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

REPORT OF THE SIXTH COMMITTEE (A/8570)

*Pursuant to rule 68 of the rules of procedure, it was
 decided not to discuss the report of the Sixth Committee.*

1. The PRESIDENT: The General Assembly will now take a decision on the draft resolution recommended by the Sixth Committee in paragraph 17 of its report [A/8570]. The administrative and financial implications of the draft resolution appear in the Fifth Committee's report in document A/8609.

2. I call on the representative of the Congo for an explanation of his vote before the vote.

3. Mr. FOUNGUI (Congo) (*interpretation from French*): By voting in the Sixth Committee, at its 1307th meeting, in favour of the draft resolution before us, of which incidentally we are a sponsor, my delegation wishes to express its full support of the study and wider appreciation of international law. However, my delegation wishes to state that it is of the opinion that the developed countries should have made a greater effort to see to it that the United Nations programmes in this field yield concrete results, particularly as regards the study and wider dissemination of international law in the developing countries, which suffer from a lack of skilled personnel in this field.

4. My delegation believes that a wider appreciation of international law is necessary for the maintenance and strengthening of international security which is so important for society today. We believe that a failure to appreciate international law may have serious consequences. To quote but one example, I should like to recall the statement made on 2 November at the Sixth Committee's 1273rd meeting, by the representative of the Republic of Zaire, alleging that the Congo River—an international waterway—was an interior river of the Republic of Zaire.

5. In this connexion may I be permitted to go briefly into what the term "Congo" implies and may I be permitted to make this brief statement in order to throw as much light as possible on the realities encompassed by the Congo River. The term "Kongo" designated of course the earlier kingdom discovered by the Portuguese but, over and above the kingdom, it also referred to a whole civilization, the Kongo civilization, whose fundamental components are to

President: Mr. Adam MALIK (Indonesia).

be found in other societies constituted by all the populations occupying the basin of this great river.

6. The cultural homogeneity of all these populations in this basin may be seen in their material civilization, their social organization, political structures and religious beliefs.

7. Since then, the expression "Kongo" has been used to designate this majestic river which symbolizes the unity of this entire cultural area, and this should not strike anyone as surprising or unusual. This designation corresponds to a reality, an authentically African reality which we claim as ours.

8. This cultural unity of which the river is the symbol is based, among other things, on an internationally recognized geographical and scientific reality, the Congo Basin.

9. Since the basin of a river is the geographic area which feeds the river and is drained by it, its hydrological action depends on its size, its topography, its soil, its vegetation, its geological structure, the hydrographic organization it irrigates and the climate which affects it.

10. Consequently, the Congo basin, covering 3,690,000 square kilometres, owes its unity to various physical factors which are to be found in the Republic of Zaire, in the People's Republic of the Congo, in the Central African Republic and in the Federal Republic of Cameroon. Here we wish especially to emphasize the climatic and hydrological factors.

11. The Congo River is the central catchment area of the basin which bears the same name. It is fed by a number of waterways with very varied régimes which are hydrological units whose contribution in water undeniably determines the flow of this great river. It is true that the tributaries on the right bank constitute a modest watershed, but the sum of their flow of water is not negligible. To prove this, the Alima is the most regular waterway in the world. Moreover, the location of the tributaries of the Congo on both sides of the Equator and in the two tropical zones give this great river extreme regularity.

12. The Congo is not a river with a single annual flood like the Nile or the Niger. Southern tributaries like the Oubangui and Sangha provide it with the swollen waters which form at the time of tropical rains in the northern hemisphere, from March to November. With respect to the southern tributaries, the Lomami and Kasai, to cite only the main ones, their high water mark is reached during the tropical rains in the southern hemisphere from October to March. The juxtaposition of these two climatic zones produce the force and regularity of the great Congo River. What would this river be, then, without its tributaries?

13. These facts show sufficiently that the Congo is not an isolated river, but that it is an integral part of a basin which is a geographically consistent entity. Many States are affected by this basin—the Central African Republic, the Federal Republic of Cameroon, the People's Republic of the Congo and the Republic of Zaire. Consequently, to change unilaterally the name of this river, which is the main artery of the basin, does away with any idea of unity in this central African depression and constitutes a flagrant and deliberate violation of the rights of neighbouring States.

14. The Congo is an international river. International rivers are waterways separating or crossing the territories of several States. In accordance with the legal status of international rivers, the flow of the rivers is the common property of such States, inalienable in all the areas crossed by their waters. A nation cannot without injustice claim a right to occupy exclusively the channel of a river and prevent all other riparian States from enjoying the same advantages. This legal status of international rivers establishes, on the one hand, absolute freedom of trade along its waters and also, on the other hand, freedom of navigation.

15. The Convention of Saint-Germain-en-Laye of 10 September 1919,¹ which laid down those sacred principles, maintained in force article 1 of the General Act of Berlin of 26 February 1885 which, on the international level, gives the Congo River its name and establishes the territories which constitute the Congo basin and its tributaries.

16. Today, since there is no international convention between the riparian States of the Congo, the legal status of that river and its denomination remain governed by the text of that Convention.

17. That Convention, which was never denounced, applies to the seven States which signed it—the United States, Belgium, the British Empire, France, Italy, Japan and Portugal—as well as those which in 1919 constituted the colonies of the signatory States and which have since achieved international sovereignty, at least concerning those of its provisions which are compatible with the right of sovereignty of those States.

18. The name of the Congo and its geographical limits as determined by the Convention of Saint-Germain-en-Laye cannot be considered as jeopardizing the sovereign rights of sovereign and riparian countries which in their capacity as successor States are bound by that Convention and are directly concerned.

19. This is true in particular of the State of Zaire, a former Belgian colony, and the People's Republic of the Congo, a former French colony, whose respective territories are crossed by the Congo.

20. Indeed, domestic law in the People's Republic of the Congo and in the State of Zaire, which follow Belgian and French law, must reflect the conventions and international treaties concluded by their respective authors.

21. Public international law at present holds that the treaties concluded by predecessor States bind the successor State, subject to the exercise by the latter of its right of denunciation.

22. This practice, moreover, was adopted by the Government of the Democratic Republic of the Congo. In notes dated 6 and 29 March 1961, concerning the applicability of earlier treaties, the Foreign Minister of that State informed the Secretary-General of the United Nations that the Congo felt that it was bound by 15 multilateral Conventions prior

¹ Convention on the Revision of the General Act of Berlin of 26 February 1885.

to independence, and that, broadly speaking, the Democratic Republic of the Congo regarded itself as the successor, as an independent and sovereign State, to the Belgian Congo in regard to international conventions, and recognized that those conventions continued to be in force on the territory of the Republic.

23. Now, by a unilateral act of domestic law, the President of the State of Zaire decided to change the name of the Congo River and call it the "Zaire River".

24. The question now arises as to what the effects of this act will be at the international level.

25. It is perfectly obvious that the effects of acts of domestic law adopted by a State when they conflict with the provisions of an international Convention, as in this case, can have no effect on the international legal order of States signatories to that Convention.

