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AGENDA ITEM 27

**Question of the Comorian Island of Mayotte:
report of the Secretary-General**

1. The PRESIDENT: In connection with agenda item 27, a draft resolution has been submitted in document A/36/L.54 and Add.1.

2. Mr. MROUDJAE (Comoros) (*interpretation from French*): Once again the General Assembly has to consider the dossier on Mayotte. At previous sessions, I described to members the circumstances which led to this distressing problem and regularly informed them of the latest developments in the matter. Today, again, I should like to paint as clear a picture as possible of the situation and thereby inform the Assembly of the actions which the Government of the Islamic Federal Republic of the Comoros continues to carry out in order to hasten and facilitate the settlement of this problem in accordance with the relevant resolutions adopted by the Organization on the matter.

3. Last year when we were debating this problem, I felt bound to affirm, without ambiguity, my Government's position on this specific point. Mayotte is a Comorian land and nothing can shake the will of the Comorian people to fight for the restoration of the sovereignty of the Islamic Federal Republic of Comoros over this island. I should like solemnly to restate that position again today.

4. That point of view of the Comorian Government is known to all and it is in no way arbitrary. It is based on legitimacy, on law and justice. Indeed, the former administering Power, France, from the time when it decided to place that territory under its protectorate in 1889, has at 11 times administered the Comorian archipelago with respect for its geographical, social, cultural and political unity. Whenever the French lawmakers or regulating authorities intervened, they did so by considering that the Comoro Archipelago constituted a single entity, made up of four islands: Anjouan, Grande-Comore, Mayotte and Mohéli.

5. By acting in that way, France simply respected the homogeneity of a population which shared the same language, the same culture and practised the same religion, Islam, which had been established in the Comoros since the coming of the prophet Mohammed. In this connection, a French law dated 9 May 1946 clearly stipulated that the religion of Islam gave to the four islands of the Comoros the necessary unity, just as the local dialect united all the inhabitants of those islands. Since that time, all the laws and regulations adopted by the French Government regarding the evolution of the administrative and political status of the archipelago of the Comoros have confirmed its unity. It is on that basis that the international community has constantly considered that the four islands of the Comoros constitute a single territorial entity, placed under the administration of France.

President: Mr. Ismat T. KITTANI (Iraq).

6. It is equally on the basis of the fundamental principle of the territorial and political unity of the Comoros that the French Government and the Governing Council of the Comoros, under the *loi-cadre*, on 15 June 1973 concluded an agreement defining the framework and the modalities for the accession of the Comoro Archipelago to independence. That position of principle has furthermore been solemnly reaffirmed on many occasions by the most senior leaders of France up to the present.

7. In the same spirit a law was adopted on 23 November 1974 by the French Parliament which set 22 December 1974 as the date for the organization in the Comoros of a popular poll on the accession of the archipelago to independence. The June 1973 agreements clearly stipulated that the results of that referendum would be considered on an overall basis and not island by island.

8. It was therefore in a confident and serene spirit that the population of the Comoros went to the polls on 22 December 1974. Members know the results: as with a single voice the Comorians, by almost 95 per cent, chose independence. It only remained for the French Parliament to endorse those results and thus comply with the clearly expressed will of the Comorian people to accede to international sovereignty. Instead of that, on 3 July 1975, Parliament adopted a new law to organize another poll in the Comoros, but this time the results would be counted island by island.

9. Given this unexpected turnabout on the part of the then French Government, the President of the Governing Council of the Comoros at the time, Mr. Ahmed Abdallah Abderemane, who had received a mandate to negotiate independence with France, considered that the law of 3 July 1975 was inadmissible and inapplicable because it ran counter to the commitments previously entered into by France.

10. Then the Chamber of Deputies of the Comoros, meeting in extraordinary session and on the basis of the results of the self-determination referendum of 22 December 1974, unilaterally proclaimed the independence of the Comoros on 6 July 1975. At the same time the Chamber decided to entrust the destiny of the young State to the former President of the Governing Council. Mr. Ahmed Abdallah Abderemane thus became the first President of the Republic of the Comoros and the father of independence.

11. The Government of the Republic of France could at that time have opposed the unilateral proclamation of independence by the local Comorian authorities. When the young State of the Comoros was admitted to the United Nations with its colonial boundaries, France could equally have objected then by exercising its right of veto. France did not do so, no doubt considering that to do so would be to run counter to the unanimously expressed will of the Comorian people and its elected representatives to emerge from French administration.

12. Nevertheless, while the French Government renounced its sovereignty over the islands of Grande-Comore, Mohéli and Anjouan, it continued to maintain it over the island of Mayotte. Thus, for the first time since the French protectorate was established in 1889, one of the islands on the territory of the Comoro Archipelago was abruptly severed from it.

13. Less than a month after the unilateral proclamation of the independence of the Comoros, a *coup d'état* carried out with the aid of those who still longed for the French colonial empire, suddenly put an end to the régime which had been democratically established by the Comorian people and its representatives. Events then quickly followed one another. Using as a pretext the changes which had taken place on Moroni, France intensified its military presence on Mayotte. What is worse, those who advocated unity in independence were expelled from Mayotte after having been robbed of their possessions. Entry visas were required of Comorians from Anjouan, Grande-Comore and Mohéli who wanted to go to Mayotte.

14. It was in this climate that referendums specific to Mayotte were organized there in February and March 1976. These were, as members know, energetically denounced by the Assembly.

15. The tension and confusion which characterized the three years subsequent to the *coup d'état* of 3 August 1975; both from the point of view of internal relations as well as the level of foreign relations, resulted in the increased separation and isolation of Mayotte from its sister islands. Given this situation, the new Comorian leaders, following the changes which had occurred at Moroni in May 1978, believed it necessary, in their legitimate claim over Mayotte, to adopt a realistic but firm attitude likely to cause the matter to evolve along the lines everyone wished. To do so, and on the basis of the recommendations of the Organization of African Unity [OAU] and the United Nations, the Comorian authorities chose dialogue with France.

16. Convinced that the settlement of the question of Mayotte could be accomplished only by a totally unrestricted resumption of all human, economic, social, cultural and political relations which had prevailed among the Comorian islands before independence, the President of the Islamic Federal Republic of the Comoros, Mr. Ahmed Abdallah Abderemane, requested his French counterpart to review the Mayotte dossier.

