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President: Mr. Leopoldo BENITES (Ecuador).

In the absence of the President, Mr. Šmíd (Czechoslovakia), Vice-President, took the Chair.

AGENDA ITEM 68

Assistance in cases of natural disaster and other disaster situations: report of the Secretary-General (*concluded*)

REPORT OF THE THIRD COMMITTEE (A/9398)

1. The PRESIDENT: As announced this morning, the Assembly will first resume its consideration of the report of the Third Committee under agenda item 68 [A/9398].

2. I now call on the representative of Tunisia in explanation of his vote before the voting.

3. Mr. DRISS (Tunisia) (*interpretation from French*): First of all, Mr. President, I should like to thank you and the members of the Assembly for having been so good as to postpone until this afternoon the consideration of agenda item 68.

4. In the course of my brief statement this morning, I referred to consultations between the delegation of Tunisia and certain other delegations, and I should now like to explain what those consultations were about. As a result of the information published by press agencies on the floods in Tunisia, certain delegations have been in touch with us concerning submission of a draft resolution in connexion with this item. After consultations among delegations, and because of the situation itself, we believe it inappropriate, for the time being, to submit a draft resolution. I should like, however, to express my gratitude to those delegations and to all the others which have expressed their sympathy to Tunisia and the Tunisian delegation.

5. I should now like to make the following statement on agenda item 68. Before the General Assembly adopts the recommendations of the Third Committee, my delegation—in order to register once again its special interest in the matter of assistance in cases of natural disaster and other disaster situations—has continuously and unreservedly supported past resolutions of our Assembly and of the Economic and Social Council on the item. We shall also be happy to vote in favour of the draft resolution contained in the document before us. My country in particular has always supported efforts to strengthen the already most effective work done by the Office of the United Nations Disaster Relief Co-ordinator. We shall continue to do so in the conviction that international co-operation, and the assistance of the United Nations system and in particular of that Office, is vital to the devastated countries, particularly the developing countries, in helping them to overcome the immediate effects of natural disasters as well as their medium- and long-term effects.

6. This conviction flows from the experience which we have unhappily acquired in the course of successive floods for a number of years, and in particular since the autumn of 1969, when Tunisia had torrential rains which cause losses in human lives and major material losses which dangerously affected our economy, already at a crucial stage in its development.

7. The Economic and Social Council at its fifty-fourth session in April last year adopted resolution 1736 (LIV) on the floods which had again struck Tunisia a few days earlier. However, our sufferings seem not to have ended, because we

had only just begun to recover from previous floods and now new floods have assailed us. We hope that they will be less serious this time.

8. I wished to mention the specific case of Tunisia in order to highlight the special and urgent nature of this item that we are considering. The urgent implementation of effective measures is required to make it possible to set up and strengthen national and international machinery for assistance as well as possibilities of medium- and long-term assistance and of prevention, control and forecasting of natural disasters, including the collection and dissemination of information on the development of technology.

9. We would hope that the successive resolutions that we adopt to this end and the appeals launched from time to time by United Nations bodies for one country or another will always find a ready response among the specialized agencies and the competent United Nations bodies, as well as all countries and groups of countries. This will give the highly humane and universal significance that we desire to the recommendations before us.

10. In conclusion, may I at this time recall the very important statement made by the Disaster Relief Co-ordinator in regard to the need for the international community to unite in a concerted effort to eliminate the scourge of natural disasters which are devastating for so many developing countries. I am referring to his idea of formulating an international strategy to prevent natural disasters.

11. The PRESIDENT: We shall now take a decision on the two draft resolutions recommended by the Third Committee in paragraph 12 of document A/9398.

12. Draft resolution I is entitled "Assistance in cases of natural disaster and other disaster situations". The report of the Fifth Committee on the administrative and financial implications of that draft resolution is contained in document A/9442. Since the Third Committee adopted draft resolution I by acclamation, may I take it that the General Assembly adopts it without objection?

Draft resolution I was adopted (resolution 3152 (XXVIII)).

13. The PRESIDENT: Draft resolution II, entitled "Aid to Sudano-Sahelian populations threatened with famine", was also adopted by acclamation in the Committee. May I take it that the General Assembly adopts it without objection?

Draft resolution II was adopted (resolution 3153 (XXVIII)).

AGENDA ITEM 103

Effects of atomic radiation: report of the United Nations Scientific Committee on the Effects of Atomic Radiation (concluded)

REPORT OF THE SPECIAL POLITICAL COMMITTEE (PART II) (A/9276/ADD.1)

14. The PRESIDENT: I call on the representative of Sri Lanka for an explanation of vote before the voting.

15. Mr. VANDERGERT (Sri Lanka): The Sri Lanka delegation was unable to participate in the vote on the three draft resolutions now before the General Assembly on this item when this matter came before the Special Political Committee.

16. The views of the Sri Lanka delegation on the subject of nuclear testing have been explained in detail in the First Committee, and I do not propose to repeat them here.

17. Since it is the policy of the Government of Sri Lanka to support the work of the Scientific Committee, and this includes any measures designed to enhance its effectiveness, my delegation will cast an affirmative vote in respect of all three draft resolutions, in spite of the fact that we are not quite happy with some of the provisions of draft resolutions A and C, which seem to maintain the distinction between atmospheric and underground testing of nuclear weapons, a distinction which we feel is unwarranted. Needless to say, we are opposed to all forms of nuclear testing.

18. The PRESIDENT: We shall now vote on the three draft resolutions recommended by the Special Political Committee in paragraph 15 of document A/9276/Add.1. I first put to the vote draft resolution A. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Barbados, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Ecuador, Ethiopia, Fiji, Finland, German Democratic Republic, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Israel, Ivory Coast, Japan, Jordan, Kenya, Khmer Republic, Laos, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Nepal, New Zealand, Norway, Oman, Panama, Paraguay, Peru, Philippines, Poland, Rwanda, Singapore, Somalia, Sri Lanka, Sudan, Sweden, Thailand, Togo, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Belgium, Central African Republic, Chad, Democratic Yemen, Denmark, Equatorial Guinea, France, Gabon, Germany, Federal Republic of, Ghana, Greece, Ireland, Italy, Luxembourg, Morocco, Netherlands, Nicaragua, Pakistan, Portugal, Qatar, Romania, Saudi Arabia, Senegal, South Africa, Spain, Tunisia, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution A was adopted by 86 votes to none, with 28 abstentions (resolution 3154 A (XXVIII)).¹

¹ The delegations of Ghana, Nigeria and Trinidad and Tobago subsequently informed the Secretariat that they wished to have their votes recorded as having been in favour of the draft resolution.

19. The PRESIDENT: I now put to the vote draft resolution B. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lesotho, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Romania, Rwanda, Senegal, Singapore, Somalia, South Africa, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire.

Against: None.

Abstaining: Qatar, Saudi Arabia, Uganda, United Republic of Tanzania, Zambia.

Draft resolution B was adopted by 117 votes to none, with 5 abstentions (resolution 3154 B (XXVIII)).²

20. The PRESIDENT: We come now to draft resolution C. The report of the Fifth Committee on the administrative and financial implications of draft resolution C is contained in document A/9451. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Cameroon, Canada, Chile, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guyana, Haiti, Honduras, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Kenya, Khmer Republic, Kuwait, Laos, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Romania, Rwanda, Senegal, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic,

² The delegation of Trinidad and Tobago subsequently informed the Secretariat that it wished to have its vote recorded as having been in favour of the draft resolution. The delegations of Ghana, Liberia and Nigeria subsequently informed the Secretariat that they wished to have their votes recorded as abstentions.

Thailand, Togo, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Central African Republic, Chad, Czechoslovakia, Dahomey, Denmark, Fiji, Finland, France, Gabon, German Democratic Republic, Guinea, Hungary, Iceland, India, Italy, Japan, Luxembourg, Mongolia, Netherlands, Norway, Poland, Portugal, Qatar, Saudi Arabia, South Africa, Sweden, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution C was adopted by 91 votes to none, with 33 abstentions (resolution 3154 C (XXVIII)).³

21. The PRESIDENT: May I draw the attention of members to paragraph 2 of the resolution just adopted, which reads as follows:

“Invites the Governments which desire to participate in the Scientific Committee and are able to contribute to its work to inform the President of the General Assembly, through the Secretary-General, before 15 February 1974; in the event that more than five Governments inform the President of the Assembly of their desire to become part of the Scientific Committee, the selection of the new members of the Committee will be decided by the President of the Assembly, in consultation with the Chairmen of the regional groups, on the basis of an equitable geographical distribution”.

22. The Assembly has now concluded its consideration of all the agenda items allocated to the Special Political Committee, with the exception of the appointment of the additional members of the Scientific Committee under agenda item 103.

AGENDA ITEM 23

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (continued):

- (a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
- (b) Report of the Secretary-General

REPORT OF THE FOURTH COMMITTEE ON TERRITORIES NOT CONSIDERED SEPARATELY (A/9417)

23. The PRESIDENT: We shall turn first to the report of the Fourth Committee in document A/9417, concerning chapters of the report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples relating to specific Territories not covered by other agenda items.

³ The delegation of Trinidad and Tobago subsequently informed the Secretariat that it wished to have its vote recorded as having been in favour of the draft resolution.

24. Mr. GARVALOV (Bulgaria), Rapporteur of the Fourth Committee: I have the honour to present to the General Assembly for its consideration the report of the Fourth Committee concerning those Non-Self-Governing Territories not covered by other items of the agenda, which the Committee took up under agenda item 23. The report is contained in document A/9417:

25. Set out in paragraphs 38 and 39 of the report are eight draft resolutions and two draft consensuses which the Fourth Committee recommends for adoption by the General Assembly. These draft decisions, in the order of their adoption, relate to the following Territories: Niue, American Samoa, Gilbert and Ellice Islands, Guam, New Hebrides, Pitcairn, St. Helena, Seychelles and Solomon Islands; Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands and United States Virgin Islands; Seychelles; Cocos (Keeling) Islands and Tokelau Islands; Brunei; Falkland Islands (Malvinas); Comoro Archipelago; Gibraltar; and Spanish Sahara.

26. As regards these Territories it was the considered opinion of the majority of the members of the Fourth Committee that notwithstanding the specific problems arising from their small size and population, geographic isolation and frequently limited resources, the General Assembly should reaffirm the full applicability of the provisions of the Declaration on the Granting of Independence to Colonial Countries and Peoples with respect to their populations. Many members also emphasized the vital importance of dispatching United Nations visiting missions to these small Territories, so as to enable the United Nations to be fully apprized of the conditions obtaining therein as well as of the genuine wishes and aspirations of the peoples concerned regarding their future. Further, members considered that the General Assembly should request those administering Powers which have so far failed to do so to participate actively in the work of the Special Committee in connexion with its consideration of the Territories under their administration.

27. Also included in the report of the Fourth Committee, in paragraph 40, is a recommendation that the General Assembly postpone to its twenty-ninth session its consideration of the questions of Belize; French Somaliland; and Antigua, Dominica, Grenada, St. Kitts-Nevis-Anguilla, St. Lucia and St. Vincent. In making this recommendation the Fourth Committee noted that, subject to any directives which the General Assembly might give in that connexion, the Special Committee would continue to consider these questions at its next session and would report thereon to the Assembly at its twenty-ninth session.

28. In view of the concern of the Organization over the rights, interests and welfare of the inhabitants of the colonial Territories, and in order to ensure the full and speedy implementation of the Declaration with respect to these Territories, I commend this report of the Fourth Committee to the serious attention of the General Assembly.

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

29. The PRESIDENT: Representatives who wish to explain their votes may do so in a single statement on any or

all of the draft resolutions and the draft consensuses recommended by the Fourth Committee.

30. It appears that no one wishes to explain his vote before the voting. Therefore the General Assembly will now vote on the various draft resolutions recommended by the Fourth Committee in paragraph 38 of its report in document A/9417. After all the votes have been taken, I shall call on those representatives who wish to explain their votes at that stage.

31. I first put to the vote draft resolution I, "Question of Niue". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany, Federal Republic of, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia; Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Draft resolution I was adopted by 128 votes to none (resolution 3155 (XXVIII)).⁴

32. The PRESIDENT: We shall now vote on draft resolution II, entitled "Question of American Samoa, Gilbert and Ellice Islands, Guam, New Hebrides, Pitcairn, St. Helena, Seychelles and Solomon Islands". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Bahrain, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Chad, Chile, China, Colom-

⁴ The delegation of Ghana subsequently informed the Secretariat that it wished to have its vote recorded as having been in favour of the draft resolution.

bia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierre Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, 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, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: France, Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland.

Abstaining: Austria, Belgium, Canada, Central African Republic, Denmark, Finland, Germany, Federal Republic of, Ireland, Israel, Italy, Japan, Luxembourg, Netherlands, Nicaragua, Norway, Spain, Sweden, United States of America.

Draft resolution II was adopted by 106 votes to 4, with 18 abstentions (resolution 3156 (XXVIII)).⁵

33. The PRESIDENT: We turn now to draft resolution III, entitled "Question of Bermuda, British Virgin Islands, Cayman Islands, Montserrat, Turks and Caicos Islands and United States Virgin Islands." A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Australia, Bahamas, Bahrain, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierre Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, 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, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

⁵ *Idem.*

Against: None.

Abstaining: Austria, Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Israel, Italy, Japan, Luxembourg, Netherlands, Nicaragua, Norway, Portugal, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution III was adopted by 110 votes to none, with 19 abstentions (resolution 3157 (XXVIII)).

34. The PRESIDENT: We turn now to draft resolution IV entitled "Question of the Seychelles". A recorded vote was requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Bahamas, Bahrain, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, 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, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: France, Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Austria, Belgium, Canada, Denmark, Finland, Germany, Federal Republic of, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Sweden.

Draft resolution IV was adopted by 113 votes to 5, with 13 abstentions (resolution 3158 (XXVIII)).

35. The PRESIDENT: The Assembly will now vote on draft resolution V, entitled "Question of Brunei". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey,

Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, 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, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, South Africa, Sweden.

Draft resolution V was adopted by 115 votes to none, with 15 abstentions (resolution 3159 (XXVIII)).⁶

36. The PRESIDENT: We shall now vote on draft resolution VI, entitled "Question of the Falkland Islands (Malvinas)". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Swaziland, 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, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

⁶ The delegation of the United States of America subsequently informed the Secretariat that it wished to have its vote recorded as an abstention.

Against: None.

Abstaining: Belgium, Canada, Denmark, Finland, France, Germany, Federal Republic of, Luxembourg, Netherlands, Norway, Portugal, South Africa, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution VI was adopted by 116 votes to none, with 14 abstentions (resolution 3160 (XXVIII)).

