



**President: Mr. Paul J. F. LUSAKA  
(Zambia).**

**AGENDA ITEM 31**

**Policies of Apartheid of the Government of South  
Africa (continued):**

- (a) Report of the Special Committee against  
Apartheid;**
- (b) Report of the Ad Hoc Committee on the Drafting  
of an International Convention against Apartheid  
in Sports;**
- (c) Report of the Secretary-General**

1. The PRESIDENT: May I remind representatives that when this morning's plenary meeting was adjourned, we had heard several explanations of vote on the motion presented by the delegation of the Islamic Republic of Iran. The following speakers remain to be heard on that subject: Ecuador, Chile, Saint Lucia, Uruguay, Yemen, France, Bolivia, Ivory Coast and Ireland. I should like to request that other representatives wishing to speak this afternoon in explanation of their vote on that motion should kindly advise the Secretariat as soon as possible so that the General Assembly may proceed with its work in an orderly manner.

2. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): This morning, according to your ruling, Mr. President, we were asked to vote on whether we should consider *apartheid* as an important question and whether all the draft resolutions or amendments on that question should be subject to the provisions of rule 85 of the General Assembly rules of procedure which require a two-thirds majority for adoption; that is, there have been votes on two different matters.

3. The delegation of Ecuador voted in favour of the motion because obviously *apartheid* is an important question, and, as everybody knows, it has been declared a crime against humanity. But it was not our intention in voting this way to agree that any Member State be deprived of the right to have its proposals accepted by a simple majority. An exclusion of this kind might have serious implications for the democratic stability of the world Organization and for the principle of free debate, which all of us should defend, support and strengthen.

4. Mr. INFANTE (Chile) (*interpretation from Spanish*): Chile has always felt that respect for human beings without any discrimination as to race is an

essential principle of life among men and a *sine qua non* for the establishment of justice and equality. For this reason, in our constitutional and legal texts we give maximum importance to rejection of racial discrimination and, consequently, of *apartheid*. My country is absolutely convinced that the struggle against racial discrimination is the most important issue in which the United Nations is involved.

5. My delegation believes that in the vote which took place this morning the issue was not whether the rejection of *apartheid* was of major or minor importance, for if that were so, there is no question but that we would have voted against the universal scourge of racial discrimination. Our understanding was that this morning the Assembly was consulted on a procedural matter, and our vote was cast in accordance with that understanding. We regret that at the beginning of the vote, without prior notice, a matter was raised which lent itself to a dual interpretation, and it was a matter of major importance in respect of which Chile, as already stated, has a position which does not lend itself to doubt. Furthermore, my delegation fears that the procedure established, rather than assisting the struggle against *apartheid* in the future, might be harmful to it.

6. Mr. FLEMMING (Saint Lucia): It will take increased and sustained world-wide pressure finally to eliminate the scourge of *apartheid* from our midst.

7. While the General Assembly remains perpetually seized of the question of *apartheid*, domestic anti-*apartheid* movements in various countries have historically been subject to cyclical, indeed even episodic, patterns. Today at a time when once again there is a rising crescendo of anger against *apartheid*, the General Assembly, by the callous and politically inspired motion adopted earlier today, can only alienate many of the ardent supporters of the anti-*apartheid* movement and therefore hasten the deflation of that now ballooning movement, which is finally beginning to show signs of some permanency. That the motion was politically motivated and without serious concern for the people of South Africa, who continue to labour under the crushing boot of *apartheid*, is evidenced by the fact that resolutions on *apartheid* have traditionally been adopted by the Assembly with more than a two-thirds majority. Hence there was no need to adopt such an immutable rule.

8. The motion has created a *de jure* condition of literary intransigence *vis-à-vis* *apartheid* resolutions and in essence has given the final word on anti-*apartheidism* to a small and select few whose own actions often belie their words.

9. Further, in these times of mounting foreign policy pragmatism, my delegation fears that the motion adopted will force some States which heretofore eagerly supported anti-*apartheid* resolutions to

reassess their position. For those reasons, my delegation did not support the motion.

10. Mr. LASARTE (Uruguay) (*interpretation from Spanish*): My delegation's vote on the second procedural debate with regard to the requirement of a two-thirds majority in the General Assembly on the policy of *apartheid* should be interpreted strictly within the context of the proposal, meaning that it was a procedural motion proposed in very special circumstances. On the substance of the subject, my delegation has already stated and states again today, clearly, that it categorically rejects the policies of *apartheid* and opposes any form of discrimination; within the international community there is no doubt that there is a consensus on rejection of such policies.

11. Mr. LOUET (France) (*interpretation from French*): The French delegation is well aware of the importance of the question of *apartheid*. Indeed, on many occasions we have condemned the policies of *apartheid* in all its aspects; but my delegation could not agree to the procedure followed a short time ago.

12. Article 18 of the Charter of the United Nations gives the list of important questions justifying a two-thirds majority. In our view, it is clear that the question put to the Assembly relating to the amendment presented by the United States was not part of this list.

13. Coming directly after the failure of the motion to prevent the Assembly from dealing with those amendments, the Iranian motion was obviously aimed at obstructing the adoption of the American amendments.

14. We regret that the Assembly deemed it appropriate to accept that diversion of its proper procedure.

15. Mrs. CARRASCO MONJE (Bolivia) (*interpretation from Spanish*): The question of *apartheid* has always received much attention from the Republic of Bolivia. For this reason, we have supported all resolutions condemning this horrible crime against humanity. Consequently, in the voting this morning, my delegation cast an affirmative vote on the understanding that we were reiterating the basic substance of our condemnation of *apartheid*.

16. If the vote had been as indicated on the voting paper, my delegation would have abstained. But, because it is difficult to draw a qualitative distinction between substance and procedure in the question of *apartheid*, as the President of the Assembly said, my delegation voted in keeping with the traditional position of Bolivia, which is to reject all forms of racial discrimination, in particular *apartheid*.

17. My delegation would also like to make it clear that we respect and support the right of any delegation to introduce amendments to draft resolutions being considered by the General Assembly.

18. Mr. ESSY (Ivory Coast) (*interpretation from French*): Is *apartheid* an important question or is it not? Can such a question even be put to an African State? I do not think so, for the reply is obvious.

19. The Ivory Coast voted against the Iranian motion because this was merely a procedural ploy to bind the hands of certain States, with obvious political aims.

20. The Ivory Coast is an African country, and as blacks we have suffered more than any other continent from the humiliating effects of *apartheid*. In this complex, serious problem, where entire populations

are daily suffering physically, we are not trying here to adopt resolutions just to ease our conscience. We are trying to produce solutions, and for this reason we are prepared to examine any possibility of moving closer as soon as possible to the common goal, which is the complete elimination of *apartheid* in South Africa.

21. In reality, the draft amendments which gave rise to this *ad hoc* procedure do not in most cases basically change the substance of the problems dealt with in the draft resolutions on *apartheid*. In the resolutions adopted by the Assembly, the demand for the withdrawal of foreign troops, instead of including the name of the great Power, which everyone knows, changes absolutely nothing as regards substance.

22. That is why my delegation will consider all amendments before the Assembly in the light of the substantive issue involved.

23. Mr. McDONAGH (Ireland): My delegation abstained in the vote on the motion before us this morning relating to the adoption of draft resolutions and decisions on *apartheid* by a two-thirds majority.

24. We felt that we could not vote for a motion in terms related to rule 85 of the rules of procedure, the obvious effect of which would be to introduce a voting criterion clearly directed towards particular draft amendments.

25. Yet we did not feel we could vote against the motion, since it was so clearly indicated in the Assembly that it was being related to the issue of whether *apartheid* was an important question, as it undoubtedly is. In the circumstances, we abstained. We felt that we simply could not indicate our positions on two separate issues by one positive or one negative vote.

26. Mr. BANGO BANGO (Zaire) (*interpretation from French*): Zaire has no doubt that *apartheid* is an important question because *apartheid*—that policy condemned by all countries, that policy which the General Assembly has called a crime against humanity, that policy which debases the black man and reduces him to the level of an animal—has frequently been condemned by the Assembly, and South Africa, the promoter of these policies, has been expelled from the Assembly.

27. Obviously then, Zaire could only vote in favour of the question whether *apartheid* is or is not an important question. But Zaire is also of the opinion that certain passages in the various draft resolutions before the Assembly are inappropriate and unfair to certain States Members.

28. The condemnation found therein tends to be selective. Zaire believes that certain countries should not be favoured over others in the General Assembly. It is not a question of the degree of estimation of the gravity of co-operation with the heinous *apartheid* régime.

29. In the resolutions we have adopted on this subject, it is nowhere suggested that it is appropriate to assess the degree of co-operation of a country with South Africa. For this reason, Zaire, although it voted in favour of the motion, wishes to say that the amendments submitted were not irrelevant and it was unfair to the country that submitted them not to consider them. Selective condemnation hardly contributes to the common struggle against *apartheid*.

30. Mr. AKYOL (Turkey) (*interpretation from French*): The views of my Government on the policy

of *apartheid* and racial discrimination in South Africa were set forth in detail in the statement we made on 20 November in the General Assembly [68th meeting].

31. On that occasion, we reaffirmed our commitment to efforts being made to eliminate that policy. That is why my delegation voted this morning in favour of the motion determining the political importance of that problem.

32. However, my delegation would have preferred this decision not to have been taken in connection with certain amendments, all of which deserved consideration and a vote in the Assembly. It would have been more fair, and certainly more democratic, not to use procedural techniques which have somewhat distorted the outcome of a debate that began on 20 November last [*ibid.*], well before this morning's motion.

33. Mr. KNIPPING-VICTORIA (Dominican Republic) (*interpretation from Spanish*): I am grateful for this opportunity to explain my vote on the motion adopted by the Assembly this morning.

34. First of all, I should like solemnly to reiterate the constant and unswerving position of the Dominican Republic in condemning and rejecting the policies of *apartheid*, which we consider an affront to the conscience of mankind and a crime against humanity.

35. For the Government of the Dominican Republic, *apartheid* is a very important question; there can be no doubt about that in this hall. We would also state that this unequivocal position of principle is the very essence of our sense of nationhood. Our country, after all, is made up of a mixture of different races, and we are very proud of that.

36. The Dominican Republic abstained in the voting in the belief that the issue of whether *apartheid* was an important question and needed a two-thirds majority was procedural and emotions were running high. We felt it inappropriate that opinions here should be divided on a subject that deserved resolute unanimity on the part of the international community and to reflect clearly the universal sentiment that this most important subject deserves.

37. Mr. SUYOI (Brunei Darussalam): My delegation had not intended to speak in explanation of vote, but in view of what happened this morning we feel compelled to explain our position. My delegation decided not to participate in the voting on the motion of the representative of the Islamic Republic of Iran. However, this should not be interpreted as meaning that my delegation does not consider the *apartheid* issue important. It is important, and my delegation will always support efforts to end *apartheid* in South Africa. But the introduction of procedural motions in the Assembly as to whether *apartheid* is an important issue or not leads my delegation to ask if the *apartheid* policy of the Government of South Africa has ever been treated as a less than important issue. My delegation would like to believe that it has not. My delegation believes that the Assembly has consistently considered the eradication of the policies of *apartheid* of South Africa to be very important, and we are here to consider measures to end those policies of *apartheid*.

38. My Government has intended to vote for all of the draft resolutions now before the Assembly, and it will do so whether they are amended or not, as we feel that grave injustices have been done the black

people of South Africa and that until the *apartheid* and racist policies of the Government of South Africa have been eliminated, none of us here should consider our work completed. It is no doubt a sad fact that not all delegations could agree to the formulations of the draft resolutions, but this should not prevent us from continuing our work to eradicate *apartheid* and racism in South Africa and wherever they may exist.

39. Mr. HERRERA CÁCERES (Honduras) (*interpretation from Spanish*): This morning, in connection with the sovereign right to present amendments to draft resolutions, it being understood that all States Members of the Organization have an equal right to present such amendments, especially when the general intention is to avoid ambiguity, a procedural question was raised as to whether it was appropriate to adopt certain amendments by a two-thirds majority or a simple majority. This ambiguity led to politicization of the vote and disrupted the unity we have enjoyed in face of the opprobrious policy of *apartheid*. Because of its very nature, *apartheid* has always been considered an important question, and there has never been any need to raise procedural questions which, at bottom, because of the intention behind them, reduce the importance of the expected vote on this item.

40. We abstained in the voting because, although we were well aware that the motivations behind the proposals were counter-productive, we did not want to leave any trace of doubt about Honduras' firm rejection of any form of racial discrimination. Our abstention implies complete rejection of such procedural quibbles, which are at variance with the principle of mutual respect that should prevail in the Assembly.

41. Given this explanation, it must be understood that our abstention in the vote implies a complete rejection of this sort of procedural sophistry, which is harmful to the harmony and mutual respect that should be maintained in the Assembly and to a serious approach to the items on our agenda.

42. Mr. WOOLCOTT (Australia): Mr. President, I am conscious of your appeal that delegations speak in explanation of vote only once, but we regard this issue as so important that I regret I feel obliged to intervene on this specific question. I should like to explain the Australian delegation's vote on the Iranian amendment, the adoption of which I believe was a serious mistake that will have wide-ranging ramifications for this body. That amendment was based on Article 18 of the Charter. Let me reiterate briefly the questions enumerated under that Article which require a two-thirds majority: recommendations with respect to the maintenance of international peace and security, the election of the non-permanent members of the Security Council, the election of the members of the Economic and Social Council, the election of members of the Trusteeship Council, the admission of new Members to the United Nations, the suspension of the rights and privileges of membership, the expulsion of Members, questions relating to the operation of the Trusteeship system and budgetary questions. The Iranian proposal fell under none of these items, and my delegation voted against it.

43. *Apartheid* is obviously a very important issue among the issues before the Assembly. The overwhelming majority of this body regards *apartheid*

with repugnance, and that has been made plain on many occasions. That is incontestible; but what we were being asked to decide was whether it was an important item in terms of Article 18 of the Charter and rule 85 of the rules of procedure. My delegation's view was that it was not. If *apartheid* was not treated procedurally as an important question in 1981, 1982, 1983 and before that, why suddenly should it be so treated? The answer is obvious. The Assembly's decision this morning is regrettable. It was an attempt to circumscribe debate and stifle criticism.

44. In rejecting the amendment of the representative of Nigeria, the Assembly indicated its willingness to address the amendments before us. The Iranian motion was a substantial and political motion in the guise of a procedural measure, and in the terms in which it was moved, it commanded the support of the majority in this hall. We believe that decision was short-sighted and may have far-reaching effects for the future conduct of the Assembly's proceedings. Resolutions on *apartheid* have regularly been carried by a two-thirds majority or more. This morning's decision was therefore unnecessary, as well as being ill-advised. It was politically motivated to stifle the free flow of debate and was therefore objectionable to my delegation.

45. Today the General Assembly decided that *apartheid* was an important issue, basically with the purpose of avoiding consideration of amendments. What decision shall we take tomorrow, and what issues shall we make important in the future, and what will the effects of this be on the workings of the Assembly? I would just like to pose those questions in explaining why my delegation voted against the Iranian proposal.

46. Mr. OSMAN (Somalia): In order that our non-participation in the voting on the motion relating to the question whether *apartheid* matters require a two-thirds majority not be misconstrued or misinterpreted, I would like to reaffirm in explicit terms the firm and unequivocal opposition of my Government to the policy of *apartheid*, racism and racial discrimination. The policy of *apartheid* is one that really deserves international condemnation and as such is a matter of great importance, being a subject that has time and again been placed not only before the Assembly but also before various international forums.

47. Having said this, we also believe that proposals and amendments that are placed before the Assembly should be given the possibility of being considered and debated purely on their merits, so that any outstanding problems can be resolved in order to reach a consensus on the texts placed before the Assembly.

48. Mr. MOSELEY (Barbados): My delegation is second to none in its resolve that the heinous crime of *apartheid* shall sooner rather than later perish from this earth. However, my delegation considers that there is a real danger that from motives born of conflicting political ideologies or nationalistic instincts the real issue, namely, the destruction of *apartheid*, may become clouded and watered down. In my delegation's view, there should be no cloud on the right of every Member State to make an input towards a solution of the real problem. Procedural motions based on motives open to question in our view do nothing but weaken the main thrust, namely,

the eradication of *apartheid*, and for that reason we refused to participate in the vote.

49. Mr. KEYES (United States of America): It was quite clear from the manoeuvres that were employed this morning that the amendments put forward by the United States had the support of the majority of this body, and that explains why it was necessary to resort to procedural manoeuvres in order to avoid having a decision taken by that majority.

50. However, in the light of the events that took place this morning we believe that these amendments at this time could not be fairly considered, and we therefore withdraw our amendments contained in documents A/39/L.43 and L.44. I repeat, we withdraw these amendments.

51. In addition, the United States requests that separate votes be taken on four paragraphs in draft resolutions A/39/L.28 and L.30. I will specify these paragraphs. We ask that in draft resolution A/39/L.28 separate votes be taken on the twenty-sixth preambular paragraph and paragraphs 15 and 18. And we ask that in draft resolution A/39/L.30 a separate vote be taken on the fifth preambular paragraph.

52. The PRESIDENT: I shall now call on those representatives who wish to explain their vote before the vote on any or all of the seven draft resolutions. Representatives will also have an opportunity to explain their vote after all the votes have been taken.

53. I should like to remind the Assembly that under rule 88 of the rules of procedure: "The President shall not permit the proposer of a proposal or of an amendment to explain his vote on his own proposal or amendment."

54. Mr. McDONAGH (Ireland): I wish to make a statement on the draft resolutions on behalf of the 10 member States of the European Community.

55. The Ten, in their common statement in the course of the debate on agenda item 31, unreservedly condemned the practice of *apartheid* and reiterated their conviction that it must be eradicated and must give way to a society based on genuine representative democracy. The Ten continue to urge the Government of South Africa to respond to the wishes of the majority of its citizens and of the international community as a whole by introducing rapid and fundamental changes in South Africa to end *apartheid* before the opportunities for peaceful change have passed. They believe that the United Nations has a role of primary importance to play in the efforts exerted to eliminate *apartheid*.

56. *Apartheid* is an evil system which violates the fundamental rights of the majority of the citizens of South Africa. The general debate on the item has demonstrated the unanimous opposition of the Assembly to *apartheid*. It is regrettable therefore that, as last year, objectionable elements have been maintained in some of the draft resolutions.

57. The Ten wish to reaffirm their commitment to the principle of universality of membership of the United Nations. The specialized agencies should also retain their universal character and their statutes should be taken properly into account.

58. The Ten maintain that, in accordance with the Charter of the United Nations, the division of competences between the General Assembly and the Security Council must be respected.

59. The Ten do not consider the situation in South Africa to be a problem of decolonization. Their opposition to the practice of *apartheid* in South Africa is aimed at the establishment there of a society based on freedom, equality and social justice for all South Africans, irrespective of race or colour.

60. The Ten have condemned the use of violence from any quarter to solve the problems of southern Africa, including the violation of the sovereignty and territorial integrity of States neighbouring South Africa. The Ten are deeply concerned about the plight of refugees from South Africa.

61. The attitude of the member States of the European Community towards endorsement of armed struggle in resolutions of the General Assembly is well known. They are conscious that the continued existence of *apartheid* policies in South Africa suggests to many that these policies will be ended only through armed struggle. They believe, however, that the United Nations has above all the obligation to encourage peaceful solutions.

62. The Ten consider that demands to cut off all relations with South Africa are counterproductive to our common objective in this Assembly, which is the total eradication of *apartheid*. In the view of the Ten, channels of communication with South Africa should remain open in order to permit the outside world to continue to impress on South Africa its unequivocal rejection of the abhorrent and morally unacceptable system of *apartheid* and that there is an urgent need for the introduction of rapid and fundamental change.

63. The Ten remain dedicated to the Olympic ideal of non-discrimination and reject any form of *apartheid* in sports. They must point out, however, that sport is organized on a private basis in their countries. Their sporting organizations are aware of their Governments' opposition to sporting contacts in violation of the Olympic ideal. The Governments of the Ten will continue firmly to discourage sporting contacts involving racial discrimination.

64. The Ten reject all arbitrary and unjustified attacks on Member States or groups of countries.

65. The 10 member States of the Community regret that, for the reasons which I have pointed out, they will not be able to support all of the draft resolutions on this item before the Assembly. They reaffirm that they will continue to use their collective weight to influence the Government of South Africa to put an end to the abhorrent system of *apartheid* and to establish a society in which everybody, without exception, will enjoy equality, freedom and justice.

66. Mr. BARBOSA de MEDINA (Portugal) (*interpretation from French*): First, I should like to refer to the vote taken this morning on the procedural motion put forward by the Iranian delegation. I should like to emphasize that my delegation pronounced itself at that time on a very precise procedural motion dealing with specific amendments in the context of specific draft resolutions.

67. My delegation obviously considers the question of *apartheid* as an important one in the sense of Article 18 of the Charter of the United Nations, like many other delegations which have also explained their vote before me. I should therefore like to emphasize that nothing in our vote should in any way be construed as contradicting that understanding.

68. In the course of this debate, my delegation has frequently expressed Portugal's opposition to all

forms of racism and to the principles inherent in any society which is based on racial exclusivity or superiority. We have also reiterated on a number of occasions our support for any initiative whose purpose is to promote the necessary structural changes for the creation of a social system that might eliminate the tensions created by a régime based on the systematic and institutionalized practice of discrimination.

69. That opposition and support are the very basis of the position taken on *apartheid* by Portugal, which was the precursor of an age-old rejection of racism as a violation of a fundamental principle of law, universally recognized and enshrined in our Constitution. Portugal's vote in favour of resolution 39/2—which was adopted earlier at this session [*13th meeting*—] is a reflection of that profound conviction of the need to abolish the policies of *apartheid* and bantustanization, with all the risks of violence and conflict that they entail.

70. In this matter, where it is not simply a question of securing a modification of the prevailing system in South Africa but of undertaking fundamental changes, my Government has always worked to obtain that end by peaceful means. Portugal also believes it essential that all armed conflict and any kind of destructive violence be ruled out because we fear the disastrous consequences that would be visited upon the South African people and the dramatic effects they would have on neighbouring independent States.

71. Portugal could not support so-called piecemeal solutions that would be vain attempts to deal with a global issue. Nor, on the other hand, could we agree that resort to indiscriminate violence is a valid way of turning South Africa into a free, democratic and multiracial society and at the same time bringing peace and prosperity to southern Africa.

72. Likewise, my Government does not believe that the total isolation of South Africa can serve our essential purpose of bringing about the fundamental changes that we have called on that country to make. Indeed, Portugal is profoundly convinced that there is need to keep the international community in a state of mobilization in its efforts against racism, and we are also aware of the fact that the effective eradication of that phenomenon will hinge on a change in mental attitude capable of promoting a feeling of community and equality among the various ethnic elements. It is a fact of history that lack of movement, rather than evolution, is what keeps a country outside the community of nations.

73. The regional arrangements that have taken place might help, in certain circumstances, to demonstrate the value of a policy of keeping in contact—one which Portugal pursues. Keeping in contact should not be confused with acts of assistance or solidarity with the *apartheid* régime, because they permit acts of aggression and destabilization against neighbouring States in flagrant violation of international law. Owing to historical and cultural links, my delegation would like here to confirm its solidarity with those States, and particularly with the peoples of Angola and Mozambique, which are victims of the present unstable situation prevailing in southern Africa.

74. In this context, my delegation will not substantially change the vote it has so often cast in the General Assembly. While we have reservations about

certain aspects of these draft resolutions which encourage violence and contain discriminatory references or certain imprecise language—in particular, paragraphs 5, 7 and 9 of draft resolution A/39/L.36—we will vote in favour of draft resolutions A/39/L.29 and L.31 to L.33. My delegation hopes that it can thus make a realistic contribution to the efforts to find a lasting, just and peaceful solution to the problems which beset southern Africa.

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

76. The Nordic countries' condemnation of *apartheid* and all forms of racial discrimination has been voiced in the Assembly on many occasions. The entire system of *apartheid* must be eliminated and give way to a system based on genuine representative democracy. This rejection is based on the Nordic concepts of justice, freedom and democracy and on our belief in the equality and dignity of every human being.

77. Our commitment to these goals is demonstrated by the measures taken by the Nordic countries in accordance with the Joint Nordic Programme of Action against South Africa. The Nordic countries have consulted with relevant parties, especially the front-line States, on how to co-ordinate our efforts in the fight against *apartheid*. It is against that background that we joined in sponsoring a new draft resolution concerning concerted international action for the elimination of *apartheid*. We will again support most of the resolutions concerning the *apartheid* policy of the South African Government.

78. In view of the attitude of our countries towards the *apartheid* system, we regret that we are not able to vote in favour of all the draft resolutions. Some of them again cause us substantial difficulties. These difficulties concern questions of principle, some of them encountered in more than one draft resolution. I shall briefly describe them.

79. First, the Nordic countries consider universality one of the basic principles of international organizations. We cannot therefore accept any formulation that in one way or another seems to put that principle in doubt.

80. Secondly, the United Nations has above all the obligation to encourage peaceful solutions to international problems. Therefore, we cannot accept endorsement by the United Nations of the use of armed struggle.

81. Thirdly, the Nordic countries deplore the inappropriate and arbitrary singling out of individual countries and groups of countries. This procedure makes it all the more difficult to maintain the international consensus in the struggle against *apartheid*.

82. Fourthly, because of the strict adherence of the Nordic countries to the provisions of the Charter, we must generally reserve our position with regard to formulations which fail to take into account that only the Security Council can adopt decisions binding on Member States.

83. Fifthly, the implementation of some of the resolutions would encroach upon the constitutional freedoms and rights of Nordic citizens and private organizations.

84. Sixthly, the Nordic countries consider that only a free democratic process based on universal suffrage

can determine who can represent the South African people.

85. These are the considerations on which most of our reservations are based. In particular, they apply to draft resolution L.28 concerning sanctions against South Africa, and draft resolution A/39/L.30 concerning relations between Israel and South Africa.

86. Humanitarian assistance to the refugees and the victims of *apartheid* also forms an important part of the measures taken by the Nordic Governments in accordance with the Joint Nordic Programme of Action against South Africa. We have again this year introduced resolutions reflecting those policies. In so doing, we demonstrate that our commitment actively to combat the evil of *apartheid* remains firm.

87. The Nordic countries voted against the motion to require a two-thirds majority on the *apartheid* resolutions and amendments before us, for one reason: because the purpose was to deprive the Members of the General Assembly of their legitimate rights to express their detailed reasons and to properly influence the decisions of the General Assembly. The negative vote of the Nordic countries does not, of course, relate to the well-known Nordic position *vis-a-vis* *apartheid*.

88. Count YORK von WARTENBURG (Federal Republic of Germany): Mr. President, you have appealed to us to explain our vote on the motion to require a two-thirds majority on all decisions on *apartheid* in connection with the explanations on the pertinent resolutions themselves.

