedure for completing the elaboration of the process of progressive development of the relevant principles and norms of international law, and of the forum which would be entrusted with the task, be undertaken by the General Assembly at its forty-first session.

I now pass on to item 131 entitled "Development and strengthening of good-neighbourliness between States". Under this item the Sixth Committee established a sub-committee whose task was to clarify and identify the elements of good neighbourliness. The report of the Sixth Committee is contained in document A/40/1011. Under the draft decision, reproduced in paragraph 9 of the report, the General Assembly would decide to take note of the report of the Sub-Committee on Good Neighbourliness and continue and complete on the basis of its resolution 39/78 of 13 December 1984 the task of identifying and clarifying the elements of good-neighbourliness within the framework of a sub-committee of the Sixth Committee.

(Mr. Pholo, Rapporteur,
Sixth Committee)

On this item I should like the Assembly to take note of a typographical error appearing in the report. Graphically, the draft decision should appear in the report and the resolution of the General Assembly as it was adopted, without a vote, in the Sixth Committee. I hope that the General Assembly will, like the Sixth Committee, adopt this draft decision without a vote.

I now turn to item 132 "Peaceful settlement of disputes between States". The relevant report of the Sixth Committee is contained in document A/40/999. The resolution which the Sixth Committee adopted on this item is to be found in paragraph 10 of the report. Under the draft resolution the General Assembly would again urge all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes; stress the need to continue efforts to strengthen the process of the peaceful settlement of disputes and request the Secretary-General to continue the preparation of a draft handbook on the peaceful settlement of disputes. The draft resolution which is recommended to the General Assembly for adoption under this item was adopted by the Sixth Committee without a vote and I hope the General Assembly will do likewise. There is yet another small omission on this item. The final draft resolution does not show Morocco as having been one of the sponsors. I should like the Assembly to note this omission and include Morocco as one of the sponsors.

Again on this item there is a small typographical error. There is a difference between the French and English texts. So I ask the Assembly to note that the French text should conform with the English text by the inclusion of the symbol in the footnote.

I now invite the General Assembly to turn its attention to agenda item 133 entitled "Draft Code of Offences against the Peace and Security of Mankind" and to the relevant report of the Sixth Committee contained in document A/40/1000.

(Mr. Pholo, Rapporteur,
Sixth Committee)

The draft resolution which is recommended to the General Assembly for adoption and which is to be found in paragraph 9 of the report was adopted by a vote of 98 to 6 with 8 abstentions.

In its operative paragraph 1 the draft resolution invites the International Law Commission to continue its work on the elaboration of the draft Code of Offences against the Peace and Security of Mankind by elaborating an introduction as well as a list of the offences. Under operative paragraphs 2 and 3, the Secretary-General is requested to seek the views of Member States and intergovernmental organizations regarding the outline proposed by the Special Rapporteur to the future Code, and to include them in a report to be presented to the General Assembly at its forty-first session with a view to adopting, at the appropriate time, the necessary decision thereon.

I now turn to item 134 entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations". The report of the Sixth Committee is contained in document A/40/1001. Paragraph 10 reproduces the draft resolution which the Sixth Committee recommends to the General Assembly for adoption. This draft resolution was adopted by a recorded vote of 90 to 15 with 11 abstentions.

Under the draft resolution, the General Assembly would inter alia decide that the Special Committee shall continue its work with the goal of drafting a world treaty on the non-use of force in international relations and, at the earliest possible date, as an intermediate stage, a declaration on the non-use of force in international relations, as well as the peaceful settlement of disputes or such other recommendations as the Committee deems appropriate. It is my understanding that agreement has now been reached on the dates of the next session of the Special Committee. The Committee is to hold its 1986 session in New York from 20 January to 14 February.

(Mr. Pholo, Rapporteur, Sixth
Committee)

I now come to item 135, entitled "Report of the United Nations Commission on International Trade Law on the work of its eighteenth session". The report of the Sixth Committee has been circulated in document A/40/935, paragraph 6 of which reproduces the text of two draft resolutions which the Committee recommends to the General Assembly for adoption.