37. The PRESIDENT: The Assembly will now vote on draft resolution VII, entitled "Question of the Comoro Archipelago". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Bhutan, Bolivia, Botswana, Brazil, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Israel, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, 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, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Belgium, Canada, Denmark, Finland, Gabon, Germany, Federal Republic of, Ireland, Italy, Japan, Luxembourg, Netherlands, Norway, Portugal, South Africa, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Draft resolution VII was adopted by 110 votes to none, with 18 abstentions (resolution 3161 (XXVIII)).⁷

38. The PRESIDENT: The Assembly will now vote on draft resolution VIII, entitled "Question of Spanish Sahara". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic,

⁷ The delegation of Austria subsequently informed the Secretariat that it wished to have its vote recorded as an abstention.

Chad, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Guinea, Guyana, Haiti, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Israel, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: None.

Abstaining: Belgium, Bolivia, Brazil, Canada, Chile, Colombia, Costa Rica, Ecuador, El Salvador, France, Germany, Federal Republic of, Greece, Guatemala, Honduras, Italy, Nicaragua, Paraguay, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Draft resolution VIII was adopted by 108 votes to none, with 23 abstentions (resolution 3162 (XXVIII)).⁸

39. The PRESIDENT: I now invite the attention of members to the draft consensuses recommended by the Fourth Committee in paragraph 39 of its report [A/9417].

40. Draft consensus I is entitled "Question of the Cocos (Keeling) Islands; Question of the Tokelau Islands". This consensus was adopted without objection in the Fourth Committee. May I take it that the General Assembly also adopts it without objection?

The consensus was adopted.

41. The PRESIDENT: Draft consensus II is entitled "Question of Gibraltar". This consensus also was adopted without objection in the Committee. May I take it that the General Assembly also adopts it without objection?

The consensus was adopted.

42. The PRESIDENT: I draw the attention of members to the recommendation in paragraph 40 of the report of the Fourth Committee [A/9417]. If there is no objection, I shall take it that the General Assembly approves the recommendation.

The recommendation was adopted.

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

44. Mr. PETRELLA (Argentina) (*interpretation from Spanish*): I should like to make a brief statement on the

resolution that the Assembly has just adopted regarding the Malvinas Islands.

45. Argentina is very grateful for the support given to it by the majority of the General Assembly. We regard this as basically designed to strengthen the peaceful approach, namely negotiations, by which we have chosen to settle this long-standing dispute in accordance with the relevant resolutions of the General Assembly.

46. Argentina is convinced that the United Kingdom shares the same view and that the United Kingdom will accordingly co-operate in ensuring that these negotiations are resumed as soon as possible and brought to a successful conclusion.

47. Argentina reiterates its commitment to safeguard fully the interests of the islands' present inhabitants within the context of the relevant resolutions of the General Assembly. Proof of this is shown in the facilities of every kind already accorded to the islanders, of which we duly informed the Fourth Committee.

48. In conclusion, our delegation is convinced that peaceful negotiations conducted in good faith are the best way to settle a problem which has its own peculiar features and cannot be compared to other problems. We made this clear in the letter dated 5 November 1973 [A/9287], sent by the Permanent Representative of Argentina to the Secretary-General.

49. Finally, I should like to say that, as regards draft resolution III on Bermuda, the Cayman Islands, and so on, my delegation voted in favour.

50. Mr. RAHAL (Algeria) (*interpretation from French*): The resolution the General Assembly has just adopted on the Spanish Sahara reaffirms decisions it has reiterated at each session to induce the Government of Spain to allow the people of Spanish Sahara to exercise their right to self-determination as early as possible.

51. While the resolution again emphasizes the direct responsibility of the Organization as regards the decolonization of that African Territory, it more specifically recognizes the primary interest of Mauritania, Morocco and any other party concerned in the future evolution of the situation in the Sahara under Spanish domination. I shall not be telling the Assembly anything new by repeating that Algeria is precisely one of the parties concerned in that problem, for reasons I believe it is not necessary to recall, and that is why the Algerian delegation has always made every effort in close co-operation with the delegations of Mauritania and Morocco to bring the question of Spanish Sahara before the Fourth Committee and to commit the Assembly to the implementation of its decisions in favour of the self-determination of the people of the Sahara. Algeria's vote in favour of the draft resolution just adopted can therefore not surprise anyone; that vote accords with the permanent attitude of my country in favour of decolonization, but in this particular case it has a special significance because it refers to a problem which directly involves the interests of Algeria.

52. Nevertheless, when that resolution was adopted in the Fourth Committee my colleague, the representative of

⁸ The delegation of Panama subsequently informed the Secretariat that it wished to have its vote recorded as an abstention.

Morocco, expressed certain reservations on the wording of operative paragraph 4, reservations which in his opinion were based on the changes that had occurred since the Assembly of Heads of State and Government of the Organization of African Unity [OAU], held in Rabat in June 1972, and which in his opinion rendered obsolete certain parts of that paragraph.

53. The statement of the representative of Morocco contained serious inaccuracies which compel me to emphasize the position of my delegation on the subject. It is true that major changes occurred at the OAU Assembly in Rabat. We know that that was the occasion when the Algerian-Moroccan border dispute was finally settled to the satisfaction of all, and that event was warmly welcomed by all the African Heads of State present at Rabat. We consider that that was indeed a decisive turning-point in relations between Algeria and Morocco which paved the way to a brotherly and loyal co-operation beneficial to both countries and in accord with their historical traditions of friendship and good-neighbourliness.

54. But if those changes had some effect on the question of Spanish Sahara it was simply to strengthen co-operation between Algeria, Mauritania and Morocco so as to ensure for the people of the Sahara the right to self-determination. In this connexion I should like to read a passage covering this problem from the speech made by President Boumediène before the African Heads of State at Rabat at the time of the signature of the Moroccan-Algerian Agreement. The importance of that event and the solemnity of the Conference which bore witness to it brought that declaration into special relief. Speaking of the Algerian and Moroccan peoples, President Boumediène said:

“The unity of the two peoples and their solidarity of yesterday in a common struggle mean that the problems of one are the problems of the other. Is it indeed necessary to reaffirm our total solidarity with the sister State of Morocco in its struggle to restore its sovereignty over territories which still remain under colonial domination?”

He added:

“As regards the part of the Sahara which still bears a colonial name, the time has come to apply the policy of liberation which we laid down at Nouadhibou.”

55. That declaration, which appears in the records of the Rabat Conference, was published at length in the press in Algeria and Morocco, and I am sure it is well known to the representative of Morocco and to many other colleagues here.

56. But I should perhaps remind the Assembly of the principles of the policy which was laid down at Nouadhibou, where the three Heads of State of Algeria, Mauritania and Morocco met in September 1970. In the joint communiqué published at that time,⁹ we can read the following:

“After a thorough study of the situation prevailing in the Sahara under Spanish domination, [the three Heads

of State] have decided to intensify their close co-operation so as to hasten the decolonization of that region, in accordance with the relevant resolutions of the United Nations. To this end, a Tripartite Committee of Co-ordination was established, charged with permanently following on both the political and diplomatic levels the process of decolonization of that Territory”.

57. Thus we see that while the 1972 OAU Assembly did introduce certain changes, these changes in no case affect the positions of Algeria, Mauritania and Morocco as regards the Spanish Sahara. Furthermore, these positions were again confirmed and strengthened at the meeting held by the three Heads of State of Algeria, Mauritania and Morocco on 23 and 24 July 1973 at Agadir, Morocco, the final communiqué of which emphasizes that:

“The three Heads of State devoted particular attention to the evolution of the question of the Sahara which is still under the domination of Spanish colonialism. They reaffirmed their unfailing attachment to the principle of self-determination and their concern to ensure its implementation in a context that will guarantee to the inhabitants of the Sahara the free and genuine expression of their will in accordance with the decisions of the United Nations in this field”.

58. I believe that these various statements, coming from the highest authorities of our three countries, need no comment and should remove any ambiguity as regards the wording of operative paragraph 4 of the draft resolution on the Spanish Sahara.

59. The delegation of Algeria wished to bring these clarifications to the attention of the Assembly after the vote on the resolution. It must be clear to all that Algeria's position on that problem has undergone absolutely no change since this question has been before our Organization, and that the reservations expressed by the representative of Morocco, in so far as they may be interpreted as being applicable to the position of Algeria, cannot be agreed to by us. We therefore are determined to have this statement recorded by way of an explanation of vote of the delegation of Algeria which is to serve as and be considered as an official declaration of the Government of Algeria.

AGENDA ITEM 23

Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples (concluded):*

- (a) Report of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples;
- (b) Report of the Secretary-General

60. The PRESIDENT: We shall now resume our consideration of that part of agenda item 23 which has been considered directly by the Assembly.

61. Members will recall that the debate on this item was concluded at the 2176th plenary meeting on 22 November 1973.

* Resumed from the 2196th meeting.

⁹ The communiqués issued at Nouadhibou and Agadir were subsequently published in *Official Records of the General Assembly, Thirtieth Session, Supplement No. 23*, chap. XIII, annex, appendix III, sects. A and D respectively.

62. Three draft resolutions are before the Assembly in this connexion. The administrative and financial implications of two of them, those in documents A/L.707 and A/L.708, are to be found in document A/9455.

63. I shall now call on those representatives who wish to explain their votes before the voting on any or all of the three draft resolutions before us. Representatives will also have an opportunity to explain their votes after all the voting has taken place.

64. Mr. JANKOWITSCH (Austria): The delegation of Austria will vote in favour of the draft resolution in document A/L.707 and Add.1 and 2 and submitted by 56 members of the Assembly. I should like briefly to outline the reasons for our vote.

65. Austria has never failed to express its full support for the rights of peoples and nations held under colonial domination to exercise freely and without foreign interference their sovereign rights to self-determination, freedom and independence.

66. It was as early as the historic year of 1960 when decolonization achieved such remarkable progress and momentum, the same year in which the Assembly voted the Declaration on the Granting of Independence to Colonial Countries and Peoples, which the then Austrian Federal Minister of Foreign Affairs, Dr. Bruno Kreisky, now the Federal Chancellor and the Head of the Austrian Government, hailed this new era in his speech before the plenary meeting of the fifteenth session of the General Assembly on 29 September 1960.¹⁰

67. While Austria is firmly committed to the principles of self-determination and independence, we hold the view, at the same time, that in the legitimate pursuit of the aims expressed by the Declaration on the Granting of Independence to Colonial Countries and Peoples, all available peaceful means should first and foremost be used.

68. We are strengthened in this belief by the Charter of the United Nations, which, drawing upon the horrifying experience of murderous world conflict, is built on a philosophy of peaceful change and provides an impressive arsenal of political means to reach the aim which it spells out so convincingly.

69. We are further strengthened in our belief by the history of decolonization itself, which shows that the full use of the political instruments of peaceful change has brought freedom and independence to an impressive number of nations without bloodshed or war.

70. While most anxious to support in all possible ways the completion of the process of decolonization, especially in those instances where the backward forces of colonialism and racism obstruct it, often with brutal force, my delegation, on a number of previous occasions during the Assembly has not been able to support draft resolutions which were in contradiction to the principles set out above.

71. As the present draft resolution makes reference to the employment of "all the necessary means" at the disposal of

peoples under colonial and alien domination to exercise their right to self-determination and independence, we feel obliged to restate our position again.

72. We continue to deplore the departure from peaceful means to effect change, even though we may have to accept the fact that sometimes the use of force within a territory held under oppressive colonial domination may be the last resort of the people under colonial rule.

73. Firm in our adherence in principle to the non-use of force in international relations, we remain even more determined to reject methods of violence such as international terrorism which, whether used by collective entities or by individuals can never be a means to further legitimate aims.

74. We should also like to express the sincere and earnest hope that even in those instances where the use of force has become an element in the struggle for the liberation of colonial countries and people—and it would certainly amount to dangerous hypocrisy not to take note of this fact—this confrontation can be substituted, at the earliest possible moment, by a political process leading to independence and freedom.

75. My delegation will thus vote in favour of the draft resolution under consideration, as it contains an unequivocal condemnation of the policies of colonialism, racism and *apartheid* in all their forms and manifestations, policies incompatible with the Charter of the United Nations, the Universal Declaration of Human Rights and the Declaration on the Granting of Independence to Colonial Countries and Peoples. By its vote, Austria wishes to demonstrate, once again, its own categorical rejection of such policies and to acknowledge the basic pronouncements of this draft resolution, which my Government supports.

76. As I said before, voting in favour of the draft resolution will not mean, however, that we can accept all its provisions. We have pointed out reservations which we continue to hold and which will lead and guide our attitude in respect also of future decisions and resolutions of this Assembly.

77. Mr. BELEN (Turkey) (*interpretation from French*): In the course of the debate in the Fourth Committee, the delegation of Turkey had the opportunity, on several occasions, to state its views and define its position on the problems of decolonization. As a sponsor of the historic Declaration in resolution 1514 (XV), my country has unceasingly supported United Nations activities for the attainment of the complete elimination of colonialism in all its forms. For many people, the adoption of that resolution 13 years ago was the signal of a new era of respect for human dignity and fundamental freedoms. During the 13 years that have gone by, a number of new States have become independent of the old colonial empires and have become Members of the United Nations. History proves that it is impossible to stop this process of the emancipation of oppressed peoples under colonial domination. We hope that the appeal in draft resolution A/L.707 and for the acceleration of that process will meet with the favourable response of those who persist in refusing to co-operate with our Organization.

¹⁰ See *Official Records of the General Assembly, Fifteenth Session, Plenary Meetings*, 877th meeting.

78. On the other hand, we are very pleased with the positive attitude of the Governments of Australia and New Zealand, which continue to co-operate with the Special Committee in leading the Territories under their administration to self-determination.

79. Continuing its traditional policy, the delegation of Turkey will vote in favour of the draft resolution on the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. However, we feel compelled to express some reservations on certain paragraphs. First of all, the increased number of condemnations in this draft resolution, in comparison with the resolution of last year, creates certain difficulties for my delegation, which would prefer constructive suggestions to the useless repetition of condemnations. Furthermore, while we approve and support the general policies of the Special Committee on decolonization, we do not agree with all the views stated in its report. We also have reservations of principle with regard to operative paragraphs 8 and 9 of the draft resolution. Accordingly, my delegation would have abstained in the vote on the fourth and fifth paragraphs of the preamble and on operative paragraphs 2, 8 and 9 had they been put to the vote separately.

80. Mr. SCHRAM (Iceland): On behalf of the delegation of Iceland, I should like to make the following explanation of vote on the draft resolution contained in document A/L.707 and Add.1 and 2. My delegation will vote in favour of that draft resolution, which should first and foremost be interpreted as an expression of support for the colonial peoples in Africa who fight for their freedom and whose aspirations for independence and freedom we fully share and recognize.

81. We are greatly disappointed over the fact that the Governments of Portugal and South Africa and the minority régime in Southern Rhodesia continually refuse to listen to an almost unanimous world opinion. In the twentieth century there is no excuse for continuing this unjust policy of denying to millions of Africans their fundamental human rights.