89. My delegation believes, as indeed do all delegations, that *apartheid* is an important issue. We have nevertheless voted against the motion presented by the delegation of the Islamic Republic of Iran because it was not clear to us what the objective of that motion really was. Was it to give to our common condemnation of *apartheid* a stronger expression? Or was its purpose in reality directed against a particular proposal put forward by the United States? We deeply deplore the fact that the latter seems to be true. We strongly oppose any action that would make the important question of *apartheid* an instrument to prejudice the position of another member State in the Assembly, and this in a manner which was clearly unfair.

90. I would now like to explain our vote on the draft resolutions that are before the Assembly. The representative of Ireland, speaking on behalf of the 10 member States of the European Community, has already commented on the draft resolutions we are about to vote on, recalling essential political principles shared by those countries, including my own.

91. The Government of the Federal Republic of Germany, as is well known, rejects strongly the *apartheid* policy of South Africa as an institutionalized system of racial discrimination. We condemn and repudiate the *apartheid* system because this system violates human rights and disregards human dignity. The results of the latest parliamentary-chamber election and the continued violence in South Africa reinforce the concern felt by my Government that the majority of those affected fail to see the new South African constitution either as a constructive step forward or as a sufficiently large political concession. Furthermore, the Government of the Federal Republic of Germany has been greatly concerned that the constitutional reform contains no

measures aimed at granting political rights to the black majority.

92. Peaceful changes in favour of the oppressed majority of South Africa are urgent and necessary for the benefit of all parts of the population of that country. In a dialogue with all relevant forces, the Government of the Federal Republic of Germany endeavours to defuse by its peace policy the tense situation in South Africa and to contribute towards the establishment of an equitable and lasting order. In so doing, the Federal Government strictly adheres to the arms embargo imposed on South Africa by the Security Council. Anyone claiming the contrary does so against his own better knowledge.

93. My Government agrees with the main thrust of the above-mentioned draft resolutions. It is therefore with much regret that, because of certain formulations in the draft resolutions, my Government is not in a position to support all of them. In particular, we strongly reject the unfounded criticism directed against the Western countries, suggesting that they are encouraging South Africa to escalate violence and oppression against the oppressed people in South Africa and to commit acts of aggression and destabilization against independent African States.

94. My delegation will vote in favour of draft resolutions A/39/L.29, L.32 and L.33, in spite of certain objectionable formulations, specifically in A/39/L.29 and L.32. With regard to draft resolution A/39/L.29, my delegation has concerns about some recommendations contained in the report of the Special Committee against *Apartheid* [A/39/22] relating to its programme of work. If my delegation is voting for draft resolution A/39/L.29 contrary to the position it took last year, it does so because it believes in its main concern. Furthermore, my delegation hopes that the Special Committee against *Apartheid* will display a more equitable and balanced position towards the Federal Republic of Germany and other Western States in its publications. Also, my delegation would like to place on record its reservations as to the financial implications inherent in this draft resolution as well as in draft resolution A/39/L.32.

95. Moreover, my delegation would like to emphasize that we strongly object to the mentioning of any country by name in the text of the resolutions. That is why my delegation would have strongly supported all amendments aiming at deleting the names of countries in these texts.

96. Finally, let me express the firm hope of my delegation that the General Assembly will be able, at its fortieth session, to deal with resolutions which will eventually be supported by all members of this body.

97. Mr. STEFANINI (Italy): Let me first clarify our position on the motion presented by the Iranian delegation and voted on this morning.

98. Italy shares the concern expressed by many other delegations on this divisive vote which was forced on the Assembly by the Iranian motion. We believe that *apartheid* is indeed a question of primary importance. There can be little doubt about it in anybody's mind. In fact, it is given the highest priority, as it deserves, in the United Nations. We are convinced that it must continue to receive such priority.

99. We voted against the Iranian motion because the issue at stake was not the importance of *apartheid*

but the importance of the respect for the rules of procedure of the Assembly—in other words, the very fairness of our decisions. What happened this morning was an unfortunate event which we may all regret in the future.

100. Let me now turn to the draft resolutions before us. In his earlier statement, the representative of Ireland expressed the views of the 10 member States of the European Community on those draft resolutions. Italy entirely supports his remarks.

101. My delegation wishes to specify further some points which are particularly significant to us. In our view, the Special Committee against *Apartheid* deserves respect and support for carrying out a demanding and essential task. Its role is extremely useful in order for us to achieve the goal we all share: the complete eradication of *apartheid*. To signify once again our support, we shall vote in favour of draft resolution A/39/L.29 on the programme of work of the Special Committee, in spite of some reservations. Such reservations do not stem from the text before us but are related to the report of the Special Committee against *Apartheid* [A/39/22]. In this connection, Italy wants to put on record that its vote in favour of the draft resolution does not imply acceptance or endorsement of all the conclusions and recommendations of the report. Indeed, my delegation views many of them with some concern.

102. Let me now turn to draft resolution A/39/L.36 concerning concerted international action for the elimination of *apartheid*. We do share this goal; we believe in the need for the international community to maintain and increase its pressure on South Africa towards this end. Moreover, we welcome the initiative of the sponsors of this draft resolution—among which there are three member States of the European Community—in so far as they have avoided the inclusion of extraneous elements and presented us with the kind of clear-cut and straightforward text we would like to find in all resolutions. We fully support the call for political freedom and the abolition of the *apartheid* structures; we agree on many other provisions of the draft resolution. However, we have reservations on some formulations and, in particular, we cannot support paragraphs 5 and 9 and some of the elements in paragraph 7. Therefore, Italy will abstain in the vote on draft resolution A/39/L.36.

103. Mr. WARD (New Zealand): New Zealand rejects South Africa's policy of *apartheid* in all its manifestations. As we said in our statement in the general debate on the item [70th meeting], the *apartheid* system is an offence against the dignity of mankind and a travesty of the principles underpinning the Organization. *Apartheid* is contrary to the New Zealand way of life and the values of the multiracial society we are building.

104. My delegation's votes on the draft resolutions before us will leave no one in any doubt about New Zealand's rejection of racism. My Government believes that the international community should consider applying a range of selective measures that would bring home to the South African Government the fact that their policies and practices have no place in today's world. For this reason we have co-sponsored the draft resolution A/39/L.36. For the same reason, my delegation will abstain in the vote on draft resolution A/39/L.28, even though we have reservations about some of its rhetoric and sweeping demands. My delegation cannot agree with the

endorsement of armed struggle by the General Assembly, nor with the selective criticisms that mar this text. New Zealand would have supported the amendments proposed in documents A/39/L.43 and L.44.

105. New Zealand will vote in favour of draft resolution A/39/L.31 on *apartheid* in sports. My Government actively discourages New Zealand sports people from having contacts with South Africa until *apartheid* is abolished and South African teams are wholly representative. New Zealand's policy largely accords with the goals sought by the *Ad Hoc* Committee, though legal obstacles might preclude New Zealand's adherence to an international convention on the lines at present proposed.

106. We have reservations about some aspects of draft resolution A/39/L.29 on the programme of work of the Special Committee against *Apartheid*, but to demonstrate our support for the objectives of the Special Committee's work, we will vote for that draft resolution. Our willingness to work with the international community in practical ways for the elimination of *apartheid* is also demonstrated by our support for draft resolutions A/39/L.32 and L.33.

107. Mr. LOUET (France) (*interpretation from French*). The French delegation would like to add to the statement made on behalf of the 10 European Community countries by the representative of Ireland, by way of making the following remarks.

108. France, as everyone knows, condemns outright the policy of *apartheid* of the South African Government. We have said this on a number of occasions quite clearly, and we have proved this by our deeds. This position of France was given solemn expression once again by Mr. Cheysson, the Minister for Foreign Affairs, at the meeting organized in his honour on 9 October this year by the Special Committee against *Apartheid*.

109. Recalling the historic role of France in the struggle against racism, Mr. Cheysson declared in the statement he made on that occasion:

"Therefore, my country categorically, unreservedly and unambiguously denounces institutionalized racism and the practices which derive from it. As far as we know, the only form of legal racism still existing in the world is in South Africa, and it is the *apartheid* régime, which we condemn."

110. My country firmly supports all those who work to establish justice and to ensure that the dignity of one and all is recognized in South Africa. It fully supports the Special Committee in continuing its mission of providing information about and denouncing everything that affects the policy of *apartheid*, as indicated by the presence of the Minister for Foreign Affairs of France at that exceptional meeting held on 9 October.

111. It is for that reason that the French delegation will vote in favour of draft resolution A/39/L.29, which endorses the programme of work of the Special Committee, although we do not approve of all the points contained in it.

112. Likewise, my delegation will vote in favour of draft resolution A/39/L.32, which encourages the United Nations to promote public information and public involvement in international action to eliminate *apartheid*. The French Government has proved its keenness on providing public information on *apartheid* matters. Through its Minister for Foreign Affairs, it sought recently to underline its commitment in this area by announcing a contribution, for

the first time in 1985, to the United Nations Trust Fund for Publicity against *Apartheid*.

113. Furthermore, while reserving its position on the contents of any future draft convention, France intends to give its support to draft resolution A/39/L.31, in order to indicate its rejection of any discrimination in sports.

114. As the representative of Ireland did before me when he spoke on behalf of the 10 European Community countries, I should like to express my regret that France is unable to give its support to all the draft resolutions presented under this agenda item. The French delegation very strongly voices the hope that the sponsors of draft resolutions on *apartheid* will in future take account of the position of several delegations in connection with formulas which weaken the impact of certain draft resolutions and do not make it possible for them to be supported by all members of the Assembly.

115. *Apartheid* is unanimously condemned by the Assembly. Let us together try to find, wherever possible, formulations which make it possible for us to reflect this unanimity in our voting. My delegation is convinced that this goal can be reached without at the same time weakening the condemnation, thereby enhancing the impact of the resolutions, which is something we hope to see.

116. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): Ecuador unswervingly rejects any form of racial discrimination, especially its most reprehensible form, *apartheid*, which is considered a crime against mankind. This position is not based on passing circumstances nor on national or international political pressure. It comes from Ecuador's convictions as a country with mixed ethnic origins, proud of its human resources, which grew from a crucible of many races who live together in equality, based on the principles of freedom and democracy.

117. The political Constitution of Ecuador, which arose from a popular referendum, states in Article 4: "The Ecuadoran State condemns all forms of colonialism, neocolonialism and racial discrimination or segregation. It recognizes the right of peoples to liberate themselves from these oppressive systems."

118. In Article 19, paragraph 4, the Constitution states: "All forms of discrimination for reasons of race, color, sex, language, religion, filiation, political or other opinions, social origin, economic position or birth are forbidden."

119. Ecuador for this reason is a party to the International Convention on the Elimination of All Forms of Racial Discrimination [*resolution 2106 A (XX), annex*]. We were the first State to accede to the International Convention on the Suppression and Punishment of the Crime of *Apartheid* [*resolution 3068 (XXVIII), annex*].

120. For these reasons, my country, together with other Latin American States, for more than 20 years has always joined in the support for our brothers in Africa expressed in resolutions on the subject which reflect a painful tragedy for the people of South Africa and a universal concern to find solutions.

121. Ecuador does not agree with a selective approach to human rights, and we believe that all States disregarding United Nations resolutions should be condemned, be they great or small. For this reason, we will vote in favour of all the draft resolutions on the subject of *apartheid* solely because of the anti-discriminatory principles mentioned, but we do not



agree that some countries should be singled out and not others in similar circumstances. We would have preferred that racism should be condemned, but in lofty language, without descending to formulas which are themselves discriminatory in nature.

122. In the case of draft resolutions A/39/L.28 and L.30, Ecuador supports any policy aimed at the elimination of racial discrimination, no matter where it may occur—that is, a universal condemnation—but we do not agree with certain selective paragraphs in the texts which are worded inappropriately and will not bring about a solution to the problem. Instead, an attempt should be made to bring about an understanding rather than heightening already existing tensions.

123. My delegation reiterates its support for the struggle of the African peoples against any situation of neo-colonialism or discrimination and in favour of democracy, human rights and justice throughout the world.

124. Mr. MEESMAN (Netherlands): In the debate on the question of *apartheid* [69th meeting], my delegation has already expressed the view that the abolition of this system of institutionalized racial segregation remains one of the most important tasks confronting the international community. The Netherlands Government has consistently condemned the racial policies practised by South Africa. The *apartheid* laws, each of which contradicts fundamental human rights, add up to a repressive system that deprives the majority of South Africa's people of a life in dignity and freedom. The recent wave of violence and oppression in South Africa has demonstrated once more the urgent need to replace *apartheid* by a truly democratic society in which all South Africans, irrespective of race, colour, sex or creed, enjoy equal political and economic rights.

125. In its efforts to contribute to the early elimination of *apartheid*, my Government continues to give priority to concerted international action within the framework of the United Nations. The debate on this question has shown that the Members of the Organization agree in their judgement that this should be our common goal and that collective action offers the best prospects for bringing to bear effective pressure on the Government of South Africa. One would have expected therefore that draft resolutions before the Assembly would have been drafted with a view to translating this broad consensus into a statement of principles and a programme of concrete action to which all Members of the United Nations could subscribe. We note with regret, however, that once again some of the draft resolutions before us contain elements which are more likely to stir up controversy and mutual recrimination than to contribute to our common cause.

126. In his statement on the resolutions on behalf of the Ten, which we fully endorse, the representative of Ireland has already set forth a number of principles commonly adhered to by the member States of the European Community. We firmly reject the practice of name-calling and arbitrary criticism against certain States or groups of countries. For that reason, and that reason only, my delegation intended to vote in favour of the amendments introduced by the United States. We deeply deplore the fact that these amendments were not put to the vote as a result of a procedural move, ostensibly on the question of *apartheid*, but which had no other objective than the

retention of wording in the draft resolutions which was not only objectionable to the United States but, in the view of my delegation, not justified. My delegation therefore voted against the Iranian motion to apply to the question of *apartheid* the two-thirds majority rule. Furthermore, the Netherlands objects to the expressions of support for the concept of armed struggle, which is incompatible with the principles of the Charter of the United Nations. In our view, the situation in South Africa is not a colonial one. From this it follows that although the Netherlands supports the efforts of the African National Congress of South Africa [ANC] and the Pan Africanist Congress of Azania [PAC] as anti-*apartheid* movements, we do not recognize them as liberation movements. Also we continue to have reservations about the applicability of the prisoner-of-war status under the Geneva Convention relative to the Treatment of Prisoners of War of 12 August 1949<sup>1</sup> and Additional Protocol I of 1977.<sup>2</sup>

127. All these considerations apply to the draft resolution on comprehensive sanctions. My delegation deeply deplores the truly alarming spirit of hostility to one particular group of States displayed in this text. Member States may differ in their choice of policies aimed at the elimination of *apartheid*, but to seize upon these differences to excoriate certain countries is a practice which strikes at the very roots of the Organization and must be repudiated. However, we also disagree with the general thrust of the draft resolution. We shall therefore vote against it. The Netherlands Government fears that the total isolation of South Africa and comprehensive sanctions against that country will gravely exacerbate existing tensions and will inflict intolerable suffering on the people of South Africa and neighbouring States. The Netherlands has therefore adopted a two-track policy, aimed at increasing the political and economic pressure on the South African Government while using existing channels of communication to encourage forces of peaceful change in South Africa's society. Apart from these reservations, however, it is our opinion that the selective, mandatory sanctions mentioned in paragraph 11 point the way to possible future collective action against the Government of South Africa.

128. This brings me to the draft resolution on concerted international action for the elimination of *apartheid*. We greatly value this constructive attempt to present a broad platform for concrete common measures, and we will vote in favour of it. In previous years, my Government has already advocated or implemented many of the steps proposed in this draft resolution. For instance, the Netherlands has declared itself in favour of an oil boycott against South Africa based on the mandatory decision by the Security Council and has also expressed its support for the efforts of the oil-exporting and -producing countries to ensure the effective implementation of their voluntary embargo.

129. The Netherlands scrupulously adheres to the existing mandatory arms embargo established by Security Council resolution 418 (1977). As a member of the Security Council, the Netherlands has actively urged the adoption of measures to strengthen the embargo and to enhance its effectiveness, notably by a mandatory ban on the import of arms produced in South Africa. Furthermore, we fully subscribe to the demands enumerated in paragraph 4. With regard to the appeal made in paragraph 8, I wish to recall that

the Netherlands is a major donor of assistance to victims of *apartheid*, the front-line States and the Southern Africa Development Co-ordination Conference, and we have extended support to the ANC and the PAC with the previously mentioned reservation. Yet we cannot endorse all aspects of the draft resolution. Some of our reservations are related to the general principles which I outlined earlier in my statement. We also have reservations concerning paragraph 7. We would welcome a mandatory decision by the Security Council to restrict investments in South Africa. However, in the sphere of national action, my Government does not wish to prejudge the outcome of its consultations with employer organizations and trade unions to consider in what way investments by Dutch companies in South Africa can be influenced as effectively as possible. Furthermore, the Netherlands shares the view that South Africa must be denied any military nuclear capability. But rather than an appeal to cease all nuclear co-operation with South Africa, we would have preferred a call on South Africa to accede to the Treaty on the Non-Proliferation of Nuclear Weapons [resolution 2373 (XXII), annex] or, alternatively, to accept full-scale safeguards on all its nuclear installations.

130. I now turn briefly to some of the remaining draft resolutions. My delegation will vote in favour of the draft resolution on the programme of work of the Special Committee against *Apartheid*, in spite of reservations regarding certain elements in the Special Committee's report. In our view, the means for the implementation of this programme must be found within the resources of the regular budget.

131. Finally, the Netherlands will continue to abstain in the voting on the draft resolution concerning *apartheid* in sports. The introduction of visa requirements for South Africans has enabled my authorities, *inter alia*, to restrict South African participation in sporting events in the Netherlands. However, we cannot accept some provisions of the proposed international convention against *apartheid* because they are incompatible with certain constitutionally guaranteed freedoms in my country.

132. Mr. AKYOL (Turkey) (*interpretation from French*): My delegation will vote in favour of all the draft resolutions on the policies of *apartheid* of the South African Government. These draft resolutions appear in documents A/39/L.28 to L.33 and L.36. We are also pleased to be one of the sponsors of the draft resolution in document A/39/L.33, on the United Nations Trust Fund for South Africa.

133. Our firm support of these draft resolutions reflects our desire to take part in the efforts of the international community to eliminate *apartheid*. However, we do have reservations regarding some of the paragraphs in these draft resolutions. As regards draft resolution A/39/L.28, we believe that the thirteenth, twenty-first, twenty-second, twenty-fourth, twenty-fifth and twenty-sixth preambular paragraphs and paragraphs 14 and 15 are not worded in a balanced manner.

134. Generally speaking, we do not think reference should be made to certain countries or groups of countries, since it is difficult to take a final stand on the respective responsibilities. More specifically, we have reservations as to references to Western countries, mentioned individually or as a group, in several paragraphs of the draft resolutions in question.

135. Miss DEVER (Belgium) (*interpretation from French*): This morning my delegation voted against the motion introduced by the delegation of the Islamic Republic of Iran. We did so unhesitatingly. Our vote cannot be misinterpreted: the unreserved opposition of the Belgian Government and people to *apartheid* is well known to everyone. In the context in which this motion was introduced, it did not apply to the importance of the question of *apartheid*, but instead was a procedural ploy to obstruct the adoption of amendments submitted by a Member country after the rejection of another motion aimed at preventing a vote on those amendments. Such techniques are regrettable, for they undermine the effectiveness of the work and disrupt the atmosphere of the Assembly.

136. Draft resolutions A/39/L.29 and L.32, on the programme of work of the Special Committee against *Apartheid* and on public information and public action against *apartheid*, meet with the approval of my delegation, for we believe that everything should be done to ensure the proper allocation of available resources.

137. As regards specifically document A/39/L.29 on the programme of work of the Special Committee, the favourable vote of my delegation does not imply, as we would stress, full approval of the entire report referred to in the only preambular paragraph.

138. My delegation will also vote in favour of draft resolution A/39/L.31, which concerns *apartheid* in sports, and of draft resolution A/39/L.33 on the United Nations Trust Fund for South Africa.

139. My delegation regrets that it is unable to vote in favour of the other three draft resolutions on the policies of *apartheid*. The representative of Ireland, in the statement just made on behalf of the member countries of the European Community, has already very clearly reflected the concerns of my country on this subject. Belgium unreservedly takes part in the universal condemnation of the system of *apartheid*, but we are all the less disposed to depart from our normal standards of conduct since the concessions that would thus be required do not seem to us likely to achieve the goals being pursued. Belgium cannot at one and the same time call for a peaceful solution and give direct or indirect encouragement to armed struggle. Our attitude is consistent and responsible, and in keeping, we believe, with the principles of the Charter of the United Nations and the mission of the Organization.

140. If the reactions of the Pretoria Government to the pressing appeals of the international community have been continually disappointing to us, my country still cannot subscribe to the statement that that Government, with the support of some Western countries, is pursuing a hegemonistic policy in southern Africa. We cannot accept individual criticism levelled at certain Western countries, in particular those who present a policy of constructive engagement, in an entirely negative manner. That is why my delegation would have voted in favour of the amendments introduced by the delegation of the United States if they had been maintained.

141. Belgium cannot agree that a special resolution should be devoted to relations between South Africa and another State for reasons not directly related to the problem of *apartheid*. My country remains convinced that the widespread boycott of South Africa would have effects contrary to those being sought

here by the international community and that the maintenance of channels of communication between it and the Government of South Africa is necessary if we want the weight of existing pressure to lead to a peaceful dismantling of the institutional structures of *apartheid*.

142. Finally, as regards the participation of specialized agencies in the struggle against *apartheid*, my delegation is more than ever convinced that in the permanent interest of international co-operation, their jurisdiction should remain essentially technical and their universal nature should not be undermined.

143. For these reasons, my delegation will be obliged to vote against draft resolutions A/39/L.28 and L.30, and we must abstain in the voting on draft resolution A/39/L.36, on concerted international action for the elimination of *apartheid*. On the subject of this latter draft resolution, we recognize that an appreciable effort has been made by the sponsors to bring about a consensus. It is, however, the opinion of my Government that some of the language contained in this draft resolution continues to convey ideas which we cannot support.

144. Mr. CARLSON (Canada): My delegation opposed the Iranian motion. We do not consider the proposal consistent with the language and intent of Article 18 of the Charter of the United Nations. We are concerned that a regrettable precedent may have been established which could limit future debate and stifle the will of the majority of the membership.

145. The representative of Canada clearly outlined and enunciated my country's policy on the vital issue of *apartheid* at the 67th meeting. We will vote in favour of draft resolution A/39/L.36 as a further demonstration of our total rejection of the system of *apartheid*. We also recognize that the text of this draft resolution has been carefully prepared to take into account various considerations. We congratulate the sponsors for their efforts.

146. My delegation must, nevertheless, register its reservations with respect to some elements of this resolution. Regarding paragraph 5, Canada supports effective measures to eliminate *apartheid* and recognizes the right of the Security Council, under the Charter of the United Nations, to decide questions regarding mandatory sanctions. It is not readily apparent to us which new forms of mandatory sanctions might be relevant or effective at this time. For this reason, we have some doubts about the timeliness of this recommendation.

147. Regarding paragraph 7, the Canadian Government does not lend funds or extend official credit to South Africa. A series of measures has been taken to terminate the official promotion of trade, including the end of export credits and the abrogation of the Canada-South African trade agreement. These measures do not prevent, by law, Canadian individuals or companies from pursuing trade in peaceful goods or pursuing investment opportunities. That is a matter for individual judgement.

148. Regarding paragraph 8, Canada does not support armed struggle as a means to effect change in South Africa. We do, however, extend considerable financial help to the victims of *apartheid* inside South Africa and to refugees. Grants are accorded to voluntary organizations supporting community development and training. Exiles are assisted through the Commonwealth, the United Nations Educational and Training Programme for Southern Africa,

UNDP and other means. We do not support, or intend to support, movements which seek to achieve their objectives through violent means.

149. Regarding paragraph 9, while we reject initiatives and contacts that would support the *apartheid* régime, we do not consider that open and frank exchanges have, or need to have, this effect. We do not favour the complete isolation of South Africa and do not interpret this paragraph, as worded, to endorse the termination of all contacts. Societies which are isolated find it more difficult to change. We do not change peoples' minds by refusing to talk to them.

150. This having been said, the Canadian delegation wishes to emphasize once again that we fully support the evident intent of this resolution, which is to muster support for concerted international action. The struggle against *apartheid* is one which we espouse. It must be continued until *apartheid* is ended and there is justice for all.

*Mr. Gbeho (Ghana), Vice-President, took the Chair.*

151. Mr. WOOLCOTT (Australia): I have already explained the Australian delegation's opposition to the Iranian motion this morning, and I wish now to address briefly the draft resolution before us. As my delegation stated in the general debate on this item [67th meeting], the present Australian Government totally rejects all forms of *apartheid*, all forms of racism and, in particular, the repugnant policy of *apartheid*.

152. My Government views *apartheid* as the root cause of the tensions, instability and confrontation in southern Africa. Australia therefore supports international efforts to censure South Africa where these have the support of the international community and is prepared to take measures to bring effective pressures to bear on South Africa to end *apartheid*.

153. Despite our strong support for effective international action to terminate *apartheid*, we find ourselves once again faced with a number of resolutions containing elements which we are unable to accept. It was for this reason that my delegation welcomed the opportunity to co-operate with a number of other Western and African delegations in sponsoring draft resolution A/39/L.36, which we believe contains an effective blueprint for action against *apartheid*. In relation to the other resolutions, I wish to make the following observations.

154. My delegation is opposed to the endorsement of armed struggle as a means of bringing about an end to *apartheid*. The settlement of disputes by peaceful means is one of the most cherished principles of the United Nations, and we do not believe that it is appropriate to endorse armed struggle.

155. Having said this, however, I should add that, as I said yesterday [97th meeting] in respect of Namibia, we do understand the frustrations that have led many countries and peoples to take the view that if peaceful methods do not produce the necessary results, force may inevitably occur as a last resort to end institutionalized discrimination in southern Africa.

156. We are also opposed to the selective and arbitrary condemnation of individual Member States and to the often extravagant language in which these criticisms are voiced. For this reason, we would have voted in favour of the amendments contained in documents A/39/L.43 and L.44, and for that reason

we shall vote against those paragraphs on which the United States has requested a separate vote.

157. The Australian delegation is also committed to the principle of universality of membership of international organizations, and we cannot accept the calls in these resolutions for the expulsion of South Africa from the United Nations and its family of organizations. It is through its participation in such bodies that South Africa can be brought face-to-face with the full strength of international opposition to *apartheid*.