Under draft resolution I, entitled "Report of the United Nations Commission on International Trade Law" (UNCITRAL), the General Assembly would commend the Commission for the progress made in its work and would note with particular satisfaction the completion and adoption of the UNCITRAL Model Law on International Commercial Arbitration. The Assembly would also recommend that the Commission should continue its work on the topics included in its programme of work.

Under draft resolution II, the General Assembly would request the Secretary-General to transmit the text of the Model Law to Governments and to arbitral institutions and other interested bodies such as chambers of commerce, and would recommend that all States give due consideration to the Model Law.

The Sixth Committee adopted both draft resolutions by consensus, and I hope that the General Assembly will find it possible to do the same.

May I now ask the Assembly to turn its attention to item 136, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives". The report of the Sixth Committee, which has been circulated as document A/40/936, reproduces in paragraph 7 the draft resolution which the Sixth Committee recommends to the General Assembly for adoption. Under the draft resolution, the General Assembly would inter alia strongly condemn acts of violence against diplomatic and consular missions and representatives, as well as against missions and representatives to international intergovernmental organizations and officials of such organizations,

(Mr. Pholo, Rapporteur, Sixth
Committee)

and would emphasize that such acts cannot be justified. It would also highlight the importance of enhanced awareness throughout the world of the necessity of ensuring the protection, security and safety of such missions, representatives and officials, as well as the role of the United Nations in this regard. The General Assembly would, furthermore, urge States to observe the relevant principles and rules of international law and to take all necessary measures to ensure effectively the security of the missions and persons concerned, and it would call upon States that had not yet done so to consider becoming parties to the relevant international instruments. Finally, it would provide for the continuance of the reporting procedures established by previous resolutions and request the Secretary-General to prepare a survey on the operation of those procedures.

The Sixth Committee adopted that draft resolution by consensus, and again I hope that the General Assembly will do the same.

I now come to agenda item 137, entitled "Report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries". Under the relevant draft resolution, which is to be found in paragraph 10 of the Sixth Committee's report, in document A/40/979, the General Assembly would decide to renew the mandate of the Ad Hoc Committee and request it to make every effort to complete its mandate at its 1986 session and to submit a draft convention to the General Assembly next year. In this connection I understand that agreement has been reached on the date of the 1986 session of the Ad Hoc Committee and that the blanks left in operative paragraph 7 can now be filled in as follows: "from 16 June to 11 July 1986".

The draft resolution was adopted by the Sixth Committee by consensus, and I hope the General Assembly will also do so.

(Mr. Pholo, Rapporteur, Sixth
Committee)

Regarding item 138, entitled "Report of the International Law Commission on the work of its thirty-seventh session", the Sixth Committee's report is to be found in document A/40/961. Paragraph 3 of the draft resolution in paragraph 6 of the report recommends that the International Law Commission should continue its work on the topics in its current programme, bearing in mind the clear desirability of achieving as much progress as possible in the preparation of draft articles on specific topics before the conclusion of the present term of membership. I hope that the Assembly, like the Sixth Committee, will adopt the draft resolution by consensus.

Turning now to agenda item 139, entitled "Preparation for the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations", I would recall that, pursuant to resolution 39/86 of 13 December 1984, extensive consultations were held under the co-chairmanship of Ambassador Al-Qaysi and the Legal Counsel, Mr. Fleischhauer, prior to the consideration of the item by the Sixth Committee.

The draft resolution now before the Assembly in document A/40/952 was originally submitted by the Chairman of the Sixth Committee as a result of the successful outcome of the informal consultations to which I have just referred and was adopted by the Committee without a vote. These consultations resulted inter alia - as can be seen in operative paragraphs 4, 5 and 6 of the draft resolution - in the working out of draft rules of procedure recommended for adoption by the Conference, as well as of a list of draft articles of the basic proposal, for which substantive consideration by the Conference is deemed necessary. In addition, draft final clauses, on which an exchange of views was held, are referred to the Conference for its consideration.