82. It is indeed deplorable that the peoples under colonial oppression in Africa should find themselves in a situation where they see no alternative but to take up arms in their fight for freedom. It is not in line with our policy to encourage the use of force as a means of achieving political aims. We have, however, on many occasions expressed our understanding of the frustrations that have led to the resort to armed struggle of the liberation movements in southern Africa. But although armed struggle in fact is under way and nobody can ignore this fact, we want again to reiterate our serious and honest hope that the struggle could still be replaced by a process of co-operation towards the goal of freedom and independence in the area.

83. Voting in favour of the draft resolution does not mean that we accept all the provisions of the text. We still have reservations with respect to some of the principles of the draft resolution which the Nordic countries have on many occasions previously spelled out in this Assembly. I shall mention only the provisions of operative paragraph 8 with which my delegation does not agree. This does not, how-

ever, prevent us from voting for the draft resolution as a whole.

84. Mr. NEKLESSA (Union of Soviet Socialist Republics) (*translation from Russian*): The Soviet delegation would like to state the reasons for its vote on the draft resolution on dissemination of information on decolonization [A/L.708].

85. Our delegation supports this draft and will vote in favour of it because it contains provisions aimed at improving the work of United Nations bodies and the Secretariat in this important field. The Soviet Union favours giving the widest possible publicity to the situation which exists in the colonies, to the struggle of the peoples of the colonies for freedom and national independence and to the activities of the anti-colonialist bodies of the United Nations.

86. The reports of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, the Special Committee on *Apartheid* and the United Nations Council for Namibia make it clear that during 1973 these bodies were very actively concerned with information problems, and consultations were held with the Office of Public Information [OPI] on the publication of brochures, newsheets and bulletins, the preparation of radio programmes and related matters. Links with the national liberation movements were maintained, and contacts with the specialized agencies of the United Nations system were also made.

87. It has been noted in the recent past that many national and international non-governmental organizations and broad segments of the population in many countries of the world are becoming increasingly involved in the struggle against colonialism and *apartheid*. Protest against the existence of colonialist and racist régimes is growing on a world-wide scale. The international conferences held in 1973 on the problems of the struggle against colonialism and racism played an important part in mobilizing the international community in support of efforts aimed at the full implementation of the United Nations declaration on the granting of independence to colonial countries and peoples. A considerable amount of work on disseminating information on decolonization was accomplished in May of this year, during the observance of the Week of Solidarity with the Colonial Peoples of Southern Africa and Guinea (Bissau) and Cape Verde Fighting for Freedom, Independence and Equal Rights, in accordance with the decision taken at the twenty-seventh session of the General Assembly [*resolution 2911 (XXVII)*].

88. However, there is no doubt that it is both necessary and possible to improve the situation as regards the dissemination of information on the problems of decolonization. A major role should be played by the United Nations Secretariat, especially in view of the fact that the colonial Powers and the racist régimes protected by them are taking steps to conceal and hush up their activities in the colonies and the liberation struggle of the peoples of the colonies. It is well known that some of the administering Powers are flatly refusing to admit United Nations visiting missions into the Territories under their domination.

89. The Soviet delegation believes that there should be an attempt to intensify the work done by the various branches of the United Nations Secretariat, including OPI and the Department of Political Affairs, Trusteeship and Decolonization. What is needed is an improvement in the quality of the materials they prepare rather than an increase in the numbers of staff and the establishment of new sections in the Secretariat, especially new information centres and units as envisaged in paragraphs 3 (a) and 4 of the draft. We cannot agree with those provisions. In the United Nations budget for 1974 and 1975 considerable funds were allocated to the activities of OPI and to the Department of Political Affairs, Trusteeship and Decolonization. More than \$23 million has been allocated to the activities of OPI, and about \$4 million to United Nations activities in the sphere of decolonization. These funds should be rationally used, with more attention paid to anti-colonialism and anti-racism, instead of requesting additional appropriations. There is also a clear need for the further co-ordination of the efforts of various United Nations bodies and sections of the Secretariat in the dissemination of information, in increasing the effectiveness of the materials prepared and in supervising how the materials are distributed and how they reach readers and listeners. The resolution as a whole provides for a number of measures designed to assist the liberation struggle of the colonial peoples, and the Soviet delegation will vote in favour of it.

90. Miss BEGIN (Canada) (*interpretation from French*): In the past, the Canadian delegation has always abstained in the vote on the draft resolution relating to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. Obviously, it did so, not because it did not recognize the inalienable right of peoples to self-determination and independence—since it had recognized and supported that right in voting for resolution 1514 (XV)—but because it felt that the programme of action proposed was unrealistic, making it totally unacceptable.

91. This year, in fact, my delegation cannot, any more than in previous years, accept the general assertion that all activities of foreign economic and other interests systematically exploit colonial peoples. On the contrary, we believe that certain such economic interests assist these peoples and assure them of a means of livelihood and of possibilities of development. Neither can we associate ourselves with the appeal for the use of force by the liberation movements to free themselves from colonial domination, as implicitly expressed in the draft resolution. Nor does my delegation interpret operative paragraph 4 as implying a prohibition of any sort with regard to the free exchange of goods with countries not subject to United Nations sanctions, since that would be incompatible with the commercial policy of Canada.

92. Having said that, the Canadian delegation will vote this year in favour of draft resolution A/L.707 relating to the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. This change of attitude on the part of my delegation is justified, on the one hand, by two developments which have taken place since the last General Assembly session and, on the other hand, by the stagnation, if not deterioration, in the field of decolonization, most particularly in southern Africa.

93. In the course of the Nineteenth Conference of Heads of Government at Ottawa last summer, the 32 Commonwealth countries devoted a great deal of time to the study of the alarming problems facing southern Africa. They agreed on a declaration expressing their unanimous opposition to *apartheid* and their great concern about the situation prevailing in that area of the world, and on the importance of a peaceful settlement of these problems. Thus Canada's positive vote today must be interpreted as an expression of our confidence in the results of that Conference and as a reaffirmation of our conviction of the usefulness of that organization, based on a common commitment to respect certain principles and ideals.

94. In addition, there is also the fact that we are celebrating this year the twenty-fifth anniversary of the Universal Declaration of Human Rights. Nevertheless, in certain areas of southern Africa, minority régimes continue to violate the most fundamental human rights by persistently opposing world efforts to achieve equality among all men. As the Honorable Mitchell Sharp, Secretary of State for External Affairs, said in his statement to the General Assembly on 25 September last, "Canada recognizes the legitimacy of the struggle to win full human rights and self-determination in southern Africa, and is studying ways to broaden its humanitarian support for those engaged in these efforts. The most effective way to mark this twenty-fifth anniversary of the Declaration", he added, "will be for each nation to redouble its concern to extend human rights to all its people." [2126th meeting, para. 70.]

95. May I take this opportunity to make special mention of the commendable efforts of the Governments of Australia and New Zealand to assist the peoples of Papua New Guinea and Niue to take control of their respective destinies. These examples of co-operation, of a sense of responsibility towards the international community, and of respect for the Charter of the United Nations, do honour to them.

96. Motivated by a similar desire to co-operate, and in order to translate our words into concrete action, I have the great privilege of announcing that, in the spirit which inspired the celebration of the twenty-fifth anniversary of the Universal Declaration of Human Rights, as well as the recent Commonwealth Heads of Government Conference, the Canadian Government has recently undertaken to increase its humanitarian aid to southern Africa. This additional aid will be granted through Canadian non-governmental agencies and international organizations which support the efforts made by the peoples of that area of the world in their struggle for human dignity and self-determination. Subject to Parliamentary approval, Canada will, therefore, provide, in 1974, the sum of \$175,000 to the United Nations Educational and Training Programme for Southern Africa and the sum of \$100,000 to the International University Exchange Fund. Both these programmes, as we all know, provide study grants to refugees from the countries of southern Africa which are under the rule of discriminatory minority régimes. I would add that Canada is thus in the forefront among the 24 donor countries of the United Nations Fund having raised its contribution by \$100,000 over that of last year.

97. It is in this way that we show our respect for human rights, as well as our support for the struggle of the

oppressed populations and for the peoples that are attempting to liberate themselves from colonialism.

98. Mr. SCHAUFLE (United States of America) The United States delegation intends to vote "No" on the omnibus decolonization draft resolution contained in document A/L.707, and will abstain on the draft resolution on the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, held at Oslo, contained in document A/L.709. Since the United States position on provisions of these draft resolutions is well known, my Government does not believe an extensive explanation of vote to be necessary at this time.

99. I wish to stress, however, that the United States remains unalterably committed to the principles of self-determination. In our view, every person has the inalienable right to have a voice in his government. This principle is at the foundation of our nation, and has been an inspiration for our leaders and our people.

Mr. de Piniés (Spain), Vice-President, took the Chair.

100. Nonetheless, the United States believes the resolution of the question of the Portuguese Territories lies not in the passage of harshly worded resolutions, but in negotiations between the parties concerned, on the basis of Security Council resolution 322 (1972). In this regard, true communication could prove more effective than condemnatory resolutions in bringing about self-government.

101. I would also like to emphasize that the NATO area does not include the African continent. I reiterate once again—since that seems necessary—that the military equipment which the United States provides Portugal is supplied in connexion with European defence, and may not be used in Africa. Further, there has never been any conclusive proof that such material has been used on that continent.

102. With respect to paragraphs 71 through 85 of chapter I of the report of the Special Committee [A/9023/Rev. I], my delegation has made its views known on several previous occasions. My delegation agrees with the position taken by 11 members of the Special Committee who either voted "No" or abstained on the draft resolution which the Committee adopted on 30 August 1973 [*ibid.*, chap. I, para. 84] because they did not believe it was in the best interests of the Committee to involve itself in the affairs of Puerto Rico. In any case, my delegation wishes to state for the record its view that adoption of the Special Committee's report by the plenary Assembly constitutes recognition that the report is, by and large, an accurate summary of the Special Committee's discussion of this question and does not constitute any decision of the General Assembly with regard to the substance of the matter. My delegation believes that resolution 748 (VIII) of the eighth session of the General Assembly represents the considered judgement of the United Nations in this matter.

103. My delegation will abstain in the vote on draft resolution A/L.708, concerning the dissemination of information on decolonization. My Government remains concerned over the budgetary and institutional implications of this draft resolution. The Unit on Decolonization proposed in operative paragraph 4 to be created in the Department of

Political Affairs, in our belief, would duplicate the work now being performed by the Special Committee and the Office of Public Information. It would result in unnecessary and unproductive expense, especially at a time when this Organization is in a position of considerable budgetary distress. Further, the request to the Secretary-General to provide facilities for non-governmental organizations to confer on colonialism and *apartheid*, as specified in operative paragraph 7, would place, we believe, inappropriate financial burdens on the Organization. Finally, it would give the impression, by closely paralleling the Oslo Conference, that such meetings are to be established as an annual institution.

104. Mr. VON HIRSCHBERG (South Africa): Draft resolutions A/L.707 and A/L.708 are patterned on earlier resolutions adopted at previous sessions of the General Assembly on the same subjects. Our views with regard to those resolutions are on record. They apply equally to the draft resolutions now under consideration and we shall, accordingly, vote against them.

105. Draft resolution A/L.709 is new. It flows directly from the Oslo Conference of Experts, which adopted certain proposals for a programme of action directed in varying degrees against certain Members of the United Nations. It commends these proposals to the attention of Governments, the public, and various organizations. The proposals amount to a programme of confrontation with the Governments against which they are directed. They emphasize the role which the so-called liberation movements are to play in the implementation of this programme. These movements have publicly advocated the use of armed force and violence in the attainment of their objectives and, faithful to their philosophy, they have pursued this course of action in practice. In its recommendations the Oslo Conference has in effect endorsed the paramount role which armed force is to play in the future programme of these movements.

Mr. Šmíd (Czechoslovakia), Vice-President, resumed the Chair.

106. There are numerous examples in the report of the Conference which bear out this contention. Thus we read:

"Support should be given to the liberation movements recognized by the Organization of African Unity in order to enable them to carry on their armed struggle for national liberation." [A/9061, annex, p. 15, para. (8).]

And again:

"The right of the people of southern Africa to strive for their liberation by all appropriate means, including armed struggle . . . should be fully recognized and supported." [*Ibid.*, p. 22, para. (78).]

107. In the chapter on the needs and requirements of the movements in southern Africa [A/9061, annex, chap. IV.B], a list is given of the essential items required by the movements. Heading this list is military supplies.

108. The United Nations is required by its Charter to pursue peaceful methods for resolving disputes. Its provisions in this respect are clear and unequivocal. We find it surprising, therefore, and singularly inappropriate that the

General Assembly should be required by this draft resolution not only to associate itself with proposals for a programme of action against some of its Members, but also to commend this programme to the attention of Governments and others, phraseology which suggests that there is merit in a programme based, *inter alia*, on the use of armed force. The draft resolution, in short, requires the United Nations to effect a compromise on a fundamental principle embodied in its Charter.

109. We shall, for this and other reasons on which I need not elaborate, vote against it.

110. Mr. ALARCÓN (Cuba) (*interpretation from Spanish*): Consistent with our anti-colonial position, which is unalterable, my delegation will vote in favour of draft resolution A/L.707. In so doing, we wish to associate ourselves with the intention of the sponsors—namely the majority of the African and Asian delegations—to redouble the efforts of this Organization to achieve the complete independence of all countries and peoples which are still under colonialism and foreign oppression. We vote in support of the praiseworthy work done by the Special Committee. Our vote is also a vote of solidarity with all peoples struggling to conquer their independence, such as the people of Angola, Mozambique, Cape Verde, Zimbabwe, Namibia, and the Comoro Islands, among others. In adopting this text we associate ourselves in particular with the request addressed to the Secretary-General in operative paragraph 17 to provide the Special Committee with the facilities and personnel necessary for the implementation of the draft resolution.

111. The adoption of the draft resolution by the General Assembly marks the culmination of a decisive state in the universal struggle against colonialism in all its manifestations and forms and specifically as regards consideration of the Puerto Rican question by this Organization. In accordance with operative paragraph 2 of the draft resolution, the General Assembly approves the report of the Special Committee on its work during 1973, including the programme of work envisaged for 1974. Obviously—and the report indicates this eloquently—the discussion of the colonial case of Puerto Rico constituted one of the major items of the Special Committee this year. The development and result of the debate are to be found in paragraphs 75 to 85 of chapter I of the report of the Special Committee.

