



*President:* Mr. Jorge E. ILLUECA (Panama).

**AGENDA ITEM 64**

Development and strengthening of good-neighbourliness between States: report of the Secretary-General

**AGENDA ITEM 120**

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

**AGENDA ITEM 121**

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

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

**AGENDA ITEM 123**

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

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**AGENDA ITEM 134**

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**AGENDA ITEM 135**

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 Secretary-General

**AGENDA ITEM 135**

Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment: report of the Secretary-General

**AGENDA ITEM 137**

Draft standard rules of procedure for United Nations conferences: report of the Secretary-General

1. Mr. ZEDEN (Saudi Arabia), Rapporteur of the Sixth Committee: I have the honour to introduce the reports of the Sixth Committee on agenda items 64 and 120 to 137.

I shall deal with those reports in the numerical order of the items to which they refer.

2. With respect to agenda item 64, I draw the attention of the Assembly to the report of the Sixth Committee contained in document A/38/659. The Committee adopted, without a vote, the draft resolution contained in paragraph 9 of the report, which, *inter alia*, calls upon States to develop good-neighbourly relations in the interest of the maintenance of international peace and security and requests the Sixth Committee to decide at the thirty-ninth session on the appropriate framework to start clarifying and formulating the elements of good-neighbourliness as part of a process of elaboration of a suitable international document on the subject.

3. Let me now introduce the report of the Sixth Committee on agenda item 120 [A/38/660]. The Committee initially had before it two divergent draft resolutions, sponsored respectively by 11 and 10 Powers. After the withdrawal of those two draft resolutions, the Chairman of the Committee submitted a further draft resolution, which the Committee adopted by consensus and which is to be found in paragraph 11 of the report. Under that draft resolution, the Secretary-General would invite Member States to comment on the most appropriate procedure for completing work on most-favoured-nation clauses and the forum for future discussion.

4. Turning to agenda item 121, I draw the attention of the Assembly to the relevant report of the Sixth Committee [A/38/661]. The draft resolution which is recommended for adoption by the General Assembly under this item, as reproduced in paragraph 10 of the report, was adopted by the Committee by a recorded vote of 79 to 1, with 30 abstentions. The report of the Fifth Committee on the administrative and financial implications of the draft resolution is contained in document A/38/698. Under the draft resolution, the General Assembly would, *inter alia*, request the United Nations Institute for Training and Research [UNITAR] to continue preparing the third and final phase of the analytical study and to complete it in time for the Secretary-General to submit it to the General Assembly at its thirty-ninth session.

5. The report of the Sixth Committee on agenda item 122 is contained in document A/38/662. Under the terms of the draft resolution contained in paragraph 8 of that report, recommended to the General Assembly for adoption and adopted by the Committee by consensus, the Assembly would, *inter alia*, authorize the Secretary-General to carry out in 1984 and 1985 the activities specified in his report [see A/38/546] and to finance them from provisions in the regular budget and also from voluntary financial contributions. The Assembly would also express its appreciation to the Secretary-General for his constructive efforts, to UNESCO and UNITAR for their participation in the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, to the Hague Academy of International Law for its valuable contributions to the Programme, and to the States which provided host facilities for the regional training and refresher courses held in 1982 and 1983.

6. In this connection, I draw the attention of representatives to paragraph 6 of the Sixth Committee's report, in which it is recalled that a regional training and refresher course for Asia had been organized at Seoul in 1982 and another one for Latin America and the Caribbean had been organized at Buenos Aires in 1983.

7. With reference to operative paragraph 12 of the draft resolution, members of the General Assembly will note that, for lack of time, it has not yet been possible to determine the composition of the Advisory Committee on

the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law for the four-year period beginning on 1 January 1984. A decision to that effect will therefore have to be made at a later stage.