17. At the request of the two heads of State, talks were initiated at the ministerial level between the two parties in December 1979. These talks led to specific results. The free movement of persons and goods between Mayotte and the other islands was thus restored. Today, inter-island traffic takes place among the four Comorian islands.

18. We are aware that these measures constitute only a prelude to the settlement of the problem. Although modest, they have nevertheless contributed to lessening tension on the islands and given an opportunity to thousands of families to resume contacts which had been interrupted for many long years. We cannot therefore fail to consider them as encouraging.

19. After the changes which had occurred in France, the Government of the Comoros made contact without delay with the new authorities, first to ascertain their position on the problem of Mayotte and later to indicate its intention to continue to seek a solution by way of dialogue and agreement.

20. On the occasion of an official visit to Paris from 4 to 15 October last, President Ahmed Abdallah Abderemane obtained assurances from President François Mitterrand regarding the wish of the French Government to put an end to this Franco-Comorian dispute quickly.

21. President Mitterrand again reaffirmed this position at the summit conference of the heads of State of France and of Africa which was held in the French capital from 4 to 5 November last. At that time, the President of the Republic of France recalled *inter alia* that as a Deputy he had stood in 1974 and 1975 for the independence of the Comoros in unity and that the recent change in his post did not entail any change in his stand on the question of Mayotte. The Government of the Comoros welcomes this positive declaration which, no doubt, is in keeping with the generous ideas of justice President Mitterrand defended for close to a quarter of a century in the French Socialist Party.

22. Similarly, we appreciate the wish of the French Government to base its African policy on the will of the Africans themselves. Concrete measures which reflect this policy have already been adopted in the case of certain problems of concern to Africa, particularly in regard to Chad and to the problem of Namibia.

23. As for the Comoros, however, everything is going on as if there was a desire to minimize the problem of Mayotte or as though the quest for a solution to this problem were not urgent, or at least less urgent than other African questions. True, certain difficulties have to be overcome. But we do not believe that it is wise to wait any longer for a final settlement of the problem.

24. Since President Mitterrand has reaffirmed unambiguously that his position on Mayotte remains unchanged, we believe that things could proceed more rapidly now and that the necessary measures should be taken without delay by the French Government to transmute this determination into action. This should be all the easier since, when the problem came about, the Socialist Party was the defender of the Comoros and of the maintenance of its unity.

25. It will be recalled that when the French Parliament adopted the *loi scélérate* of 3 July 1975, calling into question the results of the self-determination referendum and aiming to balkanize the Comoro Archipelago, the French socialist deputies appealed to the Constitutional Council in a letter dated 13 December 1975, in which they stated, *inter alia*, that by staying in Mayotte by force and starting a specific consultation procedure for Mayotte the French Government had carried out actions that were contrary to its own Constitution.

26. Given the new balance of power with the French Parliament, and since the claims of the Comorian people are so well founded, the French Government could now take the necessary initiatives to correct the injustice committed in the case of the Comoros, as it has, furthermore, in other cases.

27. As the Assembly will have noted, the question of Mayotte is no longer just a Comorian question. Africa and the entire international community, which regularly debates the question, unanimously recognize that Mayotte has been arbitrarily separated from the other Comorian islands and must therefore be reintegrated into the Comorian whole.

28. That conviction is at the root of many of the resolutions adopted on the question by the United Nations, the OAU, the Organization of the Islamic Conference and the non-aligned countries. All those resolutions reaffirm the sovereignty of the Islamic Federal Republic of the Comoros and the need to respect the

territorial integrity of that young State. Similarly, that basic principle guided the work of the OAU *Ad Hoc* Committee of Seven, which was charged with following the development of the question of Mayotte and which met from 9 to 11 November at Moroni, in the Comoros, as requested by the Council of Ministers at Freetown, Sierra Leone, at its thirty-fifth regular session. During that meeting a certain number of recommendations and actions were examined with a view to the rapid settlement of the question. The *Ad Hoc* Committee of Seven, in particular, invited the Government of France to resume and actively pursue negotiations with the Government of the Islamic Federal Republic of the Comoros with a view to the earliest possible return of Mayotte to the Comoro Archipelago [*see A/36/671*].

29. While awaiting the implementation of those measures, we believe that the international community in general and the General Assembly in particular should intensify and individually and collectively redouble negotiations with the Government of France so that justice may finally be done the Comorian people.

30. The Comoros is a small country: its means are less than modest, and it needs all its vital energies to meet the challenge of development. For its part, the Government of the Islamic Federal Republic of the Comoros has never concealed its desire to maintain its privileged and fruitful co-operation with France. Likewise it has expressed its desire to continue to seek by way of dialogue with France a solution to the problem of Mayotte. But the good will of the Government of the Comoros should not be misinterpreted, and it should not be rewarded with endless postponements.

31. If the Government of France does not speedily take the necessary measures to find a solution to the problem of Mayotte, this will not only jeopardize the future of the Comoros but also contribute to aggravating further the tension now prevailing in the Indian Ocean area.

32. It is therefore in the interest of all of us to neglect no element that can reduce this tension and thus prevent the zone from becoming a sphere of permanent destabilization, which would endanger the very survival of the coastal States. Thus, faithful to its traditions, and together with the international community, France would contribute to the establishment of peace in this part of the world.

33. That is the situation that exists today. I hope that the information I have just given the Assembly will contribute to the clarity of our debate.

34. My delegation is co-sponsoring a draft resolution on this question [*A/36/L.54 and Add.1*]. It is based on the relevant resolutions previously adopted by the Organization on this question. We hope that the Assembly will be able to adopt it.

35. Mr. DAVIN (Gabon) (*interpretation from French*): The question of the Comoros which is before us today is a familiar one to the Members of the Organization; it relates essentially and exclusively to respect for the territorial integrity of that country.

36. The problem has a dual aspect: on the one hand, the calling into question of the territorial integrity of the Islamic Federal Republic of the Comoros, which has been deprived of one of its constituent parts, and, on the other, the determination of the people of the Comoros to recover

the territorial integrity of its country through the return of the island of Mayotte to the Comorian Archipelago, which would be in accordance with the purposes and principles of the Charter of the United Nations and the charter of the OAU as they relate to State sovereignty and territorial integrity.