112. At the conclusion of the consideration of the item this year, the Special Committee reaffirmed “the inalienable right of the people of Puerto Rico to self-determination and independence in accordance with General Assembly resolution 1514 (XV) of 14 December 1960” and requested the Government of the United States of America “to refrain from taking any measures which might obstruct the full and free exercise by the people of their inalienable right to self-determination and independence as well as their economic, social and other rights, and in particular to prevent any violation of these rights by bodies corporate under its jurisdiction”. It also requested its Rapporteur, with the assistance of the Secretariat, “to collect all pertinent information on the question, including the views of all the parties concerned, for the purpose of facilitating its consideration of the question in 1974”. Finally, it decided to keep the question of Puerto Rico “under continuous review”. [See A/9023/Rev.1, chap. I, para. 84.]

113. In adopting draft resolution A/L.707, the General Assembly will also confirm the resolution on Puerto Rico which was adopted by the Special Committee on 30 August and which is included *in extenso* in the body of the report which the Special Committee submits to the General Assembly for consideration and approval. It will also be authorizing the Special Committee to proceed in 1974 with the study of the colonial situation in this Territory, which would be kept “under continuous review”.

114. Those who are familiar with the history of the case of Puerto Rico in the United Nations will not fail to note that the decision to be adopted by the General Assembly in this respect will be of historic importance. It represents the end of the era when United States imperialism prevented this Organization from fulfilling its anti-colonial duty with respect to Puerto Rico. It means the final bankruptcy of the so-called “free associated State”, a clumsy mask with which colonialism tried to conceal its true features internationally for the past 20 years. The mask having fallen to the ground, nobody today believes, nor will ever believe, in these Yankee machinations.

115. With the adoption by the Assembly of draft resolution A/L.707, the Special Committee will be receiving a specific mandate to continue its consideration of the case of Puerto Rico in the light of the Declaration on the Granting of Independence to Colonial Countries and Peoples in order to intensify the work which has been done in this respect since last year. Together with this mandate, the Special Committee will receive other guidelines from the General Assembly which are completely applicable to the case of Puerto Rico.

116. Special mention must be made of operative paragraph 6, which condemns the colonial Powers for their policy of:

“... strengthening the position of foreign economic and other interests, misleading world public opinion and encouraging the systematic influx of foreign immigrants while evicting, displacing and transferring the indigenous inhabitants to other areas ...”

and of operative paragraph 9, which calls upon the colonial Powers:

“... to withdraw immediately and unconditionally their military bases and installations from colonial Territories and to refrain from establishing new ones”.

117. The problems referred to in these operative paragraphs are characteristic of the case of Puerto Rico as one of the most serious colonial cases. North American economic interests and Yankee investments in that Territory are close to \$7,000 million, a figure close to that of United States investments in entire continents. The domination of foreigners over the economic and social life of Puerto Rico and their systematic influx into this island acquire alarming proportions. The foreigners are the ones who control almost all of industry and trade and most of the mass media of information, and their influence is growing in the field of education and public administration.

118. As regards the displacement of the indigenous inhabitants, suffice it to recall that at present 40 per cent of the

population of Puerto Rico has been displaced from its own territory and is compelled to live in the United States in particularly degrading and discriminatory conditions.

119. With regard to military bases and installations, it is sufficient to repeat that those established by North American armed forces on that Territory cover 13 per cent of the best arable lands of the country and that among them are two bases equipped with nuclear missiles.

120. In Puerto Rico, as in southern Africa and the Middle East, we observe the most crude and brutal manifestation of colonialism. We do not merely observe a refusal to recognize the legal rights of a people and its inalienable right to independence; what we see is an attempt to eliminate a nation, to absorb a people, to uproot it from its land, to remove its natural resources, to asphyxiate its culture, and to remove it from history and geography; what we see is the most aggressive expression of contemporary colonialism bordering on genocide.

121. For those reasons, my delegation considers that the Special Committee at its next session should redouble its efforts to assist in bringing about the independence of Puerto Rico. To this end it must demand that the Administering Authority comply with the resolution adopted by the Special Committee on 30 August and that it refrain from adopting any measure affecting the exercise by the Puerto Rican people of its inalienable right to independence, and it must also consult the opinion of that people directly by sending a visiting mission from the Special Committee to the Territory next year.

122. We shall vote in favour of this draft resolution and the other two which refer to the Declaration contained in resolution 1514 (XV) precisely today, 14 December, the thirteenth anniversary of the date on which the General Assembly adopted its historic Declaration on the Granting of Independence to Colonial Countries and Peoples. My delegation trusts that the vote we shall cast today will serve to express the will of the vast majority of the States Members of this Organization in their endeavour to strengthen the action of the Special Committee on decolonization, as well as our will to unite our efforts, inside and outside this Organization, in order to accelerate the process of decolonization throughout the world and to bring closer the moment when the principles proclaimed by this Assembly on 14 December 1960 will become a reality for all the peoples still oppressed by colonialism in all continents with the complete and total liquidation of colonialism in all its forms and manifestations.

123. Mr. KATSAREAS (Greece): Greece will vote this year in favour of draft resolutions A/L.707 and A/L.708, as we have consistently done in previous years on draft resolutions on the same item and on the *ad hoc* resolutions on specific matters. In doing so, we should like to underline our commitment to the cause of decolonization, an historic trend which we consider to be irreversible.

124. Since we are dealing with blanket draft resolutions, we should like, however, to remind this Assembly that in voting in favour my delegation does not renounce the reservations on certain provisions of the draft resolutions which

were voiced by my delegation during the discussions in the Fourth Committee.

125. The PRESIDENT: We shall now proceed to vote on the three draft resolutions before us.

126. I shall first put to the vote the draft resolution in document A/L.707 and Add.1 and 2. The report of the Fifth Committee on the administrative and financial implications of that draft resolution appears in paragraph 16 of document A/9455.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: France, Portugal, South Africa, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Belgium, Bolivia, Brazil, Denmark, El Salvador, Germany, Federal Republic of, Guatemala, Ireland, Israel, Italy, Japan, Luxembourg, Malawi, Netherlands, Nicaragua, Norway, Spain, Sweden, Uruguay.

The draft resolution was adopted by 104 votes to 5, with 19 abstentions (resolution 3163 (XXVIII)).

127. The PRESIDENT: I now put to the vote the draft resolution in document A/L.708 and Add.1 and 2. The report of the Fifth Committee on the administrative and financial implications of that draft resolution appears in paragraph 18 of document A/9455.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland,

Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Spain, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal, South Africa.

Abstaining: Brazil, France, Nicaragua, United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft resolution was adopted by 121 votes to 2, with 5 abstentions (resolution 3164 (XXVIII)).¹¹

128. The PRESIDENT: I now put to the vote the draft resolution in document A/L.709 and Add.1-3.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Canada, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Denmark, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Germany, Federal Republic of, Ghana, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Indonesia, Iran, Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Khmer Republic, Kuwait, Laos, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Luxembourg, Madagascar, Malawi, Malaysia, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Sri Lanka, Sudan, Swaziland, Sweden, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

Against: Portugal, South Africa.

Abstaining: Brazil, France, Greece, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America.

The draft resolution was adopted by 121 votes to 2, with 6 abstentions (resolution 3165 (XXVIII)).

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

130. Miss STOKES (New Zealand): New Zealand has voted in favour of draft resolution A/L.707. Our affirmative vote demonstrates the New Zealand Government's strong support for the basic principles underlying this resolution. This text approves the Special Committee's report for 1973 and also provides the Committee's mandate for 1974.

131. The task facing the Special Committee will again be, on the one hand, the urgent and distressing problems of southern Africa and, on the other, the future constitutional development of the small Territories which face a unique range of problems.

132. New Zealand has already had the opportunity, in voting on the southern African texts to make its position clear on these questions. We have been encouraged that this year the Special Committee devoted several plenary meetings to a preliminary exchange of views on matters relating to the small Territories, and we therefore warmly endorse the request in operative paragraph 14 that the Special Committee continue to pay particular attention to those Territories.

133. At the same time, however, our endorsement of this resolution does not signify full acceptance of all the factors in the text. We find, for example, the formulation of operative paragraph 4 too inflexible over the whole range of colonial questions, and operative paragraph 11 too sweeping in its approach.

134. We also find the condemnation in the fourth preambular paragraph of the United Kingdom's policies on the question of Southern Rhodesia unwarranted and regret their coupling in that paragraph with the colonialist policies of Portugal and the racist policies of South Africa.

135. This resolution looks ahead to 1974, when my delegation will again be pleased to co-operate with the Special Committee in its consideration of New Zealand's two remaining Non-Self-Governing Territories.

136. Mr. HEIDWEILLER (Netherlands): My delegation voted in favour of draft resolution A/L.709, which commends, *inter alia*, the proposals for a programme of action adopted by the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, which was held at Oslo last April. In doing so, my delegation wished to underline the significance of that Conference and also to express its hope that international organizations, Governments and peoples of the world will seriously consider the recommendations emanating from the Conference. However, having some misgivings about certain proposals contained in the programme of action of the Oslo Conference, my delegation wishes to state for the record that its positive vote should not be considered as a total endorsement of all those recommendations.

137. Mr. PLEUGER (Federal Republic of Germany): My delegation abstained in the vote on the draft resolution

¹¹ The delegation of Somalia subsequently informed the Secretariat that it wished to have its vote recorded as having been in favour of the draft resolution.

concerning the implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples [A/L.707]. My Government's position on the question of decolonization is well known. My delegation and, in particular, Chancellor Willy Brandt, when he addressed the General Assembly on 26 September [2128th meeting] have made it quite clear that the Federal Republic of Germany rejects the anachronistic concept of colonialism and supports the inalienable right of all peoples to self-determination and independence. We, therefore, agree with the basic philosophy of this resolution.

138. We have some difficulty, however, with a number of proposals contained in this resolution. First of all, we cannot subscribe to the principle of the legitimacy of liberation struggle by all available means, because this formulation includes force, not only as a last resort of self-defence, but justifies its use even before all peaceful ways and means have been explored.

139. Among other things, we cannot accept all the conclusions of the report of the Special Committee. Furthermore, we have difficulty with the approach of this resolution to a number of problems such as, for instance, the reference to foreign economic interests, to commercial exchanges with countries against which no sanctions have been imposed by the Security Council, the role of the specialized agencies, the representation of colonial peoples and the special situation of the smaller Territories. For this reason, my delegation had no option but to abstain in the vote on this resolution.

140. With regard to the draft resolution on the dissemination of information on decolonization [A/L.708], we voted in favour despite some reservations with respect to the usefulness of some of the proposals contained in that resolution. We recognize, however, the importance of the dissemination of information as a means of preparing the ground for a peaceful elimination of the remnants of colonialism and racial discrimination. We, therefore, supported this resolution.

141. For the same reason, we voted in favour of the draft resolution concerning the Oslo Conference [A/L.709], although we are not in a position to accept all the recommendations made by that Conference. Our affirmative vote should, therefore, not be interpreted as an endorsement of the action programme of the Oslo Conference.

142. Mrs. PINT (Belgium) (*interpretation from French*): The Belgian delegation voted in favour of draft resolution A/L.709 concerning the work of the International Conference of Experts for the Support of Victims of Colonialism and *Apartheid* in Southern Africa, which was held in Oslo last April.

143. However, we should like to specify that the Belgian Government reserves its right to evaluate the proposals of that Conference with a view to establishing a possible programme of action.

144. Mr. KARHILO (Finland): My delegation voted in favour of draft resolution A/L.707 just adopted by the Assembly. This should be seen as a further expression of our support for the colonial peoples in Africa in their quest for

freedom and whose aspirations for self-determination and independence that we fully share and recognize.

145. My Government is greatly disappointed over the fact that the Governments of Portugal and South Africa and the illegal régime in Southern Rhodesia continuously refuse to listen to the appeals of an almost-unanimous world opinion. There can be no excuse for continuing this unjust policy of denying millions of Africans their fundamental rights and their freedom.

146. Voting in favour of the draft resolution does not mean that my delegation accepts all the provisions of the text. We still have reservations in respect of some of the principles of a general character which we have, on many previous occasions, spelled out in this Assembly. These principles are important to us and will determine our attitude also in the future. In particular, we reiterate again our sincere hope that the ultimate goal of freedom and independence will be reached through a process of co-operation and peaceful negotiations instead of by resort to violence.

147. Finally, as we have emphasized before during this session of the Assembly, my delegation would like to reaffirm the hope that the sponsors of draft resolutions on the important questions with which we are faced in connexion with the implementation of the Declaration on the Granting of Independence will widen the scope of their consultations during the early stages of the preparation of resolutions so that, together, we may be able to secure the widest possible support and thereby strengthen the political impact of our resolutions.

148. Mr. CREMIN (Ireland): The Irish delegation voted in favour of the 11-Power draft resolution in document A/L.709 and Add.1-3. I wish, however, to explain that we interpret the phrase in operative paragraph 3, "Commends . . . to the attention of Governments", as not implying approval or endorsement of the proposal of the Conference held in Oslo in April last. The Irish Government cannot at present subscribe to certain of these proposals. Consequently, we take operative paragraph 3 to mean that the Assembly brings the proposals to the attention of governments for sympathetic consideration by them.

149. Mr. MALINGA (Swaziland): As a country which was once a casualty of colonization, we know the bitter pains of being under a colonial yoke. I need not overemphasize that bitter experience. It is sufficient to say that those who are still in that grip of colonialism are experiencing endless misery.

150. It is for that reason that my delegation favours the liberation of all peoples under foreign domination. Our views with regard to liberation of people are well known. We are in favour of freedom, as demonstrated by our vote. We are, however, specific and restrictive as to the method of achieving independence. Peaceful means as an instrument of achieving this independence is our only preference.

151. It is not only our geographical vulnerability which might impose certain limits on the choice of means to attain independence, but it is chiefly because by nature the Swazis are traditionally peaceloving people. We prefer to talk and

we are not inclined to violence and verbal sword-plays, though we voted in favour of the resolution because, in essence, we believe in freedom.

152. We however wish to register our reservations as to the means other than those that are peaceful, because Swaziland geographically could suffer far-reaching consequences as a result of the sentiments that are contained in some of the resolutions.

153. The PRESIDENT: I now call on the representative of Morocco who has asked for the floor to exercise his right of reply.

154. Mr. ZENTAR (Morocco) (*interpretation from French*): It is not my intention to exercise my right of reply following on the statement made by my Algerian friend, who is the representative of a sister State. But since the representative of Algeria has mentioned my country and referred to bilateral and multilateral talks in which my country participated, I felt that it was my duty briefly to clear up the points at issue.

155. First of all, we have never considered that in international relations one could have recourse to anything other than dialogue and co-operation, and particularly in relations with neighbouring countries whose interests and future one broadly shares. In the specific context of relations between sister States, we have never felt that any temporary misunderstanding which may arise should necessarily be arbitrated or decided by international organizations, because, as I said, dialogue, friendship and, in this specific case, brotherhood offer inexhaustible resources which we can use to this end. In fact, as regards the problems that arise in the region, dialogue and brotherly negotiation have been and remain the rule for us. For our part, it has never been our wish that United Nations resolutions should of necessity reflect a state of development in bilateral relations which may no longer hold true the next instant. This is the case with regard to the resolution on the so-called Spanish Sahara, where, despite our opinion to the contrary, it was decided to record events in a manner made outmoded by what has happened in the meantime in relations between the countries concerned and in the area as a whole.