8. With respect to agenda item 123, the Sixth Committee's recommendation is to be found in paragraph 10 of its report [A/38/663]. Under the draft resolution recommended for adoption, which the Committee adopted by consensus, the General Assembly would deplore the loss of innocent human lives and the pernicious impact of acts of international terrorism on friendly relations among States as well as on international co-operation, and would call upon all States to observe and implement the recommendations submitted to the Assembly at its thirty-fourth session by the *Ad Hoc* Committee on International Terrorism.<sup>1</sup>

9. Turning now to agenda item 124, I draw the Assembly's attention to the report of the Sixth Committee [A/38/664], paragraph 10 of which contains a draft resolution recommended to the General Assembly for adoption which the Committee adopted without a vote. Under operative paragraph 3 of the draft resolution, the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization is requested to continue its work on the question and is given certain specific tasks. Under operative paragraph 4, the Secretary-General is requested to prepare a preliminary outline on the possible content of a handbook on the peaceful settlement of disputes between States. Finally, as to future consideration of this item, I would draw representatives' attention to the understanding of the Sixth Committee set out in paragraph 7 of the report of the Committee now before them.

10. The report of the Sixth Committee on agenda item 125 is contained in document A/38/665, paragraph 10 of which contains a draft resolution which the Committee recommends to the Assembly for adoption. Under the terms of that draft resolution, which was adopted by the Committee by a vote of 104 to none, with 13 abstentions, the General Assembly would invite the International Law Commission to continue its work on the elaboration of the draft Code of Offences against the Peace and Security of Mankind by elaborating, as a first step, an introduction in conformity with paragraph 67 of its report on the work of its thirty-fifth session,<sup>2</sup> as well as a list of the offences in conformity with paragraph 69 of that report.

11. I turn now to the report of the Sixth Committee on agenda item 126 [A/38/666]. The report of the Fifth Committee on the administrative and financial implications of this draft resolution is to be found in document A/38/709. The draft resolution recommended for adoption in paragraph 10 of the report was adopted in the Sixth Committee by a recorded vote of 88 to 14, with 9 abstentions. Under the terms of the draft resolution, the General Assembly would decide that the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations should continue its work with the goal of drafting, at the earliest possible date, a world treaty on the non-use of force in international relations as well as the peaceful settlement of disputes or such other recommendations as the Committee might deem appropriate, and would request the Special Committee, in order to ensure further progress in its work, to continue at its forthcoming session the elaboration of the formulas of the working paper presented in 1982<sup>3</sup> containing the main elements of the principle of non-use of force in international relations,

taking duly into account the proposals submitted to it and the efforts undertaken at its session in 1983.

12. The report of the Sixth Committee on agenda item 127 is contained in document A/38/667. As indicated in paragraph 8 of that report, the Committee recommends to the General Assembly the adoption of two draft resolutions.

13. Under the terms of draft resolution I, which was adopted by the Committee by consensus, the Assembly would take note with appreciation of the work carried out or being carried out by the United Nations Commission on International Trade Law [UNCITRAL] in its main field of activity, and would once again reaffirm the mandate of UNCITRAL, as the core legal body within the United Nations system in the field of international trade law, to co-ordinate legal activities in that field.

14. Under the terms of draft resolution II, which was adopted by the Committee without a vote, the Assembly would recommend that States give serious consideration to the UNCITRAL Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance [A/38/17, chap. II, annex I] and, where appropriate, implement them in the form of either a model law or a convention.

15. With respect to agenda item 128, paragraph 8 of the report of the Sixth Committee [A/38/668] contains the text of a draft resolution recommended to the Assembly for adoption. Under the terms of the draft resolution, which the Committee adopted without a vote, the 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. It would urge States to observe and to implement the principles and rules of international law governing diplomatic and consular relations, and it would call upon States that have not yet done so to consider becoming parties to the instruments relevant to the protection, security and safety of diplomatic and consular missions and representatives, with a view to maintaining and further strengthening the reporting procedures established under General Assembly resolutions 35/168, 36/33 and 37/108.

16. I now invite the Assembly to turn to document A/38/669, containing the report of the Sixth Committee on agenda item 129. The report of the Fifth Committee on the administrative and financial implications of the draft resolution recommended by the Sixth Committee in paragraph 12 of its report is contained in document A/38/739. Under the terms of the draft resolution, which the Sixth Committee adopted by consensus, the Assembly, recognizing that the activities of mercenaries are contrary to fundamental principles of international law, such as non-interference in the internal affairs of States, territorial integrity and independence, and seriously impede the process of self-determination of peoples struggling against colonialism, racism and *apartheid* and all forms of foreign domination, would decide that the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries should continue its work, with the goal of drafting, at the earliest possible date, an international convention on the matter, and would request the *Ad Hoc* Committee to make every effort to complete its mandate at its next session.