158. A further element in these draft resolutions which my delegation is not able to accept is the proclamation of South African liberation movements as the authentic representatives of the people of South Africa. Only free democratic elections based on universal suffrage can really determine who represents the people of South Africa.

159. Consistent with the attitude of the Australian delegation in relation to the need for strict control of United Nations expenditures, we also have some reservations about the nature and extent of the programme of work of the Special Committee against *Apartheid*.

160. The presence of these elements in a number of the draft resolutions before us has meant that my delegation will abstain on draft resolution A/39/L.28 and will vote against draft resolution A/39/L.30. We shall, however, vote in favour of draft resolutions A/39/L.29, L.31 to L.33 and L.36.

161. Ms. MOSELE (Botswana): My delegation will abstain in the voting on draft resolution A/39/L.28 and will vote in favour of the rest of the draft resolutions under consideration, while reserving our position on any of their paragraphs which enjoin us to participate in the imposition of economic sanctions against South Africa. We are not in a position to support the imposition of economic sanctions, let alone an oil embargo, against South Africa.

162. Mr. MAKEKA (Lesotho): My delegation as a matter of principle fully supports all United Nations efforts to put an end to the inhuman practices of *apartheid* and racial discrimination in South Africa. Therefore my delegation will vote in favour of the draft resolutions now before us. However, in view of our usual position regarding our difficulties over sanctions, my delegation will abstain on draft resolution A/39/L.28. It follows, therefore, that my delegation has difficulties with paragraphs pertaining to sanctions in other draft resolutions, as Lesotho is not in a position to implement them.

163. Mr. LEVIN (Israel): As we stated in the course of the debate on the agenda item before us [69th meeting], Israel categorically and unequivocally rejects racism, racial discrimination, bigotry and intolerance in any form. This position has been made clear by us on numerous occasions in the Assembly. It has also been repeatedly communicated by us to the Government of South Africa. Nevertheless, the sponsors of draft resolution A/39/L.30, as well as of some of the other draft resolutions before us, have intentionally ignored official communiqués from my Government which are contained in official documents of the United Nations and have prepared to rely on mendacious, tendentious and unsubstantiated allegations based on speculative press reports and on previous one-sided resolutions. In so doing, the sponsors of these draft resolutions have sought to divert attention from the real problems of *apartheid*,

thus gravely undermining the purpose of the debate on this subject and subverting the genuine concern for the victims of bigotry and racial prejudice.

164. It is high time for a serious assessment of the relentless perennial incantations against my country to take place and for a single, honest and impartial standard to be set and applied with regard to the just struggle against racism and racial discrimination in all its manifestations. Israel has once again been singled out in this item as the only country in the world for specific condemnation based on patent falsehoods. For this reason, as for other reasons raised by my delegation on previous occasions, the delegation of Israel will vote negatively on draft resolution A/39/L.30.

165. Mr. MILES (United Kingdom): The representative of Ireland, speaking on behalf of the 10 States members of the European Community, has already expressed views shared by my Government and I need therefore comment only briefly on why the United Kingdom does not feel able to support most of the draft resolutions now before the Assembly.

166. No member of the Assembly can be in any doubt of the strength of opposition of successive British Governments to *apartheid* or of the efforts they have made consistently, through pressure and persuasion by all available means, to induce the South African Government to abandon the cruel, morally unacceptable and degrading system of *apartheid*. But, as we have consistently made clear at recent sessions of the General Assembly, we had hoped that this body would approach the *apartheid* question in a realistic and effective manner and work for draft resolutions that would allow all delegations to express their unanimous opposition to *apartheid*. We are saddened that the impact of the draft resolutions adopted has been diminished by their being used for manifestly divisive ends. The effectiveness of the Assembly's efforts to oppose *apartheid* would be enormously enhanced if the position of some Member States were not misrepresented or abused and if strict regard were paid to the truth.

167. For example, with regard to draft resolution A/39/L.29, we particularly regret the nature of the report presented to the Assembly by the Special Committee against *Apartheid* [A/39/22]. The report is slanted, inaccurate and in several places seriously misrepresents my Government's position. It contains an extraordinary number of tendentious attacks upon Member States, including the United Kingdom and several of our partners in the European Community. It will be entirely counterproductive, as it can bring comfort only to those who do not genuinely wish to see the problems of South Africa resolved rapidly, justly and without further bloodshed. Similar considerations apply to draft resolutions A/39/L.28 and L.30.

168. The most effective way in which the international community can assist the people of South Africa to dismantle *apartheid* lies not through isolation, comprehensive sanctions or other measures which would entrench the South African Government's stance and have serious consequences for neighbouring countries, still less through violence, but through the maintenance of dialogue and channels of communication. Through these channels my Government will continue to impress upon the South African Government our unwavering refusal to tolerate *apartheid*.

169. Mr. PHIRI (Malawi): In considering the draft resolutions before the plenary Assembly, my delegation would like to reiterate that the Government of the Republic of Malawi remains resolutely averse to the policies of *apartheid* and all the methods used to enforce them.
170. On 23 October last, the President of my country and the President of the People's Republic of Mozambique issued a joint communiqué in which they unreservedly condemned the practice of *apartheid* in South Africa and called for an early end to the *apartheid* policies.
171. My Government's rejection of the policies of *apartheid* cannot therefore be in doubt. It was in support of this aversion to *apartheid* that my delegation voted in favour of the Iranian motion. However, my delegation holds the view that some of the measures called for in the draft resolutions under consideration may not contribute to the early achievement of our objective of eliminating *apartheid*. Moreover, my delegation joins those delegations that hold the conviction that the problems we are facing require practical approaches that are implementable.
172. We wish to reiterate that we do not support the practice of singling out a few Member States for condemnation or criticism, which is in conflict with the principle of universality. We all know that published records point to several other Member States that would be candidates for any such criticism in this regard.
173. In these circumstances, my delegation will vote in favour of draft resolutions A/39/L.29 and L.31 to L.33, but will abstain on draft resolutions A/39/L.28, L.30 and L.36.
174. My delegation's abstention in the votes on those draft resolutions is the result of historical and geographical factors over which my country has no control.
175. My delegation finds it difficult to reconcile the idea that many countries deal directly or indirectly with South Africa and yet are not singled out for mention or condemnation.
176. In conclusion, my delegation wishes to appeal to the Government of South Africa to establish constructive dialogue and fruitful communication with the black majority in South Africa.
177. Mr. WIJEWARDANE (Sri Lanka): In the vote on the Iranian motion this morning, Sri Lanka voted in favour because we hold that the question of *apartheid* is of the utmost importance. We must reiterate that it is our firm view that every Member of the Organization has an equal right to be heard in the Assembly, and if it deems it necessary, to introduce resolutions and seek amendments.
178. My delegation firmly supports the thrust of the draft resolutions contained in documents A/39/L.28 to L.33 and L.36. We intend to vote in favour of all those draft resolutions when each of them is put to the vote as a whole.
179. Sri Lanka's consistent policy at the United Nations on all issues has been that we have not favoured the condemnation or denunciation by name of countries with which we have diplomatic relations. Our carrying out that policy in United Nations voting, however, does not imply any diminution of our strong opposition to the policies of *apartheid* of the Government of South Africa, as indicated in our statement in the general debate on this item [67th meeting].
180. Sri Lanka will not be able to support the twenty-sixth preambular paragraph and paragraph 15 of draft resolution A/39/L.28—on which separate votes have now been requested—in view of its consistent policy.
181. Mr. KAM (Panama) (*interpretation from Spanish*): The policy of *apartheid* of the racist régime in South Africa has been condemned and categorically rejected by my country in the United Nations and other international forums. We have never balked at describing *apartheid* as a crime against humanity and a disgrace to the human race, since Panama is a country which is a model crucible of races living together in harmony.
182. We reaffirm our support to the oppressed people of South Africa and their liberation movements in their just struggle to eliminate *apartheid* and bring about a democratic, non-racial society which guarantees human rights and fundamental freedoms for the whole population.
183. We should like to reiterate our support for the ANC and the PAC in their heroic struggle against the racist minority régime in South Africa to bring about the total elimination of *apartheid* and transform South Africa into a democratic society, free from racism and discrimination.
184. My delegation reiterates its solidarity with the front-line States and expresses its gratitude for the valuable contribution they have made to the struggle against the racist régime in South Africa and for elimination of colonialism in Africa.
185. We believe that the repeated acts of aggression by the racist régime of South Africa against independent African States, the persistence and recrudescence of its policy of oppression against the people of South Africa and its continued illegal occupation of Namibia, represent serious threats to international peace and security. That is why an end should be put to those policies.
186. In the light of what I have just said, we shall vote in favour of draft resolutions A/39/L.28, L.29, L.31 to L.33 and L.36, which essentially are in keeping with my country's foreign policy in this respect. Nevertheless, we would like to enter reservations in connection with certain paragraphs that are drafted in such a way as to make selective condemnations by naming countries with which Panama has diplomatic relations.
187. In the light of that latter comment, my delegation will abstain in the vote on draft resolution A/39/L.30. However, our abstention and reservations should not in any way be construed as any kind of approval for or consent to the sort of collaboration that many countries undertake with the racist régime in South Africa, which strengthens that régime and encourages it in its policies of *apartheid* and oppression.
188. I should like to explain my delegation's vote this morning in connection with the proposal made by the representative of Iran requesting a two-thirds majority to approve draft resolutions or amendments on the question of *apartheid*. We want to make it abundantly clear that *apartheid* is an important question for the United Nations and the entire international community. That is why a substantive consideration of this matter should deserve the

highest priority in the Organization and be dealt with in the most serious way possible.

189. We consider that the context in which the vote was taken this morning was not the most appropriate one for delegations clearly to state their position on whether the definition of *apartheid* should be regarded as an important question in the United Nations. On the contrary, it was somewhat damaging to the unanimous expression of the political will of our countries in this matter, because the question was linked with procedural matters and the vote was affected by amendments proposed by the United States before the decision was taken.

190. We think it was counterproductive for the Iranian motion to have been put forward at the time it was, since it gave the impression that it would directly affect the voting process on the United States amendments and that we were not following the relevant rules.

191. We have no doubt about the substance of the issue; nevertheless, since we had very serious reservations about the propriety and intentions underlying the Iranian proposal, my delegation abstained thereon.

192. Mr. INFANTE (Chile) (*interpretation from Spanish*): My delegation would like to reiterate its position of principle: it rejects racial discrimination and any form of *apartheid*. Nevertheless, we regret that in some of the draft resolutions before us elements were introduced that are extraneous to the fundamental principles that must inspire us—that is, the reaffirmation of our rejection of *apartheid*, whatever form it may take.

193. In certain paragraphs of some of these draft resolutions it appears that a selective criterion was used which does not contribute to our common goal in this matter, but rather tends to politicize a problem with deep underlying humanitarian concerns. That is why my delegation hopes that in the future such paragraphs which imperil a consensus will disappear so that unanimous support in the condemnation of all forms of *apartheid* is possible.

194. Mr. BERMUDEZ (Honduras) (*interpretation from Spanish*): My delegation will vote in favour of draft resolutions A/39/L.28, L.29, L.31 to L.33 and L.36 on the policy of *apartheid* followed by the Government of South Africa. Honduras is categorically opposed both to this policy of oppression, which is an enemy of social coexistence, and to any resort to violence, either domestic or international, including oppression or terrorism in any part of the world.

195. Nevertheless, as we stated on 5 December last year, and indeed yesterday in explaining our vote on the question of Namibia [97th meeting], we cannot support selective references directed against States other than South Africa. That is why Honduras will vote in favour of the deletion of those specific references in the paragraphs concerned and will abstain in the voting on draft resolution A/39/L.30.

196. Mr. ADJOYI (Togo) (*interpretation from French*): Yesterday, and once again today, we have been confronted by situations which at least have had the merit of revealing clearly the fierce stubbornness of certain countries with regard to accepting the way the world is developing. How can we explain otherwise the fact that yesterday the international community, amnesiac since 11 October 1954, miraculously found its memory and realized that it had adopted resolution 844 (IX)? How can we otherwise explain

what delegations are pleased to call “procedural wrangles” if we were not prompted by the sole desire to overcome others and bring them to their knees? How can we explain that in the same situation this morning we were faced by two procedural motions; and furthermore, one of these motions, in the eyes of my delegation at least, concerned a false problem?

197. In fact, it is not up to the Assembly to determine whether the question of *apartheid* is important or not. We all condemn *apartheid*, and the international community has judged it to be such a serious practice, therefore so important, that it has termed it a crime against humanity.

198. My country, Togo, has always condemned, condemns and will always condemn *apartheid*. My delegation views this as such a serious issue that it believes it is not through certain procedural manoeuvres that we should effect a determination as to whether this is an important question or not, all the more because this is not the first time that the General Assembly has considered this item. We have always dealt with it according to rules which should not suddenly be reversed or altered the way they have been.

199. For my delegation, the second motion this morning seemed to be a calculated political artifice underlying a procedural motion, the clear purpose of which was to prevent all those struggling against *apartheid* from obtaining the required majority to condemn this odious practice. Furthermore, in the eyes of my delegation this issue is of such importance that it is constantly being discussed at all levels. It is essentially a human problem. Therefore, we cannot reasonably expect that a question of daily life, a problem of human existence, should become an important political issue in the sense of being an important question as defined in Article 18 of the Charter of the United Nations. For all these reasons, my delegation voted against the procedural motion of Iran.

200. The matter of *apartheid* is of concern to us all. Various approaches have been adopted in order to try to end this scourge. Account has to be taken of how the situation has developed to try to determine the best strategy to be used hereafter. This is what has been requested by certain States.

201. For its part, the delegation of Togo does not believe it necessarily follows that simply because a certain country has taken a certain attitude in the past, it will always have the same attitude now or in the future. Politics is essentially a question of human beings, and given that human beings are in a constant state of change, it is quite conceivable that politics can vary in one way or another according to what is going on in the political world, the foundation of which is defending interests, which are, in this particular case, a common interest—that is, the battle against *apartheid*.

202. Instead of fighting each other in “procedural battles”, let us face up squarely to the actual situation in the world and ask if we are really doing the right thing to solve the question of *apartheid*. Let us indeed condemn all those countries which collaborate with the South African racist régime. Let us not be selective in our approach; let us condemn all those States, if that is our intention.

203. The Government of Togo is convinced that no country should be named unless an exhaustive list

can be given of all countries which collaborate with South Africa. That is a question of justice.

204. In the light of all that I have said, therefore, my delegation will give favourable consideration to the United States position on the vote which we are about to take.

*Mr. Lusaka (Zambia) resumed the Chair.*

205. Mr. HEPBURN (Bahamas): The Bahamas delegation did not participate in the procedural vote this morning regarding the importance of the question of *apartheid* since it is convinced that having to take a decision on such an obvious and fundamental fact can only serve to diminish its importance and significance.

206. The Bahamas delegation will vote in favour of draft resolutions A/39/L.29 to L.32 and L.36 and will abstain on L.28.

207. The Bahamas delegation remains committed to the just and legitimate cause of the black majority of South Africa attempting to free itself from the bondage of *apartheid*, which the General Assembly has justly labelled a crime against humanity. It notes with concern, however, that the determined struggle of the black majority continues to be countered by calculated initiatives on the part of the Government of Pretoria to strengthen its ruthless, baseless policy of racial segregation and hatred, in defiance of the Charter of the United Nations and the resolutions and decisions of the Organization.

208. Its most recent act of defiance and contempt, the so-called new constitution, serves only to clarify the intent of that racist régime to exclude the black majority from participation in all areas, including the political arena, and to ensure that total power remains concentrated in the hands of the white minority. The new constitution, an old policy in poor disguise, has not deceived the community of nations. It merely enforces bantustanization, repression and economic, political and cultural deprivation as the only realities for the black majority of South Africa.

209. The frustration of the majority of the international community with South Africa's continued intransigence regarding international standards and principles and the determination to challenge the system of *apartheid* until it is dismantled and replaced by a just, multiracial society are, the Bahamas believes, reflected in the draft resolutions before the Assembly.

210. Based on what it perceives its obligation and that of the international community to be, the Bahamas reiterates its solidarity with the black majority of South Africa and its confidence in United Nations efforts for this just cause. It therefore supports the thrust of the draft resolutions, in particular those provisions which call for continued material and moral support for the oppressed people of South Africa and for non-involvement with South Africa in the economic, military, political and cultural spheres.

211. Yet the Bahamas has always held, and continues to hold, that greater progress is achieved with less confrontation and more co-operation, which can be achieved through genuine understanding, good intentions and political will. The struggle should not be between opposing sides in the Assembly; rather, the international community as a whole should seek to implement decisions taken against the racist régime of South Africa. It therefore appeals to sponsors and opposers of draft resolutions submitted

for adoption to search for a more selfless approach to the structure of future texts, for without a serious revision of the position taken on all sides there can be no appreciable solution to this tormenting problem.

212. Despite the affirmative vote of my delegation for the draft resolutions mentioned, the Bahamas reiterates for the record its concern over the language and formulation of draft resolutions A/39/L.28 and L.30 in particular. The former has several conflicting elements and selective naming of States detracts from its efficacy; the latter, because of its lack of balance, is less constructive. Nevertheless, this observation does not detract from support for the main thrust of the texts, which call attention to the root cause of the evil of *apartheid*. My delegation trusts that majority support will serve as a catalyst in bringing about positive developments on the question in the future.

213. Mr. ZAIN (Malaysia): This morning, my delegation voted in favour of the procedural motion presented by the delegation of Iran. In the circumstances that prevailed at the meeting, my delegation did not have the opportunity to examine the matter in all its underlying ramifications and complexities and, above all, its implication for the struggle against *apartheid* itself and for wider support for the liberation movements in South Africa. We voted in favour because obviously *apartheid* is an important question and has been so regarded.

214. Certainly the opposition of the Malaysian Government to the policies of *apartheid*—the contemporary version of nazism, as we have called it—ever since our independence has been total, complete and unequivocal. Bearing in mind, however, the particular context in which the proposal was put forward, my delegation wishes it to go on record that our position on that voting should now be read as non-participation.

215. Mr. RAJAI-KHORASSANI (Islamic Republic of Iran): We have got only this planet. The super-Powers might have thought of going to their satellites, but we have no satellites, and since we have only this planet, we have to live on it peacefully, if we want to live at all.

216. We strongly adhere to and believe in justice, peace and fairness—what the representative of the United States pleads for. We, too, believe in resolving differences peacefully, but from the start, not when the enemy has exhausted all its unpeaceful means, because then there is no peace to talk about. We do not think that those who have the military power to intimidate each one of us individually and even collectively, as the United States representative did this morning, can present a fair definition of fairness. That the super-Powers can intimidate those who disagree with their definition of fairness is not really fair at all.

217. We think the oppressed—the South Africans, the Angolans, the Palestinians, the Ethiopians—the barefoot and the hungry, are more sincere in their plea for fairness than those that have the atomic bombs, supersonic aircraft and all the deadly weapons with which to impose their fairness on others. I have a few questions to ask both super-Powers. When have they been fair at all, and where? On what basis are they making appeals for fairness? Is it not true that it is always the third world countries which have asked for fairness? Is it not true that the Group of 77, in its negotiations on the transfer of technology and

other subjects, called for fairness? Have we attained any at all?

218. We, too, believe in fairness, but we think the definition of fairness, from the super-Powers to the third-world countries, changes significantly. That is why what those that have all the means of imposing their opinions upon others consider fair might seem absolutely unfair to us.

219. My delegation, therefore, will vote in favour of draft resolutions A/39/L.28, L.33 and L.36, on the basis of fairness. I also make this very important commitment: whenever we observe a basic change in the foreign policy of the United States towards the South African indigenous population, we shall be the first to propose to delete all those phrases condemning the United States for its co-operation with South Africa. Therefore, inasmuch as the policies of the United States are as they are, I think our position remains as it is.

220. Mr. VAN LIEROP (Vanuatu): Cancer, heart disease, sickle cell anaemia and other dreaded diseases kill, cripple and destroy without warning. They strike at their immediate victims and at those who love, cherish and respect victims of those dreaded diseases. Condemning these plagues upon mankind is not enough. All of us recognize the need to support and fund research into the causes of and cures for these ailments. No one would today argue that we have done enough in this regard; nor can anyone say that merely condemning *apartheid* is enough.

221. *Apartheid* is also a cancer. It is a sickness as vile and serious as any of the other diseases that kill, maim, destroy and prevent human beings from realizing their full potential.

222. It is our belief that no effort should be spared in examining the causes of and searching for cures for this perverse illness. Just as we are not prepared to tie the hands of medical researchers engaged in battle against medical disease or restrict the resources available to them, we are similarly not prepared to tie the hands or restrict the efforts of those engaged in the struggle against the social and political disease called *apartheid*. We and the vast majority of the States represented here love, cherish and respect the people of South Africa as we love, cherish and respect all peoples. Therefore, we will vote in favour of the draft resolutions on *apartheid*.

223. Just as one cannot truly comprehend the pain and suffering of the terminally ill, we do not believe that any of us can truly comprehend the magnitude and extent of the pain and suffering endured by the vast majority of South Africa's people. To them there is no such thing as inappropriate language with respect to the excesses of the Pretoria régime. To them our word will never be as strong as the police state which confronts their existence every single minute of every single day. To them the least—and it is the very least—we can do, all of us, is to distance ourselves even further from the greatest example of inhumanity existing today.

224. While we might have chosen different language in some sections of the draft resolutions, we feel that this is relatively unimportant in the larger picture. The Special Committee against *Apartheid* is charged with primary responsibility in this area, and if its language is less than perfect, at least its effort, its compassion and its commitment are exemplary. We commend its chairman for his zeal and vigorous advocacy on behalf of all human beings.

225. We believe that the international community has over the years shown considerable restraint and been very accommodating. Who here today could possibly dare to suggest that Pretoria has responded in kind? Who here today could possibly suggest that we have done enough to combat *apartheid* or that we have tried everything we can? Let us not forget that every gesture or concession made to South Africa has been taken by that régime as an act of acquiescence or a sign of approval. That régime's arrogance has bred an almost unparalleled myopia. It does not believe that we really mean what we say when we condemn *apartheid*. We have heard the voices of those who will not be able to support these draft resolutions. We understand their difficulties. However, we have also heard the voice of South Africa's people. Their difficulty is even easier to understand, for we speak the same language and share the same dreams and the same frustrations. We trust that those who cannot support the draft resolutions will understand our need to support them.

226. Once again we state that we are voting not against any other State, but against the Republic of South Africa and its *apartheid* policies. Let no one be mistaken: it is relatively easy to engage in verbal denunciations of *apartheid*. Any of us can do that. What we must do now is take a step, no matter how small, and signal some sign of hope to South Africa's embattled people.

227. Perhaps the draft resolutions are in some aspects too selective, but at some point in time the search for a cure for any disease must focus somewhere. In this case we might not agree with all of the emphasis, and we would prefer a broader scope. We will work for a wider and more precise focus in the future, but we are most certainly not prepared now to sit on the sidelines and thereby acquiesce in an erosion of support for those who stand most firmly against the sickness of *apartheid* and, symbolically, in the front lines as soldiers of the United Nations.

228. Mr. MOSELEY (Barbados): My delegation, as a general principle is opposed to selective name-calling, since this tends to exacerbate rather than to conciliate. We feel that the absence of conciliation is contrary to the spirit and intent of the Charter of the United Nations. Logically, therefore, intemperate language combined with selective name-calling is more likely to be counter-productive than otherwise. If the aim is to defeat *apartheid*, then clearly the appropriate strategy must be to mobilize all resources for the fight.

229. My delegation has very serious doubts as to the extent to which Member States trade with South Africa. What States, for example, sell oil to South Africa, purchase diamonds from South Africa and otherwise bolster the South African economy? Why single out one or two Member States?

230. But there is another side of the coin. Where selective name-calling occurs, my delegation deplors it as a serious blemish and an unfair tactic. However, where the evil complained of is not enough to vitiate a resolution as a whole, then so keenly does my country feel about the question of *apartheid* that my delegation can go no further than to abstain. Inevitably there will be difficulties. Thus my delegation, although supporting the main thrust of the draft resolutions as a whole, must register its very great dissatisfaction at the biased and intemperate language that appears in the twenty-sixth preambular



paragraph of the draft resolution contained in A/39/L.28. We cannot support the policy of constructive engagement, but we cannot in all conscience attribute to that policy the vices recited in the twenty-sixth preambular paragraph. My delegation will support the draft resolutions, but with reservations as to certain paragraphs.

231. The PRESIDENT: We have heard the last speaker in explanation of vote before the voting. Before proceeding to the vote, I would like to announce that other states have become sponsors of draft resolutions on the question of *apartheid*: draft resolution A/39/L.28: 5 states; draft resolution A/39/L.29: 11 states; draft resolution A/39/L.30: 8 states; draft resolution A/39/L.31: 13 states; draft resolution A/39/L.32: 12 states; draft resolution A/39/L.33: 5 states; draft resolution A/39/L.36: 7 states.

232. The General Assembly will now begin the voting process and take a decision on the various draft resolutions. The report of the Fifth Committee on the programme budget implications of these draft resolutions is contained in document A/39/787.

233. We turn first to draft resolution A/39/L.28 and Add. 1, entitled "Comprehensive sanctions against the *apartheid* régime and support to the liberation struggle in South Africa". In this connection, I wish to inform Members that in his introductory statement made at this morning's plenary meeting, the representative of Nigeria, in his capacity as Chairman of the Special Committee against *Apartheid*, revised the last part of paragraph 31 of draft resolution A/39/L.28 and Add. 1, by deleting the following words: "and, in particular, to exclude South Africa from all its technical working groups".

234. I should like to remind Members that the representative of the United States of America has formally moved that the Assembly proceed to hold separate votes on the following paragraphs: the twenty-sixth preambular paragraph, paragraphs 15 and 18 of draft resolution A/39/L.28 and Add. 1, as well as the fifth preambular paragraph of draft resolution A/39/L.30 and Add. 1.

235. In this connection, I should like to quote rule 89 of the General Assembly rules of procedure:

"A representative may move that parts of a proposal or of an amendment should be voted on separately. If objection is made to the request for division, the motion for division shall be voted upon. Permission to speak on the motion for division shall be given only to two speakers in favour and two speakers against. If the motion for division is carried, those parts of the proposal or of the amendment which are approved shall then be put to the vote as a whole. If all operative parts of the proposal or of the amendment have been rejected, the proposal or the amendment shall be considered to have been rejected as a whole."

236. If I hear no objection, the Assembly will vote separately on the aforementioned paragraphs.

237. I shall first put to the vote the twenty-sixth preambular paragraph of draft resolution A/39/L.28 and Add. 1. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Bahrain, Benin, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, China, Comoros, Congo, Cuba, Czechoslovakia, Democratic

Yemen, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Poland, Qatar, Saudi Arabia, Seychelles, Sierra Leone, Syrian Arab Republic, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

*Against:* Australia, Austria, Belgium, Belize, Bolivia, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Mauritius, Morocco, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Portugal, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:* Argentina, Bahamas, Bangladesh, Barbados, Bhutan, Brazil, Brunei Darussalam, Burma, Cameroon, Egypt, Gabon, Gambia, Jamaica, Lebanon, Malawi, Nepal, Niger, Oman, Pakistan, Peru, Philippines, Rwanda, Senegal, Singapore, Somalia, Sri Lanka, Thailand, Trinidad and Tobago, Turkey, Venezuela, Zaire.