37. On 22 December 1974 the population of the Comoros, which had been asked to express its view as to its future in a referendum, declared its unequivocal desire for independence. The referendum was organized in conformity with an agreement concluded between the Comoros and the administering Power, which, in a Joint Declaration on the Accession to Independence of the Comoro Archipelago, reaffirmed the political unity and territorial integrity of the Comoros and decided that the referendum on the future of the Comorian people would cover the archipelago as a whole.

38. The participation in the vote was massive; nearly 95 per cent of the voters answered "yes" to independence. The clearly and precisely expressed will of the Comorians to be independent was recognized by the administering Power, which thereupon agreed to submit the results of the vote to its Parliament for ratification.

39. Unfortunately that solemn commitment was not immediately fulfilled, and the ratification procedures that were undertaken subsequently were quite different from those laid down in the Joint Declaration on the Accession to Independence of the Comoro Archipelago. They were no longer applied, as had been agreed, to the results of the referendum on self-determination considered as a whole and on a global basis, but rather endorsed the results of a new constitutional referendum which was organized island by island, and this encouraged and favoured Mayotte separatism and enabled it to be detached from the Comorian whole. But neither the Federal Islamic Republic of the Comoros nor the international community has accepted the secession of the island of Mayotte. That is why the General Assembly, in its resolution 3385 (XXX) of 12 November 1975 on the admission of the Comoros to the United Nations, reaffirmed the necessity of respecting the unity and territorial integrity of the Comorian Archipelago, consisting of the islands of Anjouan, Grande-Comore, Mayotte and Mohéli.

40. It should be noted that some months prior to this, the OAU had admitted the Republic of the Comoros to membership as its twenty-fifth session, that is to say, under the same conditions, namely, that it should be made up of the four islands I have mentioned. At the same session, the Council of Ministers of the OAU decided to take up the question of the Comorian island of Mayotte. At its twenty-seventh session, in a desire to calm things down and in order to help the Republic of the Comoros in its efforts by peaceful means to achieve a rapid, just and satisfactory settlement of the problem of Mayotte, the OAU decided to create an *Ad Hoc* Committee of Seven on the Comorian island of Mayotte. The seven members of the Committee are: Algeria, United Republic of Cameroon, Gabon, Madagascar, Mozambique, Senegal, and the Republic of the Comoros itself, with the Republic of Gabon exercising chairmanship of the Committee.

41. Since its creation, the *Ad Hoc* Committee of Seven has undertaken unceasing efforts and innumerable mediation activities between the two parties to the dispute, both collectively and through the intermediary of one or more of its members. In this respect, my

delegation must make particular mention of the major role in the mediation initiatives undertaken in his capacity as head of State of the country which holds the chairmanship of the *Ad Hoc* Committee of Seven by El Hadj Omar Bongo, President of the Republic of Gabon. The most recent meeting of the *Ad Hoc* Committee of Seven was held at Moroni in the Islamic Federal Republic of the Comoros, from 9 to 11 November 1981, with all members present.

42. As representative of the country which holds the chairmanship of the *Ad Hoc* Committee, it seems to me to be opportune and useful to inform you briefly of the results of that meeting. The Committee undertook an exhaustive examination of the question and called for several steps to be taken, which are the object of a declaration and a recommendation adopted on that occasion [see A/36/671]. The declaration affirms the principle of respect for the unity and territorial integrity of the Islamic Federal Republic of the Comoros, and in its paragraph 2 invites the two parties to continue negotiations "with a view to returning the island of Mayotte to the Comoros as soon as possible" [*ibid.*, para. 8].

43. As to the recommendation, it notes "the readiness of the French Government to pursue the dialogue on the question of the Comorian island of Mayotte with a view to returning the island of Mayotte to the Comoros as soon as possible in accordance with the principles of unity, territorial integrity and sanctity of frontiers inherited from colonial times, as laid down in the Charter of the Organization of African Unity", and "that the Island of Mayotte belongs to the Islamic Federal Republic of the Comoros" [*ibid.*, para. 7].

44. The other provisions of the recommendation call for a certain number of actions and steps with the aim of establishing the necessary contacts to promote dialogue and negotiations. In particular, it recommends that a mission of the *Ad Hoc* Committee of Seven and the Secretary-General of the OAU "contact the French authorities as soon as possible with a view to considering the practical measures for returning the Comorian Island of Mayotte to the bosom of the Islamic Federal Republic of the Comoros and, if possible, to set a deadline for such return", and requests "the Ambassadors of the seven States members of the Committee residing in Paris to follow developments in that situation closely and to undertake joint representations *vis-à-vis* the competent French authorities whenever necessary" [*ibid.*].

45. Finally, it recommends "that this item remain on the agenda of the meetings of the Organization of African Unity, the United Nations, the non-aligned countries, the League of Arab States and the Organization of the Islamic Conference until Mayotte is, indeed, returned to the Comoros" [*ibid.*]. Those are the essential decisions taken during last month's meeting by the *Ad Hoc* Committee of Seven.

46. The members of the *Ad Hoc* Committee, the members of the OAU, the Members of the United Nations and the whole international community have no doubt that the good will, mutual understanding and sincere desire to achieve a settlement of the parties concerned will enable us very soon, by negotiation and peaceful means, to arrive at a just and satisfactory solution of the problem of the Comorian island of Mayotte.

47. Mr. SARRÉ (Senegal) (*interpretation from French*): At the beginning of this session, the Minister for Foreign Affairs of Senegal, speaking in the general debate [20th meeting], recalled the position of my country on the question which we are considering today. It is a matter of respecting and scrupulously applying certain principles and commitments solemnly entered into by the parties concerned. Thus, what is at issue is the implementation of General Assembly resolution 1514 (XV) on the granting of independence to colonial countries and peoples; the application of a principle reaffirmed in the charter of the OAU, namely, the inviolability of frontiers inherited from colonial times; and, lastly, the implementation of commitments entered into by the parties concerned to settle this question in a spirit of mutual understanding.

48. For all those reasons, my country, Senegal, which has the advantage and the privilege of maintaining exemplary relations with both France and the Islamic Federal Republic of the Comoros, has always advocated dialogue between the parties concerned. Furthermore, we have the honour of being a member of the OAU *Ad Hoc* Committee of Seven. The meeting that it held a few weeks ago at Moroni was more than encouraging, judging by the results. It is fitting to welcome the spirit of open-mindedness and understanding shown by the French and Comorian sides.