(Mr. Pholo, Rapporteur, Sixth
Committee)

Let me also point out that under operative paragraph 3 of the draft resolution, the United Nations itself will participate in the Conference, as will the international intergovernmental organizations that have traditionally been invited to participate as observers at legal codification conferences held under the auspices of the United Nations.

With the consideration of the item during the present session of the General Assembly, the preparations for the United Nations Conference that is to be held at Vienna from 18 February to 21 March 1986 have been completed.

I would draw attention to a slight error in document A/40/952: in paragraphs 5 and 6 the document symbol should be A/C.6/40/L.16, instead of A/C.6/39/L.16.

I hope that the General Assembly will, like the Sixth Committee, adopt the recommended draft resolution without a vote.

I now turn to agenda item 140, entitled "Report of the Committee on Relations with the Host Country". Paragraph 7 of the Sixth Committee's report, in document A/40/1012, contains a draft resolution, which inter alia strongly condemns any terrorist and criminal acts violating the security of missions accredited to the United Nations and the safety of their personnel, urges the host country and the Secretary-General to seek a solution that is in accord with the Headquarters Agreement with regard to recent legislation and requests the Secretary-General to remain actively engaged in all aspects of relations of the United Nations with the host country. The Committee on Relations with the Host Country is also requested to continue its work.

I hope that, like the Sixth Committee, the General Assembly will adopt this draft resolution without a vote.

(Mr. Pholo, Rapporteur, Sixth
Committee)

Regarding item 141, entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", I draw the attention of the General Assembly to document A/40/1013, paragraph 12 of which contains the draft resolution which the Sixth Committee recommends to the General Assembly for adoption. Under the draft resolution the General Assembly would renew the mandate of the Special Committee and request it to accord priority to the question of the maintenance of international peace and security in all its aspects in order to strengthen the role of the United Nations, in particular the Security Council. It would also request the Special Committee to continue its work on the question of the peaceful settlement of disputes between States and to keep the question of the rationalization of the procedures of the United Nations under active review. With respect to paragraph 3 (a) of the draft resolution, I draw the Assembly's attention to paragraph 11 of the report. As far as paragraph 2 of the draft resolution is concerned, it is my understanding that agreement has now been reached on the date of the next session of the Committee and that the blanks in paragraph 2 can now be filled in as follows: "from 7 April to 2 May".

(Mr. Pholo, Rapporteur,
Sixth Committee)

The Sixth Committee adopted the draft resolution without a vote and I hope that the General Assembly will find it possible to do the same.

I now turn to item 142, entitled "Draft body of principles for the protection of all persons under any form of detention or imprisonment". The relevant report of the Sixth Committee has been circulated under the symbol A/40/981. As appears from the report, the Sixth Committee this year again established a working group to continue the consideration of the draft body of principles. The draft decision which the Sixth Committee recommends to the General Assembly for adoption is in paragraph 9 of the report and provides for the re-establishment at the next session of the Working Group of the Sixth Committee to expedite the finalization of the draft body of principles. I hope that the General Assembly will, like the Sixth Committee, adopt this draft decision without a vote.

I come now to item 143, entitled "Draft standard rules of procedure for United Nations conferences". The Sixth Committee, as appears from its report (A/40/1002), decided without a vote to defer consideration of the relevant report of the Secretary-General to its next session.

On the last item, agenda item 148, entitled "Draft declaration on social and legal principles relating to the protection and welfare of children, with special reference to foster placement and adoption, nationally and internationally", I draw the Assembly's attention to the Sixth Committee's report (A/40/998) and to the draft decision in paragraph 9 thereof, which the Sixth Committee adopted without a vote. The Sixth Committee invites the General Assembly to decide that informal consultations of limited duration should be held early during the forty-first session of the General Assembly in order to consider the remaining questions with a view to achieving agreement and adopting the draft declaration at that session.