*There were 57 votes in favour, 54 against and 31 abstentions. Having failed to obtain the required two-thirds majority, the twenty-sixth preambular paragraph of the draft resolution was not adopted.*

238. The PRESIDENT: I shall now put to the vote paragraph 15 of draft resolution A/39/L.28 and Add.1. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Bahrain, Barbados, Benin, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, China, Comoros, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, India, Iran (Islamic Republic of), Iraq, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Mozambique, Nicaragua, Niger, Nigeria, Poland, Qatar, Saudi Arabia, Seychelles, Sierra Leone, Syrian Arab Republic, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen<sup>4</sup>, Yugoslavia, Zambia, Zimbabwe.

*Against:* Australia, Austria, Belgium, Belize, Bolivia, Burma, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Mauritius, Morocco, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Saint Christopher and

Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Senegal, Solomon Islands, Spain, Sri Lanka, Sweden, Thailand, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:* Argentina, Bahamas, Bangladesh, Bhutan, Brazil, Brunei Darussalam, Egypt, Equatorial Guinea, Gabon, Gambia, Indonesia, Jamaica, Jordan, Lebanon, Malawi, Maldives, Nepal, Oman, Pakistan, Philippines, Rwanda, Singapore, Trinidad and Tobago, Turkey, Venezuela, Zaire.

*There were 59 votes in favour, 57 against and 26 abstentions. Having failed to obtain the required two-thirds majority, paragraph 15 of the draft resolution was not adopted.*

239. The PRESIDENT: Next I put to the vote paragraph 18 of draft resolution A/39/L.28 and Add.1. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Bahamas, Bahrain, Benin, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Comoros, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mauritania, Mexico, Mongolia, Nicaragua, Nigeria, Oman, Pakistan, Poland, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, Syrian Arab Republic, Thailand, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

*Against:* Australia, Austria, Belgium, Belize, Bolivia, Canada, Central African Republic, Chad, Chile, Denmark, Dominica, Ecuador, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Mauritius, Morocco, Netherlands, New Zealand, Norway, Papua New Guinea, Paraguay, Portugal, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Argentina, Bangladesh, Barbados, Bhutan, Brazil, Burma, Cameroon, Colombia, Costa Rica, Dominican Republic, Equatorial Guinea, Gabon, Gambia, Lebanon, Malawi, Nepal, Niger, Panama, Peru, Philippines, Rwanda, Senegal, Singapore, Somalia, Trinidad and Tobago, Turkey, Uruguay, Venezuela, Zaire.

*There were 62 votes in favour, 47 against and 29 abstentions. Having failed to obtain the required two-thirds majority, paragraph 18 of the draft resolution was not adopted.*

240. The PRESIDENT: I now put to the vote draft resolution A/39/L.28 and Add.1, as a whole, as amended. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Barbados, Belize, Benin, Bhutan, Bolivia, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria,

sian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Liberia, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saint Christopher and Nevis, Saint Lucia, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

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

*Abstaining:* Australia, Austria, Bahamas, Botswana, Fiji, Finland, Greece, Ivory Coast, Lesotho, Malawi, New Zealand, Saint Vincent and the Grenadines, Samoa, Spain, Sweden.

*The draft resolution as a whole, as amended, was adopted by 123 votes to 15, with 15 abstentions (resolution 39/72 A).*

241. The PRESIDENT: The General Assembly will vote next on draft resolution A/39/L.29, and Add.1 entitled "Programme of work of the Special Committee against Apartheid". A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria,

Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

*Against:* United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* None.

*The draft resolution was adopted by 152 votes to 2 (resolution 39/72B).*

242. The PRESIDENT: The General Assembly will vote next on the fifth preambular paragraph of draft resolution A/39/L.30 and Add.1, entitled "Relations between Israel and South Africa." A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Bahrain, Benin, Bhutan, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, China, Comoros, Congo, Cuba, Czechoslovakia, Democratic Yemen, Egypt, Ethiopia, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mongolia, Nicaragua, Nigeria, Oman, Pakistan, Poland, Qatar, Saudi Arabia, Sierra Leone, Sri Lanka, Syrian Arab Republic, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

*Against:* Argentina, Australia, Austria, Belgium, Belize, Bolivia, Canada, Central African Republic, Chad, Chile, Colombia, Costa Rica, Denmark, Dominica, Dominican Republic, Ecuador, El Salvador, Equatorial Guinea, Fiji, Finland, France, Germany, Federal Republic of, Greece, Grenada, Guatemala, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Japan, Liberia, Luxembourg, Mauritius, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Peru, Portugal, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Spain, Sweden, Togo, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Zaire.

*Abstaining:* Bahamas, Bangladesh, Barbados, Brazil, Burma, Gabon, Malawi, Mexico, Morocco, Nepal, Niger, Philippines, Rwanda, Singapore, Thailand, Turkey, Venezuela.

*There were 65 votes in favour, 55 against and 17 abstentions. Having failed to obtain the required two-thirds majority, the fifth preambular paragraph of the draft resolution was not adopted.*

243. The PRESIDENT: I now put to the vote draft resolution A/39/L.30 and Add.1, as a whole, as amended. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

*Against:* Australia, Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Iceland, Ireland, Israel, Italy, Luxembourg, Netherlands, New Zealand, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Barbados, Belize, Colombia, Costa Rica, Dominica, Dominican Republic, El Salvador, Fiji, Grenada, Guatemala, Haiti, Honduras, Ivory Coast, Jamaica, Japan, Liberia, Malawi, Panama, Portugal, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Spain, Uruguay.

*The draft resolution as a whole, as amended, was adopted by 108 votes to 19, with 25 abstentions (resolution 39/72 C).*

244. The PRESIDENT: The General Assembly will now begin the voting process on draft resolution A/39/L.31 and Add.1 entitled, "Apartheid in sports", and the amendment thereto contained in document A/39/L.41.

245. In accordance with rule 90 of the rules of procedure, the Assembly will first vote on the amendment relating to a new paragraph 2. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France,

Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

*Against:* United States of America.

*Abstaining:* Denmark, Germany, Federal Republic of, Iceland, Netherlands, United Kingdom of Great Britain and Northern Ireland.

*The amendment to the draft resolution was adopted by 147 votes to 1, with 5 abstentions.*

246. The PRESIDENT: Next I put to the vote draft resolution A/39/L.31 and Add.1, as a whole, as amended. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, 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, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania,

Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

*Against:* None.

*Abstaining:* Denmark, Germany, Federal Republic of, Iceland, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

*The draft resolution as a whole, as amended, was adopted by 148 votes to none, with 6 abstentions (resolution 39/72 D).*

247. The PRESIDENT: We come now to draft resolution A/39/L.32 and Add.1, entitled "Public information and public action against apartheid". A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Christopher and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

*Against:* None.

*Abstaining:* United Kingdom of Great Britain and Northern Ireland, United States of America.

*The draft resolution was adopted by 152 votes to none, with 2 abstentions (resolution 39/72 E).*

248. The PRESIDENT: We turn now to draft resolution A/39/L.33 and Add.1, entitled "United Nations Trust Fund for South Africa". Since there is no request for a vote, I shall consider that the General Assembly decides to adopt that draft resolution.

*The draft resolution was adopted (resolution 39/72 F).*

249. The PRESIDENT: The Assembly will now vote on draft resolution A/39/L.36 and Add.1, enti-

tled "Concerted international action for the elimination of *apartheid*". A recorded vote has been requested.

*A recorded vote was taken.*

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

*Against:* United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Belgium, France, Germany, Federal Republic of, Italy, Luxembourg, Malawi.

*The draft resolution was adopted by 146 votes to 2, with 6 abstentions (resolution 39/72 G).*

250. The PRESIDENT: In the light of the decisions just taken by the General Assembly, the Chairman of the Special Committee against *Apartheid*, Mr. Garba of Nigeria, has asked to make a statement. I take it that there is no objection to my calling on him.

251. Mr. GARBA (Nigeria), Chairman of the Special Committee against *Apartheid*: It has been traditional for the Chairman of the Special Committee against *Apartheid* to make a statement at the conclusion of the discussion of *apartheid* in the Assembly. I know that there are some delegations which wish to explain their vote, but I do have some very pressing engagements and I am grateful that you have allowed me to speak at this time.

252. First of all, I should like to express my gratitude to the many delegations here for their kind words about the work of the Special Committee. I am also gratified at the appreciation expressed by the General Assembly for the efficient and devoted services by the staff of the Centre against *Apartheid*.

253. Secondly, I must say that I am distressed that the General Assembly has been diverted for some time from addressing the main problem before us,

namely, the grave situation in South Africa and the responsibility of those who have allowed the *apartheid* régime to become a menace to the world.

254. This morning I proposed that the Assembly avoid unnecessary divisive votes. There was no need to vote on amendments when the Assembly could vote on provisions of the draft resolutions and each delegation could record his views. I regret that we did not have the time to explain our view to all delegations, but let me say that I had no intention of preventing a fair vote. In fact, it is important that the oppressed people of South Africa and the whole world should know the attitude of the United States and its supporters.

255. The oppressed people of South Africa are observing Christmas this year as "black Christmas" in order to mourn for the hundreds of men, women and children who have been killed and the many others who have been maimed by the racist police.

256. They cannot celebrate the joyous season because they have faced and continue to face untold suffering because they reject, as every decent person must, the evil system of *apartheid*. Their leaders are in prison, and eight courageous leaders of the United Democratic Front have just been charged with high treason. Thousands of workers have been summarily dismissed and deported, and whole communities have been devastated.

257. By choosing to suffer in struggle rather than surrender to racism, they are fighting not only for their own freedom and the future of all the people of South Africa, but for the purposes and principles of the Organization. They do not ask for pity, but they demand and deserve our solidarity.

258. But the issue is wider than that.

259. The racist clique in Pretoria is arrogant with power. After its largest military manoeuvres last September, its so-called Minister of Defence boasted, "With what we witnessed yesterday we could go right through to Cairo".

260. The struggle against *apartheid* is not merely a struggle of the black people of South Africa, but the struggle of Africa for self-defence and of the United Nations for international peace and security.

261. No amount of equivocation and propaganda and no lobbying and pressure in the Assembly can cancel out before history the responsibility of those who have sustained the *apartheid* régime with military, economic and political support and, indeed, protection.

262. We know, and the oppressed people of South Africa know, that we have a difficult task. But the oppressed people of South Africa will fight, and Africa will fight, despite the temporary difficulties we now face, until South Africa is liberated, whatever the odds, because we have no choice.

263. We seek the support of all Governments and all men and women of conscience, and we expect support because our cause is just.

264. The draft resolutions adopted today must not remain just paper but should lead to action.

265. Let me make special mention of the draft resolution on concerted international action for the elimination of *apartheid*, which has been adopted by an overwhelming vote. I should like to thank the Nordic and other Western countries which have co-sponsored this draft resolution as an act of faith and a demonstration of their commitment.

266. This resolution is above all a commitment for action, and I trust that all Governments which voted in favour will give urgent attention to the implementation of its provisions.

267. I appeal to those who today failed to vote in favour to reconsider their attitudes. I appeal to public opinion, especially in Western countries, to lend its support to the resolution, which represents a minimum of action that is urgently required.

268. The Special Committee against *Apartheid*, while holding extensive consultations with Governments to encourage them to take action, will continue to devote special attention to reaching the people at the grass-roots level and the leaders of public opinion—political and religious leaders, cultural personalities, sportsmen and others—to persuade them to join the campaign of conscience and action against *apartheid*.

269. We are greatly encouraged by the response this year, and we wish to express our appreciation to the many Governments, organizations and individuals concerned. I would like again to commend Sweden for its initiative in strengthening its law against new investments in South Africa, and I hope that other countries concerned will consider similar action.

270. I cannot fail to express our great appreciation of the actions taken by the Government of New Zealand, under the leadership of Prime Minister David Lange. Actions like these send clear signals to the people of South Africa.

271. But I am even more encouraged by actions being taken daily by cities and States, by trade unions and religious bodies, by students and faculties, by universities and other institutions and by individuals all over the world. I have in mind the tens of thousands of people who demonstrated against Botha's visit to Europe, the shop-workers in Dublin who have been on picket lines for six months because they refuse to sell South African goods, the dock-workers who refuse to unload South African exports, sportsmen and singers who reject offers of *apartheid* blood money. I have in mind the thousands of Americans who are demonstrating in front of the *apartheid* régime's offices in the United States and the many leaders who have gone to gaol demanding the liberation of South African leaders and an end to collusion with *apartheid*.

272. I trust that these actions of conscience will soon develop into a world-wide movement powerful enough to fulfil the purposes of the United Nations and enable the people of South Africa to attain their liberation.

273. At this session, the General Assembly has made a very significant decision by declaring at last that *apartheid* is an important matter.

274. As I indicated at the beginning of this debate, the title of the agenda item is anachronistic. We can no more speak of the "Government" of South Africa, for there is no Government in that land, but an illegitimate, illegal and criminal racist clique of oppressors. The issue is the destruction of *apartheid* and the liberation of South Africa.

275. As an African, I am all too conscious of the difficulties that our continent faces today. But let no one take advantage of that and perpetuate the humiliation of Africa. I have no doubt that the people of Africa will rather starve than accept humiliation of black men and women.

276. I appeal to you, Mr. President, and everyone here for solidarity at this critical time. The Special Committee against *Apartheid* for its part pledges its utmost efforts to promote concerted action by Governments and peoples in the noble cause of eliminating one of the gravest affronts to human dignity, to enable the people of South Africa to establish a non-racial, democratic society and to help the continent of Africa to complete its emancipation.

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

278. Mr. KORHONEN (Finland): The delegation of Finland did not vote against draft resolution A/39/L.28 and Add.1; yet I must emphasize that we have strong reservations on several of its paragraphs. Paragraphs 10 and 29 are contradictory to the principle of the universality of membership of the Organization. The same is true of paragraph 11. They are not in accordance with the provisions of the Charter of the United Nations on the mandate of the Security Council. Our views on the recommendation of armed struggle are well known.

279. We are also, as a matter of principle, against singling out some Member States. We deeply regret that this year the resolution seems to include an increased number of references totally unacceptable to many delegations. We do not believe that a resolution of this kind will enhance the chances for success in our common struggle against the evil of *apartheid*.

280. Mr. FISCHER (Austria): Austria has consistently condemned the policy of *apartheid* as a particularly grave violation of human rights. We believe that it is a continuing challenge to the United Nations to contribute to the elimination of that abhorrent system of racial discrimination. For those reasons, we find ourselves in agreement with the general thrust of the texts submitted under this item.

281. However, there are a number of provisions in the draft resolutions which Austria cannot support. In particular, it has always been our position that the United Nations should concentrate all its efforts on bringing about political and social change by peaceful means and should not endorse armed struggle. We also oppose any provision which runs counter to the goal of universality of membership in the United Nations and its specialized agencies. Moreover, Austria believes that the General Assembly should respect the prerogatives of the Security Council with regard to coercive measures and therefore we cannot support any provisions which could be understood as an obligation to curtail relations with South Africa. We also wish to reiterate once again Austria's view that the arbitrary singling out of Member States in General Assembly resolutions is unjustified and does not promote the cause of the oppressed people of South Africa.

282. In the light of those considerations, the Austrian delegation had to abstain in the vote on draft resolution A/39/L.28 and Add.1 and vote against draft resolution A/39/L.30 and Add.1. However, we took a positive position on draft resolutions A/39/L.29 and Add.1, L.31 and Add.1, L.32 and Add.1 and L.33 and Add.1. In view of our strong opposition to *apartheid*, we also supported draft resolution A/39/L.36 and Add.1, in spite of reservations regarding some of its formulations in the operative part. Our vote on these draft resolutions is meant as an expression of our full support for the

efforts to achieve a just and democratic society in South Africa based on the equal participation of all South Africans, regardless of the colour of their skin.

283. In conclusion, let me briefly explain our vote on the procedural motion that *apartheid* should be considered an important question. As far as the substance of the issue is concerned, we fully share the view that *apartheid* is indeed an extremely important question deserving special attention. In fact, it has always been considered as such by the international community. But, as a tactical manoeuvre, we had to oppose the proposal, since it is not in line with the requirements of equal and fair treatment of all amendments and proposals submitted by Member States.

284. Mr. McDONAGH (Ireland): I should like to explain the vote of the Irish delegation on the draft resolutions on the policies of *apartheid* which were placed before us today.

285. Ireland's attitude to *apartheid* has been expressed on many occasions in the Assembly. My Government considers that the policies of institutionalized racial discrimination practised by white South Africa are morally wrong; they are dangerous; they cause immense human suffering; and they directly contradict the fundamental values which we hold. Ireland does not have diplomatic relations with South Africa, nor do we have trade agreements, economic co-operation or cultural agreements with it. It is the policy of the Irish Government not to seek through official actions to promote trade with South Africa, and it has also acted firmly to discourage sports links.

286. On no other issue in the Assembly is there such unanimity as exists on *apartheid*. Irrespective of ideological or political differences among us, we all condemn it unreservedly. Yet, after more than 30 years of this unequivocal condemnation, the policy of *apartheid* remains intact.

287. It is true that the system has changed in some respects, but the changes have not affected the central issue, the policy of separate development. Ireland believes that the international community has rightly judged the new constitution of South Africa to be a sham. We are convinced that it is no more than an attempt by South Africa to encourage the compliance of Coloured peoples and Indians with the exclusion of the black majority from the political process and thus to further entrench the *apartheid* system.

288. The constitutional innovation is an example of how South Africa has twisted and turned its policies over the years in an attempt to counter and appease the indignation of the world community. It is further evidence that South Africa has never favoured justice. It has only been buying time to adapt and ensure the survival of the old policies in new circumstances. Today, South Africa remains what it was: a society where human rights are systematically violated, where minority rule is ruthlessly imposed, where freedom of political expression is relentlessly stifled, where basic political rights are persistently denied, and where the dignity of man is affronted on a daily basis. But while all of this is thoroughly reprehensible and we condemn it, South Africa under *apartheid* is, to its shame, even more than this. It is the only society in the world today which openly, explicitly and as a matter of public policy has built its political system on race. It is a society where skin pigment alone determines destiny, and since a man cannot

change the colour of his skin, *apartheid* offers the black man no hope.

289. Ireland believes that those who control the political activities of South Africa today may just still have it in their power to determine that change will come by peaceful means. If they have fears, those fears are the product of their own policies. The way to hope and confidence must be the path of peaceful change, for change is inevitable. Black South Africans cannot be asked or expected to endure forever a repression which stifles all aspects of their lives and condemns their children to the same hopeless destiny.

290. My Government believes that if change in South Africa is not to come through violence, we have a clear obligation to promote peaceful change there in such other ways as are open to us. However gloomy the outlook may seem, we believe that it is of the utmost importance for the whole international community to try to find ways to bring white South Africa to face reality and the dangers of its present course before it is too late.

291. Ireland has frequently indicated in the Assembly and elsewhere that it would favour the imposition of a series of graduated sanctions against South Africa. We think these sanctions would have to be imposed by the Security Council, which alone has the power to adopt mandatory sanctions on behalf of the international community. The sanctions should be carefully selected and, once adopted, they should be fully implemented by all. Specifically, we feel that the existing arms embargo should be strengthened and more carefully monitored; that a mandatory oil embargo should be formally imposed; and that loans to and new investments in South Africa should be banned. If properly handled and carefully directed, the international pressure we might bring to bear on South Africa can, we believe, be made effective.

292. Until such time as South Africa can be brought to change, however, my Government believes it of the utmost importance to promote humanitarian and legal assistance to those who suffer under South Africa's discriminatory legislation and to give assistance to their families and to refugees from South Africa.

293. In keeping with the views of my Government on *apartheid* which I have just expressed, the delegation of Ireland was pleased to co-sponsor two of the seven draft resolutions which were placed before us today, that is, A/39/L.33 and Add.1 on the United Nations Trust Fund for South Africa and A/39/L.36 and Add.1 on concerted international action for the elimination of *apartheid*.

294. Ireland voted in favour of draft resolution A/39/L.29 and Add.1 on the programme of work of the Special Committee against *Apartheid*. Of course, our attitude to the recommendations in the report of the Special Committee must be understood in accordance with the general policy of my Government on *apartheid* outlined in this and previous statements of our position.

295. Ireland also voted in favour of draft resolution A/39/L.31 and Add.1, which requests the *Ad Hoc* Committee on the Drafting of an International Convention against *Apartheid* in Sports to continue its work with a view to submitting the draft convention to the General Assembly at its fortieth session. We will, of course, examine the convention with interest. It is our hope that its terms will not give rise

to problems of a legal or constitutional nature for my Government.

296. Ireland supported draft resolution A/39/L.32 and Add.1 on public information and public action against *apartheid*. My Government believes it is extremely important that information on the abominable practices of *apartheid* should have the widest possible dissemination. We are also deeply concerned about the plight of political prisoners in South Africa, and we will continue to give our support to all appropriate efforts for their release.

297. I turn now to those resolutions which my delegation was unable to support. Ireland voted against draft resolution A/39/L.28 and Add.1 on comprehensive sanctions against the *apartheid* régime and support to the liberation struggle in South Africa. We did so because there are many elements in the draft resolution which do not accord with the approach of my Government to the problem. My Government's commitment to the principle of universality of membership of the United Nations is well known. We also believe that the complete severance of all contacts with South Africa under a policy of total isolation, as called for by this draft resolution, would only have the effect of abandoning black South Africans still further to the whim of the South African authorities, who, without the reprobation of the international community, would then be even freer from restraints on their treatment of the black majority. Under a policy of total isolation, the outside world would have increased difficulty in continuing to monitor the situation of blacks. In such circumstances, Ireland would have the gravest fears for the welfare of black South Africans, especially in view of the tragic events which the world community has witnessed in South Africa in the past few weeks.

298. As I indicated earlier, Ireland supports the application by the Security Council of certain selective measures against South Africa; and we will be able to support many of the specific measures itemized in paragraph 11 of this draft resolution which are in accord with the policy of sanctions favoured by us. We have doubts, however, about the wisdom of calls for comprehensive sanctions at the present juncture. We believe that the right policy for the international community is one of steady and graduated pressure for change through carefully chosen, selective sanction measures which would be properly implemented by all.

299. We also cannot accept the explicit endorsement of the armed struggle in this resolution. We have made it clear in the past that we do not wish to see the Assembly endorse violence. Even if we can understand the sense of growing hopelessness and bitter frustration from which such violence might spring, my Government cannot condone it.

300. My delegation, as in previous years, voted against the draft resolution on relations between Israel and South Africa. In our view, this text singles out one Member State of the Assembly for selective condemnation in an inappropriate manner.

301. Mr. BAYONA MEDINA (Peru) (*interpretation from Spanish*): The delegation of Peru voted in favour of all of the draft resolutions on the question of *apartheid* in accordance with its position of firm rejection and condemnation of the system of *apartheid* and because it considers it necessary that the United Nations concentrate its efforts on achieving the definitive elimination of *apartheid*. However, it

was not possible for my delegation to support the paragraphs of draft resolutions A/39/L.28 and Add.1 and L.30 and Add.1, which were put to a separate vote, because these contained selective references of condemnation of certain Member States.

302. We also wish to state that the delegation of Peru does not share the feeling that we should look for solutions to international problems by means of violence. We feel that this is not in accordance with the purposes and principles of the Charter. For this reason, my delegation expresses its reservations with respect to those paragraphs of draft resolution A/39/L.28 and Add.1 in which, directly or indirectly, encouragement is given to armed struggle.

303. Mr. DOS SANTOS (Mozambique): My Government's commitment to the struggle for the eradication of *apartheid* is well known. There is no need for further elaboration. Besides measures the international community can and must take to eradicate the abhorrent system of *apartheid*, it is up to the people of South Africa to choose ways and means to do so. We would have wished to see that doors to peaceful change are not closed. Each country or group of countries will choose the best ways to support that struggle.

304. We, for our part, reaffirm our political, moral and diplomatic support to the ANC in its struggle for the total eradication of *apartheid* and for the establishment of a non-racial and democratic society based on majority rule.

305. My delegation would like to reiterate the fact that the People's Republic of Mozambique is not in a position to apply economic sanctions against South Africa. Our voting pattern was dictated solely by our deeply-felt abhorrence to and repudiation of the policies of *apartheid* and everything stemming from them. It in no way signifies that we are in agreement with every word, wording or phrases in the resolutions. Our action is dictated by the sight of school children being crushed by military tanks, by the agonizing cries of helpless prisoners being tortured and by the brutal herding of 24 million people into concentration camps. *Apartheid* is not just evil; it is evil itself. These are the only reasons—there are no others—that dictate our voting pattern.

306. Mr. AOKI (Japan): Japan is firmly and steadfastly opposed to the practice of *apartheid* and extends maximum co-operation to United Nations efforts for the elimination of *apartheid*. Accordingly, my delegation has consistently tried to take a positive stance on the various draft resolutions proposed on this item, and it is in this spirit that we supported five draft resolutions, namely, A/39/L.29 and Add.1, L.31 and Add.1, L.32 and Add.1, L.33 and Add.1 and L.36 and Add.1. Indeed, we co-sponsored draft resolution A/39/L.33 and Add.1 on the United Nations Trust Fund for South Africa, whose efforts we value highly. Unfortunately, however, my delegation could not support the two remaining resolutions because we consider them to be excessively confrontational and unproductive.

307. My delegation voted against draft resolution A/39/L.28 and Add.1 because it contains many elements, such as those in paragraphs 10, 14, 15, 19 to 22 and 29 to 31, which my Government cannot support. My delegation cannot support other elements in the resolution as well, such as the singling out of a particular country for blame. In this connection, we join many other speakers in deploring



what has happened this morning. We firmly believe that the manoeuvre and subsequent confusion we just witnessed will not serve to advance our cause in the fight against *apartheid* and risk being detrimental to the credibility of the Organization. We hope that this will not recur. Neither can we support the call for comprehensive and mandatory sanctions against South Africa. My country does not believe that comprehensive sanctions would in fact be an effective and expeditious means for achieving a peaceful solution to the question of *apartheid*.

308. Let me next turn to draft resolution A/39/L.36 and Add.1. My delegation supported this resolution because it is in line with Japan's basic position of applying maximum pressure, through peaceful means, to induce South Africa to abandon its *apartheid* policy and of giving moral and humanitarian support to those who struggle for the eradication of *apartheid*. My delegation wishes, in particular, to commend the authors of this resolution for their efforts to avoid introducing unnecessary and controversial elements so as to gain as wide support as possible. We welcome this new attempt and hope that this approach will continue in the years to come.