26. Therefore the seven signatory States, and the States which have succeeded them in achieving international sovereignty, are bound by the provisions of the Convention of Saint-Germain-en-Laye, which precludes the name of "Zaire" given by the President of the State of Zaire to the Congo River, as well as any provisions likely to change the status of that river, being considered by them legally valid.

27. All those who wish to deal with the People's Republic of the Congo must know that our river is called the Congo River. This is a just position on which there can be no misunderstanding.

28. This is one of the clear examples that explain the vote that is to be cast by my delegation.

29. The PRESIDENT: If there is no objection, may I take it that the General Assembly adopts the draft resolution recommended by the Sixth Committee in paragraph 17 of document A/8570.

The draft resolution was adopted (resolution 2838 (XXVI)).

AGENDA ITEM 3

Credentials of representatives to the twenty-sixth session of the General Assembly (continued):*

(b) Report of the Credentials Committee

30. Mr. CREMIN (Ireland), Chairman of the Credentials Committee: I have the honour, as Chairman of the Credentials Committee, to present its report [A/8625], which is before the Assembly. There is very little I need say in doing so. The report is comprehensive and accurate.

31. It will be seen that the main issue raised in the Committee was how to deal with the credentials of the delegation of the Republic of South Africa. There is an account in the report of the proposal made on this point by the representative of Somalia, supported by Liberia, Mongolia and the USSR. It brings out the point that the representative of Somalia felt that the Committee should

take account of the resolution adopted by the General Assembly at its last session [*resolution 2636 (XXV)*]. The views of the remaining five members of the Committee on the Somali proposal are also set out in the report and we have recorded there the votes taken in the Committee; on the one hand, the proposal of Somalia was not approved by the Committee, and, on the other hand, there was a majority in favour of the recommendation to the Assembly which is contained in paragraph 27 of the report.

32. Perhaps I should say that the difference of opinion within the Committee did not in any way reflect a difference of opinion on the policies of South Africa. It was rather a question of a divergence on the functions of the Committee, those who opposed the Somalia proposal taking the view that all the Committee was called upon to do was to determine whether the credentials submitted met the requirements of rule 27 of the rules of procedure. With regard to the question of the policies of South Africa, I can state that all members of the Committee, including those who voted against the Somalia proposal, expressed opposition to those policies.

33. Mr. FARAH (Somalia): Last year the General Assembly, by an overwhelming vote, decided not to approve the credentials of the representatives of South Africa [*resolution 2636 A (XXV)*], for reasons well known—the reasons being that the political and social philosophy of that country's Government defies every important and fundamental tenet of the United Nations Charter and of other instruments adopted by the United Nations in the course of the past 25 years. It was for that reason that my delegation could not approve the report of the Credentials Committee when it met yesterday; nor could it approve a recommendation made by the Credentials Committee to the General Assembly which would have this Assembly approve the entire report of the Committee.

34. Unfortunately, members here have not had time to study the report of the Credentials Committee since it was circulated only about five minutes ago. In view of the importance which many delegations attach to the question of the credentials of South Africa, my delegation wishes to propose that this matter be taken up on Monday, 20 December.

35. In any case, my delegation would move an amendment to the suggested draft resolution proposed by the Credentials Committee. The amendment would have the words "except with regard to the credentials of the representatives of the Government of South Africa" added after the operative paragraph of the draft resolution.

36. Mr. ENGO (Cameroon): The delegation of the Federal Republic of Cameroon strongly supports the views and conclusions reached by the representative of Somalia, my brother Mr. Farah, that the matter should be considered on Monday next rather than today. My delegation recognizes the urgency of concluding within the prescribed time the agenda of the General Assembly at its twenty-sixth session. We do share the wish that it will be so concluded.

37. However, the situation which exists at this time must be known and examined thoroughly. My delegation deeply regrets that, in spite of the provisions of rule 28 of the rules

* Resumed from the 1934th meeting.

of procedure of the General Assembly, the Credentials Committee met only yesterday. The report, I understand, was circulated only five minutes ago and my delegation has not had an opportunity to view a copy of it. I think it necessary for us to remind ourselves of the provisions of rules 27 and 28. Rule 27 says:

“The credentials of representatives and the names of members of a delegation shall be submitted to the Secretary-General if possible not less than one week before the date fixed for the opening of the session.”

Rule 28 states:

“A Credentials Committee shall be appointed at the beginning of each session . . .”—and that was done this year.

38. The last sentence of the rule states:

“It [the Credentials Committee] shall examine the credentials of representatives and report without delay.”

39. It is difficult for my delegation to understand why, this year, the credentials of representatives were examined in fact when the deliberations of the General Assembly were almost completed. Some of the Committees have already completed their work and I wonder what use it is for us to examine the credentials of representatives at this stage. We shall only express the sincere hope that in future the Credentials Committee, having been duly appointed at the correct time, will get down to the work of examining the credentials and report to the General Assembly without delay. I wish merely to support for an adjournment of the debate.

40. The PRESIDENT: According to rule 76:

“During the discussion of any matter, a representative may move the adjournment of the debate on the item under discussion. In addition to the proposer of the motion, two representatives may speak in favour of, and two against, the motion, after which the motion shall be immediately put to the vote . . .”.

41. Sir Laurence McINTYRE (Australia): My delegation fully recognizes that the report of the Credentials Committee, for whatever reason, was not circulated until, I think, a few minutes ago, a circumstance which does admittedly give delegations little opportunity and little time to study its contents. Having said that, my delegation finds the proposal by the representative of Somalia, supported by the representative of Cameroon, that we should adjourn the debate on the report of the Credentials Committee until Monday somewhat disturbing in view of the state of business of the Assembly and of our nearness to our scheduled closing date.

42. My delegation had understood that the main purpose of convening a meeting of the Assembly for this morning was to discuss the Credentials Committee's report, which I think we all recognize is likely to give rise to some controversy and is, accordingly, likely to occupy a large part of the Assembly's time. My fear is that, if we leave discussion of the Credentials Committee report over until

Monday, we may well find it impossible to meet our schedule. We shall be ignoring the urgent request of the President that we should get on with our business as quickly as possible and thus we shall find ourselves unable to complete our business before the end of the session.

43. I would accordingly hope, therefore, that we could perhaps find some other way out of our difficulty. My delegation and I would be quite prepared to leave the Credentials Committee's report over for later discussion, but I would move that the Assembly should meet this afternoon to continue the debate on that report. My delegation and I find ourselves unable to support the proposal by the representative of Somalia that we should adjourn the debate on the report until Monday. I would formally propose that if we are to leave discussion of the report until later we should schedule a meeting for this afternoon, when all delegations should have had adequate time to study the report of the Committee. If we are able to proceed with the debate on the report then we shall be back on schedule in order to complete our work at Monday's plenary meetings.