(Mr. Pholo, Rapporteur,
Sixth Committee)

This almost concludes my presentation of the reports of the Sixth Committee. I realize that I may have unduly taxed the patience of the members of the Assembly, but it has seemed to me that the achievements of the Sixth Committee at this session have been sufficiently noteworthy to deserve an itemized presentation, however sketchy.

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

First of all, I wish to congratulate all the representatives and colleagues in the Committee whose highly professional and intellectually stimulating arguments not only helped in upholding the known standards, traditions and customs of the Committee, characterized by universal fraternity and objective argumentation, but also kept me from dozing off during the many hours of deliberations.

I wish to address a special word of thanks to Ambassador Al-Qaysi, Chairman of the Sixth Committee, whose well-known leadership qualities, diplomatic skills, mastery of the rules of procedure, patience and brilliance helped tremendously in guiding the Committee towards the successful completion of its work during this fortieth session of the General Assembly.

I wish also to thank the Committee's two Vice-Chairmen, Ambassador Caceres of Honduras and Mr. Mutzelburg of the Federal Republic of Germany, for their most valuable participation in the Bureau's meetings.

A special word of praise goes also to the Legal Counsel, Under-Secretary-General Carl-August Fleischauer; the Director of the Codification Division of the Office of Legal Affairs, Mr. Georgiy Kalinkin; Mr. John De Saram, Mr. Larry Johnson, Mr. Mpazi Sinjela and other officials of the Secretariat, who have so ably assisted the Bureau throughout the fortieth session.

(Mr. Pholo, Rapporteur,
Sixth Committee)

I wish also to thank the conference officers, the press officers, the team of interpreters and, of course, our indefatigable documents officers, all of whom made it possible for the Sixth Committee to function smoothly during this session.

Last, but not least, I wish to pay a very special tribute to Ms. Jacqueline Dauchy, who sat next to me on the podium unfailingly through all the many weeks of the Committee's work. Her enchanting smile was always a real source of inspiration to me. All the hard work she put into producing this year's report did not go unnoticed by me. I am eternally indebted to her.

The PRESIDENT (interpretation from Spanish): If there is no proposal under rule 66 of the rules of procedure, I shall take it that the General Assembly decides not to discuss the reports of the Sixth Committee.

It was so decided.

The PRESIDENT (interpretation from Spanish): Statements will therefore be limited to explanations of vote. The positions of delegations regarding the various recommendations of the Sixth Committee have been made clear in the Committee and are reflected in the relevant official records. May I remind members that, under paragraph 7 of decision 34/401, the General Assembly agreed that:

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

(The President)

I also remind members that, again in accordance with decision 34/401, statements in explanation of vote are limited to 10 minutes and should be made by representatives from their seats.

We turn first to the report of the Sixth Committee on agenda item 127, entitled "Consideration of the draft articles on most-favoured-nation clauses" (A/40/977).

The Assembly will now take a decision on the recommendation of the Sixth Committee in paragraph 8 of its report (A/40/977). The Sixth Committee adopted that draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 40/65).

The PRESIDENT (interpretation from Spanish): The Assembly has concluded consideration of agenda item 127.

Next, the Assembly will consider the report of the Sixth Committee on agenda item 128, entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" (A/40/1010).

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 its report (A/40/1010). The Sixth Committee adopted that draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 40/66).

The PRESIDENT (interpretation from Spanish): The Assembly has concluded consideration of agenda item 128.

(The President)

The Assembly will now consider the report of the Sixth Committee on agenda item 130, entitled "Progressive development of the principles and norms of international law relating to the new international economic order", in document A/40/978.

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

Mr. MORAGA (Chile) (interpretation from Spanish): The item "Progressive development of the principles and norms of international law relating to the new international economic order" was deservedly given preferential attention by our delegation, which therefore spoke in the debate in the Sixth Committee and is doing so now again in plenary.

In our opinion, the concept of the new international economic order, viewed in its clearest and most equitable context, implies the vital need to achieve an international balance which will ensure more just treatment for the developing countries.