17. I now turn to the report of the Sixth Committee on agenda item 130 [A/38/670]. The work of the Committee on this item was conducted through the Working Group on the Review of the Multilateral Treaty-Making Process, established in accordance with Assembly

resolution 36/112, of which Mr. Essam Sadek Ramadan, of Egypt, was Chairman. Because of a lack of time, the Working Group could not examine in detail all the suggestions and proposals before it. The Sixth Committee therefore recommends to the General Assembly that it adopt the draft decision contained in paragraph 7 of the report, which the Committee adopted by consensus. Under its terms, the Assembly would, *inter alia*, decide to establish at its thirty-ninth session an open-ended working group of the Sixth Committee with a view to completing the work on the question.

18. Let me now introduce the report of the Sixth Committee on agenda item 131 [A/38/671]. The Committee adopted by consensus the draft resolution contained in paragraph 7 of that report. Under the terms of the draft resolution, the Assembly would recommend that, taking into account the comments of Governments, the International Law Commission should continue its work on all the topics in its current programme; also, the Assembly would express its satisfaction with the conclusions and intentions of the Commission concerning its procedures and methods of work as reflected in paragraphs 305 to 307 and 310 to 314 of its report and endorse the request of the Commission contained in paragraph 310 of its report [A/38/10].

19. The report of the Sixth Committee on agenda item 132 is contained in document A/38/672. I draw the Assembly's attention to paragraph 8 of the report, which contains a draft resolution recommended to the Assembly for adoption. Under the terms of that draft resolution, which the Committee adopted by consensus, the Assembly would decide that the appropriate forum for the final consideration of the draft articles on the law of treaties between States and international organizations or between international organizations, adopted by the International Law Commission at its thirty-fourth session,<sup>4</sup> should be a conference of plenipotentiaries, to be convened not earlier than 1985. The Assembly would also agree to decide at its thirty-ninth session upon the question of the date and place for the convening of the conference, as well as the question of participation in the conference.

20. On behalf of the original sponsors of the draft resolution, I should like to place on record the understanding that they would welcome the submission by the Secretary-General of a report to the Sixth Committee at the thirty-ninth session on the possible organization and procedure of the proposed conference. I need not specify in detail what such a report might contain, although it would obviously cover matters such as the estimated duration of the conference, its committee structure and procedure, given the rather special circumstances arising out of the subject-matter, as well as any adaptation that might be required to the usual role of procedures in these or other respects. The Secretary-General might use as a model the memorandum entitled "Procedural and organizational problems involved in a possible diplomatic conference on the law of treaties",<sup>5</sup> submitted in connection with the preparations for the United Nations Conference on the Law of Treaties, held in 1968 and 1969.

21. The report of the Sixth Committee on agenda item 133 is contained in document A/38/673. The draft resolution which is recommended to the Assembly for adoption and which was adopted by the Committee without a vote is to be found in paragraph 7 of the report. Under the terms of the draft resolution, the Assembly would, *inter alia*, request the Committee on Relations with the Host Country to continue its work, in conformity with resolution 2819 (XXVI).

22. The report of the Sixth Committee on agenda item 134 is contained in document A/38/674. The report

of the Fifth Committee on the administrative and financial implications of the draft resolution recommended by the Sixth Committee is in document A/38/740. Under the terms of that draft resolution, which the Sixth Committee adopted without a vote and which is to be found in paragraph 13 of its report, the Assembly would request the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization, at its next session, to be held in April 1984, to accord priority by devoting more time 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, and to enable it to discharge fully its responsibilities under the Charter in this field, which would necessitate the examination, *inter alia*, of the prevention and removal of threats to the peace and of situations which might lead to international friction or give rise to a dispute; the Special Committee would work on all questions with the aim of submitting its conclusions to the Assembly for the adoption of such recommendations as the Assembly might deem appropriate. The Assembly would also request the Special Committee to continue its work on the question of the peaceful settlement of disputes between States by considering the proposal on the establishment of a permanent commission on good offices, mediation and conciliation for the settlement of disputes and the prevention of conflicts among States [see A/38/343, annex] and by continuing, in conformity with the agreement reached by the Special Committee [see A/38/33, para. 109 and 110], consideration of the proposal concerning the elaboration of a handbook on the peaceful settlement of disputes between States; and to finalize its present work on the question of the rationalization of existing procedures with a view to submitting its conclusions to the General Assembly at its thirty-ninth session. I draw the Assembly's attention to the understanding reached within the Sixth Committee regarding such conclusions, as reflected in paragraph 10 of the report.