44. Mr. PHILLIPS (United States of America): I should merely like to support the proposal just made by the representative of Australia. My delegation had been informed yesterday that the only basis for a meeting on Saturday morning was to consider the report of the Credentials Committee, and that the other items listed for consideration in today's agenda would not be adequate to justify such a meeting. Indeed, we were impressed by this argument which the Secretariat presented to us and we agreed to appear here for that purpose.

45. I am quite sympathetic with the position of the representative of Somalia. It is true that, for reasons which I do not understand, the report of the Credentials Committee has been circulated only at this moment. Why it has taken so long is somewhat of a mystery to my delegation. The Secretariat had—for reasons, as I say, unknown to us—ordered that the printing of this report should be held up early last evening and this has no doubt occasioned the delay.

46. Mr. President, you and the General Committee, which met recently, have stressed the urgency of, I might say, applying almost Draconian measures if we were to complete the work of the General Assembly by the date scheduled for adjournment, 21 December. I believe that the decision which we make this morning regarding this item may well be the decisive test because I realize that there will be considerable debate on the issue before us. It is not a complex issue, but is a well-known issue and it is going to take time. If this issue is held over until Monday, I strongly suspect that we shall be meeting here for a time considerably beyond that which has been set for the adjournment. I cannot help but be aware of the effect which this may have on many representatives that have come from distant lands, have reservations made and plans to return to their homes.

47. I do not wish to sound pessimistic, but during the meeting of the General Committee some suggestions were made that it might be necessary to have Sunday meetings and one representative said, “Oh no, never on Sunday.” But if we cannot agree to what seems to me to be the very

reasonable proposal of the representative of Australia that we should meet this afternoon to enable delegations to consider this report, then I would be prepared to amend his proposal and to propose that we should have a Sunday meeting. This is an unusual situation and I think it must be looked upon in that light.

48. Finally, Mr. President, I ask you to indicate for us what the implications will be for our work during the remaining two or three days if we fail to agree on a Saturday afternoon meeting or a Sunday meeting. Will this in fact bring us to the point of having to extend this session either into the new year or perhaps well through next week?

49. Mr. STAVROPOULOS (Under-Secretary-General for General Assembly Affairs): Of course, since the Assembly wishes us to finish on 21 December, we must do everything we can to finish by that time. But nobody can be sure about it. Whatever delays the Assembly creates a difficulty in predicting whether we finish on the twenty-first or the twenty-second. On the other hand, the Assembly itself has to decide on the items submitted to it. Because I was asked to reply to that, I have to say that any item which is not dealt with in time might produce some difficulty for the Assembly to finish on schedule.

50. The PRESIDENT: I will put to the vote the proposal to adjourn debate on this item to Monday.

The proposal was adopted by 67 to 19, with 26 abstentions.

AGENDA ITEM 21

Appointment of the members of the Peace Observation Commission

51. The PRESIDENT: The Peace Observation Commission was created by the General Assembly on 3 November 1950 in accordance with resolution 377 (V). The present 14 members are: China, Czechoslovakia, France, Honduras, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom, the United States and Uruguay. Their terms of office will expire on 31 December 1971.

52. One of these 14 Members, China, has expressed a preference not to be reappointed to the Commission, but the other 13 have no objection to continue to serve. I therefore propose that the General Assembly should reappoint for the years 1972 and 1973 the 13 Members who have no objection to continue to serve.

53. Might I take it that it is the wish of the General Assembly to reappoint as Members of the Peace Observation Commission for the years 1972 and 1973 the following States: Czechoslovakia, France, Honduras, India, Iraq, Israel, New Zealand, Pakistan, Sweden, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United States and Uruguay.

It was so decided.

AGENDA ITEM 100

Co-operation between the United Nations and the Organization of African Unity: holding of meetings of the Security Council in an African capital

54. The PRESIDENT: Under this item a draft resolution has been submitted by several members in document A/L.653. The administrative and financial implications of the draft resolution appear in the Fifth Committee's report in document A/8631.

55. The representative of Zambia has asked for the floor in order to introduce the draft resolution.

56. Mr. MWAANGA (Zambia): Forty-one African countries, Members of the United Nations, have charged me with the high responsibility of presenting on their behalf the draft resolution contained in document A/L.653 under agenda item 100. The draft resolution I am now formally presenting has been drafted with the greatest care and seeks to achieve a specific purpose which we believe to be desirable in the broader interests of the United Nations. The first preambular paragraph of this draft resolution merely takes note of the request made by 36 African countries to the effect that it would be desirable for the Security Council to hold in an African capital a meeting devoted solely to the implementation of the numerous General Assembly and Security Council resolutions on the questions of decolonization, the struggle against *apartheid* and racial discrimination in Africa. The second preambular paragraph takes note of the statement which was made by the current Chairman of the Organization of African Unity, President Ould Daddah of Mauritania to this General Assembly on 24 September 1971, strongly stressing this particular aspect. The third preambular paragraph deals with resolutions which have been adopted by the General Assembly under this item, and it will be recalled here that it is under this item that the historic Organization of African Unity Manifesto on Southern Africa was welcomed by an overwhelming vote a few years ago. The last preambular paragraph deals with the satisfaction of the African countries with the fact that co-operation between the Organization of African Unity and the United Nations, and the specialized agencies and other organizations in the United Nations system, has greatly increased in trying to solve problems pertaining to southern Africa.

57. Operative paragraph 1 takes note with satisfaction of the report of the Secretary-General on this item. Operative paragraph 2—and this is the main operative paragraph—invites the Security Council to consider the request of the Organization of African Unity concerning the holding of a meeting of the Security Council in an African capital. Operative paragraph 3 requests the Secretary-General to continue his efforts to intensify co-operation between those two organizations. Operative paragraph 4 invites the specialized agencies and other organizations concerned with the United Nations system, particularly the United Nations Development Programme, to continue their co-operation with the Organization of African Unity. Under operative paragraph 5, which is the last paragraph, the Assembly would merely decide to include in the provisional agenda of its twenty-seventh session this same question.

58. Members of the General Assembly will note that this draft resolution, which is being presented unanimously by the African group, seeks merely to implement the decision of the African Heads of State [*resolution CM/Res.243 (XVII)*]² which was adopted in June 1971 in Addis Ababa, Ethiopia, expressing their deep conviction that a meeting of the Security Council held in one of the African capitals to discuss the implementation of the numerous resolutions of the Security Council and the General Assembly on decolonization, the struggle against *apartheid* and racial discrimination on the African continent is a matter of grave necessity.

59. In putting this draft resolution before this Assembly, the 41 African sponsors are very conscious and mindful of the well-known fact that the Security Council is the master of its own procedure, and equally that its terms of reference are such that it is fully competent to decide to meet away from the Headquarters of the United Nations. Indeed, there are past precedents of which I am sure we are all aware, and that is the reason why we are inviting the Security Council to meet in an African capital on the clear understanding that the final decision will be made by the Security Council.

60. It is our hope and expectation that the Security Council will not find it wise to adopt a decision on this vital question without bearing in mind the unanimous desire of the 41 African States to the effect that there should be a meeting in an African country to discuss measures aimed at implementing General Assembly and Security Council resolutions on the evils of colonialism, *apartheid* and racial discrimination which continue to threaten the peace, security and stability of the African continent.