49. The strengthening of co-operation in all fields between France and the Comoros is striking proof of the desire of both parties to overcome the technical difficulties they now face, and the statement just made in the Assembly by the Foreign Minister of the Comoros gives further encouragement. We can only be pleased that there is a spirit of understanding among the four islands. All these positive elements make us confident and optimistic that a solution will be found in conformity with the interests of the two parties.

50. The Organization, one of whose tasks is to promote peace and mutual understanding among peoples and nations, should do more to contribute to the process started by France and the Comoros with a view to finding a definitive solution to this problem. Accordingly, in the opinion of my delegation, the adoption and implementation of draft resolution A/36/L.54 and Add.1 are likely to strengthen the historic relations, which have always been friendly and sincere, between France and the Comoros.

51. Mr. TALEB (Morocco) (*interpretation from French*): I speak on behalf of the Moroccan delegation on the question of the Comorian island of Mayotte with great optimism and confidence in the future of the brother people of the Comoros and with firm faith in the wisdom of France.

52. Since this question was first included in the agenda of the Assembly, at the thirty-first session, Morocco has continued to give its support to the legitimate aspirations of the Government of the Comoros. The attitude of my country in this regard reflects the expression of African and Islamic solidarity with the brother people of the Comoros and also our concern to defend the principle that the territorial integrity of States must be safeguarded.

53. The Assembly, by virtue of resolutions 3291 (XXIX) and 3385 (XXX), affirmed the unity and territorial integrity of the Comoros and emphasized that that archipelago was made up of the islands of Mayotte, Anjouan, Mohéli and Grande-Comore. On this basis, we be-

lieve, France decided, in a responsible and magnanimous manner, to recognize that the inhabitants of the archipelago had the right to express themselves on their political future by means of a general referendum. However, while the referendum was organized on a comprehensive basis, the result was not interpreted in the same way. Thus France concluded that, although the majority of the inhabitants of the Comoros taken as a whole had opted for independence, a large part of the population of Mayotte preferred to remain associated with France.

54. That is how the island of Mayotte became separated from the Comoros as a whole. In our opinion, that is an unfortunate interpretation of the implementation of the act of self-determination of the Comorians, because it endangers the territorial integrity that has always characterized their country. The fragmentation of the Comoros is not in conformity with the spirit and the letter of resolution 1514 (XIV), paragraph 6 of which emphasizes that "any attempt aimed at the partial or total disruption of the national unity and the territorial integrity of a country is incompatible with the purposes and principles of the Charter of the United Nations".

55. What that means is that the brother State of the Comoros has the right to request the restoration of its national unity and territorial integrity.

56. Certain information indicates that at the present time there is a dialogue going on between the Governments of the Comoros and France. My delegation welcomes such negotiations with satisfaction and with great interest and encourages them. We wish to express the hope that they will contribute to ironing out the difficulties now being experienced in Franco-Comorian relations. France can only increase its standing in the eyes of Africa and of the people of the Comoros if it responds positively to the legitimate claims of a State with which it is bound by destiny to co-operate in friendship and reciprocal esteem because of their common history.

57. Mr. KAPOMA (Zambia): The question of the Comorian island of Mayotte has been on the agenda of the General Assembly for quite some time now. The Assembly has repeatedly encouraged negotiations between the Governments of France and the Comoros and the finding of a just solution in conformity with the relevant resolutions of the United Nations. The OAU, for its part, has undertaken concrete initiatives with a view to accelerating a successful solution of the problem of Mayotte.

58. It is a matter of deep regret to my delegation that this problem has persisted to date. The negotiation process, which the Assembly has done everything to encourage, still does not hold out the prospect of an early settlement. However, we cannot and must not give up, for what is at stake is the sovereignty and territorial integrity of the Comoros, a Member of both the United Nations and the OAU. The dismemberment of the Comoros, if tolerated by the Assembly, would constitute a dangerous precedent, with grave implications for many small and weak countries.

59. The present Government of France has displayed a positive attitude and good will towards Africa. My delegation hopes that this positive attitude and good will will be reflected, *inter alia*, in the negotiations with the Government of the Comoros over the question of Mayotte. We therefore urge that negotiations be pursued with renewed commitment and dedication, which, it is to be hoped, will result in an early, honourable and just settlement.

60. Mr. LÓPEZ del AMO (Cuba) (*interpretation from Spanish*): Since the agreement signed in Paris on 15 June 1973 between France and the Comoros regarding the latter's accession to independence, it was decided that the referendum to be held on 22 December 1974 was to be considered in its totality, and not island by island.

61. The island of Mayotte is an integral part of the Comoro Archipelago. General Assembly resolution 3385 (XXX), of 12 November 1975, by which the Comoros were admitted to membership in the United Nations, re-affirmed the necessity of respecting the unity and territorial integrity of the Comoro Archipelago, including the island of Mayotte.

62. What is at issue is defence of a principle upheld by the OAU, by the Organization of the Islamic Conference, by the non-aligned movement and by various United Nations resolutions.

63. My delegation expresses its support for the draft resolution before us and hopes that the question will be solved as quickly as possible in accordance with the provisions of that text so that Mayotte may be re-incorporated into the Islamic Federal Republic of the Comoros.

64. The PRESIDENT: I call on the representative of Singapore, who will speak on behalf of the five countries members of the Association of South-East Asian Nations.

65. Mr. JASUDASEN (Singapore): I have the honour to speak on behalf of the five countries of the Association of South-East Asian Nations [ASEAN]—namely, Indonesia, Malaysia, Philippines, Thailand and Singapore.

66. The ASEAN countries are friends of both the Islamic Federal Republic of the Comoros and the French Republic. We maintain the most friendly and co-operative relations with both of them. We therefore wish to make a brief statement on this item in order to avoid any possible misunderstanding of our position.

67. ASEAN would, first of all, like to thank the Secretary-General for the report which is before us [A/36/671]. We should also like to thank the Foreign Minister of the Comoros for the very useful information that he has provided us to facilitate our deliberations this morning.

68. We have before us a draft resolution [A/36/L.54 and Add.1]. The five ASEAN members, with the overwhelming majority of our colleagues from the third world—and from the non-aligned movement in particular will vote in favour of that draft resolution. Why are we doing so? We are doing so on the ground that a colonial Territory such as the Comoro Archipelago, which has been administered as one integral unit, should not be dismembered. Preceding speakers have correctly reminded us that in a free referendum the people of the island of Mayotte voted to remain with France and not to join the other three islands of the archipelago in independence. The question of principle before the Assembly is, therefore, whether the principle of self-determination should apply only to the population of a colonial entity as a whole, or whether it should also apply to segments of it.