23. With respect to the report of the Sixth Committee on agenda item 135 [A/38/675], I would like to draw the attention of the Assembly to paragraph 7, which contains a draft resolution which the Committee adopted without a vote. Under the terms of the draft resolution, the Assembly, while bearing in mind the existence of different national legislation in the field of the protection and welfare of children, would express its conviction that adoption of the 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, would promote the well-being of children with special needs. It would also invite Member States to comment on the most appropriate procedure for completing work on the draft Declaration.

24. I now turn to the report of the Sixth Committee on agenda item 136 [A/38/676]. As indicated in paragraph 5, the work of the Committee on this item was conducted mainly within the framework of the Working Group on the Draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, presided over by Mr. Luigi Ferrari Bravo of Italy, which reported to the Committee towards the end of the session. Since the Working Group was not able to conclude its work, the Sixth Committee recommends to the Assembly the adoption of the draft decision contained in paragraph 9 of its report whereby the Assembly would, *inter alia*, decide that an open-ended working group should be established at the thirty-ninth session. The Committee adopted that draft decision without a vote.

25. Finally, with regard to the report of the Sixth Committee on agenda item 137 [A/38/677], the Committee recommends to the Assembly for adoption a draft decision which it adopted without a vote. According to the draft decision, contained in paragraph 5 of the report, the item would be placed on the agenda of the thirty-ninth session, and Governments and the international organizations concerned would in the mean time be invited to communicate to the Secretary-General their observations on the matter.

26. I apologize for having spoken at such length, but I felt that the work carried out by the Sixth Committee at this session deserved to be reported in some detail to the General Assembly. Let me add, finally, that it has been an honour for me to serve as Rapporteur of the Sixth Committee and that I am deeply grateful to all those who have helped me in fulfilling my task.

27. 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 19 reports of the Sixth Committee.

*It was so decided.*

28. 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.

29. May I remind members that, in paragraph 7 of its decision 34/401, the General Assembly decided that, when the same draft resolution is considered in a Main Committee and in plenary meeting, delegations should, as far as possible, explain their votes only once, that is, either in the Committee or in plenary meeting, unless their votes in plenary meeting are different from their votes in the Committee. May I also remind members that, in accordance with decision 34/401, explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

30. I now draw the attention of members to the report of the Sixth Committee on agenda item 64 [A/38/659].

31. I call on the representative of Romania on a point of order.

32. Mr. DIACONU (Romania) (*interpretation from French*): I apologize for interrupting you, Mr. President, but I should like to draw the Assembly's attention to a discrepancy in the texts of the draft resolution on good-neighbourliness between States in paragraph 9 of document A/38/659. In fact there is a double discrepancy. The first is between the French and English versions of the report. The French text was translated from the English, which should not have been done because in the Sixth Committee the text was submitted in original English and French; therefore, the "original" French should not have been retranslated from English. The second discrepancy exists between the French text proposed for adoption and the French text which was adopted in the Sixth Committee. I have already drawn the Secretariat's attention to these discrepancies and I do not wish to tax the Assembly's patience again. I should just like to ask once again that the Secretariat take account of the document actually adopted in the Sixth Committee in the respective original languages. The resolutions finally adopted by the General Assembly should conform to the texts already adopted in the Committee, which will now be adopted here.

33. So as not to repeat myself, those comments apply also to the text submitted under agenda item 124. There, too, are some discrepancies which I have already pointed out to the Secretariat.