61. The 41 African countries are fully convinced that a meeting of the Security Council in an African capital would enable the Security Council to deal with the problems relating to decolonization in a more realistic and more real political environment.

62. I have studied the report of the Fifth Committee on the administrative and financial implications contained in document A/8631 of our draft resolution, and I am satisfied that the tentative estimate given is both reasonable, acceptable and justifiable. I am sure that the final financial estimate will be considerably less, because it is to be expected that the host country will provide certain facilities which will relieve the United Nations of some of the financial burden. It is also reasonable to assume that the Security Council might consider reducing the number of administrative and technical personnel which would normally be required for meetings at Headquarters. The Council might also wish to consider dispensing with daily verbatim records in favour of summary records, on the clear understanding that verbatim records would be made available on return to Headquarters.

63. In commending this draft resolution to the General Assembly for unanimous adoption, it is my sincere hope, and that of the 40 other African countries in whose name I speak, that this august Assembly will give its consent to this

overwhelming wish of 41 African Heads of State, as expressed in their resolution of June 1971.

64. I commend this draft resolution for the unanimous adoption of the General Assembly.

65. Mr. EL HASSEN (Mauritania) (*interpretation from French*): The African problems like *apartheid*, racial discrimination and decolonization occupy an important place in the debates and decisions of the United Nations. They also represent a permanent and legitimate concern of the Organization of African Unity. It is for this reason that on three occasions Heads of States of Africa, under mandate from their colleagues, have come here to inform the Assembly and plead before you on what we have called the African problem. You are aware of this problem. I am referring to the grave situation prevailing in Africa, a situation which contains more than one germ of conflict and which deteriorates daily. The Organization of African Unity is fully aware of the fact that this serious situation has found its rightful place in the resolutions and programmes for action of the United Nations. It is all the more aware, since permanent African representatives have with constancy and continuity participated in the preparation of such problems and in the search for solutions, in the activities, and, in a word, in the life of the United Nations.

66. Their perseverance and assiduity are concrete manifestations of the faith of the African leaders and people in this Organization. In this connexion may I be permitted to quote the present President of the Organization of African Unity who declared on 24 September 1971 before the General Assembly:

“This faith we Africans have inscribed in golden letters in all the constitutions of our young States. We endeavour every day to give this faith more reality by reflecting it in the life of our Governments and our peoples, by giving our complete and entire support to all the principles of the United Nations Charter, to all its solemn declarations. . . . This faith is the corner-stone of the charter of the Organization of African Unity.” [*1938th meeting, para. 14.*]

67. It is this faith, it is our attachment to the principles and ideals of the United Nations that are at the root of our action today. We believe in fact that the solution of the serious African problems of *apartheid*, racial discrimination and colonialism depends to a very large degree on the implementation of the relevant resolutions of the Security Council and of the General Assembly.

68. What we are asking the Security Council to do is to examine the possibility of implementing those decisions of the United Nations in regard to African problems. Such action can find no more appropriate framework than in Africa, in an African country. It is there, in fact, that we can appreciate the gravity of the problem. It is there that one can make direct contact with the realities of everyday life. It is there, finally, that we can share our hopes and understand our frustrations. We want this meeting of the Security Council in Africa to be held within the framework of co-operation between the United Nations and the Organization of African Unity.

² See *Official Records of the Security Council, Twenty-sixth Year, Supplement for July, August and September 1971*, document S/10272.

69. The highly constructive character of that co-operation is reason for profound satisfaction for all of us. In his message to the African Heads of State in Addis Ababa on 21 June 1971, Secretary-General U Thant stated:

“This relationship [between the United Nations and the OAU] has become an important feature of international co-operation in recent years, and the effective functioning of this regional organization of African States is recognized as of great interest to the United Nations and the international community.”

70. It is for this reason that we are convinced that meetings of the Security Council in Africa and within the framework of that co-operation can only further consolidate those relations, which we hope will prove ever more useful and effective. In any event such meetings will be a concrete manifestation of the interest of the Security Council in African problems. They will also be the proof not only of our faith as Africans in the United Nations but also a response to the confidence that our peoples have placed in this Organization.

71. Other representatives have expressed more eloquently than I could the importance and meaning we attach to this action. But what is even more significant and more eloquent in itself is the draft resolution contained in document A/L.653, sponsored by 41 States, in other words, all the African States Members of the United Nations.

72. Unanimity such as this deserves to be supported by the General Assembly and taken into account by the Security Council.

73. Mr. PATRÍCIO (Portugal): My delegation would like very briefly to explain the reasons why it cannot support the draft resolution contained in document A/L.653, which is now under consideration by the General Assembly.

74. Under Article 28 of the United Nations Charter, the Security Council normally holds meetings at the seat of the Organization. However, that Article envisages the holding of meetings at places other than the seat of the Organization if the Security Council in its judgement so decides. Therefore, it is not for the General Assembly to press upon or suggest to the Security Council that it should hold meetings outside the Headquarters of the United Nations, as requested in operative paragraph 2 of the draft resolution under consideration. This is the prerogative of the Security Council alone, and other organs of the United Nations should respect this prerogative, either directly or indirectly, by not inviting the Security Council to consider the request of the Organization of African Unity concerning the holding of meetings in an African capital.

75. We consider that a paramount principle of the Charter and of the rules of procedure of the United Nations is respect for the independence of each of the principal organs of the Organization to decide upon matters which are of direct concern to it. On the other hand, we deem it appropriate to call the attention of the General Assembly to the fact that, if a draft resolution such as this is adopted, the Assembly will show a complete lack of concern for the financial difficulties of the United Nations of which

everyone is aware. Our efforts, instead of being directed at reducing the expenses of the Organization, would, on the contrary, be conducive to a huge increase in non-essential expenses.

76. The Security Council is entitled to act in an atmosphere of independence, free from outside influence which could affect its objectivity and impartiality. The aim of this proposal is exactly to try to create conditions for the convening of the Security Council that could exert pressures on its recommendations and procedures. If indeed that organ of the United Nations would hold meetings in Africa to discuss matters relating to that continent, a very dangerous precedent would be created; and, tomorrow, in other disputes on the Council's agenda nothing could prevent one of the parties to a dispute from asking the Council to meet on its own territory, in order to attempt to influence important decisions.

77. We do not think that the United Nations, at this particular moment, is in a position to allow itself to be taken along this dangerous path that could only undermine even more its prestige and influence in world affairs.

78. For all those reasons, and as I said at the beginning of my intervention, my delegation cannot vote in favour of this draft resolution.

79. The PRESIDENT: At the request of several delegations I have agreed to postpone the voting on the draft resolution [A/L.653] until Monday, 20 December.