156. It would have been the wish of my delegation that United Nations resolutions should limit themselves to expressing the common concern of the members of the General Assembly and their determination to achieve complete and immediate decolonization without considering local misunderstandings which we hope are temporary and which we did not take the initiative in bringing before the General Assembly.

157. Since my delegation was not able to obtain the simple deletion of controversial texts which, whatever may be said, are no longer in accord with the facts of life in the region since the OAU Assembly of Heads of State and Government, held at Rabat in June 1972, and because it wanted a clear and well-rounded resolution like the one we have obtained, it had no choice but to vote in favour of it while at the same time expressing to the Assembly its formal reservations in regard to operative paragraph 4.

158. The PRESIDENT: I should like to draw the attention of members to document A/9449 concerning Sweden's

withdrawal from membership in the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples, as from 31 December 1973.

159. As a result of the withdrawal of Sweden, the President has nominated Denmark as a member of the Special Committee. May I take it that the General Assembly agrees to that nomination?

It was so decided.

160. The PRESIDENT: I now call on the representative of the United Republic of Tanzania, who wishes to make a statement in this connexion.

161. Mr. SALIM (United Republic of Tanzania): Mr. President, as you have just pointed out, the Government of Sweden decided to withdraw from its membership of the Special Committee. That action was in accordance with normal consultations among the Scandinavian countries, and the Government of Denmark is to serve in the Special Committee, beginning next year. I should like to take this opportunity, both as the representative of Tanzania and as Chairman of the Special Committee to put on record our appreciation of the role played by Sweden as a member of our Committee during the past three years. I wish to record with particular pride the contribution of that country and of its delegation in the work of our Committee. In this connexion, I should like to record the fact that Sweden, through its son, Mr. Löfgren, constituted one of the members of the Special Mission of the United Nations that visited the liberated areas of Guinea-Bissau, thereby making a monumental contribution to the efforts of the United Nations in the field of decolonization.

162. I still remember the words uttered by our late brother and outstanding African statesman, Amílcar Cabral, when he referred to Mr. Löfgren and to the others as "cosmonauts of decolonization".

163. We appreciate Sweden's role particularly because we still remember that in 1971 when two major Western Powers decided to withdraw from the Special Committee, thereby almost giving the impression of a total Western boycott of the work of the Committee, the delegation of Sweden remained in the Committee and made a tremendous contribution.

164. In expressing our gratification with the role played by Sweden, I should like to welcome equally warmly the new membership of Denmark in our Committee, because I am fully aware of the important role played by the Scandinavian countries in support of decolonization.

165. The PRESIDENT: I now call on the representative of Sweden.

166. Mr. RYDBECK (Sweden): I have asked to speak to express, quite briefly but very warmly, the thanks of the Swedish delegation to the Chairman of the Special Committee for the words he just expressed on the occasion of our leaving the Special Committee and turning over our seat and our task to our friends in Denmark.

167. I want to thank him for his kind words, but in particular I want to express our great appreciation for the spirit of co-operation which prevailed in the Special Committee and for which, I think, the Chairman is largely responsible, a co-operation which enabled us to contribute positively, and we hope somewhat effectively, to the work of that important Committee.

168. Within the Committee, with its aim and with the composition it has, it is but natural that sometimes there are differences, not in relation to the goal, which we all want to achieve, but on other specific matters. In such a situation it could well happen that a continuous confrontation could take place. We were very happy, on the contrary, to experience a continuous wish for co-operation. We feel that the three years that we spent on the Committee were rewarding. They gave us important experiences and we feel privileged to have been able to contribute somewhat to the work of the Committee.

169. In leaving the Committee, we promise its Chairman and all those who are interested in its work that in doing so we are certainly not giving up the task and we shall certainly not cease to do what we can to promote the important aims of the Special Committee.

170. Again, I thank the Chairman of the Special Committee for his kind words.

171. The PRESIDENT: I call on the representative of Algeria, who has asked to speak in exercise of his right of reply.

172. Mr. RAHAL (Algeria) (*interpretation from French*): It is with great regret that I am compelled to request the attention of the Assembly for a few moments more.

173. When I explained the vote of the Algerian delegation on the draft resolution relating to the Spanish Sahara, I did not think that I would provoke a right of reply on the part of the representative of Morocco, since I spoke precisely in order to reply to the reservations of the Moroccan delegation. It was certainly not my intention to begin a dialogue on this subject with the Moroccan delegation, but I think that in the interest of friendship between our two countries and of respect for this Assembly, all possible light should be thrown on our statements and on the points on which we might not be in agreement.

174. We are not among those who feel that our divergencies should be settled by international organizations, and I do not think that in my statement I requested any international organization to examine a dispute and to find a solution to it. If my colleague from Morocco had that impression, I presume that is what he wanted when he himself brought forward the reservations of his delegation in the Fourth Committee.

175. But in fact, what dispute is there? I did not mention a dispute and I do not think that there is a dispute between Algeria and Morocco. On the contrary, my statement a few moments ago was for the purpose of showing that it should not be deduced from the reservations made by the Moroccan delegation that there was a dispute involved.

176. On the contrary, in quoting statements made by most responsible persons I tried to demonstrate that there was no dispute; matters were very clear. Ambiguous declarations should not be allowed to cast doubt on problems on which our agreement is absolute.

AGENDA ITEM 20

Election of fifteen members of the United Nations Commission on International Trade Law

177. The PRESIDENT: We turn now to the election of members of the United Nations Commission on International Trade Law.

178. We shall first elect the 15 members to replace those members whose terms of office expire on 31 December 1973. We shall then proceed to elect seven additional members and to choose, from among the members so elected in each region, those which will serve for 6 years and 3 years respectively in accordance with paragraph 8 of resolution 3108 (XXVIII), adopted by the General Assembly at the current session.

179. The Assembly will now elect the 15 members to replace the following outgoing members: Argentina, Australia, Belgium, Brazil, Hungary, India, Iran, Kenya, Mexico, Romania, Spain, the Syrian Arab Republic, Tunisia, the United States of America and Zaire. Those 15 States are eligible for immediate re-election.

180. I should like to remind members of the Assembly that after 1 January 1974 the following States will still be members of the United Nations Commission on International Trade Law: Austria, Chile, Egypt, France, Ghana, Guyana, Japan, Nigeria, Norway, Poland, Singapore, the Union of Soviet Socialist Republics, the United Kingdom and the United Republic of Tanzania. Therefore, the names of those 14 States should not appear on the ballot papers.

181. In accordance with existing practice, the required number of candidates in each group which receives the largest number of votes and not less than the majority required will be declared elected. In case of a tie for last place, there will be a restricted ballot limited to those candidates that have obtained an equal number of votes. May I take it that the Assembly agrees to that procedure?

It was so decided.

182. The PRESIDENT: General Assembly resolution 2205 (XXI) of 17 December 1966 sets the pattern for the election of the members of the Commission. That pattern is reflected in the ballot papers now being distributed.

183. The same resolution further provides that the General Assembly shall also give due regard to the adequate representation of the principal economic and legal systems of the world and of developed and developing countries.

184. Pursuant to rule 94 of the rules of procedure, the election shall be held by secret ballot, and there shall be no nominations. Will representatives be kind enough to write on each ballot paper the names of the States for which they wish

to vote and not the names of the persons who will be appointed by Members as their representatives on the Commission after the election.

At the invitation of the President the following representatives acted as tellers: Group A, Mr. Udovenko (Ukrainian Soviet Socialist Republic); Group B, Mr. Motzfeldt (Norway); Group C, Mr. Scott (Jamaica); Group D; Mr. Yanai (Japan); Group E, Mr. Blankson (Nigeria).

A vote was taken by secret ballot.

185. The PRESIDENT: The result of the voting for the election of 15 members of the United Nations Commission on International Trade Law is as follows:

<i>Group A</i>	
<i>Number of ballot papers:</i>	124
<i>Invalid ballots:</i>	4
<i>Number of valid ballots:</i>	120
<i>Abstentions:</i>	1
<i>Number of members voting:</i>	119
<i>Required majority:</i>	60

<i>Number of votes obtained:</i>	
Kenya	115
Sierra Leone	113
Zaire	113
Somalia	3
Equatorial Guinea	1
Gabon	1
Lesotho	1
Swaziland	1
Tunisia	1

<i>Group B</i>	
<i>Number of ballot papers:</i>	125
<i>Invalid ballots:</i>	4
<i>Number of valid ballots:</i>	121
<i>Abstentions:</i>	1
<i>Number of members voting:</i>	120
<i>Required majority:</i>	61

<i>Number of votes obtained:</i>	
Philippines	113
India	111
Syrian Arab Republic	110
Nepal	3
China	1
Cyprus	1
Democratic Yemen	1
Indonesia	1
Iran	1
Iraq	1

<i>Group C</i>	
<i>Number of ballot papers:</i>	124
<i>Invalid ballots:</i>	4
<i>Number of valid ballots:</i>	120
<i>Abstentions:</i>	5
<i>Number of members voting:</i>	115
<i>Required majority:</i>	58

<i>Number of votes obtained:</i>	
Czechoslovakia	111
Bulgaria	108
Hungary	6
Romania	2
Albania	1

<i>Group D</i>	
<i>Number of ballot papers:</i>	125
<i>Invalid ballots:</i>	2
<i>Number of valid ballots:</i>	123
<i>Abstentions:</i>	2
<i>Number of members voting:</i>	121
<i>Required majority:</i>	61

<i>Number of votes obtained:</i>	
Argentina	116
Mexico	115
Brazil	107
Barbados	5
Cuba	1

<i>Group E</i>	
<i>Number of ballot papers:</i>	125
<i>Invalid ballots:</i>	2
<i>Number of valid ballots:</i>	123
<i>Abstentions:</i>	3
<i>Number of members voting:</i>	120
<i>Required majority:</i>	61

<i>Number of votes obtained:</i>	
Belgium	112
Federal Republic of Germany	110
Greece	110
United States of America	109
Australia	6
Denmark	1
Luxembourg	1
Spain	1
Sweden	1

Argentina, Belgium, Brazil, Bulgaria, Czechoslovakia, the Federal Republic of Germany, Greece, India, Kenya, Mexico, the Philippines, Sierra Leone, the Syrian Arab Republic, the United States of America, Zaire, having obtained the required majority, were elected members of the United Nations Commission on International Trade Law for a six-year period beginning on 1 January 1974.

186. The PRESIDENT: I wish to congratulate the countries that have been elected members of the United Nations Commission on International Trade Law.

187. We shall now proceed to the election of seven additional members of the United Nations Commission on International Trade Law.

188. Paragraph 8 (b) of resolution 3108 (XXVIII) adopted by the General Assembly earlier in the session provides that in electing the additional members the Assembly shall observe the following distribution of seats:

- (i) two from African States;
- (ii) two from Asian States;

- (iii) one from Eastern European States;
- (iv) one from Latin American States; and
- (v) one from Western European and other States.

Ballot papers reflecting that allocation of seats are now being distributed.

189. I would ask representatives to be good enough to write the names of the States for which they wish to vote in each group. In this respect, I would recall that the following States already serving on or just been elected to the Commission should not appear on the ballot papers: Argentina, Austria, Belgium, Brazil, Bulgaria, Chile, Czechoslovakia, Egypt, France, the Federal Republic of Germany, Ghana, Greece, Guyana, India, Japan, Kenya, Mexico, Nigeria, Norway, the Philippines, Poland, Sierra Leone, Singapore, the Syrian Arab Republic, the Union of Soviet Socialist Republics, the United Kingdom of Great Britain and Northern Ireland, the United Republic of Tanzania, the United States of America and Zaire.

190. I request members of the Assembly to use only the ballot papers that are being distributed and to write on them the names of the seven States for which they wish to vote. Ballot papers containing more than seven names will be declared invalid.

At the invitation of the President the following representatives acted as tellers: Mr. Blankson (Nigeria) and Mr. Udovenko (Ukrainian Soviet Socialist Republic).

A vote was taken by secret ballot.

191. The PRESIDENT: The result of the voting for the election of seven additional members of the United Nations Commission on International Trade Law is as follows:

<i>Number of ballot papers:</i>	98
<i>Invalid ballots:</i>	0
<i>Number of valid ballots:</i>	98
<i>Abstentions:</i>	1
<i>Number of members voting:</i>	97
<i>Required majority:</i>	49

<i>Number of votes obtained:</i>	
Gabon	92
Hungary	92
Australia	91
Somalia	90
Cyprus	89
Nepal	88
Barbados	79
Cuba	5
Peru	3
Albania	2
Romania	2
Algeria	1
Cameroon	1
China	1
Democratic Yemen	1
Equatorial Guinea	1
Haiti	1
Iran	1
Iraq	1

Jamaica	1
Sri Lanka	1
Tunisia	1
United Arab Emirates	1

Australia, Barbados, Cyprus, Gabon, Hungary, Nepal, Somalia, having obtained the required majority, were elected additional members of the United Nations Commission on International Trade Law from 1 January 1974.

192. The PRESIDENT: I wish to congratulate the countries that have been elected additional members of the United Nations Commission on International Trade Law.

193. We must now deal with the question of the terms of office of the seven additional members. Paragraph 8 (c) of resolution 3108 (XXVIII) adopted earlier by the General Assembly provides that:

“Of the additional members elected at the first election to be held at the twenty-eighth session of the General Assembly, the terms of three members shall expire at the end of three years; the President of the General Assembly shall, by drawing lots, select these members as follows: (i) one from those elected from African States; (ii) one from those elected from Asian States; (iii) one from those elected from other regions”.

194. I shall now draw lots.

195. This is the result of the drawing of lots. The following countries will serve for a term of three years as additional members of the United Nations Commission on International Trade Law: from the African States elected in Group A, Somalia; from the Asian States elected in Group B, Nepal; and from the other regions elected in Groups C, D and E, Australia.

196. The following countries will therefore serve for a term of six years as additional members of the Commission: Barbados, Cyprus, Gabon and Hungary.

197. I congratulate the countries that have been elected members of the United Nations Commission on International Trade Law and I thank the tellers for their assistance.

AGENDA ITEM 90

Draft convention on the prevention and punishment of crimes against diplomatic agents and other internationally protected persons

REPORT OF THE SIXTH COMMITTEE (A/9407)

198. The PRESIDENT: The report of the Sixth Committee on this item is contained in document A/9407.

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

199. The PRESIDENT: We shall now take a decision on the draft resolution and the draft convention recommended by the Sixth Committee in paragraph 157 of its report [A/9407]. The Sixth Committee adopted by consensus the draft resolution and the draft convention annexed thereto.