Chile, in accordance with its beliefs with regard to the urgency of ensuring this more just treatment, voted more than 10 years ago for the approval of resolution 3281 (XXIV), containing the Charter of Economic Rights and Duties of States.

In this context, the Republic of Chile attaches the greatest importance to the progressive development of the principles and juridical norms of the new international economic order, and for this reason my country is one of the sponsors of a draft resolution recommending that this subject should be reconsidered at the Assembly's forty-first session.

When we studied the report of United Nations Institute for Training and Research (UNITAR) on the principles involved in the new international economic order, as we commonly call it, we discovered that some of these principles had been

(Mr. Moraga, Chile)

placed under the "fully confirmed" heading by UNITAR, while others were designated as being in the formative stage. The latter include preferential treatment for the developing countries, permanent sovereignty over national resources, the right of any State to benefit from science and technology, the right of the developing countries to receive development assistance, equality of participation in international economic relations and, finally, the common heritage of mankind.

We feel, and consider it appropriate to repeat today before this great Assembly, that this principle emerged some 20 years ago in the light of the need to establish a legal framework for geographical areas completely lacking one. As both the sea-bed beyond the limits of national jurisdiction and outer space were two areas which lacked such a normative framework, the idea of the common heritage of mankind became an appropriate, analogous solution for that particular type of territory or region.

But it seems to us to be absolutely inappropriate that this principle - which should be applied to geographical areas where there has not been constant human activity or any established juridical régime or, by the same token, any expressions of sovereignty or claims of sovereignty, or presence of inhabitants or acts of possession - should be forcibly distorted so as to make it apply to regions where all these basic conditions are fully satisfied.

We feel that the conceptualization and application of that principle should avoid being in open conflict with other very important principles and norms of international law, whether applied to the sea-bed and ocean floor beyond the limits of national jurisdiction or to outer space - although this appears very right and necessary to us - we do reject the undermining of the principle of sovereignty or legitimate rights. That principle, even in a formative phase, should be applied in regions which are under no one's control, and never in regions under the control of some party.

(Mr. Moraga, Chile)

Thinking otherwise could lead us to an unrealistic concept of law and force us to undertake codification and progressive development at the same time, thus inviting misappropriation and inequity.

Finally, we would like to repeat that we hope there will be an appropriate and adequate analysis of this important question because we think that principles and, in general, theoretical speculations in this area should be based on reality and avoid harmful improvisation or immoderation, with unforeseeable consequences.

The PRESIDENT (interpretation from Spanish): The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report (A/40/978). A recorded vote has been requested.

A recorded vote was taken.

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

Against: None

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

The draft resolution was adopted by 125 votes to none, with 19 abstentions
(resolution 40/67).*

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

May I now invite the attention of members to the report of the Sixth Committee on agenda item 131, entitled "Development and strengthening of good-neighbourliness between States" (A/40/1011).

The Assembly will now take a decision on the draft decision recommended by the Sixth Committee in paragraph 9 of its report. Since the Sixth Committee adopted that draft decision without a vote, may I take it that the General Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT (interpretation from Spanish): We have thus concluded our consideration of agenda item 131.

*Subsequently the delegations of Democratic Yemen, Uganda and Zimbabwe advised the Secretariat that they had intended to vote in favour.

(The President)

The Assembly will now turn to the report of the Sixth Committee on agenda item 132, entitled "Peaceful settlement of disputes between States" (A/40/999).

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report (A/40/999). The draft resolution was adopted by the Sixth Committee without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 40/68).

The PRESIDENT (interpretation from Spanish): we have concluded our consideration of agenda item 132.

I now invite members to turn their attention to the report of the Sixth Committee on agenda item 133, entitled "Draft code of offences against the peace and security of mankind" (A/40/1000).

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 9 of its report (A/40/1000). A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia,

Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia

Against: Chile, France, Germany, Federal Republic of, Israel, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Belgium, Canada, Italy, Japan, Luxembourg, Netherlands, Portugal, Spain, Turkey

The draft resolution was adopted by 127 votes to 6, with 9 abstentions (resolution 40/69).*

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

We turn next to the report of the Sixth Committee on agenda item 134, entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations" (A/40/1001).