309. However, my delegation has reservations on some of the various concrete measures proposed in the resolution. For example, paragraph 5 goes beyond the allocation of responsibilities provided for in the Charter. Furthermore, paragraph 7 contains an element whose implementation my country cannot ensure. With reference to sub-paragraph 8 (b), my delegation would like to reiterate its conviction that the solution of the problem of *apartheid* should be sought in a peaceful manner through dialogue between the parties concerned.

310. Finally, I should like to refer briefly to draft resolution A/39/L.29 and Add.1, which has just been adopted. In paragraph 3 of this resolution, the Assembly endorses the report of the Special Committee against *Apartheid* [A/39/22]. Although my delegation has voted in favour of the resolution, we cannot accept some of the conclusions and recommendations contained in paragraphs 284 through 418 of the report. My delegation is also concerned about paragraphs 4 and 5, which give the Special Committee against *Apartheid* an excessively wide margin of discretion. We earnestly hope that the Special Committee will manage its budget efficiently. In particular, we hope that the Special Committee will report back to the General Assembly on how it spent the \$400,000 allocated to it under paragraph 5.

311. Mr. AYE (Burma): In keeping with Burma's firm stand against the policies of *apartheid*, my delegation has just cast positive votes on all the draft resolutions before us on this question. However, we regret to note that some paragraphs in draft resolutions A/39/L.28 and Add.1 and A/39/L.30 and Add.1 have selectively singled out specific countries for condemnation. Accordingly, my delegation would like to express its reservations as to the language in this respect. With regard to the vote taken earlier today on this subject of whether the question of *apartheid* requires a two-thirds majority, my delegation would like to clarify that our abstention in the vote on this subject does not in any way detract from our consistent and continuing stand against the policies of *apartheid*. But my delegation is of the view that the vote taken this morning on the motion was influenced by motivations that are extraneous to the anti-*apartheid* struggle.

312. Mr. KEYES (United States of America): Let me begin by expressing our appreciation to all those Member States who supported the elimination of hostile references to the United States from these resolutions. The United States has repeatedly made clear its abhorrence for the system of *apartheid*, whose racist premises and practices we condemn. In the light of the principles of equal rights and equal justice, which are the foundation of our way of life, there can be no justification for a political system that deprives the majority of South Africa's citizens of their political and civil rights.

313. In his proclamation on Human Rights Day this week, President Reagan made clear the strong desire of the American people to see an end to the manifest injustices of the *apartheid* system of racial discrimination in South Africa. The abusive practices arising from that system have once again led to violence in South Africa which has claimed the lives of scores of its black citizens. Clearly, all members of this body, and in particular the United States, passionately demand urgent steps to bring the *apartheid* system to an end and to relieve all South Africans of the burdens of this tragedy. Should we encourage an approach that exacerbates the potential for violence and destruction? Should we follow a course of destructive disengagement that will isolate black South Africans from the concrete support and aid of other members of the international community? Or should we seek to build a future even as we destroy *apartheid*, by making effective use of the levers of change that offer black South Africans the economic, technical and organizational base they need in order to pursue their struggle for justice.

314. The United States believes that only the latter course effectively fights against present injustice without sacrificing future hopes and possibilities. We believe that many aspects of the resolutions before us would undermine the basis for building that future and deprive black South Africans of the powerful tools for change present in the South African economy. We are opposed to destroying those tools through a policy of economic sanctions that would deprive black South Africans of the wages, skills and organizational base they need in their quest for justice. We believe that effective means must be employed to assure that those tools will be available and will be used to oppose the *apartheid* system and the abusive practices that flow from it. Because of these beliefs, we have voted against those resolutions which are inconsistent with them.

315. The PRESIDENT: The representative of the Pan Africanist Congress of Azania has asked to make a statement in reply. I call on the representative in accordance with the decision taken by the General Assembly at its 3rd meeting of the present session.

316. Mr. MAKHANDA (Pan Africanist Congress of Azania): On behalf of the dispossessed, oppressed, exploited and discriminated against struggling masses of Azania and on behalf of the Pan Africanist Congress of Azania, the custodian of their genuine aspirations, allow me, Sir, in this our humble intervention to make a few observations on the statement made this morning by the representative of the United States.

317. The representative of the United States appealed to the sense of justice and fairness of the General Assembly in considering its amendments which would delete certain references to the United

States in the resolutions dealing with my country. Had I been the representative of the United States, I would have couched the appeal differently. I would certainly not have used the words "justice" and "fairness" in this international forum, for to do so would be further to expose that country's double standard approach to international issues, especially the issues of *apartheid*.

318. As the guardian of international peace and security, in what area has the United States Administration shown fairness and justice? Massacres have been perpetrated against human lives in the Middle East, in southern Africa and in Latin America, areas where the United States of America could have made a difference if it believed in justice and fairness. In Azania, hundreds of schoolchildren were massacred in 1976 in what has come to be known as the Soweto uprising. On which side was the United States—that of justice and fairness, or big business interests? Since September this year, our people have been burying their dead, killed by the racist régime, and have been arrested. Just today this was mentioned by the Chairman of the Special Committee of the members of the United Democratic Front and also members of the National Forum Committee. Others have been detained, others have been tortured, and still others are languishing in the dungeons of Robben Island. One of our leaders, Zephania Mothopeng, who has been to Robben Island three times, will have a total of over 40 years in gaol if he lives. Six teenagers, schoolchildren of the PAC were sentenced to natural life imprisonment in 1963 for upholding the principles on which the United States of America is founded and is no longer practising. Is the present Administration invoking these principles of justice and fairness in its policy of constructive engagement towards Azania to stop the above? Indeed, one may ask the representative of the United States: is there a principle of justice and fairness in the representation of the blacks and other minorities? I use the term "blacks" very guardedly, since in the language of the PAC we do not recognize the compartmentalization of peoples, but believe in one human race. However, since it is within the framework of the system here, I will use it. I ask: is there any fairness and justice, for instance, in the representation of the blacks in this country? Statistics just released have shown that the people of African descent in the United States are disproportionately represented, and one would be hard pressed to define the system under which they live as a democratic one. If justice and fairness were a concept not dependent on God, we in Azania would have long since given up our struggle. We are struggling, and will continue to do so, because it is His justice and fairness we are struggling for in Azania and not that defined by the representative of the United States and others.

319. On a different level, one would have expected the representative of the United States to understand what it means to be denationalized, to be insecure from the cradle to the grave, to be persecuted and tagged and branded like an animal because of the pass laws, coming as he does from a people that has had to endure all of these dehumanizing acts.

*Mr. Farah Dirir (Djibouti), Vice-President, took the Chair.*

320. Last but not least, may I take this opportunity, Mr. President, through you to reply to the assertion of the representative of Australia that the national liberation movements of Azania do not represent the

people under *apartheid*. I would say only that his negation of the intelligence of the oppressed and dispossessed masses of Azania is to be regretted and that the statement he has made on this issue is unfortunate indeed. My people is a democratic people, my people subscribes to the ideals of the Pan Africanist Congress, my people subscribes to the ideas of the African National Congress and other groups such as the National Forum Committee, of which Bishop Tutu is a member, and the United Democratic Front.

## AGENDA ITEM 34

### Law of the Sea: Report of the Secretary-General

321. The PRESIDENT: I call on the representative of the United Republic of Tanzania, who will introduce draft resolution A/39/L.35 and Add.1 entitled "Law of the Sea".

322. Mr. HYERA (United Republic of Tanzania): The Assembly has before it draft resolution A/39/L.35 and Add.1, sponsored by 35 States. On behalf of the delegations of sponsoring States, I have the honour, for which I am grateful, to introduce the draft resolution. As usual, it is the product of exhaustive consultations among interested delegations. It is, of necessity, a compromise draft, which represents no more than a common denominator of many differing interests and does not, therefore, purport to meet all expectations. I wish, first, to thank all those delegations that took part in the negotiations on the draft resolution for their co-operation and spirit of accommodation.

323. This is the second year the General Assembly has had to address such a resolution, following the adoption at Montego Bay of the United Nations Convention on the Law of the Sea. The subject is, therefore, not new. Nor, in fact, are most of the contents of the draft resolution.

324. Paragraph 1 once more recalls the historic significance of the United Nations Convention on the Law of the Sea as an important contribution to the maintenance of peace, justice and progress for all peoples of the world.

325. Paragraph 2 expresses the satisfaction of the General Assembly at the very large number of signatures affixed to the Convention—something on which I shall have something to say shortly—as well as the number of ratifications deposited with the Secretary-General.

326. Now that the period when the Convention was opened for signature has expired, an appeal is being made to all States to ratify or accede to the Convention at the earliest possible date so as to enable the Convention to enter into force as soon as possible. This appeal is reflected in paragraph 3, which calls upon all States that have not yet done so to consider ratifying or acceding to the Convention at the earliest possible date so as to allow the effective entry into force of the new legal régime for the uses of the sea and its resources.

327. Paragraph 4 calls upon all States to safeguard the unified character of the Convention and related resolutions adopted therewith.

328. Paragraph 5 calls upon States to desist from taking actions which undermine the Convention or defeat its object and purpose. This paragraph refers

to any actions that may have been carried out, or might be contemplated for the future, aimed at adversely affecting the Convention or defeating its object and purpose.

329. Paragraph 6 expresses the appreciation of the General Assembly for the effective execution by the Secretary-General of the major programme in law of the sea affairs under chapter 25 of the activities of the medium-term plan. Chapter 25 is a new chapter that has recently been incorporated in the medium-term plan of the United Nations for 1984-1989, and it is encouraging to note that the activities outlined therein have begun to be implemented effectively and efficiently. The Secretary-General, through his Special Representative, Mr. Satya Nandan, and his team, has done a commendable job on matters concerning the law of the sea, and deserves our appreciation and encouragement.

330. Paragraph 7 further expresses the Assembly's appreciation for the report of the Secretary-General in respect to General Assembly resolution 38/59 A and requests the Secretary-General to continue the activities outlined therein, special emphasis being placed on the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea, including the implementation of resolution II of the Third United Nations Conference on the Law of the Sea. Resolution II deals with the protection of preparatory investments in pioneer activities related to polymetallic nodules.

331. Through paragraph 8, the General Assembly will approve the programme of meetings of the Preparatory Commission for 1985. During 1985 the Preparatory Commission is scheduled to hold its regular session at Kingston from 11 March to 4 April and to hold a summer meeting at Geneva or Kingston or in New York. The venue of this meeting will be decided upon by the Preparatory Commission during its spring session.

332. Paragraph 9 calls upon the Secretary-General to continue to assist States in the implementation of the Convention and in the development of a consistent and uniform approach to the new legal régime thereunder, as well as in their national, subregional and regional efforts towards the full realization of the benefits therefrom, and invites the agencies and bodies within the United Nations system to co-operate and lend assistance in these endeavours. This is an important responsibility of the Secretary-General, and becomes particularly significant as States proceed to implement the Convention, especially in relation to areas under national jurisdiction. It is important that the Secretary-General should provide advice and assistance to States in order that State practice develop in a coherent and uniform manner consistent with the Convention. It is equally important that States be enabled to derive maximum benefit from the Convention and incorporate development of marine resources within their overall national development programmes.

333. In paragraph 10, the General Assembly requests the Secretary-General to report to the General Assembly at its fortieth session on developments relating to the Convention and on the implementation of the present resolution; and in paragraph 11, the last one, the General Assembly decides to include this item on the agenda of its fortieth session.

334. Having highlighted the salient features of the draft resolution, I should like briefly to refer to the subject of the Hamilton Shirley Amerasinghe Fellowship on the Law of the Sea, launched in 1980 in honour of the late Shirley Amerasinghe, a former President of the Third United Nations Conference on the Law of the Sea. As will be noted in the Secretary-General's report, as a result of the generous contribution of States, institutions and individuals, the target figure has now been reached to enable the award of at least one fellowship each year from the fund's income. I wish to commend and thank all those who have made these contributions and to appeal to others to do likewise—not only in honour of that distinguished man, but also to advance the cause to which he devoted much of his life, for which we are all deeply indebted to him.

335. May I also at this point request the Assembly to remember one of the most outstanding persons who made a special contribution to the codification and development of the law of the sea, a man who, unfortunately, passed away this year—Mr. Constantin A. Stavropoulos, who was former Legal Counsel of the United Nations and the first Special Representative of the Secretary-General for the Law of the Sea before being succeeded by Mr. Bernardo Zuleta, who, unfortunately, passed away last year.

336. The services of this eminent lawyer, Constantin Stavropoulos, to the Organization, and to the Law of the Sea in particular, go back to the very early days of the United Nations. He was a key participant in the 1958 and 1960 Conferences on the Law of the Sea, and since the United Nations decided to deal with issues of the sea-bed and to convene the Third United Nations Conference on the Law of the Sea, he had been leading the United Nations team that helped organize and service those meetings until his country, Greece, decided after the Caracas session to charge him with responsibilities in his Government. His international stature makes it unnecessary for me to attempt to relate his well-known contributions to the United Nations. The United Nations Convention on the Law of the Sea will remain a lasting monument to all its eminent architects, and Mr. Constantin Stavropoulos is certainly one of them.

337. I believe I am voicing the sentiments of all friends in the Third United Nations Conference on the Law of the Sea by stating that we have lost one of the great men in the Organization. I request the delegation of Greece to transmit to the family of Mr. Stavropoulos and to the Government of Greece our expression of deep sorrow and sympathy.

338. The subject before the Assembly is of such momentous—indeed, critical—importance to humanity that I feel that we can never too often remind ourselves of what the Convention on the Law of the Sea offers and what it means to mankind.

339. The United Nations Convention on the Law of the Sea, worked out and adopted with the commitment and full sponsorship of the General Assembly, pursuant to its responsibility set out in the Charter, has been rightly described as the second most historic institution for international peace and co-operation after the Charter of the United Nations. For, dealing with the uses of more than two thirds of our planet's total area, it addresses important issues and pursues our own commitments under the Charter.

340. Let me quickly draw the attention of the Assembly to some of the commitments and promises

we have made through our acceptance of the Charter. I will merely paraphrase what we said. We have committed ourselves to maintain international peace and security—of course—and to that end *inter alia* to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes or situations which might lead to a breach of the peace (Article 1, para. 1); to reaffirm faith in, among other things, the equal rights of men and women and of nations large and small (second preambular paragraph); to achieve international co-operation in solving international problems of an economic, social, cultural or humanitarian character (Article 1, para. 3); to harmonize through the United Nations the actions of Member States in the attainment of the purposes of the United Nations (Article 1, para. 4); and to employ international machinery for the promotion of economic and social advancement of all peoples (last preambular paragraph).

341. The Convention seeks to achieve all those purposes. It creates and develops international law where it was admittedly lacking or was in a state of confusion; it lays a sound foundation for harmonious uses of the oceans and for effective co-operation over the uses of a vast international area; it establishes conditions for justice and prosperity for all; and it establishes machinery for the peaceful settlement of disputes, actual and potential. In so doing, it offers a singular opportunity to prevent an otherwise very likely eruption of world conflicts, the dimensions and consequences of which cannot but be unfortunate.

342. It should be stressed that the Convention is not only a product of exhaustive negotiations and a practical attempt to balance differing interests, but a fairly generous concession to the more economically developed States.

343. Having myself been personally involved in the negotiations throughout the Third United Nations Conference on the Law of the Sea, I am convinced that there is no alternative to the present text of the Convention and that there can be no alibi for not becoming party to it, nor any for not respecting the package we all worked hard to achieve.

344. In conclusion, I wish, on behalf of the sponsors—and I believe I am also voicing the sentiments of most delegations—to join the Secretary-General in expressing great satisfaction at the unprecedented support for the United Nations Convention on the Law of the Sea, as signified by the 159 signatures to it by 9 December. We believe that, as the Secretary-General observed on 10 December, the Convention has indeed irreversibly transformed the political map of the world and that future developments in the law of the sea will doubtless revolve around the Convention.

345. I hope the draft resolution will receive the Assembly's overwhelming, if not unanimous, support.

346. Mr. MAQUEIRA (Chile) (*interpretation from Spanish*): In my capacity as Chairman of the Group of 77 of the Preparatory Commission for the International Sea-Bed Authority, which meets at the headquarters of that Authority at Kingston, it is my honour to address the Assembly in connection with agenda item 34, entitled "Law of the sea".

347. We have taken note with interest of the report submitted by the Secretary-General (A/39/647 and Corr.1 and Add.1) in connection with activities

relating to the law of the sea and issues developed by the Office of the Special Representative of the Secretary-General for the Law of the Sea as well as other departments of the Secretariat and agencies of the United Nations in this sphere.

348. We are pleased to note the efforts aimed at ensuring universal acceptance of the Convention and its uniform and co-ordinated implementation. We are confident that the Secretariat will continue to fulfil its role of providing assistance and information in all the areas covered by the Convention, as it has done thus far.

349. On 9 December last the deadline for becoming a signatory of the United Nations Convention on the Law of the Sea was met, and the 159 States that signed it demonstrate the solid and permanent commitment of the international community to that international instrument.

350. The normal process of distinguishing in treaties and conventions between signatory States and ratifying States and adherents has special significance in the case of this Convention.

351. That is true because of the fact that a number of countries of great technological and industrial might, in the course of the Third United Nations Conference on the Law of the Sea, as a means of facilitating acceptance of the Convention, asked for an interim system to be established which would make it possible for them to conduct activities on the sea-bed beyond national jurisdiction until the entry into force of the Convention.

352. The developing countries, demonstrating a spirit of pragmatism and flexibility, agreed to negotiate a system of that type since signature of the Convention was the enabling condition for benefiting from the Convention. Thus resolution II, adopted by that Conference, contains the investment system to which the industrialized countries aspired.

353. The hopes of the Group of 77 to contribute, through its concessions in this way, to the universalization of the Convention turned to disappointment and regret, since only some of the countries that would benefit from this interim system, showing good faith and vision for the future, joined the international community by signing the Convention and today stand side by side with the developing countries in getting under way this complex mechanism within the Preparatory Commission.

354. None the less, the three most industrialized countries, those that insisted the most on the interim system, are not signatories to the Convention.

355. More serious still is their insistence on arriving at an alternative system on the basis of national legislation and agreements of restricted participation of States outside the Convention, to exploit the resources of the sea-bed on the basis of anachronistic and selfish principles which they themselves had recently abandoned. Thus the Declaration of Principles Governing the Sea-Bed and the Ocean Floor, and the Subsoil Thereof, beyond the Limits of National Jurisdiction [*resolution 2749(XXV)*] came about, and was adopted by consensus, which provides that the sea-bed beyond the limits of national jurisdiction is the common heritage of mankind. The concrete expression of this resolution is part XI of the Convention. Those same countries now want to disregard and, what is more serious, to deny those principles, using legal arguments that only serve to conceal a regrettable lack of political will.

356. It is becoming customary, although none the less unacceptable, for some industrialized countries to require concessions from the developing countries in order to reach a consensus and then, once they are obtained, to disregard the political compromise on which they were based, doing harm to the multilateral negotiating process that is essential to the progressive development of international law and to the promotion of international co-operation and peace.

357. A recent example of this, in addition to the one I have mentioned, is that of a Western European country which sought and obtained in the Preparatory Commission this year a settlement of a specific situation affecting it, with the argument that that would facilitate the signature of the law of the sea Convention—something that could have been done without that special treatment.

358. Once again the Group of 77 agreed. Then on 9 December it happened that that country, designated to be the seat of one of the organs established by the Convention, refrained from signing it, although it continues to be a party to alternative systems that are contrary to the Convention. It is not possible to claim to be host to an organ established by the Convention and at the same time to conduct activities contrary to it. To obtain the headquarters of a permanent organ is, after all, an honour and recognition of the country which obtains it. Only a concrete, resolute commitment to the international agreement can be consistent with that honour, and it is regrettable that in the case of that State it is clear that such a commitment is not present.

359. Nor is it possible to aspire to a selective, piecemeal approach to the Convention. Those who are not prepared to assume the obligations of the Convention cannot aspire to benefit from its provisions. The United Nations Convention on the Law of the Sea is a legal and political entity.

360. Once again I must reiterate the position of the Group of 77, to the effect that the Convention contains the sole international legally acceptable régime for activities on the sea-bed beyond the limits of national jurisdiction and that the Group rejects any agreement based on national legislation which claims to regulate those activities. The Group of 77 emphatically affirms that such agreements are contrary to the letter and spirit of the Convention and that they generate no rights whatsoever.

361. The Group of 77 here reaffirms its commitment to supporting the Convention, because that international instrument, in addition to codifying and developing the norms applicable to the sea, ensures an excellent balance between the different uses of the oceans and between the individual interests of each State and those of the international community at large.

362. The role of the United Nations is that of a builder of peace, a lasting unambiguous peace, where rights and obligations are shared equitably so that no one feels it is contributing more than it receives. There is near here a plaque which says "Respect for the rights of others is peace".

363. The Convention has achieved respect for the rights of others, and it is for that reason perhaps the most significant contribution of the United Nations to the essential objectives of the Charter.

364. That is why the Group of 77 will always be prepared to try to resolve difficulties in order to make it possible for there to be an effective imple-

mentation of the norms of the new legal order governing the oceans. Demonstration of this is the pragmatic way in which we have approached the substantive work of the Preparatory Commission, working on the basis of consensus and with experience prevailing over ideology.

365. It is very possible that, thanks to this approach, at the coming session of the Preparatory Commission which will be held from 11 March to 4 April next year, the registry of operators in the international zone will begin, and that will demonstrate that rules of access to the sea-bed as established in the Convention and in resolution II are not mere theories and that they will become concrete reality.

366. This week was the deadline for signing the Convention. This reminds me of an old Brazilian song that says: "When one dreams alone, dreams remain just that—dreams; but when we dream together, then reality begins."

367. That there are 159 signatories of the Convention means that that reality has begun and that there is no viable alternative to this Convention.

368. On behalf of the Group of 77, I invite all the countries that have not yet done so to adhere to that instrument and to join the generous and noble cause of establishing peace and order in the oceans.

369. Mr. YAKOVLEV (Union of Soviet Socialist Republics) (*interpretation from Russian*): The Soviet Union, like the other socialist countries, consistently supports the United Nations Convention on the Law of the Sea and firmly advocates unswerving and strict implementation thereof by all States of the world, and the bringing into effect of a comprehensive legal order for peace and co-operation in the world's oceans, as established by the Convention. As was correctly noted by the Secretary-General in a recent statement, the fact that the Convention has been signed by 159 States and relevant parties clearly shows the unprecedented nature of a universal document of such a comprehensive nature as this. We should like to express our special gratitude for the Secretary-General's efforts in support of this important international Convention which ensures a harmonized, legal régime—harmonized among States—for two thirds of our earth's surface.

370. The Soviet Union was one of the first countries to sign the Convention, and we attach particular importance to the fact that it has been signed by almost all the States of the five continents of the world, with only one exception. This shows essentially the total isolation and condemnation by the world community of those forces trying, for their own selfish, narrow interests, to boycott the Convention so as to undermine it through one-sided arbitrary actions and thus to undermine a harmonized convention for a régime of the world's oceans.

371. The international importance of the Convention is becoming clearer and more universally recognized every day. It is the outcome of lengthy negotiations and compromise agreements, taking into account the interests of all groups of States and peoples. The Convention resolves in one single unified act, as it were, the most acute and complex questions of a legal régime for the seas and oceans today. It defines the rights and obligations of all States and creates a single streamlined system for international regulation, under international law, of all the main types and forms of utilization of the resources and space of the world's oceans.

372. The Convention serves as an example for resolving important, complex global problems in the United Nations, that is, through negotiations. It is an important contribution to the strengthening of peace, security and co-operation of States as regards the seas. Without any doubt, it is an important achievement of recent decades, implementation of which is in accordance with the aspirations of all peoples and will promote the conversion of the world's oceans into a zone of peace and co-operation in the interests of present and future generations.

373. The main obstacle to bringing into force the harmonized provisions of the Convention remains the United States policy of one-sided division and annexation of the resources of the international sea-bed region, which the Convention declares to be the common heritage of mankind. At the same time, the United States and some of its Western allies, while refusing to sign the Convention and carrying out unilateral actions circumventing its provisions, are trying to derive separate advantages from its provisions in the economic zone, on the continental shelf and elsewhere.

374. However, such a selective, arbitrary approach is contradictory, because the Convention is one indivisible whole, a body of compromise agreements among all States, which does not permit the use or enjoyment of some benefits to the detriment of all other requirements covered by the Convention. Apart from the Convention and the specific régime for the sea-bed that it establishes, unilateral actions to establish economic zones and to arrogate the world's oceans and their resources are not legitimate.

375. The policy of one-sided actions and claims which circumvent the Convention serves today as a manifestation of an imperialist policy to divide and annex those spaces and resources. This is irresponsible and adventuristic in nature and is reflected in the fact that it undermines the very bases for the utilization of the world's oceans for communications, trade and co-operation; it harms the interests of all countries, including those carrying out this policy.

376. We cannot be quiet either about recent attempts by some States to hammer together a mini-treaty to be applied in a way parallel to the Convention's régime. Recently, in Geneva, the United States and seven Western countries signed a so-called temporary agreement on questions relating to the deep-water areas of the sea-bed. That was an attempt to legalize the aspirations of a number of monopolies to annex and divide the most promising sectors of the international sea-bed, in circumvention and violation of the United Nations Convention on the Law of the Sea. This action is aimed, to the detriment of the Convention and the legitimate interests of other States, at ensuring uncontrolled activities in the exploration and exploitation of sea-bed resources. It is a separate action in contradiction with the letter and the spirit of the Convention. It has been condemned by the overwhelming majority of States Parties and the Preparatory Commission for the International Sea-Bed Authority.

377. We regret that among the participants in the separate agreement there are some States which have signed the United Nations Convention on the Law of the Sea. As we know, the generally recognized norms of international law obligate States which sign an international treaty to refrain from any actions aimed at undermining that treaty. Naturally, that

applies fully to the Convention itself, which is universal in nature.

378. The activities of the Preparatory Commission of the International Sea-Bed Authority have been very important in strengthening the régime of the Convention. We note with pleasure the progress it achieved at its last sessions. Despite the opposition of some circles which have tried to drag out and make its work difficult, the Commission has succeeded in working out, and adopting provisionally, a significant part of the rules for the registration of pioneer investors for activities connected with polymetallic nodules, and steps have been taken to create detailed norms for the exploration and exploitation of the resources of the international sea-bed area.

379. It is important that the Commission should, without any delay, carry out the elaboration of the rules of registration for those pioneer investors and move on to their registration, as flows from the Convention and the appropriate decisions of the Third United Nations Conference on the Law of the Sea. A great deal depends on successful progress in the Preparatory Commission's work in reaching mutually acceptable solutions in this area with respect to the establishment of the International Sea-Bed Authority, as well as speeding the process of ratification of the Convention by States and its entry into force.