AGENDA ITEM 57

Measures to be taken against nazism and other totalitarian ideologies and practices based on incitement to hatred and racial intolerance

REPORT OF THE THIRD COMMITTEE (A/8593)

AGENDA ITEM 56

Question of the punishment of war criminals and of persons who have committed crimes against humanity: report of the Secretary-General

REPORT OF THE THIRD COMMITTEE (A/8592)

80. Mr. MOUSSA (Egypt), Rapporteur of the Third Committee: I have the honour to present two reports of the Third Committee, one on the question of measures to be taken against nazism and other totalitarian ideologies and practices based on incitement to hatred and racial intolerance [A/8593] and the other on the question of the punishment of war criminals and of persons who have committed crimes against humanity [A/8592].

81. On the question of nazism—agenda item 57—the Third Committee, as is clear from the preambular part of the draft resolution contained in paragraph 5 of document A/8593, has recognized that there still exist some convinced adherents of nazism and racial intolerance whose activities could bring about a resurgence of those ideologies. The danger in this context is twofold: that of the revival of nazism and the actual danger that prevails in some parts of

the world of contemporary manifestations of nazism or similar ideologies advocating superiority or exclusiveness of race and, in some cases, these are raised to the level of State policy.

82. The Third Committee, therefore, recommends to the General Assembly the adoption of the recommendation contained in paragraph 5 of its report.

83. As to the question of the punishment of war criminals and of persons who have committed crimes against humanity, this question deals with war crimes, whether committed in the past or being committed at present as a result of aggressive wars and the policies of racism, *apartheid* and colonialism. The Third Committee recommends the adoption of the draft resolution contained in paragraph 6 of its report [A/8592].

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Third Committee.

84. The PRESIDENT: We shall take up first the report of the Third Committee on agenda item 57 [A/8593]. The Assembly will now vote on the draft resolution recommended by the Third Committee in paragraph 5 of that report. A separate vote has been requested on operative paragraphs 3 and 4 together. If there is no objection we shall proceed accordingly.

Operative paragraphs 3 and 4 were adopted by 41 votes to 2, with 65 abstentions.

85. The PRESIDENT: I now put to the vote the draft resolution as a whole.

The draft resolution as a whole was adopted by 89 votes to 2, with 21 abstentions (resolution 2839 (XXVI)).

86. The PRESIDENT: I shall now call on those representative who wish to speak in explanation of vote.

87. Mr. TARASOV (Union of Soviet Socialist Republics) (*translated from Russian*): The Soviet delegation voted in favour of the Third Committee draft resolution on measures to be taken against nazism and other totalitarian ideologies and practices based on incitement to hatred and racial intolerance. The resolution not only condemns all manifestations of the ideology and practice of nazism and racial intolerance, but also proposes that States should take further legal measures to eradicate for all time the danger of a revival of nazism and racial intolerance. The resolution appeals to all States to prohibit activity by organizations propagating concepts of nazism and racial superiority and urges those States which are unable, for serious constitutional reasons, immediately to condemn and outlaw all propaganda and all organizations based on the idea of racial superiority to take concrete measures designed to ensure the speedy disbandment and disappearance of such organizations, particularly by prohibiting financial subsidies to them by organs of the State or individuals, prohibiting the formation of militarized detachments, and other measures.

88. The struggle against Nazi ideology will without a doubt be significantly furthered by the appeal in this resolution to Governments to increase public awareness of

the danger of a revival of nazism and racial intolerance, especially among young people. The Soviet delegation attaches great importance to the struggle against a revival of nazism and fascism because it knows full well, from its experience in the Second World War, the danger of Fascist ideology and practice. It must not be forgotten that the United Nations and its Charter were built around the struggle against ideologies which, like nazism and fascism, are based on racial intolerance and incitement to hatred.

89. The peoples of the world cannot reconcile themselves to the fact that today, 25 years after the victory over nazism, there still exist in a number of Western countries various kinds of neo-Nazi and neo-Fascist organizations, political parties and groups. A growing number of States understand that the revival of nazism and fascism cannot be regarded as a threat to the peoples of the European continent alone. The facts show that, in combination with the racists and colonialists who have entrenched themselves—for example, on the African continent—this will also endanger the peoples of Africa and everyone who is fighting against *apartheid*, racism and colonialism.

90. At the present session many delegations have once again condemned the Nazi practices of the racist régimes in southern Africa and also the neo-Nazi ideology and practice of international zionism, as one form of national intolerance and racial hatred. It is the duty of the United Nations to eradicate nazism and fascism wherever Nazi and similar organizations and groups flourish and develop. We are convinced that consistent implementation of the resolution just adopted will mean an important contribution by the United Nations to the cause of defending human rights and fundamental freedoms and to the cause of the struggle against a revival of the danger of neo-nazism, which involves a serious threat to peace.

91. Mr. MANI (India): By the time the separate vote on operative paragraphs 3 and 4 of the draft resolution contained in paragraph 5 of the report in document A/8593 was taken and by the time we could press our button, the machine had started counting and our vote was not registered. I would therefore request that India's vote in the separate vote on operative paragraphs 3 and 4 should be considered as affirmative.

92. Mr. BARROMI (Israel): Israel has voted in favour of this draft resolution, both in the separate vote and in the vote on the resolution as a whole, because of its consistent opposition to any form of nazism. I have found it necessary to refer to a remark recently made by the Soviet representative. The fact that he found it proper to mention zionism and the Jewish people in the context of nazism proves that the Soviet Union has gone very far from the ideas of the war-time coalition against nazism and from the principles upon which the United Nations was founded.

93. The PRESIDENT: The Assembly will now consider the report of the Third Committee on agenda item 56. I give the floor to the representative of Cuba for an explanation of vote before the vote.

94. Mr. ALARCÓN (Cuba) (*interpretation from Spanish*): My delegation voted in favour of the draft resolution that is now under consideration by the General Assembly when it

was considered in the Third Committee and we shall similarly vote in its favour at this plenary meeting.

95. I shall not now dwell on the considerations we had occasion to express concerning the importance attached by Cuba to this subject. As is so rightly pointed out in the draft resolution, the question of war crimes and crimes against humanity is still very topical as a result of wars of aggression and policies of racism and *apartheid*, colonialism and, in general, the aggressive policy pursued by the imperialist aggressive Powers against the peoples of the developing world.

96. In one of its preambular paragraphs the draft resolution recommended by the Third Committee expresses its deep concern at the fact that many war criminals and persons who have committed crimes against humanity are continuing to take refuge in the territories of certain States and are enjoying their protection. Further on in the operative part of this draft resolution the need for such criminals to be brought to justice by the States where those crimes were committed is stated, and emphasis is laid on the fact that the international community should bring these individuals to justice.

97. In this connexion I should like to point out that for Cuba the problem of punishment of war criminals is not an academic matter but a very burning question which affects our everyday life. Many war criminals and offenders who committed countless crimes against our people during the period of Batista's tyranny have found asylum and protection on United States territory. From there, and with the protection and assistance of that country's authorities over a period that now exceeds 11 years, they have constantly engaged in the organization of attacks, piracy and criminal acts against our territory, which have cost and continue to cost Cuba the valuable lives of men, women and children. The most recent case was the latest pirate attack from boats coming from United States territory against the humble population of fishermen in Boca de Samá, to the north of Oriente Province in Cuba. Two citizens—a border guard and a worker in that town—were killed and a 13-year-old girl was wounded when her humble home was attacked in the early hours of the morning, and as a result of that aggression she had to have her leg amputated.