May I take it that the General Assembly also adopts them by consensus?

The draft resolution and the draft convention annexed thereto were adopted (resolution 3166 (XXVIII)).

200. The PRESIDENT: Consequently, today's date will be entered in the blank space in article 20 of the Convention.

201. We now turn to paragraph 158 of document A/9407, which contains a recommendation of the Sixth Committee concerning an understanding by the General Assembly. If I hear no objections, I shall consider that the Assembly adopts that recommendation.

The recommendation was adopted.

202. The PRESIDENT: I shall now call on those representatives who wish to speak in explanation of vote after the voting.

203. Mr. YASSEEN (Iraq) (*interpretation from French*): My delegation accepts the adoption of the text of the Convention. In explaining our position we have a few words to say concerning the link between the Convention and its introductory resolution. That resolution stipulates in operative paragraph 4 that the General Assembly:

"Recognizes also that the provisions of the annexed Convention could not in any way prejudice the exercise of the legitimate right to self-determination and independence in accordance with the purposes and principles of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations by peoples struggling against colonialism, alien domination, foreign occupation, racial discrimination and apartheid".

204. The link between the resolution and the aforesaid Convention is stressed by this very resolution, which recognizes that the provisions of this resolution are linked to the Convention itself. This link is stressed even further by the fact that this resolution stipulates that it will always be published together with the Convention. The resolution is related to the Convention. Although it is not an annex to the Convention, it is more than that because it annexes the Convention to itself. This resolution therefore is part of the context of the Convention and it is essential, in order to interpret the Convention, to refer to the resolution for the method of interpreting treaties, as recognized by positive international law, which prescribes that a treaty must be interpreted in the usual meaning assigned to terms taken in their context. This method was reflected in article 31 of the Vienna Convention. It is not possible, therefore, to interpret this Convention—in other words to specify its meaning and scope—without studying it in the light of the aforementioned resolution. This is the method of interpretation used in positive international law.

205. Mr. RAE (Canada): The delegation of Canada participated in the consensus in favour of the adoption of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, because it believes both that this Convention

will contribute to the reinforcement of the principles of international law, which permit the efficient and orderly conduct of international relations, and that it will be an extremely useful addition to the body of international law designed to combat the incipient disease of international terrorism.

206. For more than 2,000 years the unchallenged rule regarding the inviolability of diplomatic agents has been recognized and reflected in State practice. In the negotiations which led to the adoption of the resolution and the Convention, one of the main concerns of my delegation has been to ensure that no wording in these two texts could be construed, in any way, as infringing this universally accepted rule of inviolability. In fact, our purpose was to reinforce it because embassies and other missions play an essential role in inter-State relations, a role which has been seriously hampered by the perpetration in recent years of murders, kidnappings and other attacks against individual diplomats.

207. It is the purpose of the Convention which the General Assembly has just adopted to reaffirm this very important role of inviolability in explicit terms and to provide strong and specific remedies to ensure that it is observed. No exception can be justified which would legitimize the perpetration of any crime against diplomats and other internationally protected persons. For any State to pretend the contrary would clearly constitute an attack on the fundamental rules of diplomatic, and thus of inter-State, relations.

208. Seen in this light, it must be understood that the resolution by which the General Assembly has adopted the Convention cannot, in any way, affect the legal obligations set out in the Convention itself. The resolution expresses a self-evident fact when it states that the Convention cannot prejudice in any way the exercise of the legitimate right of peoples to self-determination and independence, in accordance with the principles and purposes of the Charter of the United Nations and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations [*resolution 2625 (XXV)*]. My Government has consistently supported these principles of the Charter as elaborated in the Declaration, and will continue to do so. My delegation's position is, therefore, that certain provisions of the resolution to which the Convention is annexed are, strictly speaking, redundant, although we understand the spirit in which the resolution was drafted.

209. The resolution confirms that it should always be published together with the Convention. My delegation understands that this provision was included in the resolution in order that those reading the Convention at a later date should be reminded of the special concerns of the original sponsors of the resolution. However, as I have already suggested, that resolution cannot and must not ever be seen as in any way legitimizing the perpetration of any crime against diplomats and other internationally protected persons. It is for that reason that my delegation attaches particular importance to Articles 1, 2, 3, 7, 9 and 11 of the Convention which were unanimously considered by the members of the Sixth Committee to embody the objects and purposes of the Convention. With these key articles in mind, the Canadian delegation believes that regard should be paid

to the rule of customary international law—which is now codified in Article 19 (c) of the Vienna Convention on the Law of Treaties—which prohibits States from making reservations to a treaty if the reservation is incompatible with the object and purpose of the treaty.

210. Having said this by way of explanation of Canada's participation in the consensus in favour of the adoption of this Convention and my delegation's understanding of the relevance of the resolution to which it is annexed, I believe that this whole exercise constitutes an important step forward in the law-making process of the United Nations. The role of the United Nations is sometimes questioned, but my delegation considers that the adoption of this Convention constitutes an example of the useful work which the United Nations can produce on its own initiative.

211. Finally, I should also like to express our praise and admiration for the Chairman of the Sixth Committee. My delegation considers that the positive results which were achieved are due in great part to the efficient manner in which Mr. González Gálvez of the delegation of Mexico presided over the deliberations of the Sixth Committee and to the talents which he showed in skillfully and patiently conducting the delicate negotiations which led to the adoption of the Convention.

212. Mr. BRACKLO (Federal Republic of Germany): The delegation of the Federal Republic of Germany joined in the consensus to adopt the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, since it regards the text of the Convention as a whole to be a valuable contribution towards international legislation.

213. My delegation would like to take the opportunity to thank the Chairman of the Sixth Committee, Mr. González Gálvez, as well as the Chairman of the Drafting Committee, Mr. Sahović, for their excellent guidance which was instrumental in bringing about the Convention which has now been adopted.

214. We welcome the fact that it has been possible to retain not only the general concept of the original draft worked out by the International Law Commission but also to preserve, to a very large extent, the individual formulations proposed in the course of this extremely deserving work by the Commission.

215. We are of the opinion that the right of peoples to self-determination is of primary importance and that all those to which this right is still being denied require the support of the international community. In view of the fact that this fundamental right is still being withheld in some parts of the world—not only from peoples who are living under colonial rule—the implications new United Nations resolutions or new conventions may have with regard to the possibilities of achieving the right to self-determination should always be borne in mind when such instruments are drafted or prepared.

216. The Government of the Federal Republic of Germany has always advocated a peaceful interpretation of the right to self-determination in accordance with the principles

of the Charter of the United Nations and the Declaration on friendly relations. The prohibition of the use of force also applies as far as the implementation of the right to self-determination is concerned.

217. We have agreed to the solution as contained in the resolution on the adoption of the convention and now confirmed by consensus of the General Assembly, that is, the insertion of a reference to the liberation movements into that resolution, because this solution is designed to avoid misunderstandings to which the original proposal might have lent itself. Paragraph 4 of the resolution concerning adoption of the convention makes it clear that the purposes and principles of the Charter must, in any case, be adhered to.

218. By joining the consensus we have also confirmed our approval of the use of the all-States clause in the convention's final provisions. Our doubts regarding that clause are well known and are caused by the difficulties of interpreting this very general formula and also by the possibility it implies that the Secretary-General of the United Nations may be saddled with the highly political decision of whether the signatory of the convention or a candidate for accession is a State or not. In the present case we have been able to agree to the all-States clause because the understanding confirmed now by the General Assembly has largely removed those doubts. The understanding makes it clear in a binding manner that the Secretary-General has to seek a decision from the General Assembly in all those cases where neither membership in one of the organizations of the United Nations system or adherence to the Statute of the International Court of Justice nor generally a decision of the General Assembly provides a sufficient basis for deciding whether a potential signatory or acceding party is a State.

219. Mrs. HO Li-liang (China) (*translation from Chinese*): Just now, if the draft resolution containing the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents had been put to a vote, the Chinese delegation would not have participated in the vote.

220. The Chinese delegation wishes to reaffirm that the Chinese Government has consistently held that each Government has the duty to take concrete and effective measures for the protection and the safety of diplomatic agents and other internationally protected persons. China has conscientiously and consistently done so.

221. As for the conclusion of such an international convention on criminal matters, it is necessary for the Chinese Government to make an over-all study and give further consideration to it.

222. Mr. RESTREPO-PIEDRAHITA (Colombia) (*interpretation from Spanish*): My delegation voted in favour of this draft Convention in the conviction of the urgent contemporary need for international rules of positive law which will provide for a more effective prevention and effective and prompt punishment of crimes against internationally protected persons.

223. The positive vote of the delegation of Colombia was due also to our conviction that the right of asylum, an

institution of American international law, is not undermined in its nature and essential scope, as provided for in article 12 of the draft Convention.

224. Likewise, my delegation considers that paragraph 4 of the resolution recommended by the Sixth Committee which this Assembly has adopted is a statement with a purely political content. This declaration, therefore, cannot affect the formal structure or the legal, substantive content of the Convention; in other words, the governing part of the Convention is constituted only by the specific and limited text of its 20 articles, and it is not contained in the other parts which accompany the 20 articles of the Convention.

225. Were it otherwise, if the text of paragraph 4 of the resolution were to have any decisive effect in the application or interpretation of the Convention in the future, we could anticipate that the Convention contains within it a dangerous source of conflict which could negate its effectiveness.

226. Furthermore, my delegation reaffirms its support for the idea of the exercise of the legitimate right to self-determination and independence, in accordance with the purposes and principles of the United Nations Charter and the Declaration on Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the United Nations Charter, by peoples who are fighting against colonialism, foreign domination, racial discrimination and *apartheid*.

227. Mr. VALENZA (Italy): My delegation considers that the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents is a substantive contribution by the United Nations to the peaceful development of international relations.

228. Since the time when the family of nations first set rules for the promotion of friendly relations among the peoples of the world, the special status of diplomatic agents has become one of its fundamental principles, in recognition of the usefulness of their contribution to the function of better understanding among nations. This ancient rule has been codified and its scope defined in the Vienna Convention on Diplomatic Relations of 1961. The Italian Government welcomes the fact that the new Convention confirms and restates the principles incorporated in the Vienna Conventions and codifies rules aimed at making them more effective.

229. As the title of the Convention shows, this Convention seeks both to prevent and to punish crimes committed against internationally protected persons. My delegation hopes that the measures provided for in the Convention will prove to be helpful in the prevention of breaches of the diplomatic inviolability. But of course, the main purpose of the Convention is to ensure that penal proceedings will be instituted against any alleged offender, no matter where he seeks refuge. We must not lose sight of the fact that those acts described as crimes in article 2 of the Convention are already defined as such under the penal law of, I would think, all States Members of the United Nations, and not because they are committed against diplomats.

230. In my delegation's view the main purpose of the Convention is to oblige the contracting parties to extend their penal jurisdiction to cover cases of crimes committed beyond the normal range of that jurisdiction, as well as to make extradition possible when such a procedure is deemed preferable.

231. We hope that the Convention will have a discouraging effect on those contemplating committing a crime against internationally protected persons. They will know from the outset that "without exception whatsoever," as article 7 states, they will be called to justice.

232. That is the reason why my delegation attaches importance to article 7 and wishes to state—recalling article 19 of the Vienna Convention on the Law of Treaties—that it considers that article 7, among others, embodies the object and purpose of those Conventions.

233. My delegation attaches the greatest importance to the resolution by which the Convention has been adopted, although it is clear that the resolution, which is an instrument of a different juridical nature, cannot affect obligations set up in the past by the Conventions.

234. Paragraphs 2 and 3 of the resolution re-emphasize the principles of inviolability and the special protection of diplomats to which I referred in my opening remarks. Those provisions are not only related to the provisions of paragraph 6, but indeed constitute the *raison d'être* of such a convention.

235. As far as paragraph 4 is concerned, it is a known fact that my Government has always approved of the legitimate exercise, in accordance with the principles and purposes of the Charter of the United Nations of the right to self-determination and independence; and certainly it is not even conceivable that our Organization which has already done so much to eliminate from the world the evils of colonialism, should adopt an instrument in contradiction with its very principles. It is appropriate, therefore, to state in paragraph 4 of the resolution that the Convention should, in no way, be utilized as an instrument of repression of national liberation movements, as one might perhaps consider possible, through its norms dealing with the prevention of crimes against internationally protected persons. We have created an instrument for the prosecution of criminals, not an instrument for the persecution of peoples exercising their rights, in accordance with the principles and purposes of the Charter. We, therefore, count on the inclusion of paragraph 4 in the resolution in order to avoid any possible abuse of the mechanism provided for in the Convention, and we support the resolution as a whole.

236. Mr. STEEL (United Kingdom): The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which the General Assembly has just adopted by consensus, constitutes a potentially valuable piece of machinery at the disposal of the international community for dealing with a class of offence which has in recent years cast a disgraceful shadow over the conduct of international relations.

237. One of the most fundamental rules of international law is the inviolability of the persons of diplomats and other

internationally protected persons. The Convention has been elaborated and adopted because the international community has recognized that acts which jeopardize the safety of these persons constitute a serious threat to the maintenance and promotion of friendly relations and co-operation among States. The purpose of the Convention is to provide more effective means for Governments to discharge their duty, under international law, to prevent and punish violent attacks against internationally protected persons, including diplomats. The Convention is clearly founded on the acceptance by all parties of the complete illegality, without qualification, of such attacks.

238. Following the usual procedure, the General Assembly has adopted the Convention by means of a resolution. The Convention is annexed to that resolution and the resolution confirms that it and the Convention are related instruments. It provides that they should always be published together. It was explained to us in the Sixth Committee, and accepted by all, before that provision was agreed upon—and this was the basis on which my delegation and others were able to subscribe to the formula—that the meaning and effect of this was that, whenever the United Nations officially published the Convention, it would also publish the resolution together with it. Viewed in that light, we think that the provision is a valuable one since it will help readers to understand the basic concern which animated the Assembly in adopting the Convention. The language of the substantive provisions of the Convention itself is clear, and there is nothing in the resolution which qualifies or cuts down its meaning or which purports to do so, or, indeed, which could do so. What the resolution does is to make clear the concern of the General Assembly at the commission of the crimes in question and to re-emphasize the great importance attached by the General Assembly to the rules of international law concerning the inviolability of internationally protected persons, including diplomats, and the obligations of States in relation thereto. The resolution also makes clear the view of the General Assembly that there is not, and indeed could not be, any conflict between the obligations imposed on States by the Convention and lawful activities in the exercise of the right to self-determination in accordance with the purposes and principles of the Charter and the Declaration on Friendly Relations. This, too, seems to us to be a valuable provision for it makes clear that the sort of crimes with which the Convention deals, that is to say, crimes in violation of the fundamental rule of international law which I have referred to earlier, cannot constitute lawful activities in exercise of the right to self-determination.