380. The report prepared by the Secretariat reflects the strengthening of support for the Convention from the various groups of States and its growing effect on their policies in various maritime areas. In particular, attention is very rightly given here to questions relating to the implementation of the provisions of the Convention in national legislation and the practical activities of various States. Of great importance, too, is the continuing intensification of United Nations activities and those of other relevant international bodies, aimed at supporting the Convention and practically implementing its provisions.

381. A certain defect of the report is to be found in the fact that it does not draw a clear distinction between States that signed the Convention and are implementing it and those that are violating it and trying to undermine it by illegal, one-sided actions. Thus, it is very wrong to equate legislation concerning the Convention and unilateral acts designed to violate it. The ongoing implementation of the decisions of the United Nations in support of the Convention requires that the Secretariat correct this mistake.

382. On the basis of these decisions and in the requirements of objectivity we must not allow the actions of those who are opposing and violating the Convention to be covered up. The draft resolution now before the Assembly reflects the results of consultations among various States, in accordance with the goals and principles of the Convention. It is aimed against any unilateral one-sided action. It reflects the demand that all refrain from one-sided actions and strictly comply with the unified single Convention in its basic provisions. The draft is aimed at further intensifying the activities of the Preparatory Commission to establish the International Sea-Bed Authority and at strengthening the activities of the United Nations and the relevant specialized agencies in support of the Convention.

383. In supporting the adoption of this resolution, the Soviet delegation stresses the urgent need, with-

out delay, to end any and all one-sided actions aimed at undermining the Convention.

384. We salute Cuba and all those countries which have already ratified the Convention. We call upon all States to follow this example. Ratification of the Convention and its entry into force will strengthen a régime of peace and co-operation on the seas and open up new paths for utilizing the sea and its resources in the interests of this and future generations.

385. Mr. KIRSCH (Canada): Canada continues to attach great importance to the goal of achieving a universally acceptable régime for the management of the world's oceans and their resources. For this reason we welcome the fact that a number of States have signed the United Nations Convention on the Law of the Sea in the past few weeks, thus bringing the total number of signatories to the Convention to 159. As we can see, this represents a near consensus within the international community with respect to the legal basis for regulation of and co-operation in ocean affairs. The Convention, in our view, remains the only means by which to bring certainty into the international law of the sea. Despite this conclusion, unfortunately, the uncertainty that the Convention was intended to clear up still persists to some extent. Some States, including major industrialized States, have not signed the Convention. We regret this fact, but continue to hope that these States will maintain their interest in the Convention and at some stage will reconsider their position.

386. The reconsideration that I have just referred to depends, we believe, to a great extent on the outcome of the work of the Preparatory Commission for the International Sea-Bed Authority and for the International Tribunal for the Law of the Sea. It is our hope, and this is the goal toward which the Canadian delegation is working, that the Preparatory Commission will succeed in formulating rules and regulations for sea-bed mining and the operation of the Enterprise that will be practical, workable and economical. We would like to see a sea-bed-mining system that works and not one that discourages potential sea-bed miners from participating in the process. It should be a system that is seen to operate in the interests and for the benefit of all States. If the sea-bed-mining system is to be truly effective and bring about the financial and technological benefits envisaged in the Convention, the major sea-bed miners must be a part of it. We hope that this participation will be one of the consequences of the work of the Preparatory Commission.

387. My delegation believes that the Preparatory Commission has made a good beginning in the pursuit of the objective of achieving an effective sea-bed mining régime. Of course, we must recall that it is only at the very preliminary stages of its deliberations, and it cannot be said to have proceeded much beyond the stage of identifying issues. My delegation believes that such a thorough, measured and prudent approach is most appropriate for dealing with the difficult and technically complex questions before the Preparatory Commission. It is generally accepted that, as a practical matter, sea-bed mining is a long way down the road. Therefore, there is no need to arrive at hasty conclusions. We do have sufficient time to make a careful analysis of issues and balancing of interests. We should thus in the process be able to develop a balanced and practical system which meets the concerns of all States.

388. The same holds true to a great extent with respect to the work that is being carried out in the Preparatory Commission on the pioneer investment régime. Again, we believe that the approach to the development of rules and regulations on the registration of the claims of pioneer investors should be careful and deliberate. In fact, the most difficult and pressing issue with respect to pioneer investment is something that is not even being discussed in the meetings of the Preparatory Commission itself, namely, the resolution of overlaps of mine-site claims. Once that problem is resolved, the other issues should be easier to address. The Preparatory Commission must make every effort to retain the main elements of resolution II. This includes acknowledging and respecting all sea-bed mining interests which have been identified in the resolution. Circumstances have changed drastically since the time resolution II was negotiated. Some of its provisions have been overtaken by events. The timetable and arbitration clauses, for example, have not been observed by anyone. Nevertheless, we must be realistic and acknowledge the most important consideration to achieve the purpose and object of the resolution, namely, the development of an effective sea-bed mining system that allows for the participation of all potential sea-bed miners.

389. I referred a moment ago to the fact that some of the important developments that took place at the 1984 session of the Preparatory Commission were the result of extensive informal consultations among the States concerned and were the object of little or no discussion at the meetings of the Preparatory Commission.

390. This is the case, in particular, of an understanding that was reached at the Geneva meeting among the States that had announced their intention to submit applications for their registration as pioneer investors. That understanding, which is called the "Understanding on Resolution of Conflicts among Applicants for Registration as Pioneer Investors", relates to the procedure and a timetable for resolution of any conflicts that might arise from overlapping of areas claimed by these applicants. On 31 August 1984, the Chairman of the Preparatory Commission made a statement in which he reported that "an understanding has been achieved amongst the parties concerned", the parties concerned being, to our knowledge, France, India, Japan and the Soviet Union. That statement and the understanding itself are contained in document LOS/PCN/L.8. Exactly the same statement was repeated by the Chairman of the Preparatory Commission on 4 September and is contained in paragraph 8 of document LOS/PCN/L.13.

391. Despite the statements made by the Chairman of the Preparatory Commission, it appears that some confusion has arisen with respect to the nature and scope of that understanding. We wish to refer in this regard to the report of the Secretary-General on the law of the sea [*A/39/647 and Corr.1 and Add.1*]. That document is a very informative and well-prepared paper, which should be of assistance to States in a number of areas. It contains in particular, in its paragraphs 80 to 93, a description of the work accomplished by the Preparatory Commission during 1984. In general, that description is a good and accurate summary; but, perhaps as a result of an obvious and commendable concern for brevity, the

document contains two statements that, in our view, deserve further clarification.

392. Paragraph 86 of the report states the following: "At the end of the Geneva meeting the Chairman announced that an understanding had been reached on the procedure and on a timetable for conflict resolution for the first group of applicants." Paragraph 83 states, *inter alia*, the following:

"The Commission has decided that, following the adoption of the rules for the registration of pioneer investors, it will proceed to register the first group of applicants at the third session of the Preparatory Commission, to be held in Kingston from 11 March to 5 April 1985. In the mean time the Commission has requested the first group of applicants to resolve as soon as possible conflicts with respect to the overlapping of the areas claimed."

393. Paragraph 86 of the report is ambiguous in that it fails to specify, as had been done twice by the Chairman of the Preparatory Commission, that this understanding was not reached by the Preparatory Commission but by the parties concerned, that is, once again to our knowledge, France, India, Japan and the Soviet Union.

394. As to paragraph 83, it simply is not accurate, because it is based on language used in the understanding in question that has not been endorsed, directly or indirectly, by the Preparatory Commission and has not been the object of any decision by the Preparatory Commission.

395. The very notion of a first group of applicants has not been used by the Preparatory Commission or by its Chairman, except with reference to the terms of the understanding that was reached by the four States concerned. The only decision that the Preparatory Commission itself took with respect to registration of pioneer investors is contained in paragraph 14 of document LOS/PCN/L.13, and it is to "complete the consideration of the draft rules on pioneer investors and adopt them". That is the only decision that was taken by the Preparatory Commission in that regard. Both part I and part II of the understanding that I mentioned earlier, therefore, reflect the views of the parties to that understanding only and as such have no effect on other States.

396. We are aware, of course, that the report of the Secretary-General was prepared for information purposes only and, as I indicated earlier, it is a very helpful document. It is clear also that the only authoritative statements on the work of the Preparatory Commission are those contained in the documents produced at its meetings. Nevertheless, given the misperceptions that may have developed with respect to the stage reached by the Preparatory Commission in its consideration of the registration of pioneer investors, we thought it might be helpful to clarify the matter at this stage.

397. Although we need not proceed from a sense of urgency, there is still a great deal of ground to be covered and much work to do in the context of the Preparatory Commission. We must address the issues adequately and comprehensively. For its part, Canada will spare no effort in contributing to a successful outcome of its work. To a very great extent, the future of the Convention depends on the success achieved by the Preparatory Commission.

398. Mr. SWINNEN (Belgium) (*interpretation from French*): I wish first of all to reply to the criticisms

levelled at the provisional arrangement of 3 August 1984. My delegation reaffirms that that agreement is in complete conformity with one of the fundamental principles of international law—that is, the peaceful settlement of disputes. It is in no way designed to substitute another régime for the one provided for in the United Nations Convention on the Law of the Sea.

399. The General Assembly has before it the report of the Secretary-General [*A/39/647 and Corr.1 and Add.1*]. That document is extremely useful and enlightening in many respects, and my delegation expresses its appreciation to the Office of the Special Representative of the Secretary-General for the Law of the Sea.

400. My delegation has examined with particular interest the chapter concerning the proceedings and results of the second session of the Preparatory Commission of the International Sea-Bed Authority and the International Tribunal for the Law of the Sea, which took place at Kingston from 19 March to 13 April 1984. Belgium carefully followed the work of that session as an observer and, beginning with the next session of the Preparatory Commission, will attend as a full-fledged member, since it has just signed the Convention.

401. As was indicated in the statement made at the time of signature, Belgium whole-heartedly hopes that the Preparatory Commission will succeed in correcting the insufficiencies and imperfections still contained in certain provisions of part XI and annexes 3 and 4 of the Convention. We have expressed the hope that, to that end, the Preparatory Commission will prepare rules, regulations and procedures for the purpose of, on the one hand, facilitating the acceptance of the new régime by the international community as a whole and, on the other, making possible the real exploitation of the common heritage of mankind for the benefit of all—and especially the least developed countries. It is in that same constructive spirit that the Belgian delegation will continue to participate in the meetings of the Preparatory Commission.

402. Guided by the same desire to contribute constructively to the progress of the work of the Preparatory Commission, my delegation associates itself with what was just said by the representative of Canada in regard to paragraphs 83 and 86 of the Secretary-General's report. In fact, those paragraphs contain language which lends itself to some ambiguity and which my delegation, regretfully, cannot support. The agreement on the settlement of disputes concluded between France, India, Japan and the Soviet Union did not culminate in a decision by the Preparatory Commission. But we get a different impression from paragraphs 83 and 86 of the report. Mr. Warioba, the Chairman of the Preparatory Commission, confined himself to reading out the agreement, and the Commission was not called upon to take a stand on it. Hence, Belgium could not be considered to be a party to that agreement. My Government feels that the question of the settlement of disputes can be solved satisfactorily only by agreements that include all the parties that could be affected by overlappings or encroachments at a given site.

403. Finally, I would repeat my Government's hope that, generally speaking, and in accordance with the principle of financial responsibility, sound budgetary



practices will be strictly followed in regard to expenses incurred through the functioning of the agencies and organs created by the Convention.

404. Despite those few reservations that I have just expressed, my delegation will vote in favour of draft resolution A/39/L.35 and Add.1.

405. We take this opportunity to express our gratitude to Mr. Hyera of the United Republic of Tanzania and to the Special Representative of the Secretary-General for the Law of the Sea, Mr. Nandan, for the efforts they have made to ensure that this draft resolution would be acceptable to the largest possible number of delegations.

406. Mr. van LANSCHOT (Netherlands): Some of the important developments that took place during the 1984 session of the Preparatory Commission were the result of extensive informal consultations among the States concerned. However, they were the object of little or no discussion at the meetings of the Preparatory Commission. This is the case, in particular, of the understanding that was reached at the Geneva meeting among the four States that announced their intention to submit applications for their registration as pioneer investors—France, India, Japan and the Soviet Union. That understanding, which is called “Understanding on Resolution of Conflicts among Applicants for Registration as Pioneer Investors”, relates to the procedure and a timetable for resolution of any conflicts that may arise from overlapping of areas claimed by these applicants. On 31 August 1984, the Chairman of the Preparatory Commission made a statement in which he reported that “an understanding has been reached among the parties concerned”. That statement and the understanding itself are contained in document LOS/PCN/L.8. The same statement was repeated by the Chairman of the Preparatory Commission on 4 September and is contained in paragraph 8 of document LOS/PCN/L.13.

407. Despite the statements made by the Chairman of the Preparatory Commission, it appears that some confusion has arisen with respect to the nature and scope of that understanding. We wish to refer in this regard to the Secretary-General’s report on the Law of the Sea [A/39/647 and Corr.1 and Add.1]. This is a very informative and well-prepared paper, which contains in particular, in its paragraphs 80 to 93, a description of the work accomplished by the Preparatory Commission during 1984. In general, this description is a good and accurate summary but, perhaps as a result of an obvious and commendable concern for brevity, it contains two statements that in our view deserve further clarification.

408. Paragraph 83 of the report states, *inter alia*, the following:

“The Commission has decided that, following the adoption of the rules for the registration of pioneer investors, it will proceed to register the first group of applicants at the third session of the Preparatory Commission to be held in Kingston from 11 March to 5 April 1985. In the mean time the Commission has requested the first group of applicants to resolve as soon as possible conflicts with respect to the overlapping of the areas claimed.”

Paragraph 86 states: “At the end of the Geneva meeting the Chairman announced that an understanding had been reached on the procedure and on a timetable for conflict resolution for the first group of applicants.”

409. Paragraph 86 is ambiguous, in that it fails to specify, as was done by the Chairman of the Preparatory Commission, that this understanding was not reached by the Preparatory Commission but by the parties concerned. In order to avoid misunderstandings, I may add that the words “parties concerned” do not refer to the Members of the Group of 77 on the one hand and the Soviet Union on the other hand—that is, the States that participated in the informal consultations conducted by Mr. Warioba. No, the words “the parties concerned” refer only to France, India, Japan and the Soviet Union. The wording of paragraph 83 simply is not accurate, because it is based on language used in the understanding in question; it has not been endorsed, directly or indirectly, by the Preparatory Commission and has not been the object of any decision by the Preparatory Commission.

410. The very notion of a “first group of applicants” has not been used by the Preparatory Commission or by its Chairman, except by reference to the terms of the understanding itself. It is an expression limited only to the understanding that was reached by the four States concerned. The only decision that the Preparatory Commission itself took with respect to negotiations of pioneer investors is contained in paragraph 14 of document LOS/PCN/L.13 and it is to “complete the consideration of the draft rules on pioneer investors and adopt them”. Both part I and part II of the understanding therefore reflect the views of the parties to that understanding only, and as such have no effect on other States.

411. More specifically, I wish to state the following. The rules and regulations will have to be drawn up on their own merits, that is, without reference to the understanding among the four States. The fact that those four States reached an understanding among themselves cannot prejudice the freedom of discretion or the responsibility of each member State as regards its participation in the decision-making process—notably in the General Committee—with regard to the registration of applications. In this context, I may add that in our view the issue of conflict resolution can be satisfactorily solved only by agreements which encompass all parties that may be affected by overlapping on any particular site.

412. We are aware, of course, that the report of the Secretary-General was prepared for informational purposes only, and, as I indicated earlier, it is a very helpful document. However, the only authoritative statements on the work of the Preparatory Commission are those contained in its official documents. Nevertheless, given the misperceptions that may have developed with respect to the stage reached by the Preparatory Commission in its consideration of the registration of pioneer investors, we thought it might be helpful to clarify the matter at this stage.

413. My delegation will vote in favour of draft resolution A/39/L.35 and Add.1. It is our position that the “Provisional Understanding regarding Deep Sea-Bed Matters” concluded on 3 August 1984 between eight Governments, my own among them, falls outside the scope of paragraph 5 of the draft resolution.

414. My delegation would like to emphasize that the Provisional Understanding, being essentially an agreement to avoid conflicts arising from overlapping claims to mining sites, does not contain in any

way an alternative deep sea-bed mining régime. The Provisional Understanding is without prejudice to the Convention on the Law of the Sea and does not affect the position of the Government of the Netherlands with regard to that Convention.

415. Mr. TREVES (Italy): Italy signed the United Nations Convention on the Law of the Sea on 7 December. Well aware of the importance of the Convention and of the expectations of many countries of the world, especially the developing countries, Italy decided that its place has to be among the countries signatory to the Convention. It would, moreover, have been difficult for Italy to detach itself from the results of all the labour undertaken in the Committee on the Peaceful Uses of the Sea-Bed and the Ocean Floor beyond the Limits of National Jurisdiction and in the Third United Nations Conference on the Law of the Sea, a labour in which it had participated actively and responsibly through the years.

416. The Convention is, in our view, an important contribution to the enhancement of the rule of law in a very important sector of international law. It clarifies many issues which have hitherto given rise to political tension and disputes by striking a reasonable balance between old and new, between codification and progressive development of international law. It reconciles in a way that by and large we consider acceptable the traditional, but still vitally important, concept based on the freedom of the high seas and on protection of navigation and communications with both the new aspiration to the widening of coastal States' jurisdiction over resource-related matters and the new concerns common to all States, such as those related to the preservation of the marine environment. Moreover, the Convention gives a comparatively wide scope to compulsory third-party settlement of disputes, an aspect that Italy, in conformity with its tradition, considers of the highest importance.

417. It is well known that Italy has considerable difficulty with provisions of the Convention dealing with deep sea-bed mining. These difficulties explain our hesitation before signing the Convention. Even though we think that the Preparatory Commission, in whose work we have actively participated as observers, is making good progress, these difficulties still exist. We stated them explicitly at the moment of signing, as did other States. We were pleased to note that, when signing the Convention on 7 December, the representative of the European Community made a statement along similar lines also.

418. We have examined the Secretary-General's report on the law of the sea [A/39/647 and Corr.1 and Add.1] with great interest. We consider it a very useful and informative document, and we welcome it.

419. One of the aspects of the report that strikes my delegation as particularly interesting is that it puts in perspective deep sea-bed mining *vis-à-vis* the other sea-related activities. The picture one gathers from the report is that of an extremely wide and complex set of problems and activities that go far beyond those connected with deep sea-bed mining, which are rather specific and mostly projected well into the future. As is true for the sea-related activities and interests of the States, the United Nations Convention on the Law of the Sea, the activities of the United Nations and of its Law of the Sea Office

related to the sea, as well as those of other international organizations, have a much broader scope than deep-sea mining, notwithstanding the fact that public attention has focused on that aspect in recent years.

420. This confirms the wisdom of the attitude taken by the Italian Government when it decided to sign the Convention, notwithstanding its conviction that part XI and annexes 3 and 4, which refer to deep sea-bed mining, contain considerable flaws and deficiencies. We were pleased to note that, in commenting on the reaching of the 159th signature on the closing date of 9 December, the Secretary-General recognized the position of the States which "though supporting the Convention as a whole, find the deep sea-bed mining part of it not entirely satisfactory". We were pleased in particular to read in that statement of the Secretary-General that "In areas where divergences remain, we will endeavour to bring about reconciliation" and that "this can be achieved through flexibility, understanding and goodwill on all sides, so that we can make this global achievement a truly universal one". This is the very objective Italy will strive to achieve, especially, but not exclusively, through its full participation in the Preparatory Commission.

421. In connection with the report of the Secretary-General, we have listened with interest to the observations made by Canada, Belgium and the Netherlands with regard to paragraphs 83 and 86. We agree with the remark that those paragraphs are somewhat misleading. Even though this report does not purport to contain the records of the Preparatory Commission, those paragraphs might give the impression that the Preparatory Commission has in some way taken a decision on the understanding reached by France, India, Japan and the Soviet Union.

422. We have listened to statements in the present debate mentioning the Provisional Understanding signed on 3 August by eight States, including Italy. In some of those statements, the Provisional Understanding has been qualified as illegal. It has also been said that it contains a new régime for the exploitation of the international sea-bed.

423. My delegation, together with those of Belgium, France, the Federal Republic of Germany, Japan, the Netherlands and the United Kingdom, is on record with a firm rejection of those contentions, which are not new. We wish to recall the statement made on behalf of these countries by the chairman of the Netherlands delegation at the Preparatory Commission meeting on 14 August 1984, which is reproduced in document LOS/PCN/52. Repeating what was said in that declaration, we wish to state firmly that there is no single provision in the Provisional Understanding that would make it illegal. Moreover, the Provisional Understanding does not provide for a new régime for the exploration and exploitation of the international sea-bed as an alternative to that of the United Nations Convention on the Law of the Sea. The Provisional Understanding is essentially concerned with conflict resolution, and as such it corresponds to one of the basic principles of international law—and, we may add, it is perfectly in line with resolution II.

424. As regards draft resolution A/39/L.35 and Add.1, which is submitted to us for approval, we were pleased to participate in the discussions that led to its submission. Its text is very similar to that of resolution 38/59 A, which was approved last year,

and, in our opinion, its meaning and effect are the same.

425. We are pleased to announce that as a consequence of our signing the Convention this year we shall vote in favour of the draft resolution. We wish, however, to stress that our concern for the rigorous administration of United Nations resources in this as in other areas remains the same. That is why in the Fifth Committee our delegation abstained on the financial implications of this draft resolution. Indeed, we would wish that the Preparatory Commission would take more into account the fact that it is financed through the ordinary budget of the United Nations and orient itself to the least expensive choices in developing the programme for its meetings.

426. Mr. SCHRICKE (France) (*interpretation from French*): The annual debate on the law of the sea makes it possible for the General Assembly to draw up a balance sheet of developments with regard to the subject of the law of the sea that have occurred during the past year. For this year, the balance sheet has certainly been positive.

427. First of all, having signed the Convention on 10 December 1982 we can but be pleased at its support by the international community, which is illustrated in a particularly striking way by the exceptionally large number of signatures to the Convention since it was opened for signature. Forty new signatures have been added to those inscribed at the Convention at Montego Bay, bringing the total to 159.

428. The support given the Convention is also clearly demonstrated by the fact that every geographical region and all political, economic and social systems are broadly represented. We are particularly pleased by the large number of signatures by European countries, and in particular by those of our partners in the European Economic Community, which itself signed the Convention on 7 December of last year. As the Secretary-General emphasized in his statement on 10 December, "Such overwhelming support for a Convention of this universal character is unprecedented."

429. At the same time, the Secretary-General recalled that some States that support the Convention as a whole feel that the section on the exploitation of the sea-bed is not entirely satisfactory. He has promised to pursue efforts to reconcile positions in areas where differences remain.

430. We feel that that positive and constructive attitude should be shared by all Members of the Organization if we wish to give the Convention a truly universal nature. In this regard, we welcome the progress made by the Preparatory Commission and its Special Commissions during the recent sessions at Kingston and at Geneva. The Preparatory Commission has, generally speaking, proved itself serious and realistic under the leadership of its Chairman, Mr. Warioba, to whom we pay a tribute for his outstanding guidance of the Commission's work. It is under his leadership, in particular, that decisive progress has been made in the implementation of resolution II of the Conference, notably in the agreement of 30 August 1984 on the settlement of disputes between persons wishing to register as pioneer investors and on the procedure for the settlement of disputes between applicants in the first group.

431. These applicants in the first group are those that presented applications to the Preparatory Commission prior to 9 December 1984: that is, France, India, Japan and the Soviet Union. As a representative of one of those countries, I feel it appropriate to inform the Assembly of the present state of the implementation of the agreement of 30 August. The delegations of the four countries met in Geneva from 3 to 6 December in accordance with the agreement. On that occasion they drew up an agreement to ensure the confidential nature of data and information and a *procès-verbal* setting out the terms for the exchange of co-ordinates. Those two texts are to be signed on 17 December this year. On the same day, according to the 30 August agreement, delegations should exchange co-ordinates and identify possible overlapping. We hope that in the case of such overlapping, the negotiations scheduled for next January will enable us to resolve all the pending problems prior to the third regular session of the Preparatory Commission which is to meet at Kingston, from 11 March to 4 April 1985.

432. All these developments cause us to feel optimistic about the continuance of the work of the Preparatory Commission, provided that a constructive atmosphere continues to reign. I can assure the Assembly that our delegation will continue its active participation in this work with the same open spirit it has always shown.

433. Taking into account the aforementioned developments and the other activities carried out efficiently by the Secretary-General in implementation of the ambitious programme relating to questions connected with the law of the sea as set forth in the medium-term plan, my delegation will vote in favour of the draft resolution before us, as it has with similar draft resolutions in the past.

434. Although the future of the Convention on the Law of the Sea should lead us all to show receptiveness and mutual understanding, we regret that some delegations have seen fit to give a polemical turn to our debate by reiterating totally unjustified accusations with respect to the Provisional Understanding regarding Deep Sea-Bed Matters, signed on 3 August 1984 by eight countries, including France. Contrary to what some might say, that arrangement is in no way contrary to the Convention and does not aim at establishing a régime parallel to it.

435. This arrangement does not imply any legal recognition by the signatories of the validity of permits that might be issued on the sole basis of national legislation.

436. The sole objective of the arrangement actually is to remove the possibility of future conflicts between the signatories. Thus, in eliminating potential sources of conflict, it is in line with the intentions of the sponsors of resolution II. It is therefore perfectly compatible with the obligation accepted by the French Government to undertake activities in the deep sea-bed, in the context of resolution II, as is shown by the lodging of our application for registration as a pioneer investor with the Preparatory Commission.

437. There is therefore no foundation for the criticisms of certain delegations. Do they believe that, if we had the slightest doubt as to the compatibility of this arrangement with the Convention, we would be able to vote for draft resolution A/39/L.35 and Add.1, whose paragraph 5, and I quote, "*Calls*

upon States to desist from taking actions which undermine the Convention or defeat its object and purpose”?

438. The PRESIDENT: I call on the representative of Cape Verde for a point of order.

439. Mr. JESUS (Cape Verde): In raising this point of order, Mr. President, my delegation would like to draw your attention to an apparent discrepancy between the French text and the English text of draft resolution A/39/L.35 and Add.1. This draft resolution was negotiated in English among some interested delegations, and the French text was translated from English. My delegation would have refrained from making the following comments if the French text did not make substantial changes to what was negotiated by those interested delegations, the content of which is clearly reflected in the English text.