34. The PRESIDENT (*interpretation from Spanish*): I would like to assure the representative of Romania that I have been in consultation with the Secretariat to ensure that his comments are noted. I should like to inform the Assembly that, indeed, as pointed out by the representative of Romania, the texts of the draft resolutions which will be submitted for decision and adoption will be the original ones submitted by the sponsors, in the original languages in which they were submitted—in this case, as the representative of Romania has correctly said, in original English and original French. Again, I assure the representative of Romania that his corrections, so justifiably requested, will be made.

35. The Assembly will now take a decision on the draft resolution entitled “Development and strengthening of good-neighbourliness between States” recommended by the Sixth Committee in paragraph 9 of its report on agenda item 64 [A/38/659]. Since 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 38/126).*

36. The PRESIDENT (*interpretation from Spanish*): We turn next to the report of the Sixth Committee on agenda item 120 [A/38/660]. 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 Committee in paragraph 11 of that report. The Committee adopted that draft resolution by consensus. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted (resolution 38/127).*

37. The PRESIDENT (*interpretation from Spanish*): The next report of the Sixth Committee is on agenda item 121 [A/38/661]. 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 Committee in paragraph 10 of that report. The report of the Fifth Committee on the administrative and financial implications of that draft resolution appears in document A/38/698. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Burma, Burundi, Cape Verde, Chad, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, 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, 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, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* United States of America.

*Abstaining:* Argentina, Australia, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Chile, Czechoslovakia, Denmark, France, German Democratic

Republic, Germany, Federal Republic of, Hungary, Iceland, Ireland, Israel, Italy, 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.

*The draft resolution was adopted by 110 votes to 1, with 30 abstentions (resolution 38/128).*

38. The PRESIDENT (*interpretation from Spanish*): We turn next to the report of the Sixth Committee on agenda item 122 [A/38/662]. The draft resolution entitled “United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law”, recommended in paragraph 8 of that report, was adopted by the Committee by consensus. May I take it that the General Assembly wishes to do the same?

*The draft resolution was adopted (resolution 38/129).*

39. The PRESIDENT (*interpretation from Spanish*): In paragraph 12 of the resolution just adopted, the Assembly decides to appoint 13 Member States as members of the Advisory Committee on the United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law, for a period of four years beginning on 1 January 1984.

40. I have been informed that, owing to lack of time, it has not been possible to proceed to the appointment of the members of the Advisory Committee. In view of established precedents, may I take it that it is the wish of the Assembly to entrust its President with the task of appointing the members of the Committee, after consultation with the regional groups?

*It was so decided.*

41. The PRESIDENT (*interpretation from Spanish*): I call on the representative of Guatemala.

42. Mr. AGUILAR-HECHT (Guatemala) (*interpretation from Spanish*): As current Chairman of the group of Latin American States, Guatemala has asked to speak in order to express, on behalf of the group, our profound gratitude to the Argentine Republic for the amenities and facilities that country offered for the regional training and refresher course held at Buenos Aires in September and October of this year. We should like to place on record our gratitude for the efforts and co-operation of the Argentine Government in supporting this seminar, in which almost all Latin American countries took part. This ensured its success and some very positive results.

43. Mr. KIRCA (Turkey) (*interpretation from French*): I should like to join in the expression of thanks by the representative of Guatemala to the Government of Argentina for having organized a course on this subject.

44. As Chairman of the group of Asian States, I would also like to thank the Government of the Republic of Korea for having organized a similar course at Seoul.

45. The PRESIDENT (*interpretation from Spanish*): The Assembly will now consider the report of the Sixth Committee on agenda item 123 [A/38/663]. 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 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”, which is contained in paragraph 10 of the report. May I take it that the General Assembly also wishes to adopt the draft resolution?

*The draft resolution was adopted (resolution 38/130).*

46. The PRESIDENT (*interpretation from Spanish*): I shall now call on those representatives wishing to speak in explanation of vote.

47. Mr. KIRCA (Turkey) (*interpretation from French*): The delegation of Turkey, mindful of the fact that international terrorism can be punished only through international co-operation, joined the consensus on the draft resolution concerning international terrorism just adopted by the General Assembly.

48. However, the delegation of Turkey expresses its profound regret at the deletion of former operative paragraph 1 and, hence, at the absence of an unequivocal condemnation of all acts of terrorism which endanger or destroy human lives or jeopardize fundamental freedoms.