98. Incidents such as these attacks during the night against the homes of humble Cuban fishermen have been occurring frequently over the past decade. Now, with regard to such incidents, our Government, consistent with the international community's views with respect to the punishment to be meted out to such criminals, as reiterated by the Third Committee, has taken and will continue to take all the necessary measures to prevent the perpetration and recurrence of such attacks against our population. As a result of such measures in these past weeks we have captured two ships which, based in Florida, engaged in such activities.

99. In this very city of New York a spokesman for those criminal elements who have found asylum in this country publicly acknowledged, as reported in the New York press, that their organization was responsible for the criminal attack against Boca de Samá. That person is still in the city of New York. He continues to make public statements. He

continues to attend public functions, and no measures are taken against him or his henchmen. In the face of such measures taken by the Revolutionary Government of Cuba, the American authorities, those same authorities who encourage and protect criminals, have made certain statements intended to be threatening and have even announced the mobilization of their air and naval forces in the Caribbean area. In this connexion and in conclusion, I should like to read part of what appears today in the newspaper *Granma*, the official organ of the Communist Party in Havana:

“Our people fear no imperialist threat. We shall imperturbably remain attached to our determination to proceed unhesitatingly against any ships engaging in acts of piracy against Cuba regardless of the distance from the coast at which they find themselves and whatever the flag or camouflage they use as a cloak for the commission of such criminal acts.

“Moreover, in the event that Nixon believes he can intimidate the people of Cuba, the air and naval units of the revolutionary armed forces have also been placed in a state of alert.”

100. The PRESIDENT: We shall now vote on the draft resolution recommended by the Third Committee in paragraph 6 of this report [A/8592].

The draft resolution was adopted by 71 votes to none, with 42 abstentions (resolution 2840 (XXVI)).

101. The PRESIDENT: I call on the representative of France to speak in explanation of his vote.

102. Mr. BOURGOIN (France) (*interpretation from French*): My delegation abstained in the vote on the draft resolution because we consider that all the work of the United Nations in connexion with this matter is vitiated by the faulty definition of a number of crimes contained in the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, to which my country is not a party. Indeed this definition is based on theoretical and political considerations which are too imprecise for a convention of a penal nature and which are at any rate contrary to the principles of the French Penal Code.

AGENDA ITEM 61

Creation of the post of United Nations High Commissioner for Human Rights: report of the Secretary-General

REPORT OF THE THIRD COMMITTEE (A/8594)

AGENDA ITEM 52

Question of the elderly and the aged

REPORT OF THE THIRD COMMITTEE (A/8591)

AGENDA ITEM 64

Criminality and social change

REPORT OF THE THIRD COMMITTEE (A/8595)

AGENDA ITEMS 50, 51 AND 60

Human rights and scientific and technological developments: report of the Secretary-General

Freedom of information:

- (a) Draft Declaration on Freedom of Information;
- (b) Draft Convention on Freedom of Information

Elimination of all forms of religious intolerance:

- (a) Draft Declaration on the Elimination of All Forms of Religious Intolerance;
- (b) Draft International Convention on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief

REPORT OF THE THIRD COMMITTEE (A/8590)

103. Mr. MOUSSA (Egypt), Rapporteur of the Third Committee: I have the honour to introduce the reports on items 61, 52, 64, 50, 51 and 60.

104. Concerning item 61, on the creation of the post of the United Nations High Commissioner, the Third Committee had a short and inconclusive debate on this question due to a lack of time as well as to the extreme controversy over the subject which would necessitate a careful study and greater elaboration of this question, coupled with the provision of sufficient time to enable delegations to reach a decision on it. That is why the Third Committee, in the draft resolution contained in paragraph 11 of its report [A/8594] recommends that the Assembly should decide to give consideration to this item at the next session.

105. On agenda item 52, the "Question of the elderly and the aged", the population projections in this question indicated that the number of the elderly and the aged in the world would increase in the next decade from the present 200 million to about 270 million persons. During the debate on this question in the Third Committee it was stated that in developing countries the problems of the elderly and the aged were not urgent because the family as a social institution in these countries provided the necessary protection and support for its elderly members. However, it was emphasized that the problem of the elderly and the aged would in the next decade become a problem of increasing proportions which Governments would have to face in both developed and developing countries. To this end, the Third Committee recommends the adoption of the draft resolution in paragraph 14 of its report [A/8591] and the Committee hopes that this draft resolution will be adopted unanimously. I believe that the delegation of Cyprus in the Third Committee asked for the adoption of this draft resolution by acclamation.

106. As regards item 64, "Criminality and social change", the Third Committee regrets very much that it did not have sufficient time to consider this important item, but it decided to consider this question in depth at the twenty-seventh session.

107. As regards items 50, 51 and 60, the Third Committee also regrets that it was not able to discuss these very important items and so it decided to consider them at its next session.

Pursuant to rule 68 of the rules of procedure, it was decided not to discuss the reports of the Third Committee.

108. The PRESIDENT: The General Assembly will now consider the report of the Third Committee on agenda item 61 [A/8594].

109. Mr. EL SHEIKH (Sudan): The General Assembly has been seized of this item of the question of the creation of the post of United Nations High Commissioner for Human Rights for the last six years. The General Assembly, through its Third Committee, has failed to come to a conclusive result in the discussion of this item in the various committees and in the General Assembly itself.

110. The experience in the Third Committee has shown that this item is not the type of item that can be decided by simple votes. It is an item which requires a consensus that should be arrived at outside the Committees. This item has proved to be a source of difficulty to most delegations and a delaying factor in the work of the Third Committee for at least the last three sessions.

111. For these reasons, our delegation, without going into the merits or demerits of the creation of the post itself, would very strongly recommend that time should be given to all delegations to consult informally on ways and means of bringing about a solution of this question by either accepting or rejecting it informally. For this reason, our delegation suggests that the word "twenty-seventh" in operative paragraph 1 of the draft resolution contained in paragraph 11 of the report [A/8594] should be replaced by "twenty-eighth". The paragraph would therefore read as follows:

"1. *Decides* to give consideration to this item at its twenty-eighth session".³

112. Mr. FACK (Netherlands): I come to this rostrum to oppose the amendment proposed by the representative of the Sudan. I not only oppose this amendment, but I also regret that the Third Committee decided, by 43 votes to 37, with 26 abstentions, not to recommend the proposed priority for this agenda item at next year's session of the General Assembly.

113. We are aware of the limited value of previous recommendations of priority, because we know that every General Assembly is master of its own agenda and also because our experience in this regard has not been encouraging. But as a matter of principle, my delegation deplores the continuing practice of preventing a thorough discussion of a proposal which is supported by a large number of delegations and which has formally been submitted to this Assembly by the Economic and Social Council.