69. The conflict has sometimes been characterized as a conflict between territorial integrity and self-determination. In the view of most countries of the third world, including those of ASEAN, the principle of self-determination should apply to the population of the colonial entity as a whole, and not to some parts of it. If that were

not so, it could lead to a dismemberment of many colonial Territories. This is surely not a desirable consequence.

70. It is for that reason that the ASEAN members will support the draft resolution, and we hope that this explanation will be understood by our French colleagues.

71. In conclusion, we should like to make reference to the fact that in past years constructive talks have taken place between the Governments of France and the Comoros. The ASEAN countries welcome those talks; we hope they will contribute to bringing about a peaceful settlement of this problem in accordance with the principles contained in the Charter.

72. Mr. LEGWAILA (Botswana): The continued appearance on the agenda of the sessions of the Assembly of the question of the Comorian island of Mayotte can only serve to remind us that the Islamic Federal Republic of the Comoros is not fully independent, because part of it is still colonized. Nothing can hide this fact. No amount of explanation, legal or philosophical, can hide the fact that the island of Mayotte, an integral part of the Comoros, remains a French colony.

73. We are not interested in the sophistries of colonial referendums. Of great interest to us is the fact that Mayotte is an integral part of the Comoros and should not have been subjected to a referendum as if it were an independent colonial Territory.

74. The unity and territorial integrity of any country are almost sacred. The Comoros is no exception. But more than that, France, a country with which we enjoy such happy relations, against which we harbour no malice and for which we have nothing but the greatest respect, will continue to be viewed in a bad light, not only by the people of the Comoros but by Africa as a whole, if we are forced to keep debating the question of the Comorian island of Mayotte in the Assembly.

75. It is not as if there were no way out for France: the reopening of negotiations between France and the Government of the Comoros can produce a solution to the problem and pave the way for normalization of the situation in the Comoro Archipelago. The spirit of Assembly resolution 1514 (XV) should not, and will not, be allowed to die until every inch of the African continent is restored to its rightful owners.

76. Once again, therefore, we call upon the French Government to rid itself of the problem of Mayotte and allow the people of the Comoro Archipelago to complete their independence and restore the territorial unity and integrity of their country. If France was able to decolonize all its vast colonies in Africa without losing much face, why should it at this most unholy hour seem to want to hang on to a mere island and run the risk of damaging its image in the African continent?

77. Mr. GUIDONI (France) (*interpretation from French*): This year again the island of Mayotte is the subject of an item on the agenda of the General Assembly. My delegation regrets that this question is again being considered in this forum, first, because consideration of this question is in violation of Article 2, paragraph 7, of the Charter and, further, because we do not believe that this debate is likely to bring us closer to a just and lasting solution of the question of Mayotte, which all of us here desire.

78. My delegation understands the concern expressed in this debate by the Minister for Foreign Affairs of the Islamic Federal Republic of the Comoros. It is in that spirit that France has engaged in a dialogue with the Comoros which the two parties have agreed is constructive. Since his accession to the supreme office in France, President François Mitterrand has indicated how much he values an equitable solution. In the last two months the heads of State of France and the Comoros have met three times to discuss the question. At the Franco-African summit, which was held in Paris last month and in which President Ahmed Abdallah Abderemane participated, President François Mitterrand declared that "France is committed actively to seek a solution to the problem of Mayotte in the context of its national law and of international law".

79. We hope that the solution will be found as quickly as possible and that it will take into account the geographical, ethnic and historical links between the islands which constitute the Comoro Archipelago. However, none can expect France to run counter to a principle sacred to it, that of self-determination. It is for the inhabitants of Mayotte freely to choose their destiny. It cannot be imposed on them from outside.

80. The population of Mayotte did not, in 1974, pronounce itself in favour of integration into the Republic of the Comoros. France, naturally, took account of the will expressed by the people of Mayotte. Despite that choice, the Government of France has done nothing prejudicial to a *rapprochement* between Mayotte and the other islands of the archipelago.

81. Mayotte's status is a provisional one. The law adopted by the French Parliament on 24 December 1976 granted Mayotte a special status which does not close the door to any evolution. That status was confirmed by the law of 22 December 1979.

82. Visas, which had been previously required to travel between Mayotte and the Republic of the Comoros were abolished last year, so that there is now freedom of movement between the islands of the archipelago. France encourages the development of economic, commercial, human, cultural and other relations between Mayotte and the other Comorian islands. Within the framework of the ties of co-operation which we maintain with the Comoros, my country is prepared to give it all necessary support so that the archipelago may develop harmoniously. France relies on the Comorian authorities being willing on their part to adopt the necessary measures making it easier to strengthen their ties with Mayotte.

83. France must object to the draft resolution submitted to us today, but it hopes to continue a constructive dialogue with the Republic of the Comoros and will do everything it can to arrive at a solution consistent with the wishes of the inhabitants of all the islands of the archipelago.

84. The PRESIDENT: We shall now proceed to the vote on draft resolution A/36/L.54 and Add.1. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Central Af-

rican Republic, Chad, Chile, China, Colombia, Comoros, Congo, Cuba, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: France.

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

The draft resolution was adopted by 117 votes to 1, with 20 abstentions (resolution 36/105).¹

85. The PRESIDENT: I shall now call on those representatives who have asked to be allowed to explain their vote after the vote.

86. Mr. HUTCHENS (Australia): Australia abstained in the vote on the resolution just adopted. However, our abstention should not be interpreted as in any way compromising our long-standing view that colonial Territories should be brought to independence on the basis of unity and territorial integrity.

87. Mr. Amara ESSY (Ivory Coast) (*interpretation from French*): My delegation voted in favour of the resolution because it is convinced that all decolonization, in order to achieve its objective of contributing to peace and international relations, should end with the creation of economically and politically viable States. Obviously, this implies an effort by the parties to overcome, through dialogue and agreement, any temporary differences between them. The administering Power must, in any case, help them in good faith. My delegation's vote can be interpreted only as encouraging the negotiation process already under way in order to achieve the objective that we all want, namely, the elimination of any cloud hovering over Franco-Comorian relations. The Ivory Coast, faithful to its tradition, will do everything it can to hasten that outcome.