49. In addition, regarding paragraph 4, in the view of my delegation the obligation to refrain from encouraging acts of terrorism naturally entails an obligation to refrain from propaganda that might encourage or seek to justify terrorism in general or specific terrorist acts, as well as the obligation to prevent and punish any propaganda of this kind.

50. Furthermore, my delegation stresses that the absence of a separate provision on effective penal action against these crimes against humanity and their perpetrators is a very deplorable shortcoming for the entire international community.

51. Finally, my delegation, noting with great regret the disturbing increase in the number of acts of terrorism even during the thirty-eighth session of the General Assembly, renews the urgent appeal that my Government has made repeatedly for concerted action in this field before it is too late.

52. Mr. PAPAJORGJI (Albania): The Albanian delegation joined the consensus regarding the draft resolution contained in document A/38/663. By so doing it wished to reiterate the principled position of the Socialist People's Republic of Albania, which has been and continues to be a determined opponent of any form terrorism can take.

53. Nevertheless, our joining the consensus does not mean that we are fully satisfied with this text. Above all, we should like to reiterate that this resolution does not bring out clearly the phenomenon of terrorism and, what is more important, it does not explain its causes, roots and dimensions.

54. The Albanian delegation deems it necessary to point out that it does not agree with and condemns the attempts being made by the representatives of the super-Powers and the reactionary forces to simplify and speculate with this phenomenon with the aim of masking their aggressive policies and arbitrary acts against the freedom, independence and sovereignty of peoples. For us, any attempt made by the imperialist bourgeoisie and its servants who intentionally try to identify terrorism with the revolutionary struggles is also unacceptable. The American imperialists, the Soviet social-imperialists, the Zionists, the racists and the other reactionary forces have raised terrorism to the level of State policy. By translating it into reality, they try to attack, humiliate and subjugate sovereign peoples and countries.

55. We are all aware of so many examples testifying to this aspect of their policy. The Vietnamese, Namibian, Palestinian and Afghan peoples, to mention but a few, have paid with their own blood for the massive and brutal terrorism of these forces. That is why we think that the resolution just adopted does not and cannot serve as a basis for a just and lasting solution of this problem.

56. The PRESIDENT (*interpretation from Spanish*): The Assembly will now consider the report of the Sixth Committee on agenda item 124 [A/38/664].

57. The Assembly must 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. It was adopted by the Committee without a vote. May I take it that the General Assembly wishes to do the same?

*The draft resolution was adopted (resolution 38/131).*

58. The PRESIDENT (*interpretation from Spanish*): I now invite members to turn to the report of the Sixth Committee on agenda item 125 [A/38/665]. The General Assembly has to take a decision on the draft resolution entitled "Draft Code of Offences against the Peace and Security of Mankind", recommended by the Committee in paragraph 10 of that report. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, 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, Portugal, Qatar, Romania, Rwanda, Saint Lucia, 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, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Cameroon, Upper Volta, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* None.

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

*The draft resolution was adopted by 128 votes to none, with 13 abstentions (resolution 38/132).*

59. The PRESIDENT (*interpretation from Spanish*): We turn next to the report of the Sixth Committee on agenda item 126 [A/38/666]. The Assembly will now take a decision on the draft resolution entitled "Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations", recommended by the Committee in paragraph 10 of that report. The report of the Fifth Committee on the administrative and financial implications of the draft resolution is contained in document A/38/709. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi,

Byelorussian Soviet Socialist Republic, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint 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, 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:* Belgium, Canada, Denmark, France, Iceland, Israel, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Australia, Austria, Germany, Federal Republic of, Ireland, Ivory Coast, New Zealand, Sweden, Turkey.

*The draft resolution was adopted by 119 votes to 15, with 8 abstentions (resolution 38/133).*

60. The PRESIDENT (*interpretation from Spanish*): We turn next to the report of the Sixth Committee on agenda item 127 [A/38/667]. The Assembly will now take a decision on the two draft resolutions recommended by the Committee in paragraph 8 of that report.

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

*Draft resolution I was adopted (resolution 38/134).*

62. The PRESIDENT (*interpretation from Spanish*): Draft resolution II, entitled "Uniform Rules on Contract Clauses for an Agreed Sum Due upon Failure of Performance", was adopted by the Committee without a vote. May I take it that the General Assembly decides to adopt this draft resolution?