114. It is clear that neither the draft resolution contained in Economic and Social Council resolution 1237 (XLII) nor the draft resolution contained in document A/C.3/L.1851 constitutes the final word in regard to this matter. But only by allotting sufficient time to this item can the Third Committee ascertain the views of all delegations and

³ Subsequently circulated as document A/L.667.

channel them into the necessary amendments or even, if so desired, into an alternative draft resolution.

115. My delegation, like many others, would like to see this item removed from our agenda. But, in our view, the only legitimate way of attaining this goal is by properly discussing it and by disposing of it one way or the other, not by postponing it and by giving it insufficient time for discussion. As was observed by my delegation in the Third Committee, every brief debate on this item has shown that the overwhelming majority of delegations, including those that have difficulty with some of the provisions of our draft resolution, agree that the United Nations does not have at its disposal a satisfactory machinery for human rights implementation.

116. My delegation would like to state once again that it is anxious to participate in any discussion of this fundamental problem, be it informally and bilaterally, or in an *ad hoc* committee or working group. But my delegation is of the opinion that sufficient time must be made available in the General Assembly for a proper discussion. The mere fact that that has not been the case is the reason for the postponement of its discussion year after year.

117. For these reasons, I formally oppose the amendment proposed by the representative of the Sudan.

118. Mrs. DE BARISH (Costa Rica) (*interpretation from Spanish*): It is almost unnecessary for my delegation to speak, in view of what has just been said by the representative of the Netherlands concerning the amendment submitted for the consideration of the General Assembly by the representative of Sudan. However, my delegation cannot conceal its disappointment at the fact that this year again it was not possible to complete our consideration of this item, although it has been dealt with in different forums and discussed at various sessions of the General Assembly since 1967. As has been stated, with the passing of time the acceptance of this idea has grown among delegations.

119. For this reason, when the draft resolution was put to the vote in the Third Committee, despite the introduction of an amendment which deprived it of the high priority requested in paragraph 1, my delegation voted in favour of it in the hope that the item would be considered at the twenty-seventh session of the Assembly. I believe that this is the least that we can ask for, after waiting six years for this question to be considered.

120. It has been asserted that this is a controversial question. I think that there are many ideas that are controversial, especially the interesting ones. They are controversial precisely because they arouse interest and bring forth differing views. There is nothing wrong in that. The important thing is to exchange ideas, agree on areas of disagreement, and negotiate. But that has been impossible because we have not been given an opportunity to do so. Each year the discussion of this item has been obstructed. The item has always been left to the end of the agenda or it has been placed where we know we will not have time to consider it. Every year we return to the same ritual.

121. Now it is suggested that the item should be deferred until the twenty-eighth session of the General Assembly.

We know what will happen if we waste yet another year. It will become more and more difficult to maintain this item on the agenda. There will be new procedural manoeuvres to delay its consideration or prevent its examination. We believe that this is neither fair nor just nor even sensible and we hope that delegations with goodwill will support our position that we maintain this item on the agenda of the twenty-seventh session of the General Assembly and that we reject the amendment of the representative of the Sudan.

122. Mr. McCARTHY (United Kingdom): If the main draft resolution before us comes to the vote without amendment my delegation will vote for it. But my delegation had in any case intended to express its regret that once more, after so many hours of discussion in the past, no effective decision had been possible on this subject. It follows from this that my delegation joins the delegations of the Netherlands and Costa Rica in opposing the amendment which has been tabled by the representative of Sudan.

123. It has been said, in effect, that after six years it has been impossible to reach a consensus and that without a consensus it would be better not to press on with the subject. I ask the Assembly on behalf of my delegation to consider very seriously before accepting that argument. There are many occasions when consensus is possible; there are even more, perhaps, when it is desirable; but here is an issue—human rights, an issue arising directly from the provisions of the Charter—which, I think, has concerned all Members of the United Nations in varying degrees and here is a proposal that something should be done about it.

124. We know from the course of debate in recent years, not only that there has been delay, not only that many hours have been wasted by a minority of delegations in filibustering, but that there is active opposition to any action being taken. Thus, to speak of the need for evolving a consensus is, on the basis of all recent experience, to speak of something which is not obtainable. When a consensus is not obtainable, it is the regular custom of the Assembly to take a decision by voting. We see no reason, therefore, why the unsatisfactory outcome of the recent debate, as represented by the draft resolution, should be made even more unsatisfactory by a move which would have the effect of pushing back the issue even further.

125. I cannot add anything to what the representatives of the Netherlands and Costa Rica have said on the subject. I would, however, like to say on behalf of my delegation that what we should do is to adopt the draft resolution as it stands without the amendment; and, with our own Governments, to consider very seriously over the next year, before the next session of the General Assembly, whether we do not owe it to our reputation as delegations and as representatives of Governments, and to the reputation of the General Assembly and the Third Committee, to grasp this issue and not to go on putting it aside. Therefore, my delegation will vote against the amendment and for the draft resolution on the basis I have suggested.

126. Mr. A. A. MOHAMMED (Nigeria): The argument that has been advanced by the delegations of the Netherlands, Costa Rica and the United Kingdom against the oral

amendment just proposed by the representative of Sudan really only broaches the issue. We all know that the question of the creation of the post of United Nations High Commissioner for Human Rights not only has been a controversial matter but threatens, because of its all-encompassing nature, to involve changes in all the activities of the United Nations in the field of human rights, and, because of its high political note, has been receiving what the delegation of Costa Rica termed obstruction.

127. I submit that this obstruction is political. There is no reason why members of the General Assembly of the United Nations would obstruct any issue so long as it is not political. We have argued in the Third Committee, giving examples of purely humanitarian issues which the Third Committee year after year has adopted without opposition, even sometimes without debate. If a matter is political, and the item on the High Commissioner for Human Rights is purported to be humanitarian, we do not understand why there should be any obstruction. If there is obstruction then the matter is political, and if it is political it is not a matter we can settle without serious consideration.

128. The reason and the sense behind the amendment given by the representative of Sudan is that year after year—as he said for six years—this item has been before the General Assembly and, as confirmed and repeated by the representatives of the Netherlands, the United Kingdom and Costa Rica, this item had been postponed year after year. We feel that it is now time to take the matter out of the General Assembly, as the representative of the Netherlands also suggested, for further consultation. My delegation is actively seized of this endeavour. Should we be given time so that once and for all, if the matter comes back to the General Assembly, it could be settled, or should we bring it up again next year and postpone it to the year after? This is simply a strategy of economizing time and effort. We see the discussion of the item next year as merely a “strategy” of being penny wise and pound foolish.

129. Yes, let us discuss this question in the General Assembly. What do we have to discuss? The General Assembly membership as a whole is seriously divided on this issue to the extent that only one section wants the creation of this post of High Commissioner, while others do not. The opposing positions are poles apart and very firmly entrenched. Should we try to unknot the opposition, to depolarize the positions of the members? Neither the General Assembly nor its Third Committee is a drafting committee. For this reason there must be careful consideration and persuasive negotiation before we can try to change the positions already taken up by so many delegations.