440. I think that the French text must reflect the exact content of the results of the negotiations that took place, which, as I said, are very clearly reflected in the English text. Therefore, because of the very detailed nature of the compromise reached at the time of the negotiations, my delegation suggests, on the basis of consultations it carried out with the interested delegations, mainly French-speaking delegations, that the following changes be made in the French text.

441. First, I would draw attention to paragraph 3 of draft resolution A/39/L.35 and Add.1. In the English text, it is correctly stated that the General Assembly “Calls upon all States that have not done so to consider ratifying or acceding . . .”. In the French text, as we see, it is stated that the Assembly “Demande aux Etats qui ne l’ont pas encore fait d’envisager de signer et de ratifier . . .”.\*

442. That is not only inconsistent with the English text, but also unrealistic. It is not possible to demand or call upon States to sign the Convention when we know the Convention is no longer open to signature, because the closing date for that was 9 December. The French text of paragraph 3 should therefore read as follows:

“Demande à tous les Etats qui ne l’ont pas encore fait d’envisager de ratifier la Convention ou d’y adhérer dans les meilleurs délais en vue de permettre l’entrée en vigueur du nouveau régime juridique des utilisations de la mer et de ses ressources;”.\*

443. With regard to paragraph 5, I think that the French version as it stands now is quite far from what was negotiated this year and is reflected in the corresponding paragraph of the English text. In fact, the French text reflects the corresponding paragraphs of last year’s resolution. This was quite clearly changed during the negotiations. Therefore I would suggest that the French version of paragraph 5 should reflect the compromise which was reached with such difficulty this year. After having consulted with French-speaking delegations and other interested delegations, I suggest that the Translation Service take into account the following text of the French version of paragraph 5:

“Demande aux Etats . . .”—and not “. . . à tous les Etats”—“de renoncer aux actions”—and not “toute action”—“s’opposant à l’efficacité de la Convention ou allant à l’encontre de son objet et de son but;”.\*

\*Quoted in French by the speaker.

This last part, “de son objet et de son but”, is in accordance with what has been retained in paragraph 5 of the English text, and it is only a transcription of an equivalent expression from the Vienna Convention on the Law of Treaties.<sup>5</sup>

444. With regard to paragraph 9, I think that in the second line of the French version, where it says “conception cohérente”, it should say “une approche cohérente”. Therefore it is merely a question of replacing the word “conception” by the word “approche”. In the fifth line of the same paragraph, two words have been left out; where we say [the General Assembly] “invite les institutions et organismes des Nations Unies . . .”, we should say “. . . invite les institutions et organismes du système des Nations Unies”, to put the wording in accordance with the normal practice in this sort of text and also with the English text.

445. Passing now to the preambular part of the draft resolution, some French colleagues advised, since I was going to propose these corrections to the French text, that I also propose that in the third line of the sixth preambular paragraph, where mention is made of “services consultatifs”, it should merely say “conseils”, and would then read: “. . . de conseils et d’assistance . . .”.

446. As I have said, these comments are made with the sole objective of assuring that the content of the negotiations which took place this year in the preparation of draft resolution A/39/L.35 and Add.1 should be reflected as clearly as possible. The wording I have just proposed results, as I said, from consultations among interested delegations, and particularly with those of francophone countries.

447. To conclude, after consulting with some interested delegations—among which are sponsors, as is my delegation, of the draft resolution—and taking into account that the target date for signature of the Convention, 9 December, has passed, and that the number of States and of all entities that have signed the Convention has reached 159, my delegation suggests a small, inoffensive oral amendment to the second line of the second preambular paragraph, where “et notamment les 114 signatures” would be replaced by “et notamment les cent cinquante-neuf signatures”. Since this is a factual suggestion, I think it will not counter opposition from any representative here present, and while it is an oral amendment, that it can be adopted.

448. Mr. SCHRICKE (France) (*interpretation from French*): My delegation would like to congratulate the representative of Cape Verde on his meticulous approach and his perfect command of the French language, and to state that we have no objections whatsoever to the changes he has proposed to the French text of the draft resolution. We wish to speak now simply because we have noticed, in looking again more closely at the draft, that there is another error in the translation of paragraph 3. At the beginning of the English text, it reads “all the States”, and in the French version the word “all” was not translated. The French text should therefore read “Demande à tous les Etats qui ne l’ont pas encore fait. . .”.

449. Mr. GUMUCIO GRANIER (Bolivia) (*interpretation from Spanish*): Comparing the Spanish text and the English text of the draft resolution, it seems we would have a similar problem in paragraph 5. The words “a todos” would have to be deleted to keep the Spanish version consistent with the English and

French texts as suggested by the representative of Cape Verde.

450. The PRESIDENT: With regard to the points of order raised by the representatives of Cape Verde, France and Bolivia, I can inform the Assembly that I have been advised by the Secretariat that its technical services will ensure that the final edited versions in French and Spanish conform fully to the English text. I hope that satisfies the points of order.

451. I shall now call on those representatives who wish to explain their votes before the voting on draft resolution A/39/L.35 and Add.1.

452. Mr. SIBAY (Turkey): The views of the Turkish Government concerning the United Nations Convention on the Law of the Sea are well known and have been put on the record in oral and written statements during all the sessions of the Third United Nations Conference on the Law of the Sea, including the last one held at Montego Bay. The Government of Turkey has signed neither the United Nations Convention on the Law of the Sea nor the Final Act of the Conference. Furthermore, Turkey voted against General Assembly resolutions 37/66 and 38/59 A, adopted under the item "Third United Nations Conference on the Law of the Sea".

453. The Turkish Government has recently decided to participate as an observer in the deliberations of the Preparatory Commission, in accordance with article 3 of its rules of procedure. However, the position of the Turkish Government regarding the United Nations Convention on the Law of the Sea remains unchanged. Consequently, the participation of the Turkish Government as an observer in the deliberations of the Preparatory Commission can in no way be interpreted or construed as indicating that Turkey has changed its stated views and positions.

454. With regard to the budget implications of the draft resolutions concerning the law of the sea, the Turkish Government is of the opinion that the expenditures emanating from the implementation of the Convention are not juridically eligible to be met from the budget of the United Nations and that they should be borne and met solely by the signatories and parties to it, as required by international law. For this reason, Turkey has voted against proposals to this effect in the Fifth Committee.

455. My delegation would like to request that the draft resolution contained in A/39/L.35 and Add.1 be put to a recorded vote.

456. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): As the international community is aware, the delegation of Ecuador did not sign the United Nations Convention on the Law of the Sea, as it does not completely reflect fundamental Ecuadorian rights and interests. However, our country contributed to a great extent, together with the developing coastal countries, to the enshrinement of important principles in favour of their rights over all the living natural resources in their seas up to the 200-mile limit, regardless of their habits, while those species are within a country's marine environment, as well as the corresponding sea-bed under national jurisdiction.

457. Ecuador has also reiterated—and will continue to reiterate—its position of support for the right to exploit, utilize and market, according to the principle of the common heritage of mankind, the marine areas beyond the national jurisdiction of the coastal countries. Therefore, we cannot accept any

unilateral exploitation which could directly or indirectly weaken that principle.

458. Consequently, Ecuador will not participate in the vote on the draft resolution on the law of the sea.

459. The PRESIDENT: Before putting draft resolution A/39/L.35 and Add.1 to the vote, I should like to announce that there are two additional sponsors of the draft resolution: Costa Rica and Trinidad and Tobago. The Assembly will now begin the voting process and take a decision on the draft resolution. The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/39/821. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Solomon Islands, Somalia, Spain, Sri Lanka, Sudan, Suriname, Sweden, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Vanuatu, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* Turkey, United States of America.

*Abstaining:* Germany, Federal Republic of, Israel, Peru, United Kingdom of Great Britain and Northern Ireland, Venezuela.

*The draft resolution was adopted by 138 votes to 2, with 5 abstentions (resolution 39/73).*

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

461. Mr. PAPAJOJGI (Albania): The Albanian delegation did not participate in the vote on the draft resolution contained in document A/39/L.35 and Add.1, for the same reasons it had when it did not participate in the vote on the text of the United Nations Convention on the Law of the Sea and its signature. On various occasions, the Albanian delegation has clearly expressed the views and position of its Government on the Third United Nations Conference on the Law of the Sea, which are recorded in the official documents of the Conference.

462. The People's Socialist Republic of Albania maintains its known position on the interpretation of the provisions of the law of the sea. As with resolutions of previous sessions, draft resolution A/39/L.35 and Add.1 contains some provisions unacceptable to the Albanian delegation. Since we explained our reservations on these provisions during the last session, in order not to take up the time of the Assembly, we shall not enter into the details of the reservations, which we still maintain.

463. Count YORK von WARTENBURG (Federal Republic of Germany): My delegation abstained in the voting on the resolution just adopted. The Federal Republic of Germany considers a comprehensive, generally acceptable law of the sea régime an important contribution to the rule of law in international relations. The parts of the United Nations Convention on the Law of the Sea which relate to international law of the sea proper, to the protection of the marine environment and to the settlement of disputes have met with general approval. The Government of the Federal Republic of Germany welcomes those parts of the Convention as a major contribution to the codification and progressive development of international law of the sea which can play an important role in ensuring the clarity and certainty of law.

464. However, a consensus among all States on the Convention as a whole failed to transpire on account of the envisaged sea-bed mining régime. The Federal Republic of Germany has consistently expressed the opinion that substantial modifications will be necessary in order to establish a generally acceptable régime in this field as well. The preparatory investment protection scheme also reveals considerable flaws and inconsistencies. Under the present circumstances, this system offers no safeguards for protection of the interests of the Federal Republic of Germany.

465. Taking into account all these considerations, the Government of the Federal Republic of Germany decided not to sign the United Nations Convention on the Law of the Sea. However, this does not mean that it rejects the Convention. My Government will continue to work with other countries to bring about a sea-bed mining régime that will eventually make the Convention acceptable to all States.

466. I should now like to refer to a previous intervention which dealt with the seat of the International Tribunal for the Law of the Sea. The free and Hanseatic city of Hamburg has been determined as the seat of the Tribunal in article 1, paragraph 2, of annex VI to the United Nations Convention on the Law of the Sea. This decision stands. It has not been linked to the signing of the Convention by the Federal Republic of Germany but has been made dependent on my country having ratified the Convention by the time of its entry into force. In this regard, the Special Representative of the Secretary-General for the Law of the Sea has rightly pointed out recently that the Federal Republic of Germany can still accede to the Convention at any time.

467. We have listened to an intervention asserting that the Provisional Understanding regarding deep-sea matters to which my country is a party contradicts the United Nations Convention on the Law of the Sea. As other parties to the Understanding have already pointed out this evening, this is a misinterpretation of the content and object of the Under-

standing. Its objective is to avoid conflicting claims among the parties now and in the future by mutual self-restraint. The Understanding thus serves a principle which has been expressed in paragraph 5 (a) of resolution II of the Third United Nations Conference on the Law of the Sea.

468. Mr. RIVERA MARAVÍ (Peru) (*interpretation from Spanish*): The delegation of Peru, on the express instructions of its Government, abstained in the voting on this draft resolution, without failing to recognize, however, the historical significance of the Convention.

469. Since 1947, Peru has actively demonstrated before the international community its recognition of the sovereignty of coastal States over their territorial waters, from their coasts to the 200-mile limit and over their sea-bed sectors. Therefore my delegation thinks that it has contributed to a certain extent to the creation of this new law.

470. Finally, my delegation wishes to make clear that the existence of certain differences between the provisions of the Convention and the Constitution of Peru have made it impossible for Peru to subscribe to this Convention.

471. Mrs. VARNAI-DRANGER (Israel): In this regard, the Government of Israel states that the régime of navigation and overflight, confirmed by the 1979 Treaty of Peace between Israel and Egypt, in which the straits of Tiran and the Gulf of Aqaba are considered by the parties to be international waterways open to all nations for unimpeded and non-suspendable freedom of navigation and overflight, is applicable to the said areas. Moreover, being fully compatible with the United Nations Convention on the Law of the Sea, the régime of the Peace Treaty will continue to prevail and to be applicable to the said areas.

472. It is the understanding of the Government of Israel that in this regard the declaration of the Arab Republic of Egypt upon its ratification of the Convention is consonant with the above declaration. Israel remains committed, of course, to those rules of general international law in respect of peaceful uses of the seas and oceans.

473. At the thirty-seventh and thirty-eighth sessions of the General Assembly, my delegation expressed its opposition to the proposal to include the budget of the Preparatory Commission within the general budget of the United Nations, and that remains our position. But that does not apply, of course, to the general functions of the Secretary-General relating to marine affairs.

474. We have carefully studied the report of the Secretary-General on the law of the sea [A/39/647 and Corr.1 and Add.1]. We have noted with appreciation the ongoing activities of the Secretariat. We have also noted that the report includes information on various activities relating to marine affairs, including private law activities. It may be recalled that my delegation suggested last year that such information be included in the *Law of the Sea Bulletin*. The *Bulletin* is very useful, and we would like to suggest once again that consideration be given to expanding the co-ordinating role of the Secretariat by including in the *Bulletin* information on marine affairs, of both public and private law character, and both within and outside the framework of the United Nations.

475. There is no need to stress here once again my country's interest in the sea and our active participa-

tion in all international consultations and conferences on the law of the sea. The position of my country on the United Nations Convention on the Law of the Sea is also very well known and has been put on record more than once.

476. From our point of view, the Convention contains provisions which have been introduced on grounds of political considerations totally extraneous to the law of the sea and which did not allow my country to sign the Convention. In this regard, we have asked the Secretary-General, in his capacity as depositary of the Convention, to circulate the following statement:

“The concerns of the Government of Israel with regard to the law of the sea relate principally to the ensuring of maximum freedom of navigation and overflight everywhere, and particularly through straits used for international navigation.”

477. Mr. BERMAN (United Kingdom): I wish to explain the United Kingdom's abstention on draft resolution A/39/L.35 and Add.1, which has just been adopted. It is well known why the United Kingdom, for reasons which I will mention in a moment, has not signed the United Nations Convention on the Law of the Sea. It must, therefore, be clear to all that there are many aspects of the resolution just adopted which we could not support.

478. The United Kingdom's particular objections to various aspects of this resolution were explained in detail in my delegation's explanation of vote on the equivalent resolution of the thirty-seventh session [91st meeting]. Moreover, in certain respects, the language of the present resolution represents a step further back from the language of General Assembly resolutions 37/66 and 38/59 A and contains elements which are not justified by the facts.

479. My delegation indicated in 1982 that the Government of the United Kingdom had decided against early signature of the Convention because it could not accept the régime for deep sea-bed mining, including the transfer of technology, in its present form. The decision was made, however, bearing in mind that the Convention remained open for signature for two years, to explore the prospects of improvements in these areas, starting with the rules, regulations and procedures to be drawn up in the Preparatory Commission, in whose work the United Kingdom has played a full part.

480. My Government has now completed a full review of its policy in the light of the experience of the past two years, but has concluded that there has been no significant change from the position that existed in 1982. While there is, therefore, no basis for a decision to sign the Convention in 1984, I wish to emphasize, as my delegation did in 1982, that the search for a consensus must continue. It remains the sole wish of the United Kingdom to see the development of provisions relating to sea-bed mining which could be accepted by consensus among the whole international community. Let me also mention at this point that my Government, when announcing its decision not to sign the Convention, also indicated that it would not stand in the way of signature by the European community within the limits of its competence as regards the Convention. This has since taken place, on 7 December.

481. I should like to make it plain that my delegation's reservations about the resolution just adopted should not be taken as casting aspersions on the

efforts made by the Secretary-General and his Special Representative in pursuance of the tasks laid upon them by previous resolutions of the General Assembly. I should like specifically to join in the appreciation expressed in various paragraphs of the resolution for the Secretary-General's undertakings in relation to the law of the sea as a whole.

482. I regret that I have to conclude this brief statement by referring to a question which should not have been raised, but was raised in a flourish of rhetoric by two representatives who chose to use the present occasion as a platform for criticizing the policies and actions of others. The arguments raised, especially by the representative of the Soviet Union, were not new, but their repetition does not, of course, mean that they are any less unfounded for that, as has already been demonstrated by previous speakers.

483. My delegation associates itself fully with the remarks made by the representatives of Belgium, the Netherlands and Italy, and by others, in this respect.

484. Mr. RAY (United States of America): Once again my delegation has had to cast a negative vote on a resolution concerning the international development of the law of the sea. As in the past, we have done so with considerable reluctance. We do so primarily because of the insistence by many delegations that the United Nations Convention on the Law of the Sea and the institutions it seeks to create remain a direct fiscal responsibility of the Organization.

485. The United States, as we have stated in the past, views the United Nations Convention on the Law of the Sea as a major accomplishment in the development of international law relating to the oceans. Unfortunately, the Convention contains one part, part XI, which runs contrary to United States policy and to that of others that share our views concerning the future development of resources on the bottom of the deep sea-bed. Therefore, the United States has not signed the Convention.

486. The United Nations is still being requested to fund, from its general budget, the Preparatory Commission established by the Convention. The United States believes that the costs of the Preparatory Commission should be borne by those nations which are parties to the Treaty. Such costs cannot be assessed against all United Nations members as part of the United Nations budget, as they do not represent legitimate “expenses of the Organization” within the meaning of Article 17, paragraph 2, of the Charter.

487. The United States remains steadfast in its opposition to such improper assessments, and we are determined to resist such abuses of the budget and the Charter of the United Nations. The Preparatory Commission is established pursuant to a Treaty régime separate from the Charter of the United Nations. It is legally independent of, and distinct from, the United Nations, and it is not answerable to the United Nations. Membership of the United Nations does not obligate any member to finance or otherwise to support any other independent organization.

488. The United States will not support that part of the Convention which deals with deep sea-bed development, and the United States will continue to withhold its *pro rata* share of the United Nations annual assessment for the regular budget which pertains to the funding of the Preparatory Commis-

sion and is earmarked to part XI of the United Nations Convention on the Law of the Sea. However, the United States takes this opportunity to reiterate its commitment to co-operate with the international community on the development of international law relating to the oceans. This co-operation extends to a vast number of important principles contained in the United Nations Convention on the Law of the Sea.

489. With regard to the statement of the Soviet Union, which mentioned the United States—without compliment—we concur with the substance of the position expressed tonight by the representatives of Italy, Belgium, the Netherlands, France, the Federal Republic of Germany and the United Kingdom.

490. Mr. HAYASHI (Japan): My delegation voted in favour of the draft resolution. In this connection, we very much regret the criticism made by certain delegations earlier in the debate of the agreement, or more accurately, the provisional understanding recently concluded by eight Governments regarding these deep sea-bed matters. As the representatives of Italy and other countries clearly explained, that criticism is totally unfounded and irrelevant.

491. My delegation would like to reaffirm its position as communicated to the Preparatory Commission on 3 August 1984 and recorded in document LOS/PCN/45, that the Provisional Understanding is fully compatible with the commitment of the Government of Japan to undertake its deep sea-bed activities within the framework of the United Nations Convention on the Law of the Sea and resolution II of the Third United Nations Conference on the Law of the Sea.

492. We understand that paragraph 5 of the resolution just adopted contains a general appeal not to take any action which would undermine the Convention or defeat its object and purpose, and that it has nothing to do with the Provisional Understanding.

493. Mr. VILLAGRA DELGADO (Argentina) (*interpretation from Spanish*): Argentina interprets the fifth preambular paragraph and paragraph 4 of the resolution that has just been adopted in accordance with the declaration it made on 5 October 1984, upon signing the United Nations Convention on the Law of the Sea and especially with the last paragraph of that declaration.

494. In this connection, it is my Government's understanding that of the resolutions adopted together with the Convention for procedural reasons, the only ones related to it for functional reasons are resolution I and II, and that therefore it is to them that the fifth preambular paragraph and paragraph 4 of the resolution just adopted refer.

495. Mr. YAKOVLEV (Union of Soviet Socialist Republics) (*interpretation from Russian*): In this brief final statement I should like to say how pleased we are at the adoption of this very important resolution and to congratulate the delegations concerned. Unfortunately, some delegations persist in their policy of obstructing the Convention. We saw that during the voting.

496. We would like to state that during the debate, efforts were made to interpret the United Nations Convention on the Law of the Sea. Any interpretation incompatible with its purposes, principles and provisions is prohibited, and therefore any effort in that direction has no legal meaning. Attempts were also made during the debate arbitrarily to interpret the resolutions adopted by the Third United Nations

Conference on the Law of the Sea, which contains definite procedures and provisions that are self-explanatory. Any arbitrary attempt to interpret those resolutions in a way that runs counter to their spirit and letter and to their provisions has no legal validity and cannot be presented here as legal.

### AGENDA ITEM 35

#### United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy: Report of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy

497. The PRESIDENT: I call on the representative of Egypt.

498. Mr. SHAKER (Egypt) (*interpretation from Arabic*): I am pleased to be the first speaker on this item in order to introduce, on behalf of the Federal Republic of Germany, Poland and my own country, draft resolution A/39/L.26.

499. The draft resolution consists of six preambular paragraphs and nine operative paragraphs. I need not go into the details, as I am sure all delegations are aware of its contents. However, I should like to underline its salient features which have been introduced this year, especially in the light of the success achieved by the Preparatory Committee during its fifth session, held at Vienna from 25 June to 6 July 1984. The main features of the draft resolution are as follows.

500. First, the General Assembly approves the recommendations and decisions contained in the report of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy on its fifth session [A/39/47]. Secondly, the Assembly expresses its appreciation of the efforts of the Chairman of the Preparatory Committee, Mr. Novak Pribicević of Yugoslavia, and the Secretary-General of the Conference, Mr. Mehta, in accordance with General Assembly resolution 38/60. Indeed, the efforts made by the Chairman and Mr. Mehta were instrumental in ensuring the success of the fifth session of the Preparatory Committee in a manner not witnessed in any of the previous sessions. During the period from January to May 1984 they conducted several rounds of informal consultations with members of the Preparatory Committee individually and collectively as well as with regional groups which so desired. Thirdly, in view of the constructive efforts made by the Chairman of the Preparatory Committee and the Secretary-General of the Conference, the General Assembly requests the Chairman and the Secretary-General of the Conference to continue informal individual and group consultations, as necessary, in order to assist the Committee in expediting the necessary procedural and substantive preparations for the Conference. Fourthly, the General Assembly decides that the Preparatory Committee will hold its sixth session at Vienna from 21 October to 1 November 1985 to consider, *inter alia*, the mechanism for formal/official inter-sessional intergovernmental work and the commencement of preparation of the concluding document or documents of the Conference, as well as the mandate and composition of the group of internationally eminent



experts. Fifthly, the General Assembly decides that the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy will be held at Geneva from 10 to 28 November 1986. Sixthly, the General Assembly invites the International Atomic Energy Agency, the specialized agencies and other relevant organizations of the United Nations system to ensure that their contributions to the documents for the Conference, including reports of the regional expert group meetings, should be concise and comprehensive and specifically related to the purpose, aims and objectives of the Conference, including in particular suggestions regarding practical and effective ways and means for the promotion of international co-operation in the peaceful uses of nuclear energy, so as to achieve meaningful results from the Conference in accordance with the objectives of General Assembly resolution 32/50. Lastly, the General Assembly invites all States to co-operate actively in the preparation of the Conference and to make available, as soon as possible, the information requested in paragraph 9 of General Assembly resolution 36/78 and in the broad questionnaire circulated by the Secretary-General of the Conference in March 1984.

501. Those are the important elements of the draft resolution which I have the honour to introduce on behalf of the delegations of the Federal Republic of Germany, Poland and Egypt. We hope that the General Assembly will adopt the draft resolution without a vote.

502. I should like to take this opportunity to express our special appreciation to the Secretary-General of the Conference, Mr. Mehta, for the excellent and outstanding work he has carried out with extreme skill, in view of the specialized and delicate aspects of the Conference, and the importance and nature of the items to be covered by it. We are pleased to see the difficult task of the preparations for the Conference in such able hands, because he is known for his wide diplomatic experience and his expertise in this vital field. Moreover, Mr. Mehta is devoting his efforts entirely to achieving the objectives of the Conference in an admirable way. We are confident that the Conference will be thoroughly prepared under his supervision. We therefore request the Secretary-General of the United Nations to provide all necessary facilities in order to enable him to carry out his task fully and successfully.

503. Egypt, which participated actively in the work of the Preparatory Committee under the wise leadership of Yugoslavia, believes that the objective of the Conference should be to discuss all the dimensions of international co-operation in the field of the peaceful uses of nuclear energy in order to develop the principles of international co-operation and to devise the ways of developing that co-operation in accordance with resolution 32/50, that is, under the mutually acceptable considerations of the Treaty on the Non-Proliferation of Nuclear Weapons [*resolution 2373 (XXII), annex*]. We hope that the Conference will achieve positive results to ensure the use of nuclear energy in fields such as medicine, industry, food and agriculture. Undoubtedly we should not look at the forthcoming Conference in isolation from other events taking place in other international forums connected with the peaceful uses of nuclear energy, such as the Third Review Conference on the Treaty on the Non-Proliferation of Nuclear Weapons,

as well as the work of the Committee on Supply Assurances.

504. In conclusion, we believe that the forthcoming Conference should take into consideration the United Nations resolutions which established it, in particular those regarding the role of nuclear energy in economic development in the developing countries, taking into account their sovereign rights in developing nuclear energy for peaceful purposes in accordance with their priorities and their right to acquire nuclear technology under appropriate international guarantees.

505. Mr. DJOKIĆ (Yugoslavia): Seven years ago, the General Assembly launched an important initiative aimed at creating an equitable and just basis of international co-operation in the peaceful uses of nuclear energy. The intention of that action was to determine principles and to reach a new international consensus which would serve as the basis for relations and the promotion of co-operation in that field. In the period since the last General Assembly session, there have been several positive developments. Conditions have improved for substantial work on the preparations for the Conference, to which undivided significance is attached and which is of particular importance for all countries, especially the developing ones. At the last session of the Preparatory Committee for the Conference, which was held at Vienna from 25 June to 6 July 1984, significant progress was achieved. Views on pending controversial issues were successfully reconciled, and generally acceptable solutions regarding the content of the agenda of the Conference and its decision-making procedure were found; thus the Preparatory Committee has been enabled to concentrate in its future work on substantial preparations for the Conference. We wish to express our satisfaction at the results achieved by the Committee and the readiness displayed to retain in future work the spirit of mutual understanding, accommodation and flexibility. Such a development has long been desired. We hope that this trend will continue and develop further, in view of the fact that we are still faced with some issues awaiting agreement before the holding of the conference in 1986.