*Draft resolution II was adopted (resolution 38/135).*

63. The PRESIDENT (*interpretation from Spanish*): We now turn to the report of the Sixth Committee on agenda item 128 [A/38/668]. The Assembly will now take a decision on the draft resolution entitled "Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives", recommended by the Committee in paragraph 8 of that 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 38/136).*

64. The PRESIDENT (*interpretation from Spanish*): I invite members to turn their attention to the report of the Sixth Committee on agenda item 129 [A/38/669].

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

66. Mr. SIV SICHAN (Democratic Kampuchea): My delegation voted earlier in favour of the draft resolutions

on the draft articles on most-favoured-nation clauses, contained in document A/38/660; on the draft code of offences against the peace and security of mankind, in document A/38/665; and on the non-use of force in international relations, in document A/38/666. We are now prepared to support the draft resolution on mercenaries contained in document A/38/669. My delegation is very much in agreement with the letter and spirit of all of them. However, we are very disturbed by the presence of Viet Nam among the sponsors and we cannot fail to express our doubts as to Viet Nam's intention. As members know, Viet Nam still maintains 200,000 occupation troops in my country in flagrant violation of every single principle of international law and the Charter of the United Nations. We find it ironic that Viet Nam, after having rejected five of the Organization's resolutions on Kampuchea, as well as the Declaration on Kampuchea adopted by the International Conference on Kampuchea,<sup>6</sup> as being erroneous, now tries to use its sponsorship of four draft resolutions with implications on international peace and security to picture itself as a peace-loving nation. My delegation has every reason to suspect Viet Nam's sincerity. Until the time comes when Viet Nam decides to implement the Organization's resolutions on Kampuchea, we shall continue to question the validity of Viet Nam's sponsorship of such draft resolutions.

67. Mr. SCHRICKE (France) (*interpretation from French*): I should like to draw the Assembly's attention to paragraph 8 of the mimeographed version of the report on agenda item 129 [A/38/669] submitted by the Sixth Committee, which I do not think entirely reflects what happened in the Committee. This is excusable on the part of the Rapporteur in view of the confusion which reigned when the draft resolution was adopted.

68. That paragraph indicates that the representative of Nigeria orally revised operative paragraph 7 of the draft resolution recommended in paragraph 12 of the report by substituting the dates "30 July to 24 August 1984" for "14 May to 8 June 1984". The fact is that when the representative of Nigeria amended this draft resolution, he mentioned the dates of "3 August to 24 August 1984". The Sixth Committee first adopted the draft resolution with those dates. It was only later, in view of comments made to the Chairman, that the Sixth Committee revised those dates and decided on 30 July for the start of the fourth session of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries, in view of the fact that 3 August fell on a Friday. So I think it would be preferable for the report to reflect what actually happened.

69. The PRESIDENT (*interpretation from Spanish*): The Assembly will now take a decision on the draft resolution entitled "Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries", recommended by the Sixth Committee in paragraph 12 of its report on agenda item 129. The administrative and financial implications of the draft resolution are contained in the report of the Fifth Committee [A/38/739]. The Sixth Committee adopted the draft resolution by consensus. May I take it that the General Assembly also wishes to adopt it?

*The draft resolution was adopted (resolution 38/137).*

70. The PRESIDENT (*interpretation from Spanish*): The next report of the Sixth Committee is on agenda item 130 [A/38/670]. I now invite the Assembly to take a decision on the draft decision entitled "Review of the multilateral treaty-making process", recommended by the Sixth Committee in paragraph 7 of its report. The

Committee adopted the draft decision by consensus. May I take it that the General Assembly also wishes to do so?

*The draft decision was adopted (decision 38/425).*

71. The PRESIDENT (*interpretation from Spanish*): Next we shall consider the report of the Sixth Committee on agenda item 131 [A/38/671]. The Assembly must now take a decision on the draft resolution entitled "Report of the International Law Commission", recommended by the Committee in paragraph 7 of that report. It was adopted by the Committee by consensus. May I take it that the General Assembly also adopts it?