239. There are a few specific provisions of the Convention on which it would be desirable for me to place on record the understanding of my delegation. First, as regards article 1, paragraph 1 (b), and as the language of the provision itself makes clear, we understand that the persons who, in the circumstances specified in that subparagraph, are within the ambit of that subparagraph are those who fall within any of the following categories of persons, that is to say: persons who are entitled to the benefit of article 29 of the Vienna Convention on Diplomatic Relations, article 40 of the Vienna Convention on Consular Relations or article 29 of the New York Convention on Special Missions; persons who are high officials or agents of international organizations and who, under the relevant international agreements are, as such, entitled to the like benefit; and persons who,

under customary international law or by virtue of some other specific international agreement, are entitled to special protection from any attack on their person, freedom or dignity. The subparagraph, of course, also covers members of the families of such persons, forming part of their households.

240. As regards article 1, paragraph 2, it is a matter of record that my delegation found the drafting of this provision unsatisfactory and would have preferred either a broader version or no definition at all. It is clear that, in order to make sense of the various contexts in which the phrase “alleged offender” is used in the Convention, the definition must be interpreted flexibly in its reference to the need for sufficient evidence to determine *prima facie* that a person has committed an offence. That is how, if my country becomes a party to the Convention, we shall understand the provision.

241. Next, as regards article 2, paragraph 1 (a), it is clear that the phrase “other attack” must be construed *ejusdem generis* with “murder” and “kidnapping” and therefore denotes a serious attack involving some element of violence. Similarly, we construe the reference to “a threat” in article 2, paragraph 1 (c), and to “an attempt” in article 2, paragraph 1 (d), as referring to serious threats and attempts, such as would ordinarily be regarded as criminal offences.

242. As regards articles 4, 5 and 10—all of which deal with such matters as the provision of information, the supply of evidence and other forms of affording assistance between States Parties to the Convention—it is implicit in the text of these articles, as we read them, that the obligations assumed in this respect must be subject to the limitations imposed by national law and by the practicalities of the situation in each case.

243. There is a small point on article 6, paragraph 1 (a), which should also be mentioned. My Government will interpret the reference there to “the State where”—and I emphasize the word “where”—“the crime was committed” as including also, in the case where a crime was committed on board a ship or aircraft, the State of registration of that ship or aircraft. That seems to us to be a natural consequence of article 3, paragraph 1 (a), which obliges the State of registration to assume jurisdiction in such a case just as if the crime had been committed in its actual territory.

244. Then there is a point on article 8, paragraph 2. The phrase there “if it decides to extradite” is not strictly apt, for the extradition system which applies in my own country and in many other countries where the decision to extradite is not in fact taken until the extradition proceedings have been pursued to a particular point and have achieved a particular result. We therefore interpret this phrase as being equivalent to “if it decides to put extradition proceedings into operation”. We interpret the whole provision as having a meaning identical to that of the corresponding provisions in the Conventions adopted at The Hague¹² and Montreal¹³ despite the slight difference in the language used.

¹² Convention for the Suppression of Unlawful Seizure of Aircraft, signed at The Hague on 16 December 1970.

¹³ Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, signed at Montreal on 23 September 1971.

245. In this context I would point out that this is one of a number of places where the language or formulation adopted in particular provisions of the Convention involves a slight departure from, and sometimes a refinement of, the language or formulation used in the corresponding provisions of The Hague and Montreal Conventions. We do not interpret these departures as indicating any difference of meaning or as providing any basis for calling into question the interpretation of the relevant provisions either of this Convention or of the Hague and Montreal Conventions.

246. Finally, there is article 12. As we explained in the Sixth Committee during the discussion of this article, my delegation was able to accept it because it was so drafted as not to prejudice the position of States which are not parties to the existing Treaties on Asylum. Moreover, it appeared to us from an examination of the terms of those Treaties and of the statements made in the Sixth Committee that, even as between the parties to the Treaties, they would have only a very limited application, if any at all, in respect of the crimes to which the Convention relates.

247. It would not be right if I concluded this statement in explanation of vote without saying how gratified my delegation is at the fact that the Assembly has been able, after so much work and so much patient negotiation, to adopt the Convention. It not only represents, as we see it, a potentially useful mechanism for co-operation among States and for the upholding of the norms of international law and civilized behaviour in a field where, in recent years, respect for those norms has sometimes sadly been lacking; it also represents a valuable victory for the spirit of conciliation and partnership, as contrasted with the spirit of intransigence and confrontation.

248. My delegation ventures to think that, in this respect, the Sixth Committee, which has sent this Convention forward to the plenary General Assembly, has set an example which could profitably be followed by other organs in the Assembly and which is in every way worthy of the traditions of that Committee. My delegation would like to pay a tribute here, as it did in the Sixth Committee, to the spirit of goodwill and compromise which animated the discussions and negotiations in the Sixth Committee. If it is not invidious to single out particular delegations, my delegation would wish to mention especially, in this context, those delegations representing the African group of States with whom we had the privilege of negotiating. I am sure that those delegations will also be appreciative of the concessions and compromises made by delegations in other groups. Indeed, there was a remarkable and heartening willingness on all sides to appreciate the point of view of others and to go as far as possible to meet it without, of course, sacrificing any matter of principles.

249. If it is not out of place, I should also like to pay my delegation's tribute to the outstanding contribution which was made, in the course of the elaboration of this Convention, by the Chairman of the Sixth Committee himself, Mr. González Gálvez, and by the two Vice-Chairmen of the Sixth Committee, the representative of Yugoslavia, who acted as Chairman of the Drafting Committee for the greater part of its work and the representative of Nigeria, who presided so effectively over the final and crucial stage of

the negotiations. Nor should we omit to pay a respectful tribute to the International Law Commission which gave us a valuable and workmanlike draft from which to start. We have built on the foundations which they provided and, if we have built well, as I hope and think that we have, much of the credit must go to them.

250. Mr. VAN BRUSSELEN (Belgium) (*interpretation from French*): Now that the Assembly has adopted an instrument which is considered by our authorities to be an important milestone in the field of the codification and progressive development of international law, it seems essential to me to express some of the views that have occurred to us on this new Convention. I shall try to be brief because I know we have a great deal of work to do in the few hours that remain.

251. My Government has always been deeply convinced of the importance that should be attached to the principle of the unconditional inviolability of diplomatic agents. That principle has been confirmed by the Vienna Conventions, and it is such as to promote friendly relations on the international level by transcending philosophical, political and social differences that may exist between States.

252. It is precisely because this rule has not always been unconditionally upheld in recent years, and because friendly relations and co-operation between States have therefore been threatened, that my Government has given its full support to the preparation of the Convention the Assembly has just adopted by consensus. As we see it, this Convention goes a step further than the Vienna Conventions on Diplomatic and Consular Relations because it makes it possible to implement in an international framework several of the most important principles that the Vienna Conventions have codified.

253. That is why it seems to us that the present Convention reflects recognition by all the parties of the illegality of any act contrary to the principle of inviolability when it is directed against a person entitled to international protection, and primarily against a diplomat.

254. In accordance with United Nations practice, the General Assembly has adopted the Convention by means of a resolution. This resolution, to which the new international instrument is annexed, establishes a link between itself and the Convention, as we note from its operative paragraph 1.

255. Operative paragraph 6 stipulates, furthermore, that the resolution shall always be published with the Convention. My Government understood the import of this clause, which provides for the simultaneous publication of the resolution and of the Convention, to mean that when the United Nations officially publishes the Convention it will at the same time publish the resolution. It would thus seem that such a measure, by making it possible to highlight the concerns of all those who participated in preparing the provisions of the Convention—concerns that are reflected in operative paragraphs 2 and 3 of the aforesaid resolution—constitutes, indeed, a very useful measure. It will promote better understanding of the reasons why the Assembly adopted this new international legal instrument.

256. The wording of some of the articles in the Convention does not fully correspond to the preferences of my own

authorities. The scope of other provisions is at times ambiguous and leaves their interpretation open to a great deal of uncertainty. One of the articles—and I am referring to article 12—posed some problems for us. We finally gave our support to this article, but only on the basis of assurances that its application would be limited solely to States that are parties to the treaty on asylum.

257. However, as the Chairman of the Sixth Committee stated, we believe that on the whole this Convention is a good one and should be signed and ratified by the great majority of Members of the Assembly. This is, in any case, the sincere hope that we wish to express, and it was in this spirit that we gave our support to the consensus.

258. Miss VIERULA (Finland): During the past months we have witnessed in the Sixth Committee the long, thorough and patient discussions in order to draft the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. We are all well aware of the constructive efforts and spirit of co-operation and compromise which have been necessary to enable us to accomplish this task. No doubt these efforts have been undertaken based on the conviction of the urgency of obtaining the ultimate purpose of the present Convention, which is to safeguard, under any circumstances, co-operation and communication among States, especially with regard to the unobstructed functioning of diplomatic or other internationally protected agents.

259. Violent events in recent years have proved that it was necessary to reinforce the principles already contained in the Vienna Conventions on Diplomatic and Consular Relations with regard to possible violations of these principles that may occur in the future.

260. When drafting the text of the Convention it has been necessary to seek compromise formulas in respect of several of its provisions. Thus States might encounter difficulties in certain respects when adapting the provisions of this Convention to their national legislation. However, my delegation feels that it is essential to give priority to the consideration of the need for safeguarding the functioning of communication among States through the protection of the agents necessary for this purpose.

261. With these considerations in mind, the delegation of Finland has supported the present draft Convention.

262. Mr. SAFRONCHUK (Union of Soviet Socialist Republics) (*translation from Russian*): The Soviet delegation would like to make a few comments giving the reason for its support of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents [A/9407, para. 157].

263. The Soviet delegation supported this Convention because the Soviet Union attaches great importance to the development of normal friendly relations among States with different socio-economic systems. The Soviet Union therefore took an active part in preparing an effective international convention aimed at ensuring the protection of heads of State and Government, foreign ministers and diplomats engaged in maintaining contacts and links between States. We note with satisfaction the approval and opening for

signature of this important international document, which is designed to regulate co-operation among States in ensuring the protection of official representatives of States working for the practical solution of the most important questions of international politics and in strengthening peace and security.

264. The Soviet delegation would like to express its gratitude to all the delegations that have made a constructive contribution to the drafting of this Convention. We wish particularly to emphasize the spirit of co-operation and compromise demonstrated by the group of developing States, especially in the final stage of the preparation of the Convention. We would also like to draw attention to the role played by Mr. González Gálvez, the Chairman of the Sixth Committee, and by Professor Sahović, Chairman of the Drafting Committee, in working out the principles of the Convention.

265. The convention which has been adopted is, in the Soviet delegation's view, an important instrument for putting into practice the principles of peaceful coexistence among States with different social systems.

266. L. I. Brezhnev, General Secretary of the Central Committee of the Communist Party of the Soviet Union, in his address to the World Congress of Peace Forces in October 1983, stated:

“In defending the principles of peaceful coexistence, we are fighting for what matters most to the thousands of millions of people in the world—for the right to life itself, for freedom from the danger of extinction in the flames of war. At the same time, in so doing we are fighting also to ensure favourable international conditions for advancing the cause of the social progress of all countries and peoples. There must be a recognition of every people's right to choose the social system it wishes, and there must be simple and clear rules to govern relations between States. Violation of these rules leads not only to the undermining of equality in relations among countries but also to armed conflicts, for today the world's peoples cannot and will not tolerate *diktat*.”

267. However, at this time when this convention has been unanimously approved—at this very time, a brazen challenge which my delegation cannot disregard has been hurled at all the delegations that took part in the preparation of the Convention, at the United Nations as a whole and at the entire international community. The reactionary Chilean military junta, which drowned in a sea of blood all democracy and progress in its country, has begun to ride roughshod over every principle of the international legal order. The junta continues on its evil course and does not hesitate to commit more and more crimes.

268. On 8 December 1973, Chilean Fascist-like elements, protected by the military junta, made a criminal attack on the buildings which housed the Soviet embassy and trade mission. A group of armed thugs broke into the building of the trade mission and set off an incendiary bomb. Extensive damage was caused by the explosion and the resulting fire. The attackers also threw an incendiary bomb into the building where the Soviet embassy had previously been housed.

269. These criminal provocations caused considerable material damage to property belonging to the Soviet State. They flagrantly violate the universally accepted norms of current international law; in particular, they constitute a blatant violation of article 45 of the 1961 Convention on Diplomatic Relations. That article stipulates that if diplomatic relations are broken off between two States, or if a diplomatic mission is recalled, the receiving State must "respect and protect the premises of the mission, together with its property and archives".

270. It is noteworthy that the building of the former Soviet embassy and the building housing the trade mission were set afire at the same time, although these buildings are in different parts of the city.

271. Thus, the action I have mentioned is nothing less than a premeditated and planned act of provocation. This new criminal provocation by the Chilean junta once again demonstrates to the entire world the Fascist face of this junta and of Chilean reaction, which are prepared to commit any crime in order to regain their privileges despite the clearly and freely expressed will of the Chilean people. The new crimes of the military junta cannot fail to arouse the indignation of progressive public opinion throughout the world.

272. Allow me, Mr. President, to express the hope that the Convention approved today will serve as an effective instrument in the struggle against such flagrant violations of the international legal order.

Mr. Fack (Netherlands), Vice-President, took the Chair.

273. Mr. BEAUX (France) (*interpretation from French*): The French delegation did not object to a consensus in the General Assembly nor did we do so in the Sixth Committee. However, we should like our attitude to be understood clearly, and therefore we should like, in explanation of vote, to set forth our position as follows.

274. The French delegation is strongly in favour of the consensus procedure, but it must be clearly understood that this consensus cannot mean either uncertainty as to its purpose or doubt as to the degree of consent given by the various States. Now, however, the French delegation considers that the consensus which has been reached on the Convention, as well as on the introductory resolution, will result in a double misunderstanding.

275. The first refers to the real scope of the Convention. It seems certain that its interpretation cannot fail to take into account the resolution that introduces it. The second misunderstanding relates to the extent of support which each of these texts is likely to obtain from States as a whole. In the case of a convention on criminal law, these misunderstandings seem inappropriate to my delegation, which considers that on such a subject as this clarity is of the essence.

276. As regards the Convention itself, the French delegation considers that it gives rise to grave uncertainties about the scope of the commitments entered into—uncertainties which may result in disparities between the obligations subscribed to by the various parties. Furthermore, the definition of crimes is unsatisfactory in two respects. First, it may cover acts which are not serious and for which application of

the Convention would not be warranted. Secondly, it fails to establish the necessary link between the crime and the status of the victim.

277. Finally, we continue to feel that the establishment of a quasi-universal jurisdiction in this matter may give rise to serious difficulties.

278. Those are the considerations which, had the draft resolution and Convention been put to the vote, would have led my delegation to abstain in the vote on both of them. It is in the light of these same considerations that our decision not to object to the consensus should be interpreted.