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 10 of its report (A/40/1001). The report of the Fifth Committee on the programme budget implications of the draft resolution is in document A/40/1015.

A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico,

*Subsequently the delegations of Democratic Yemen, Uganda and Zimbabwe advised the Secretariat that they had intended to vote in favour.

Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia

Against: Belgium, Canada, Denmark, France, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America

Abstaining: Australia, Austria, Brazil, Chile, Germany, Federal Republic of, Ireland, Ivory Coast, New Zealand, Samoa, Spain, Sweden, Turkey.

The draft resolution was adopted by 119 votes to 14, with 12 abstentions (resolution 40/70).*

The PRESIDENT (interpretation from Spanish): In connection with this item, I should also like to draw the attention of the Assembly to document A/40/1020, in which is reproduced a letter from the Chairman of the Latin American Group relating to the membership of the Special Committee. In accordance with that communication, Cuba, Ecuador and Mexico will withdraw from membership of the Special Committee in 1986. The following countries have been endorsed by the Group to replace them: Argentina, Brazil and Chile. On the basis of that communication, I have appointed Argentina, Brazil and Chile members of the Special Committee with effect from 1 January 1986. May I take it that the Assembly takes note of this appointment?

It was so decided.

The PRESIDENT (interpretation from Spanish): We have thus concluded consideration of agenda item 134.

*Subsequently the delegations of Uganda and Zimbabwe advised the Secretariat that they had intended to vote in favour.

(The President)

We turn next to the report of the Sixth Committee on agenda item 135, entitled "Report of the United Nations Commission on International Trade Law on the work of its eighteenth session" (A/40/935).

The Assembly will now take a decision on the two draft resolutions recommended by the Sixth Committee in paragraph 6 of its report (A/40/935).

Draft resolution I is entitled "Report of the United Nations Commission on International Trade Law". The Sixth Committee adopted draft resolution I by consensus. May I take it that the General Assembly also adopts this draft resolution?

Draft resolution I was adopted (resolution 40/71).

The PRESIDENT (interpretation from Spanish): Draft resolution II is entitled "Model Law on International Commercial Arbitration of the United Nations Commission on International Trade Law".

The Sixth Committee adopted draft resolution II by consensus. May I take it that the General Assembly wishes to adopt this draft resolution?

Draft resolution II was adopted (resolution 40/72)

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

We turn now to the report of the Sixth Committee on agenda item 136, entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives" (A/40/936).

The Assembly will now take a decision on the recommendation of the Sixth Committee in paragraph 7 of its report, (A/40/936). The Sixth Committee adopted the draft resolution by consensus. May I take it that the General Assembly also wishes to adopt that draft resolution?

The draft resolution was adopted (resolution 40/73).

The PRESIDENT (interpretation from Spanish): We have concluded our consideration of agenda item 136.

The PRESIDENT (interpretation from Spanish): I now invite members to turn their attention to the report of the Sixth Committee on agenda item 137: "Report of the Ad Hoc Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries" (A/40/979).

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

The programme budget implications of the draft resolution are in the report of the Fifth Committee (A/40/1016).

The Sixth Committee adopted the draft resolution by consensus. May I take it that the General Assembly wishes to adopt the draft resolution?

The draft resolution was adopted (resolution 40/74).

THE PRESIDENT (interpretation from Spanish): In connection with this item I draw the attention of members of the Assembly to documents A/40/918 and A/40/1021, from the Chairmen of the African Group and the Latin American Group respectively, relating to the membership of the Ad Hoc Committee.

In accordance with the communication in document A/40/918, the African group has endorsed Benin to replace Togo, which has decided to withdraw from membership of the Ad Hoc Committee in 1986.

In accordance with document A/40/1021, the Latin American members of the Ad Hoc Committee in 1986 will be the same as for 1985: Barbados, Cuba, Haiti, Jamaica, Suriname and Uruguay.