*The draft resolution was adopted (resolution 38/138).*

72. The PRESIDENT (*interpretation from Spanish*): We turn now to the report of the Sixth Committee on agenda item 132 [A/38/672]. The Assembly must now take a decision on the draft resolution entitled "United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations", recommended by the Committee in paragraph 8 of that report. The Committee adopted the draft resolution by consensus. May I take it that the General Assembly also wishes to adopt it?

*The draft resolution was adopted (resolution 38/139).*

73. The PRESIDENT (*interpretation from Spanish*): We turn now to the report of the Sixth Committee on agenda item 133 [A/38/673]. The Assembly has to take a decision on the draft resolution entitled "Report of the Committee on Relations with the Host Country", recommended by the Committee in paragraph 7 of that 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 38/140).*

74. The PRESIDENT (*interpretation from Spanish*): The Assembly will now consider the report of the Sixth Committee on agenda item 134 [A/38/675]. I invite the Assembly to turn to the draft resolution entitled "Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization", recommended by the Committee in paragraph 13 of that report. The report of the Fifth Committee on the administrative and financial implications of the draft resolution is contained in document A/38/740.

75. Mr. AL-BALUSHI (Oman) (*interpretation from Arabic*): I should like to draw attention to the fact that, at the 72nd meeting of the Sixth Committee, held on 9 December, my delegation requested that a correction be made in order to reflect its position concerning the motion by the Netherlands that the Committee should not take a decision on draft resolution A/C.6/38/L.14/Rev. 1. However, it seems that this correction has been inadvertently omitted; it is not included in the mimeographed version of the report on agenda item 134. Therefore my delegation requests that the necessary measures be taken so that my delegation is included among those which opposed the Netherlands proposal.

76. The PRESIDENT (*interpretation from Spanish*): The point just made by the representative of Oman will appear in the verbatim record of today's meeting, and

the change he has requested will be reflected in the official records.

77. The Sixth Committee adopted the draft resolution contained in document A/38/674 without a vote. May I take it that the General Assembly also wishes to do so?

*The draft resolution was adopted (resolution 38/141).*

78. The PRESIDENT (*interpretation from Spanish*): Next we turn to the report of the Sixth Committee on agenda item 135 [A/38/675]. The Assembly must take a decision on the draft resolution 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", recommended by the Committee in paragraph 7 of that report. The Committee adopted that draft resolution without a vote. May I take it that the General Assembly also adopts it?

*The draft resolution was adopted (resolution 38/142).*

79. The PRESIDENT (*interpretation from Spanish*): We now turn to the report of the Sixth Committee on agenda item 136 [A/38/676]. In paragraph 9 of that report, the Committee recommends the adoption of a draft decision entitled "Draft Body of Principles for the Protection of All Persons Under Any Form of Detention or Imprisonment", which it adopted without a vote. May I take it that the General Assembly adopts the draft decision?

*The draft decision was adopted (decision 38/426).*

80. The PRESIDENT (*interpretation from Spanish*): The General Assembly will now consider the report of the Sixth Committee on agenda item 137 [A/38/677]. I now put to the Assembly the draft decision entitled "Draft standard rules of procedure for United Nations conferences", recommended by the Committee in paragraph 5 of that report. The Committee adopted this draft decision by consensus. May I take it that the General Assembly also wishes to adopt it?

*The draft decision was adopted (decision 38/427).*

81. The PRESIDENT (*interpretation from Spanish*): We have thus concluded our consideration of all the reports of the Sixth Committee.

*The meeting rose at 12.10 p.m.*

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#### NOTES

<sup>1</sup> *Official Records of the General Assembly, Thirty-fourth Session, Supplement No. 37, para. 118.*

<sup>2</sup> A/CN.4/364.

<sup>3</sup> *Official Records of the General Assembly, Thirty-seventh Session, Supplement No. 41, para. 372.*

<sup>4</sup> *Ibid.*, Supplement No. 10, chap. II.

<sup>5</sup> *Ibid.*, Twenty-first Session, Annexes, agenda item 84, document A/C.6/371.

<sup>6</sup> *Report of the International Conference on Kampuchea, New York, 13-17 July 1981* (United Nations publication, Sales No. E.81.I.20), annex I.