Organization of work

88. The PRESIDENT: In order to determine how many plenary meetings will be required for agenda item 33, entitled "The situation in the Middle East", it is my intention to close the list of speakers in the debate on that item at 5 p.m. today. If there is no objection, I shall take it that the Assembly agrees.

It was so decided.

AGENDA ITEM 111

Draft Code of Offences against the Peace and Security of Mankind: report of the Secretary-General

REPORT OF THE SIXTH COMMITTEE
(A/36/774)

AGENDA ITEM 112

Progressive development of the principles and norms of international law relating to the new international economic order: report of the Secretary-General

REPORT OF THE SIXTH COMMITTEE
(A/36/775)

AGENDA ITEM 113

United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law: report of the Secretary-General

REPORT OF THE SIXTH COMMITTEE
(A/36/776)

AGENDA ITEM 114

Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms, and study of the underlying causes of those forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes: report of the Secretary-General

REPORT OF THE SIXTH COMMITTEE
(A/36/777)

AGENDA ITEM 118

Peaceful settlement of disputes between States

REPORT OF THE SIXTH COMMITTEE
(A/36/778)

AGENDA ITEM 119

Consideration of the draft articles on most-favoured-nation clauses: report of the Secretary-General

REPORT OF THE SIXTH COMMITTEE
(A/36/779)

AGENDA ITEM 120

Review of the multilateral treaty-making process: report of the Secretary-General

REPORT OF THE SIXTH COMMITTEE
(A/36/780)

AGENDA ITEM 121

Report of the International Law Commission on the work of its thirty-third session

REPORT OF THE SIXTH COMMITTEE
(A/36/781)

AGENDA ITEM 123

Report of the Committee on Relations with the Host Country

REPORT OF THE SIXTH COMMITTEE
(A/36/783)

AGENDA ITEM 125

Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment

REPORT OF THE SIXTH COMMITTEE
(A/36/784)

89. Mr. VIÑAL (Spain), Rapporteur of the Sixth Committee (*interpretation from Spanish*): I have the honour to present to the General Assembly the reports of the Sixth Committee on agenda items 111 to 114, 118 to 121, 123 and 125.

Mr. Anderson (Australia), Vice-President, took the Chair.

90. The recommendation of the Sixth Committee with regard to agenda item 111 appears in paragraph 9 of the Committee's report [A/36/774]. Under the terms of the draft resolution contained in that recommendation, which the Committee adopted by a vote of 89 votes to none, with 17 abstentions, the General Assembly would, among other things, invite the International Law Commission to resume its work on the item and to examine it with the required priority with the object of reviewing the draft Code of Offences against the Peace and Security of Mankind, taking duly into account the results achieved by the process of progressive development of international law. The Assembly would also request the International Law Commission to consider the question at its next session in the context of its five-year programme and to report to the General Assembly at its thirty-seventh session on the priority it deems advisable to accord to the draft Code and the possibility of presenting a preliminary report to the Assembly at its thirty-eighth session bearing, *inter alia*, on the scope and structure of the draft Code. It would also request the Secretary-General to reiterate his invitation to Member States and relevant international inter-governmental organizations to present or update their comments and observations on the item, which the Assembly would include in the provisional agenda of its next session, according it priority and giving it the fullest possible consideration.

91. With regard to agenda item 112, the Sixth Committee recommends to the General Assembly the adoption of a draft resolution contained in paragraph 13 of its report [A/36/775]. The report of the Fifth Committee on the administrative and financial implications of that draft resolution is contained in document A/36/799. According to the draft resolution, which the Sixth Committee adopted by a vote of 77 to 1, with 32 abstentions, the General Assembly would, *inter alia*, take note of the study prepared by UNITAR contained in the report of the Secretary-General [A/36/143, *sect. II. B*] and would request UNITAR to prepare an analytical study on the progressive development of the principles and norms of international law relating to the new international economic order, to be completed in time for the Secretary-General to submit it to

the next session of the General Assembly. It would also urge Member States to submit relevant information with respect to the study and ask various relevant intergovernmental and non-governmental organizations, as determined by UNITAR, to submit relevant information and to co-operate fully with UNITAR in the implementation of the draft resolution. Lastly, it would decide to include the item as a priority matter in the provisional agenda for its thirty-seventh session and ask the Secretary-General to report to the Assembly on the UNITAR study.

92. With regard to agenda item 113, the Sixth Committee recommends to the General Assembly the adoption of a draft resolution contained in paragraph 9 of its report [A/36/776]. Under the terms of the draft resolution contained in that recommendation, which the Committee adopted by consensus, the General Assembly would authorize the Secretary-General to carry out in 1982 and 1983 the activities specified in his report, including the provision of annual fellowships and travel grants for participants. It would also express appreciation to the Secretary-General, to UNESCO, to UNITAR, to the Government of Egypt and to The Hague Academy of International Law for their co-operation in, participation in, or contributions to the Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law. The Assembly would also call upon Member States and interested organizations to give favourable consideration to the Academy's appeal for adequate assistance. It would urge all Governments to encourage the inclusion of courses on international law in the programmes of legal studies offered at institutions of higher learning and reiterate its request to Member States and interested organizations and individuals to make voluntary contributions towards the financing of the Programme. Finally, the Assembly would decide to include the item in the provisional agenda of its thirty-eighth session.

93. With regard to agenda item 114, the Sixth Committee recommends to the General Assembly the adoption of a draft resolution contained in paragraph 8 of its report [A/36/777]. Under the terms of this text, which the Sixth Committee adopted by consensus, the General Assembly would take note of the Secretary-General's report on the item and would confirm the recommendations submitted to the Assembly by the *Ad Hoc* Committee on International Terrorism at its thirty-fourth session. It would call upon all States to observe and implement those recommendations and would request the Secretary-General to follow up their implementation and to submit a report to the Assembly at its thirty-eighth session, on the provisional agenda of which the Assembly would decide to include the item.