130. For this reason, the amendment makes sense. Should we be given this time in order to consult and negotiate? Is it not true that there are people who are vehemently opposed to the idea? So the argument of the three delegations opposing the amendment of the representative of Sudan, as I began by saying, only broaches the issue. We must recognize that the idea of the creation of the post of United Nations High Commissioner for Human Rights is political; it is not humanitarian. This official would be supposed to look after certain humanitarian activities of the United Nations, but it would be a political office, if created. If it is a political office, we humbly submit that we

should be given time to consult, to negotiate, to consider and to examine.

131. Mrs. SELLAMI (Algeria) (*interpretation from French*): The creation of the post of United Nations High Commissioner for Human Rights is a very important question for Algeria also. We consider that the creation of this post would, to a certain extent, make it possible to settle a number of problems which have arisen in a number of countries but which I should not like to go into now. But in the opinion of the Algerian delegation this question is too delicate to try to settle merely by creating the office of High Commissioner. It needs to be given much more profound thought, and we also think that some thought should be given to this matter outside the agenda and its various items. Every year this question turns up again on the Assembly's agenda, and every year we cannot discuss it seriously.

132. To the Algerian delegation it seems necessary that a period of one or two years should be allowed as time for reflection, so that every Government and every State can meditate on the context in which the functions of the High Commissioner should be performed.

133. It is for that reason that we very much support the Sudanese proposal and we hope that the proposal will enjoy majority support in the Assembly.

134. The PRESIDENT: In accordance with rule 92 of the rules of procedure, we shall first vote on the amendment of Sudan [A/L.667], which seeks to replace the word “twenty-seventh” by “twenty-eighth” in operative paragraph 1 of the draft resolution in paragraph 11 of the Committee's report [A/8594]. A recorded vote has been requested.

A recorded vote was taken.

In favour: Algeria, Bahrain, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Central African Republic, Ceylon, Chad, Congo, Czechoslovakia, Egypt, Equatorial Guinea, Ethiopia, Gambia, Guinea, Haiti, Hungary, India, Indonesia, Ivory Coast, Jordan, Kuwait, Lebanon, Libyan Arab Republic, Mali, Mauritania, Mongolia, Morocco, Nigeria, Oman, Pakistan, People's Democratic Republic of Yemen, Peru, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Sierra Leone, Somalia, Sudan, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zambia.

Against: Afghanistan, Argentina, Australia, Austria, Belgium, Canada, Colombia, Costa Rica, Cuba, Denmark, Dominican Republic, Fiji, Finland, France, Honduras, Iceland, Iran, Ireland, Israel, Italy, Japan, Kenya, Luxembourg, Madagascar, Malawi, Malta, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Norway, Panama, Philippines, Swaziland, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Abstaining: Brazil, Burma, Cameroon, Chile, Cyprus, Ecuador, El Salvador, Gabon, Greece, Guatemala, Jamaica,

Khmer Republic, Laos, Liberia, Malaysia, Mexico, Portugal, Senegal, Singapore, Spain, Thailand, Trinidad and Tobago, Tunisia, Turkey, Zaire.

The amendment was adopted by 52 votes to 40, with 25 abstentions.

135. The PRESIDENT: I call on the representative of Egypt on a point of order.

136. Mr. MOUSSA (Egypt): Concerning operative paragraph 2 of the draft resolution, which now reads: "Requests the Secretary-General to transmit to the General Assembly at its twenty-seventh session . . .", of course that would now read "twenty-eighth session", because it is closely related to the amendment just adopted.

137. Mr. STAVROPOULOS (Under-Secretary-General for General Assembly Affairs): I do not think that needs to be the subject of an amendment. It is a consequential correction that will be made automatically.

138. The PRESIDENT: The Assembly will now vote on the draft resolution in paragraph 11 of document A/8594, as a whole, as amended. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Belgium, Burundi, Canada, Central African Republic, Congo, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gambia, Greece, Guatemala, Guinea, Honduras, India, Indonesia, Iran, Ireland, Israel, Italy, Ivory Coast, Japan, Jordan, Kenya, Khmer Republic, Laos, Lebanon, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Mali, Malta, Mauritania, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Pakistan, Panama, People's Democratic Republic of Yemen, Philippines, Qatar, Sierra Leone, Singapore, Spain, Sudan, Swaziland, Sweden, Syrian Arab Republic, Trinidad and Tobago, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Zaire, Zambia.

Against: Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia, Hungary, Mongolia, Poland, Romania, Saudi Arabia, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Abstaining: Bahrain, Botswana, Brazil, Burma, Cameroon, Chile, Colombia, Egypt, El Salvador, Gabon, Haiti, Jamaica, Kuwait, Malaysia, Nepal, Peru, Portugal, Rwanda, Senegal, Somalia, Thailand, Togo, Tunisia, Turkey, Yugoslavia.

The draft resolution as a whole, as amended, was adopted by 78 votes to 11, with 25 abstentions (resolution 2841 (XXVI)).

139. The PRESIDENT: I now call on the representative of Turkey to speak in explanation of vote.

140. Mr. ARUM (Turkey): The Turkish delegation abstained on the procedural draft resolution concerning the creation of the post of United Nations High Commissioner for Human Rights. My delegation could not support the draft resolution, because, although procedural in nature, it refers to both Economic and Social Council resolution 1237 (XLII) on the creation of the office of a United Nations High Commissioner for Human Rights, and the draft resolution submitted for consideration during the present session, contained in document A/C.3/L.1851, on which we have reservations.

141. We could not vote for a procedural draft resolution which would prejudice the substance of a controversial issue that was not sufficiently discussed. For that reason, my delegation was obliged to abstain, to be consistent with our approach in this matter.

142. The PRESIDENT: We turn now to the report of the Third Committee on agenda item 52 [A/8591].

143. The General Assembly will now take a decision on the draft resolution recommended by the Third Committee in paragraph 14 of that report. Since the Third Committee adopted this draft resolution unanimously, may I take it that the General Assembly wishes to do likewise?

The draft resolution was adopted (resolution 2842 (XXVI)).

144. The PRESIDENT: We shall now consider the report of the Third Committee on agenda item 64 [A/8595]. I invite members to turn their attention to the draft resolution recommended by the Third Committee in paragraph 5 of that report. A separate vote has been requested on operative paragraph 1. If there is no objection, we shall proceed accordingly.

Operative paragraph 1 was adopted by 101 votes to none, with 11 abstentions.

145. The PRESIDENT: The Assembly will now vote on the draft resolution as a whole.

The draft resolution, as a whole, was adopted by 113 votes to none (resolution 2843 (XXVI)).

146. The PRESIDENT: We shall now take up the report of the Third Committee on agenda items 50, 51 and 60 [A/8590]. The General Assembly will now vote on the draft resolution recommended by the Third Committee in paragraph 7 of its report.

The draft resolution was adopted by 114 votes to none (resolution 2844 (XXVI)).

The meeting rose at 1.05 p.m.