506. The provision of adequate sources of energy is one of the essential prerequisites for general economic and social development, so much needed in the greater part of the world. That is why the questions of access to and utilization of those sources are an inevitable and urgent task in the solution of which all countries should participate on the basis of equality. It is only natural that the developing countries should attach exceptional significance to the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy. Most of those countries are faced with specific difficulties, being poor in sources of energy. It is obvious that they cannot rely only on traditional sources of energy and that to do so would pose yet another obstacle to their development. In order to meet the energy needs of their development, they have to start preparing or speeding up the implementation of programmes for the peaceful uses of nuclear energy without further loss of time. It is therefore of utmost importance that the problems and the obstacles be urgently addressed, as this adverse situation is not in keeping with the envisaged undisturbed transfer of nuclear technology for peaceful purposes, with the creation of overall co-operation in this sphere on

the basis of full equality, with common interests and sustained development throughout the world. The way out is obviously not in the strengthening and enhancement of the monopoly over nuclear technology held by a small number of countries, but in a persistent search for solutions that will serve the interests of all countries, particularly the developing ones.

507. The question of utilizing nuclear energy for peaceful purposes and the issue of transfer of nuclear technology are often linked with the question of the danger of the proliferation of nuclear weapons. There is no doubt that all elements that can contribute to such a development deserve due attention. The Third Review Conference of Parties to the Treaty on the Non-Proliferation of Nuclear Weapons will be held next year. That will be an opportunity to consider comprehensively the implementation of the Treaty and to determine the extent to which the goals set by the Treaty have been realized and how the States Parties have respected the obligations assumed under the Treaty. It will also be an opportunity to consider all aspects of and dangers arising from the proliferation of nuclear weapons, regarding both the horizontal and the vertical components of the proliferation of nuclear weapons.

508. We have pointed out on several occasions that the dangers of the proliferation of nuclear weapons should not be used as a pretext for preventing, or an obstacle to the promotion of, co-operation in the peaceful uses of nuclear energy. We are convinced that the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy and meaningful results arising from it will confirm the correctness of that position.

509. In the light of the latest positive indications, we believe that there is a realistic basis for the fulfilment of the objectives by which the General Assembly was guided when it launched action for convening the Conference. The Conference should define universally acceptable principles in the sphere of the use of nuclear energy for peaceful purposes and thus contribute to fruitful co-operation in this regard.

510. We are aware of the high degree of interdependence that exists in this field. That is why we believe that there is mutual interest between the developing countries which are importers of equipment and supplies and the countries which are exporters of nuclear technology. In this regard, we attach particular importance to the work of the IAEA, especially in providing assistance in training for the utilization of nuclear energy for peaceful purposes.

511. With regard to further preparations for the Conference, we attach particular importance to the inter-sessional work of the appropriate intergovernmental body and to the elaboration of final documents for the Conference. We also consider to be of special importance the recommendations of the Preparatory Committee regarding informal individual and group consultations by the Chairman of the Preparatory Committee, Mr. Pribicević, and the Secretary-General of the Conference, Mr. Mehta, to speed up the work on the preparations for the Conference. Such practices have proved valuable in the past, and we are convinced that the involvement

of these persons would contribute considerably to faster harmonization of views.

512. This would create the necessary pre-conditions for the solid preparation of the Conference and would contribute to its successful outcome, to which Yugoslavia and other developing countries attach particular importance.

513. The PRESIDENT: The Assembly will now take a decision on draft resolution A/39/L.26. The programme budget implications of this draft resolution appear in the report of the Fifth Committee [A/39/822]. May I take it that the Assembly wishes to adopt draft resolution A/39/L.26?

*The draft resolution was adopted (resolution 39/74).*

#### AGENDA ITEM 120

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

#### AGENDA ITEM 121

**Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States: report of the Secretary-General**

#### AGENDA ITEM 122

**Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts: report of the Secretary-General**

#### AGENDA ITEM 123

**Development and strengthening of good-neighbourliness between States**

#### AGENDA ITEM 124

**Peaceful settlement of disputes between States**

#### AGENDA ITEM 125

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

#### AGENDA ITEM 126

**Report of the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations**

**AGENDA ITEM 127**

**Report of the United Nations Commission on International Trade Law on the work of its seventeenth session**

**AGENDA ITEM 128**

**Consideration of effective measures to enhance the protection, security and safety of diplomatic and consular missions and representatives: report of the Secretary-General**

**AGENDA ITEM 129**

**Report of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries**

**AGENDA ITEM 130**

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

**AGENDA ITEM 131**

**United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations: report of the Secretary-General**

**AGENDA ITEM 132**

**Report of the Committee on Relations with the Host Country**

**AGENDA ITEM 133**

**Report of the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization**

**AGENDA ITEM 134**

**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**

**Review of the multilateral treaty-making process**

**AGENDA ITEM 136**

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

**AGENDA ITEM 137**

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

514. Mr. GÜNEY (Turkey), Rapporteur of the Sixth Committee (*interpretation from French*): It is an honour for me to present to the General Assembly the reports of the Sixth Committee on agenda items 120 to 137, representing the outcome of the Committee's work during this session.

515. The report of the Sixth Committee on agenda item 120 will be found in document A/39/770. In the draft resolution under this item, contained in paragraph 9 of the report, which was adopted by the Committee by 92 votes to none, with 16 abstentions, the Assembly expresses gratitude to the United Nations Institute for Training and Research for the completion of its analytical study on the progressive development of the principles and norms of international law relating to the new international economic order [A/39/504/Add.1, annex III] and urges Member States to submit not later than 30 June 1985 their views and comments with respect to that study.

516. In connection with agenda item 121, I draw the attention of the Assembly to the report of the Sixth Committee in document A/39/771 and to the draft resolution contained in paragraph 8 of that report. That draft resolution was adopted by the Committee by 92 votes to 10, with 17 abstentions. Among other things, States that have not done so, in particular those which are hosts to international organizations or to conferences, are urged in the draft resolution to consider the question of ratifying the Vienna Convention of the Representation of States in Their Relations with International Organizations of a Universal Character, and the States concerned are called on to accord to the delegations of the national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States, and which are accorded observer status by international organizations, the facilities, privileges and immunities necessary for the performance of their functions. By the terms of the draft resolution, this question will come before the Assembly again in 1986.

517. That brings me to agenda item 122. The Sixth Committee's report on this item is contained in document A/39/772. The Committee adopted without a vote the draft resolution contained in paragraph 8 thereof. By the terms of the draft resolution, the Assembly would again call on all States, as it did in resolutions 34/51 and 37/116, to consider at the earliest possible date the matter of ratifying the two Protocols Additional<sup>2</sup> to the Geneva Conventions of 1949; it would also decide to include this item in the agenda of its forty-first session.

518. In connection with agenda item 123, the Sixth Committee's report is contained in document A/39/773. The draft resolution contained in paragraph 8 of the report was adopted by the Committee without a vote. By the terms of the draft resolution, the General Assembly—after reaffirming that good-neighbourliness fully conforms with the purposes of the United Nations and calling upon States, in the interest of the maintenance of international peace and security, to develop good-neighbourly relations—would decide to proceed with the task of identifying and clarifying the elements of good-

neighbourliness within the framework of a working group or other appropriate organ of the Sixth Committee as might be decided upon by the Committee when organizing its work at the fortieth session.

519. I now invite the members of the Assembly to consider document A/39/774, containing the Sixth Committee's report on agenda item 124. By the terms of the draft resolution contained in paragraph 10 of the report, which the Committee adopted without a vote, the Assembly would, *inter alia*, again urge all States to observe and promote in good faith the provisions of the Manila Declaration on the Peaceful Settlement of International Disputes,<sup>6</sup> request the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization to continue its work on the question of the peaceful settlement of disputes between States, and request the Secretary-General to prepare a draft handbook on the peaceful settlement of disputes between States.

520. May I now ask the members of the Assembly to turn to document A/39/775, containing the Sixth Committee's report on agenda item 125. The draft resolution contained in paragraph 9 of the report and recommended for adoption by the Assembly was adopted by the Committee by a recorded vote of 96 to none, with 16 abstentions. By the terms of the draft resolution, the Assembly would request the International Law Commission to continue its work on the elaboration of the draft Code of Offences against the Peace and Security of Mankind by elaborating an introduction as well as a list of the offences; and would request the Secretary-General to seek the views of Member States and intergovernmental organizations regarding the conclusions contained in the report of the International Law Commission on the work of its thirty-sixth session [see A/39/10, chap. II, para. 65].

521. That brings me to the Sixth Committee's report on agenda item 126 [A/39/776]. By the terms of the draft resolution contained in paragraph 11 of the report, which the Sixth Committee adopted by a recorded vote of 80 to 16, with 11 abstentions, the Assembly would, *inter alia*, decide that the Special Committee on Enhancing the Effectiveness of the Principle of Non-Use of Force in International Relations should continue its work at its session to be held in 1985 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 Special Committee might deem appropriate. As is indicated in paragraph 10 of the report, the Special Committee will hold its session from 28 January to 22 February 1985.

522. In connection with agenda item 127, the Sixth Committee's report is contained in document A/39/698. The draft resolution in paragraph 6 of the report, which the Committee adopted by consensus, contains a number of guidelines for the United Nations Commission on International Trade Law and confirms its mandate.

523. I turn now to the report of the Sixth Committee on agenda item 128 [A/39/722]. The Committee adopted without a vote the draft resolution contained in paragraph 7 of the report.

524. After having strongly condemned 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, the Assembly, in operative paragraph 4 of the draft resolution, would urge States to observe and to implement the principles and rules of international law governing diplomatic and consular relations and, in particular, to take all necessary measures in conformity with their international obligations to ensure effectively the protection, security and safety of all diplomatic and consular missions and representatives officially present in territory under their jurisdiction, including practicable measures to prohibit in their territories illegal activities of persons, groups and organizations that encourage, instigate, organize or engage in the perpetration of acts against the security and safety of such missions and representatives.

525. By the same draft resolution, the Assembly, desiring to maintain and further strengthen the reporting procedures, would also request States to continue the procedures established by earlier resolutions.

526. The report of the Sixth Committee with regard to agenda item 129 is contained in document A/39/777. Paragraph 11 of the report contains the draft resolution adopted by consensus by the Sixth Committee. In the wording of operative paragraph 2 of the draft resolution, the Assembly would decide to renew the mandate of the *Ad Hoc* Committee on the Drafting of an International Convention against the Recruitment, Use, Financing and Training of Mercenaries to enable it to continue its work on that projected convention. According to operative paragraph 8, the *Ad Hoc* Committee would hold its fifth session from 8 April to 3 May 1985.

527. I now turn to the report of the Sixth Committee on agenda item 130 [A/39/778/Rev. I], paragraph 6 of which contains the draft resolution which was adopted by the Committee by consensus. By the terms of the draft resolution, the Assembly would, *inter alia*, recommend that the International Law Commission should continue its work on all the topics in its current programme.

528. I now invite the Assembly to turn to the report of the Sixth Committee on agenda item 131 [A/39/779]. The Committee adopted by consensus the draft resolution contained in paragraph 9 of the report. By the terms of the draft resolution, the General Assembly would, *inter alia*, note with appreciation that an invitation has been extended by the Government of Austria to hold the Conference on the Law of Treaties between States and International Organizations or between International Organizations at Vienna and would decide that the Conference shall be held there from 18 February to 21 March 1986. By the draft resolution, the Assembly would appeal to participants in the Conference to organize, prior to the convening of the Conference, consultations primarily on the organization and methods of work, and would decide to include in the provisional agenda of its fortieth session an item entitled "Preparation for the United Nations Conference on the Law of Treaties between States and International Organizations or between International Organizations".

529. I now turn to the report of the Sixth Committee on agenda item 132 [A/39/780]. Paragraph 7 of the report contains a draft resolution which was adopted by consensus by the Committee, by which,

*inter alia*, the Assembly would strongly condemn any terrorist and criminal acts violating the security of missions accredited to the United Nations and the safety of their personnel and would request the Committee on Relations with the Host Country to continue its work.

530. The report of the Sixth Committee on agenda item 133 is contained in document A/39/781, paragraph 12 of which contains draft resolutions A and B, which were adopted by the Committee without a vote. By the terms of draft resolution A, the Assembly would decide that the Special Committee on the Charter of the United Nations and on the Strengthening of the Role of the Organization should hold its next session from 4 to 29 March 1985 and would define the tasks to be accomplished at that session; by draft resolution B, the conclusions of the Special Committee on the rationalization of the procedures of the General Assembly would be approved.

531. I turn now to the report of the Sixth Committee on agenda item 134 [A/39/782]. By the terms of the draft resolution contained in paragraph 8 of the report, which the Committee adopted without a vote, the Assembly would, *inter alia*, appeal to Member States representing different legal systems to undertake consultations on 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, with a view to finding out the extent to which they would join in the common endeavour of completing the work on the draft Declaration and would decide that this item would come before the Assembly again at its forty-first session.

532. In connection with the report of the Sixth Committee on agenda item 135 [A/39/783], I draw the Assembly's attention to paragraph 8 of the report, which contains the draft resolution recommended to the Assembly for adoption and which was adopted by the Committee by 111 votes to none, with 13 abstentions. Among other provisions, the Assembly would take note of the report of the Working Group on the Review of the Multilateral Treaty-Making Process, together with its final document thereon [A/C.6/39/L.12, annex], recommended to all States considering the initiation of a multilateral treaty within the framework of the United Nations to give consideration to the procedures set out in the final document.

533. In this connection, I draw the attention of the members of the Assembly to the fact that, as the report of the Working Group on the Review of the Multilateral Treaty-Making Process was reproduced in limited quantities, it will be reissued for general distribution as document A/C.6/39/8 and will become an integral part of the official records of the thirty-ninth session of the General Assembly, so that it can remain easily and widely accessible in the years to come.

534. The report of the Sixth Committee on agenda item 136 is contained in document A/39/784. The Committee adopted without a vote the draft decision contained in paragraph 9 of the report, aimed basically at extending the arrangements made at earlier sessions for the final preparation of the draft Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

535. The report of the Sixth Committee on agenda item 137 is contained in document A/39/785. The

Committee adopted by consensus the draft decision contained in paragraph 5 of the report and recommends it to the Assembly for adoption. The Assembly would thereby, *inter alia*, decide to defer to its fortieth session consideration of the reports of the Secretary-General on draft standard rules of procedure for United Nations conferences.

536. That concludes my introduction of the reports of the Sixth Committee on the agenda items allocated to it by the General Assembly. I apologize for having spoken at such length, but in view of the importance of the questions discussed this year, as in previous years, in the Committee, it seemed to me warranted to give them a fairly detailed presentation.

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

537. The PRESIDENT: Statements will 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.

538. 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, a delegation should, as far as possible, explain its vote only once: that is, either in the Committee or in plenary meeting, unless that delegation's vote in the plenary meeting is different from its vote 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.

539. We turn now to the report of the Sixth Committee on agenda item 120 [A/39/770]. Are there any explanations of vote before the voting? There being none, the General 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 9 of its report. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Argentina, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Syrian Arab Republic,

Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* None.

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

*The draft resolution was adopted by 120 votes to none, with 17 abstentions (resolution 39/75).*

540. The PRESIDENT: We turn now to the report of the Sixth Committee on agenda item 121 [A/39/771]. The Assembly will now take a decision on the draft resolution entitled "Observer status of national liberation movements recognized by the Organization of African Unity and/or by the League of Arab States", recommended by the Committee in paragraph 8 of its report. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Albania, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* Belgium, Canada, France, Germany, Federal Republic of, Israel, Italy, Luxembourg, Netherlands, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Australia, Austria, Burma, Colombia, Costa Rica, Denmark, Fiji, Finland, Guatemala, Haiti, Honduras, Iceland, Ireland, Japan, New Zealand, Norway, Paraguay, Portugal, Spain, Sweden, Uruguay.

*The draft resolution was adopted by 106 votes to 10, with 21 abstentions (resolution 39/76).*

541. The PRESIDENT: The Assembly will now turn its attention to the report of the Sixth Committee on agenda item 122 [A/39/772]. We shall now take a decision on the draft resolution entitled "Status of the Protocols Additional to the Geneva Conventions of 1949 and relating to the protection of victims of armed conflicts", recommended in paragraph 8 of that report. That draft resolution was

adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

*The draft resolution was adopted (resolution 39/77).*

542. The PRESIDENT: I now invite members to turn to the report of the Sixth Committee on agenda item 123 [A/39/773]. The Assembly will now take a decision on the draft resolution entitled "Development and strengthening of good-neighbourliness between States", recommended by the Committee in paragraph 8 of its report. The 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 39/78).*

543. The PRESIDENT: The Assembly will now consider the report of the Sixth Committee on agenda item 124 [A/39/774]. We shall now take a decision on the draft resolution entitled "Peaceful settlement of disputes between States", recommended by the Committee in paragraph 10 of its report. That draft resolution 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 39/79).*

544. The PRESIDENT: I now invite members to turn their attention to the report of the Sixth Committee on agenda item 125 [A/39/775]. The Assembly will now take a decision on the draft resolution entitled "Draft Code of Offences against the Peace and Security of Mankind", recommended by the Committee in paragraph 9 of its report. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, 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, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* None.

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

*The draft resolution was adopted by 122 votes to none, with 15 abstentions (resolution 39/80).*

545. The PRESIDENT: We turn next to the report of the Sixth Committee on agenda item 126 [A/39/776]. 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 11 of its report. The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/39/734. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, 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, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, Uruguay, 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, Brazil, Germany, Federal Republic of, Ireland, Ivory Coast, New Zealand, Paraguay, Sweden, Turkey.

*The draft resolution was adopted by 111 votes to 15, with 10 abstentions (resolution 39/81).*

546. The PRESIDENT: We turn next to the report of the Sixth Committee on agenda item 127 [A/39/698]. The Assembly will now take a decision on the draft resolution entitled "Report of the United Nations Commission on International Trade Law", recommended by the Committee in paragraph 6 of its 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 39/82).*

547. The PRESIDENT: We turn now to the report of the Sixth Committee on agenda item 128 [A/39/722]. 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 7 of its report. The Committee adopted

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

*The draft resolution was adopted (resolution 39/83).*

548. The PRESIDENT: In the light of the particular decision which the Assembly has just taken, two delegations have asked to make statements, and I shall now call on them.

549. Mr. RAY (United States of America): The United States is pleased to participate in the consensus adoption of the resolution concerning the protection of diplomats which comes before us on the recommendation of the Legal Committee.

550. Terrorism is war against civilized society. For the terrorist, violence is politics, contrary to everything for which the United Nations stands. Nothing—I repeat, nothing—can justify terrorism. It is incumbent on the organized international community to leave no doubt that it does not tolerate terrorism.

551. During the past year, the United States has suffered the anguish of having its diplomats killed and its embassies attacked. Only last week, two American civilians—officials of the Agency for International Development—were brutally murdered aboard the hijacked Kuwaiti plane in Teheran. These American diplomats were singled out for murder. On 20 September of this year, the United States Embassy in Beirut was bombed. American and other lives were lost and scores of people were injured. Other United States diplomats and diplomatic establishments at Beirut and elsewhere have been attacked. Americans have been killed in Europe and in Africa. We feel these losses deeply, and also those of other nations.

552. These and other recent tragedies involving the loss of life of diplomats of various nationalities as well as international civil servants make it imperative that we not only mourn the terrible losses, but join together to prevent the recurrence of such tragic, outrageous murders. The least we could do tonight was to adopt the resolution before us by consensus and ensure that each and every Member State cooperate with one another and with the Secretary-General to combat such attacks.

553. All acts of terrorism are appalling. At the human and moral levels, attacks against diplomats are no more appalling than any other acts of terrorism against persons, but they may be more dangerous to peace. Diplomats and international civil servants are the means by which States communicate with each other. Serious differences between States will continue to exist, and attacks on diplomats strike at our principal means of resolving those differences.

554. The United States believes that the United Nations should take determined action against terrorism. We can think of no better place to start than with the protection of diplomats. All nations surely desire the protection of their officials.

555. In the past, the United Nations has adopted treaties and resolutions condemning and outlawing hijacking and other acts of terrorism against international civil aviation. The United Nations has also approved treaties and resolutions prohibiting the taking of hostages and outlawing attacks on diplomats. We have still not done enough, yet we can and we must honour these treaties in full.

556. The resolution we have adopted today by consensus should serve notice that the nations meeting here in organized session do not condone and will

not tolerate acts of violence against diplomats or against international civil servants. We hope all nations will implement the recommendations of this resolution. It is the very least we can do now to act against attacks on diplomats and international civil servants.

557. Mr. MILES (United Kingdom): The fact that the Secretary-General has thought fit to issue an important statement on this item demonstrates both its intrinsic importance and its current relevance. My delegation warmly welcomes his statement.

558. Some of the shocking terrorist crimes of the last few months have been directed against my own country and its representatives. I am grateful for the messages of condolence which we have received from all sides. But I do not speak today in order to draw attention to any particular British problem. It is a problem which affects us all equally.

559. Since diplomacy began, it has been accepted that relations between States cannot be conducted unless their representatives can explain their Government's policies and defend their Government's interests without physical peril. Once the safety of government officials becomes hostage to the displeasure of other Governments—and still more so of dissident groups—at their Government's policies, it is the whole fabric of international diplomacy which tumbles to the ground. Since the founding of the United Nations, we have all accepted that the same principles apply to officials of the Organization.

560. In recent months, we have seen attacks against my own country, as I have said, but also against many others, against States of all kinds. No one is spared, neither Arab nor Israeli, neither Iranian nor Iraqi. The United Nations itself has been attacked, in the person of one of its senior officials. As soon as it becomes part of the currency of international life that vengeance may be taken on the persons of governmental or international officials, then none of us, without exception, will be safe from this contagion.

561. Perhaps none of this is new. Officials of the United Nations have been murdered before, even officials who have been singled out for no other reason than their involvement in peace-making and peace-keeping. We sometimes feel that the level of terrorist attacks is higher now than ever before, and that may be true. But the frequency of attacks must not be allowed to blunt our sense of outrage. However many or few the assaults on them, the principles remain the same. We here, in the meeting-place of the world, signal our determination to uphold them.

562. These are principles which all the Governments of the world are at one in accepting. That is because all of us will lose if acts of terrorism cause the international system to break down. Moreover, there is no difference on this point between Governments and peoples. Any individual or organization that commits a crime of the kind we are discussing weakens the fabric of international life to the detriment of everyone. The terrorists must be made to understand that the Governments of the world will not give in to threats or negotiate under duress.

563. It is for the Organization and for all the Governments represented here to make these truths clear and understood. My Government is proud to have taken a lead in encouraging co-operation between Governments to end the menace of terrorism. That is why we thought it right to make a statement

on this item today rather than let it pass unremarked, as just another perennial Sixth Committee item that is simply nodded through.

564. The PRESIDENT: I now invite members to turn their attention to the report of the Sixth Committee on agenda item 129 [A/39/777]. 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 Committee in paragraph 11 of its report. The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/39/817. The Sixth Committee adopted the draft resolution by consensus. May I take it that the Assembly also wishes to adopt the draft resolution?

*The draft resolution was adopted (resolution 39/84).*

565. The PRESIDENT: Next we shall consider the report of the Sixth Committee on agenda item 130 [A/39/778/Rev.1]. The Assembly will now take a decision on the draft resolution entitled "Report of the International Law Commission", recommended by the Committee in paragraph 6 of its report. The Committee adopted the draft resolution by consensus. May I take it that the Assembly also adopts it?

*The draft resolution was adopted (resolution 39/85).*

566. The PRESIDENT: We now turn to the report of the Sixth Committee on agenda item 131 [A/39/779]. The Assembly will 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 9 of its report. The Committee adopted the draft resolution by consensus. May I take it that the Assembly also wishes to adopt that draft resolution?

*The draft resolution was adopted (resolution 39/86).*

567. The PRESIDENT: We turn next to the report of the Sixth Committee on agenda item 132 [A/39/780]. The Assembly will now take a decision on the draft resolution entitled "Report of the Committee on Relations with the Host Country", recommended by the Committee in paragraph 7 of its report. The Committee adopted the draft resolution by consensus. May I take it that the Assembly also wishes to adopt it?

*The draft resolution was adopted (resolution 39/87).*

568. The PRESIDENT: The Assembly will now turn to the report of the Sixth Committee on agenda item 133 [A/39/781]. I invite members to turn their attention to the draft resolutions 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 12 of its report. The report of the Fifth Committee on the programme budget implications of the draft resolutions is contained in document A/39/818. The Sixth Committee adopted draft resolutions A and B without a vote. May I take it that the General Assembly wishes to do the same?

*Draft resolutions A and B were adopted (resolutions 39/88 A and B).*

569. The PRESIDENT: Next we turn to the report of the Sixth Committee on agenda item 134 [A/39/782]. The Assembly will now 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 8 of its report. The Committee adopted that draft resolution without a vote. May I take it that the Assembly also adopts that draft resolution?

*The draft resolution was adopted (resolution 39/89).*

570. The PRESIDENT: The next report of the Sixth Committee is on agenda item 135 [A/39/783]. I invite the Assembly to take a decision on the draft resolution entitled “Review of the multilateral treaty-making process”, recommended by the Committee in paragraph 8 of its report. A recorded vote has been requested.

*A recorded vote was taken.*

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

*Against:* None.

*Abstaining:* Afghanistan, Bulgaria, Byelorussian Soviet Socialist Republic, Cuba, Czechoslovakia,

German Democratic Republic, Hungary, Lao People's Democratic Republic, Mongolia, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

*The draft resolution was adopted by 125 votes to none, with 12 abstentions (resolution 39/90).<sup>7</sup>*

571. The PRESIDENT: We now turn to the report of the Sixth Committee on agenda item 136 [A/39/784]. The Assembly will now take a decision on the draft decision entitled “Draft body of principles for the protection of all persons under any form of detention or imprisonment”, recommended by the Committee in paragraph 9 of its report. The Committee adopted the draft decision without a vote. May I take it that the Assembly wishes to do the same?

*The draft decision was adopted (decision 39/418).*

572. The PRESIDENT: The Assembly will now turn to the report of the Sixth Committee on agenda item 137 [A/39/785] and take a decision on the draft decision entitled “Draft standard rules of procedure for United Nations conferences”, recommended by the Committee in paragraph 5 of its report. The Committee adopted the draft decision by consensus. May I take it that the Assembly wishes to do the same?

*The draft decision was adopted (decision 39/419).*

*The meeting rose at 11 p.m.*

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#### NOTES

<sup>1</sup>United Nations, *Treaty Series*, vol. 75, No. 972.

<sup>2</sup>*Ibid.*, vol. 1125, No. 17512.

<sup>3</sup>The delegation of Ethiopia subsequently informed the Secretariat that it had intended to vote in favour of the twenty-sixth preambular paragraph of the draft resolution.

<sup>4</sup>The delegation of Yemen subsequently informed the Secretariat that it had intended to abstain in the vote on paragraph 15 of the draft resolution.

<sup>5</sup>See United Nations, *Treaty Series*, vol. 1155, No. 18232, art. 18.

<sup>6</sup>Resolution 37/10, annex.

<sup>7</sup>The delegation of Samoa subsequently informed the Secretariat that it had intended to vote in favour of the draft resolution.