94. With regard to agenda item 118, the Sixth Committee recommends to the Assembly the adoption of the draft resolution contained in paragraph 10 of the Committee's report [A/36/778]. Under the terms of that text, which the Sixth Committee adopted without a vote, the General Assembly would, among other things, in addition to considering the importance of the principle of the peaceful settlement of disputes between States, and calling on States to adhere strictly to it, would request the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, of whose report it would take note, to finalize the draft Manila declaration on the peaceful settlement of international disputes with a view to its consideration and adoption by the Assembly, and to submit it to the Assembly at its thirty-seventh session. Likewise, the Assembly would

refer to the Special Committee the report of its Working Group on the Peaceful Settlement of Disputes, of which it would take note, as well as the views expressed at its thirty-sixth session on the contents of the declaration. It would also decide to include the item in the provisional agenda of its next session.

95. With regard to agenda item 119, the Sixth Committee recommends to the Assembly the adoption of a draft resolution contained in paragraph 8 of its report [A/36/779]. Under the terms of that text, which the Sixth Committee adopted by consensus, the General Assembly would, among other things, request the Secretary-General to reiterate his invitation to Member States, interested organs of the United Nations and interested intergovernmental organizations to submit or bring up to date any written comments and observations which they deem appropriate on the draft articles on most-favoured-nation clauses adopted by the International Law Commission and those provisions relating to such clauses on which the Commission was unable to take a decision. States would be requested to comment on the Commission's recommendation that those draft articles should be recommended to Member States with a view to the conclusion of the convention on that subject. The Assembly would give priority attention to the substance of the draft articles, together with any amendments thereto, at its thirty-eighth session, and would include the item in the provisional agenda of that session with a view to taking a decision thereon.

96. With regard to agenda item 120, the Sixth Committee recommends to the Assembly the adoption of a draft resolution contained in paragraph 9 of its report [A/36/780]. The report of the Fifth Committee on the administrative and financial implications of the draft resolution is in document A/36/796. Under the terms of that draft resolution, which the Sixth Committee adopted by 94 votes to none, with 17 abstentions, the General Assembly would, among other things, take note of the reports of the Secretary-General submitted to the General Assembly at its thirty-fifth and thirty-sixth sessions including the replies and observations made by Governments and international organizations and decide to establish at its thirty-seventh session, when the item would be included in the provisional agenda, a working group of the Sixth Committee to consider the questions raised in annex I of the Secretary-General's report for 1981 and any other relevant material submitted by Governments and international organizations, and to assess the methods of multilateral treaty-making used in the United Nations and in conferences convened under its auspices and to make recommendations on the basis of that assessment.

97. The General Assembly would also request the Secretary-General to submit to it at its next session a report containing the observations and comments received from Governments and international organizations and to prepare documentation to be used by the working group mentioned earlier. Finally, it would request the Secretary-General to prepare and publish as soon as possible new editions of the *Handbook of Final Clauses* and the *Summary of the Practice of the Secretary-General as Depositary of Multilateral Agreements*.

98. Paragraph 11 of the report of the Sixth Committee on agenda item 121 [A/36/781] contains two draft resolutions which the Committee recommends to the Assembly for adoption.

99. Draft resolution I refers specifically to the United Nations Conference on Succession of States in respect of State Property, Archives and Debts. The report of the Fifth Committee on the relevant administrative and financial implications is contained in document A/36/800. Under the terms of the draft resolution, which was adopted in the Sixth Committee by consensus, the Assembly, after expressing its appreciation to the International Law Commission for its valuable work and to the Special Rapporteur for his contribution to this work, would decide to convene early in 1983 at a place to be determined by the Assembly at its next session, an international conference of plenipotentiaries to consider the draft articles on succession of States in respect to State property, archives and debts, and to embody the results of its work in an international convention and such other instruments as it may deem appropriate. It would also invite the Member States to submit their written comments and observations on the final draft articles and request the Secretary-General to circulate such comments so as to facilitate the discussion of the subject at the next session of the Assembly. It would decide to include in the provisional agenda of the thirty-seventh session a new item dealing specifically with this conference.

100. Draft resolution II was also adopted by consensus. Under its terms, the General Assembly would, *inter alia*, take note of the report of the International Law Commission on the work of its thirty-third session, express its appreciation of the work accomplished, recommend that it complete at its thirty-fourth session the second reading of the draft articles on treaties concluded between States and international organizations or between international organizations and continue its work aimed at the preparation of draft articles on the second part of the draft on the responsibility of States for internationally wrongful acts, on international liability for injurious consequences arising out of acts not prohibited by international law, on the law of the non-navigational uses of international watercourses, and on jurisdictional immunities of States and their property and the status of the diplomatic courier and the diplomatic bag not accompanied by diplomatic courier. The Assembly would also recommend the continued study of the second part of the topic of relations between States and international organizations, and endorse the conclusion reached by the International Law Commission regarding the establishment of general objectives and priorities which would guide its study of the topics on its programme of work within the term of office of Commission members elected at the current session of the General Assembly.

101. Paragraph 7 of the report of the Sixth Committee on agenda item 123 [A/36/783] contains a draft resolution which the Committee recommends to the Assembly for adoption. Under the terms of that text, adopted in the Committee by consensus, the Assembly would endorse the recommendations of the Committee on Relations with the Host Country which appear in paragraph 37 of its report and request it to continue its work. It would strongly condemn the acts of terrorism perpetrated against the missions accredited to the United Nations and their personnel; would request the Secretary-General to remain actively engaged in all aspects of relations of the United Nations with the host country; and would decide to include the item in the provisional agenda of its next session.

102. Finally, paragraph 9 of the report of the Sixth Committee on agenda item 125 [A/36/784] contains a draft decision which the Committee recommends to the

Assembly for adoption. Under the terms of that text, adopted in the Committee by consensus, the Assembly would decide to refer to its next session the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment for further consideration by the Sixth Committee and to establish an open-ended working group to conclude the consideration of the draft Body of Principles with a view to its adoption by the Assembly.

103. It only remains for me to express the hope that the General Assembly will be able to adopt by consensus or without a vote all the recommendations of the Sixth Committee.

Pursuant to rule 66 of the rules of procedure, it was decided not to discuss the reports of the Sixth Committee.

104. The PRESIDENT: 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.

105. May I remind Members that under 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. May I also remind Members that, in accordance with the same decision, explanations of vote should not exceed 10 minutes and should be made by delegations from their seats.

106. May I now invite members to turn their attention to the report of the Sixth Committee on agenda item 111 [A/36/774].

107. The General Assembly will now take a decision on the draft resolution entitled "Draft Code of Offences against the Peace and Security of Mankind" recommended by the Sixth Committee in paragraph 9 of its report. A recorded vote has been requested.