On the basis of the communications I have referred to, I have appointed Benin a member of the Ad Hoc Committee with effect from 1 January 1986. May I take it that the Assembly takes note of that appointment?

It was so decided.

The PRESIDENT (interpretation from Spanish): Finally, in connection with paragraph 7 of the draft resolution just adopted by the Assembly, I should like

(The President)

to inform members that agreement has been reached to hold the 1986 session of the Ad Hoc Committee from 16 June to 11 July 1986.

The Assembly has concluded consideration of agenda item 137.

The Assembly will now consider the report of the Sixth Committee on agenda item 138: "Report of the International Law Commission on the work of its thirty-seventh session" (A/40/961).

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 6 of its report. The Committee adopted the draft resolution by consensus. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 40/75).

The PRESIDENT (interpretation from Spanish): The Assembly has concluded consideration of agenda item 138.

We turn now to the report of the Sixth Committee on agenda item 139:

"Preparation for the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations" (A/40/952).

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of its report. The Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 40/76).

The PRESIDENT (interpretation from Spanish): The Assembly has concluded consideration of agenda item 139.

We turn now to the report of the Sixth Committee on agenda item 140: "Report of the Committee on Relations with the Host Country" (A/40/1012).

(The President)

The Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 7 of its report. The Committee adopted the draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

The draft resolution was adopted (resolution 40/77).

The PRESIDENT (interpretation from Spanish): The Assembly has concluded its consideration of item 140.

The Assembly will now consider the report of the Sixth Committee on agenda item 141: "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization" (A/40/1013).

I now invite the Assembly to turn its attention to the recommendation of the Sixth Committee in paragraph 12 of its report.

The report of the Fifth Committee on the programme budget implications of the draft resolution is in document A/40/1017.

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

The draft resolution was adopted (resolution 40/78).

The PRESIDENT (interpretation from Spanish): In connection with paragraph 2 of the draft resolution just adopted by the Assembly, agreement has been reached to hold the 1986 session of the Special Committee from 7 April to 2 May 1986.

The Assembly has concluded consideration of agenda item 141.

We now turn to the report of the Sixth Committee on agenda item 142: "Draft body of principles for the protection of all persons under any form of detention or imprisonment" (A/40/981).

(The President)

The Assembly will now take a decision on the recommendation of the Sixth Committee. In paragraph 9 of its report (A/40/981), the Sixth Committee recommends the adoption of a draft decision which it adopted without a vote. May I take it that the General Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT (interpretation from Spanish): We have thus concluded our consideration of agenda item 142.

The General Assembly will now consider the report of the Sixth Committee on agenda item 143 entitled "Draft standard rules of procedure for United Nations conferences" (A/40/1002).

The Sixth Committee adopted the draft decision recommended by it in paragraph 5 of its report without a vote. May I take it that the General Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT (interpretation from Spanish): We have concluded our consideration of agenda item 143.

The General Assembly will now turn to the report of the Sixth Committee on agenda item 148, entitled "Draft declaration on social and legal principles relating to the protection and welfare of children, with special reference to foster placement and adoption, nationally and internationally" (A/40/998).

The draft decision recommended by the Sixth Committee is in paragraph 9 of that report. The Committee adopted this draft decision without a vote. May I take it that the General Assembly wishes to do the same?

The draft decision was adopted.

The PRESIDENT (interpretation from Spanish): We have concluded our consideration of agenda item 148.

(The President)

The Assembly will turn next to the report of the Sixth Committee on agenda item 12, entitled "Report of the Economic and Social Council" (A/40/997), from which it will see that the Sixth Committee took note of chapter 1 of the report of the Economic and Social Council (A/40/3). May I take it that the Assembly also wishes to take note of the report?

It was so decided.

The PRESIDENT (interpretation from Spanish): This concludes our consideration of the report of the Sixth Committee on agenda item 12 and of all the other reports of the Sixth Committee.

I should like to thank representatives for making it possible to deal with all these items so expeditiously.

The meeting rose at 12.05 p.m.