A recorded vote was taken.

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

Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Australia, Belgium, Burma, Canada, France, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, New Zealand, Spain, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft resolution was adopted by 129 votes to none, with 17 abstentions (resolution 36/106).²

108. The PRESIDENT: We now turn to the report of the Sixth Committee on agenda item 112 [A/36/775].

109. The Assembly will now take a decision on the draft resolution entitled "Progressive development of the principles and norms of international law relating to the New International Economic Order" recommended by the Sixth Committee in paragraph 13 of its report. The report of the Fifth Committee on the administrative and financial implications of that draft resolution appears in document A/36/799. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Brazil, Burma, Burundi, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Cuba, Cyprus, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran, Iraq, Israel, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Argentina, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Denmark, France, German Democratic Republic, Germany, Federal Republic of, Hungary, Iceland, Ireland, Italy, Ivory Coast, Japan, Lao People's Democratic Republic, Luxembourg, Mongolia, New Zealand, Norway, Poland, Portugal, Spain, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

The draft resolution was adopted by 113 votes to none, with 32 abstentions (resolution 36/107).³

110. The PRESIDENT: We shall now consider the report of the Sixth Committee on agenda item 113 [A/36/776].

111. The draft resolution entitled "United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law" recommended by the Sixth Committee in paragraph 9 of its report was adopted by consensus in the Committee. May I take it that the General Assembly also so adopts it?

The draft resolution was adopted (resolution 36/108).

112. The PRESIDENT: The Assembly will now consider the report of the Sixth Committee on agenda item 114 [A/36/777].

113. The Sixth Committee adopted by consensus the draft resolution entitled "Measures to prevent international terrorism which endangers or takes innocent human lives or jeopardizes fundamental freedoms and study of the underlying causes of the forms of terrorism and acts of violence which lie in misery, frustration, grievance and despair and which cause some people to sacrifice human lives, including their own, in an attempt to effect radical changes", which appears in paragraph 8 of the report. May I consider that the General Assembly wishes to adopt the draft resolution?

The draft resolution was adopted (resolution 36/109).

114. The PRESIDENT: I call on the representative of Thailand who wishes to speak in explanation of vote after the vote.

115. Mr. KASEMSRI (Thailand): My delegation joined in the consensus on the draft resolution in document A/36/777 under item 114 of the agenda despite the fact that it did not participate in the adoption of that draft resolution in the Sixth Committee.

116. My delegation therefore wishes at this stage to state its understanding of the position with regard, in particular, to the sixth preambular paragraph, which refers to the struggle of national liberation movements.

117. It is my delegation's position that the contents of the draft resolution apply only to such national liberation movements as are recognized by the United Nations and the regional organizations.

118. The PRESIDENT: We shall now consider the report of the Sixth Committee on agenda item 118 [A/36/778].

119. The Assembly will now take a decision on the draft resolution entitled "Peaceful settlement of disputes between States" recommended by the Sixth Committee in paragraph 10 of its report. The Committee adopted that draft resolution without a vote. May I take it that the General Assembly also wishes to adopt it?

The draft resolution was adopted (resolution 36/110).

120. The PRESIDENT: Next we turn to the report of the Sixth Committee on agenda item 119 [A/36/779].

121. The Assembly will now take a decision on the draft resolution entitled "Consideration of the draft articles on most-favoured-nation clauses", recommended by the Sixth Committee in paragraph 8 of its report. The

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

The draft resolution was adopted (resolution 36/111).

122. The PRESIDENT: We shall now consider the report of the Sixth Committee on agenda item 120 [A/36/780].

123. I now invite the Assembly to take a decision on the draft resolution entitled "Review of the multilateral treaty-making process" recommended by the Sixth Committee in paragraph 9 of its report. The report of the Fifth Committee on the administrative and financial implications of that draft resolution are to be found in document A/36/796. A recorded vote has been requested.

A recorded vote was taken.

In favour: Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Benin, Bhutan, Bolivia, Burma, Burundi, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cyprus, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Afghanistan, Brazil, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Democratic Yemen, German Democratic Republic, Hungary, India, Lao People's Democratic Republic, Mongolia, Nicaragua, Poland, Seychelles, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, Viet Nam.

The draft resolution was adopted by 128 votes to none, with 18 abstentions (resolution 36/112).³

124. The PRESIDENT: We shall now consider the report of the Sixth Committee on agenda item 121 [A/36/781].

125. The Assembly will now take a decision on the draft resolutions recommended by the Sixth Committee in paragraph 11 of its report. Draft resolution I is entitled "United Nations Conference on Succession of States in respect of State Property, Archives and Debts". The report of the Fifth Committee on the administrative and financial implications of the draft resolution is contained in document A/36/800. The Sixth Committee adopted that draft resolution by consensus. May I take it that the Assembly wishes to adopt it?

Draft resolution I was adopted (resolution 36/113).

126. The PRESIDENT: Draft resolution II is entitled "Report of the International Law Commission on the work of its thirty-third session". The Sixth Committee also adopted that draft resolution by consensus. I take it that the General Assembly also adopts it.

Draft resolution II was adopted (resolution 36/114).

127. The PRESIDENT: We turn now to the report of the Sixth Committee on agenda item 123 [A/36/783].

128. The Assembly will now take a decision on the draft resolution entitled "Report of the Committee on Relations with the Host Country" recommended by the Sixth Committee in paragraph 7 of its report. The Sixth Committee adopted that draft resolution by consensus. May I consider that the General Assembly wishes to adopt it?

The draft resolution was adopted (resolution 36/115).

129. The PRESIDENT: We now turn to the report of the Sixth Committee on agenda item 125 [A/36/784].

130. The Assembly will now take a decision on the recommendation of the Sixth Committee. In paragraph 9 of its report, the Sixth Committee recommends the adoption of the draft decision entitled "Draft body of principles for the protection of all persons under any form of detention or imprisonment". May I take it that the General Assembly adopts that draft decision?

The draft decision was adopted (decision 36/426).

The meeting rose at 1.05 p.m.

NOTES

¹The delegations of Kuwait and Malawi subsequently informed the Secretariat that they had intended to vote in favour of the draft resolution.

²The delegations of Malawi and Panama subsequently informed the Secretariat that they had intended to vote in favour of the draft resolution.

³The delegation of Malawi subsequently informed the Secretariat that it had intended to vote in favour of the draft resolution.