279. Mr. SARACHO (Argentina) (*interpretation from Spanish*): Had we voted on the draft resolution of the Sixth Committee which recommends approval of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons including Diplomatic Agents, and the annexed Convention, the delegation of Argentina, being convinced of the legal and humanitarian principles which are the foundation of this Convention, would have voted in favour.

280. While stating that we would have voted in favour, the delegation of Argentina at the same time wishes to express its reservation with regard to the jurisdiction established under the Convention.

281. Bearing in mind that the provisions on jurisdiction in the Convention imply an important change in internal legislation, the competent bodies of my country would have to consider the subject and take a final decision on the attitude of Argentina with regard to this instrument.

282. Mr. MESLOUB (Algeria) (*interpretation from French*): The question of the prevention and punishment of crimes against diplomatic agents and other internationally protected persons is a constant concern of the international community. I need hardly recall that, in accordance with well-established tradition, these crimes are punished very severely everywhere. What is more, this same question has been the subject of very particular attention and led to the conclusion of the Vienna conventions on diplomatic and consular relations, which laid down sufficiently effective international rules in this area. Perhaps further work should have been done so as to gain wider international acceptance for the instruments, which are already in existence.

283. In circumstances which seem not to have given total satisfaction or the necessary guarantees, no doubt it was considered that a new instrument was needed. In this enterprise which required so much effort and imagination, my delegation participated with all the necessary determination and goodwill. We undertook our efforts, however, on the understanding that the Convention should in no way impair the struggle of peoples against colonialism, foreign domination and racist régimes. That is the significance of the Afro-Asian amendment, which was supported by many delegations of other continents and which was published in document A/C.6/L.951/Rev.1. The amendment was intended to translate into reality a fundamental principle of positive law, namely the right of peoples to self-determination. In this it is in accord with the United Nations Charter and all instruments which refer to it.

284. Our complete support for this principle has as its corollary an unconditional support for the national liberation movements, excluding any interference in their internal affairs, including the manner in which they wage their battles. In other words, my delegation cannot accept that the provisions for the protection of diplomats or internationally protected persons may be used to hamper the struggle of peoples for their liberation or the restitution of their rights, the affirmation of their national identity or the preservation of their dignity.

Mr. Šmíd (Czechoslovakia), Vice-President, resumed the Chair.

285. That being perfectly clear, my delegation agreed to go along with others and participated actively in the negotiations under the leadership of the Chairman of the Sixth Committee, to whom my delegation wishes to pay a sincere tribute.

286. The compromise solution which was so laboriously prepared obviously is far from satisfactory to all, and we can say quite frankly that we still feel some apprehension regarding the sincerity which will be evinced in the application of the Convention.

287. Having said that, I should like to make a few remarks with regard to the form and substance of this instrument. As to the form: a resolution which includes as an annex a Convention of which it is an integral part and must, therefore, always be published with it, both in the *Treaty Series* of the United Nations as well as in all other circumstances by the depositary, constitutes an inseparable element of this new and distinctive legal instrument. As for the substance, an imaginative effort had to be made so as to find, outside the beaten path, a new formula whereby the right to self-determination is again enshrined, thus rendering inoperative the provisions of this instrument when they are incompatible with the exercise of this right.

288. Thus, the first part of this instrument, the resolution, constitutes essentially in operative paragraph 4 the indispensable key enabling us to accede to the Convention, making it more understandable and defining its true scope. It naturally follows that article 7 of the second part of the instrument loses the absolute character which it had in the 1970 Hague Convention on the hijacking of aircraft, from which it was taken.

289. We all know that this essential provision of the Hague Convention in no way infringes national law regarding prosecution or the practice deriving from the sovereign right of the State in the matter of extradition. However, article 7 of the Hague Convention made it an obligation failing extradition, to prosecute the alleged offender. It is the latter obligation, which is made absolute by the expression "without exception whatsoever" in article 7, which was intolerable, in the case of certain offences whose direct link with the national liberation struggle has been duly noted and recognized by the national authorities concerned. It contains a kind of condemnation in principle which constituted the besetting defect of the Hague Convention. The fact that this defect has now been removed in the new instrument is one of its main virtues. It goes without saying that the same reason-

ing applies also to all the other articles of the second part of the instrument, in particular to Articles 1, 2, 3, 7, 9 and 11.

290. Other virtues of this new instrument are the fact that the right of asylum has been properly covered. My delegation is gratified at this and considers that the relevant provisions adequately meet the requirements of the long tradition of hospitality which is typical of Latin American countries and others such as mine.

291. My country considers it a duty to watch over the well-being and safety of all foreign guests and particularly of diplomatic agents and other internationally protected persons. The measures prescribed by the two Hague Conventions, to which my country is a party, offer further possibilities in this field.

292. The new instrument provides additional guarantees, and this my delegation applauds, but it is clear that, as in the case of all other instruments of international law, this Convention cannot have beneficial effects unless its application refers not only to the letter of the provisions but also to the spirit which led to its drafting and which was very clear in the lengthy discussions we had on this subject in the Sixth Committee. Failing that, we should once again be succumbing to that recent trend towards having recourse at all costs, as a kind of panacea, to the preparation of international conventions, thus creating a grave threat to the credibility of international law.

293. This means that the scope of the new instrument will be measured in terms of its acceptance by the international community. My country, which joined the consensus, will act according to the considerations I have mentioned.

294. Mr. ESSONGUE (Gabon) (*interpretation from French*): It is an exceptional coincidence that I, a diplomat, can come to the rostrum of the United Nations for the first time to speak on a matter which concerns diplomats.

295. It is a truism to say that in our troubled and troubling world the diplomat has become the preferred target of international terrorism and of terrorism pure and simple. Kidnappings of diplomats, their detention, attacks against diplomats and murders of diplomats have become a constant sport with its own rules. Thus, diplomacy, which formerly was a prestigious, noble and distinguished profession, has today become a profession which is being avoided because a diplomat's life is constantly in danger. Today a diplomat is no longer a person over and above the rank and file; he has been diminished because he is constantly racked by the thought of the ever-present possibility of a kidnapping, an attempt on his life, an ambush. It was therefore urgent and timely and absolutely essential to envisage the strengthening of the protection of diplomats. That explains the emergence of the draft convention which we have just adopted.

296. The additional text which was the basis for paragraph 4 of the resolution was not supported by my delegation because we considered and still consider that the Sixth Committee is a technical committee and that for that reason it should remain above controversy in order to ensure the effectiveness of its work. However, this text, thanks to the

goodwill shown by all, has been rationalized. That is why paragraph 4 was included in the resolution.

297. The draft convention which we have just adopted is not perfect—and, in any case, perfection is not of this world—but it is already something and this something will have to exist. It is because that something must exist that our delegation voted in favour of the Convention. The delegation of Gabon wishes this Convention well in mankind's march forward.

298. Mr. CRUCHO DE ALMEIDA (Portugal): The text of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, which the General Assembly has just approved, represents an important step in the struggle against international violence and terrorism. The Portuguese delegation cannot but welcome the positive results of the efforts undertaken by the International Law Commission and later by the Sixth Committee. We have a text that unequivocally reaffirms the principle that a diplomat cannot be attacked regardless of the motives invoked to justify such an act. Furthermore, a mechanism to ensure the effectiveness of this principle is established.

299. For all those reasons, the Portuguese delegation did not wish to oppose the consensus which approved the text of the Convention, but we reiterate the reservations which have already been expressed in the Sixth Committee with respect to the content of certain paragraphs of the resolution which contains the text of the Convention. Paragraph 4 declares that "the provisions of the annexed Convention could not in any way prejudice the exercise of the legitimate right to self-determination and independence . . .". We cannot imagine that the legitimate exercise of a right—whatever it may be and, therefore, including the exercise of the right to self-determination—should lead to the practice of acts of violence and terrorism condemned by the Convention. To think in any other way would be an act of bad faith, a criminal complicity in terrorist actions. For this reason, the Portuguese delegation believes that paragraph 4 is poorly conceived and misplaced in the resolution approving the text of the Convention.

300. Lastly, paragraph 6 reads:

"Decides that the present resolution, whose provisions are related to the annexed Convention, shall always be published together with it."

This paragraph cannot alter the juridical nature of a General Assembly resolution as constitutionally defined in Article 10 of the Charter. The joint publication of the resolution and the Convention in a United Nations document can only have the purpose and the significance of facilitating the consultation and study of both texts.

301. Mr. FACK (Netherlands): For quite a long time it looked as if the international community would not be able to agree on an instrument of co-operation for the eradication of one of the most serious types of crime: murder and other grievous attacks on representatives of States, crimes which have commonly become a most obnoxious instrument of pressure wielded by individuals against sovereign States.

302. It is a matter of great relief to my delegation that the United Nations has not succumbed to the disgrace of putting short-term political considerations above law; that would have been impossible to explain to world public opinion, while on the other hand it would no doubt have encouraged the continued immolation of those very people who seek to resolve conflicts by persuasion rather than by violence.

303. Let me now explain our affirmative attitude by indicating our understanding of the substance of the new Convention and the resolution to which it is annexed.

304. We consider the object and purpose of the Convention, under the terms of article 19 of the Vienna Convention on the Law of Treaties, to be embodied in the full wording of, *inter alia*, articles 1, 2, 3, 7, 9 and 11. We have noted and understood with sympathy that quite a large number of States were concerned that certain terms of the Convention might be interpreted in a manner which could prejudice the lawful exercise of the Charter-hallowed right of peoples to self-determination and independence. Although we note that such an abuse could not legally exist in view of Article 103 of the Charter of the United Nations, which solves any such potential conflict of law, we have no overriding objections to repeating this view *expressis verbis* in the resolution to which the Convention is attached.

305. I shall now briefly comment on some of the articles of the Convention.

306. First, regarding article 1, paragraph 1 (*b*): the definition of the scope of the Convention *ratione personae* is regarded by us as referring to diplomats under the terms of articles 29 and 40 of the Vienna Conventions on diplomatic relations and on consular relations respectively, article 29 of the New York Convention on special missions as well as to any personality representing a State or an intergovernmental organization—or member of his household—who, under an international instrument or well-established customary law, is considered by the receiving State to be entitled to analogous diplomatic protection. In marginal cases where it would not be quite clear whether a person is entitled to special protection, we would be inclined to attach great value to the opinion of the receiving State. In cases analogous to article 40 of the Convention on diplomatic relations, we would attach similar value to the opinion of the transit State.

307. Regarding article 2, the definition of the crimes in this article would be transposed in our national legislation as referring to such criminal acts—as well as attempts and threats to their commission—as are considered serious under existing ordinary penal law, that is, those offences which carry severe maximum penalties. The elimination of the words "violent" and "serious" from article 2 have not changed our view that minor acts and threats fall outside the scope of the Convention, as further indicated by our acceptance of paragraph 2.3.

308. As to article 3, delegations will recall amendments proposed by the Netherlands delegation to the provisions concerning universal jurisdiction; these amendments were not adopted. We feel, as the large number of abstentions indicated, that there was widespread misunderstanding of

the practical consequences of our proposals. However this may be, it is now clear that a State party, where an alleged offender is found, will be bound to submit the case to prosecution even if the States which have primary jurisdiction under the terms of article 3 all shirk requesting extradition. I wish to make it clear that we regard the listing of States with primary jurisdiction as the expression of those States' duty to bear, as a rule, the heaviest burden of the Convention. In other words, the primarily interested States have at least a moral duty to request extradition when the alleged offender is found in a State which, under normal jurisdictional rules, would have no involvement with the crime at all.

309. In article 3, paragraph 1 (*a*), the jurisdiction of States over crimes committed on board ships or aircraft registered in them is as usual put on an equal footing with their territorial jurisdiction. We take ships and aircraft to be understood also, by analogy, in other provisions where reference is made to State territory, such as in article 6, paragraphs 1 and 7.

310. Finally, we wish to comment on article 13, the provision on asylum, as follows. The provision is carefully drafted so as to exclude totally its applicability in respect of non-parties to treaties on asylum. On the other hand, this article cannot, in our view, in any way affect the rules of customary international law with respect to the right of asylum before, during and after a possible trial of an alleged offender under this Convention.

311. Those are the considerations on which the positive attitude of the Netherlands delegation is based.

312. Mr. BENNETT (United States of America): This Assembly can justly be proud, having successfully completed its work on this very important Convention. My delegation considers that a debt of gratitude is owed to the International Law Commission. The Commission produced the excellent draft which was the basis of the Assembly's work and which, by its excellence, greatly facilitated our task. Such work of the highest calibre is what we have come routinely to expect from the Commission. It is worth noting that the Commission produced this draft at a single session in response to the Assembly's request.

313. This effort, which the Assembly has brought to fruition, was in response to an urgent need. The long-established principle of the inviolability of diplomatic agents was being threatened by random acts of violence in various parts of the world. The continued effectiveness of diplomatic channels, the means by which States communicate with one another, has been jeopardized. Although the legal obligation to protect these persons was never questioned, the mechanism for international co-operation to ensure that perpetrators of serious attacks against such persons are brought to justice no matter where they may flee, was lacking. This Assembly, here and now, declares to the world that, under no circumstances, may a diplomat be attacked with impunity.

314. In addition, the Convention sets up a valuable legal mechanism which requires submission for prosecution or extradition of persons alleged to have committed serious crimes against diplomats. This mechanism is similar to that

employed in the field of interference with civil aviation, specifically in The Hague Convention on hijacking and the Montreal Convention on sabotage. Indeed, many of the provisions of the new Convention have been modelled on provisions of The Hague and Montreal Conventions.

315. While the new Convention in several cases makes drafting improvements or refinements, these are intended simply to clarify the intention of the previous conventions.

316. Article 1, paragraph 2, defines the term "alleged offender". The definition, while couched in apparently technical language, must of course be read more broadly so that it can be applied by the various legal systems. We shall regard it as incorporating the standard applied in determining whether there are sufficient grounds for extradition, in accordance with normal extradition practices.

317. Article 2 of the Convention defines the crimes covered. The Legal Committee decided to cover serious crimes, as was the initial intention of the International Law Commission. Paragraph 1 (*a*) has been clarified so that instead of referring to "violent attack" it refers to "murder", "kidnapping" or "other attack". Obviously, the words "other attack" means attacks of a similar serious nature to those expressly mentioned—murder and kidnapping. Covering threats, attempts and accessoryship is appropriate, because of the initial seriousness of the acts covered under paragraph 1 (*a*) and (*b*).

318. The crimes covered in article 2, paragraph 1, are those to which reference is made throughout the Convention by the phrase "the crimes set forth in article 2". Article 2, paragraph 3, does not add to the crimes covered by the Convention, but merely states a basic fact that would be true whether or not this paragraph were included in the Convention.

319. With articles 1, 2 and 3, articles 6, 7 and 8 join to form the basic mechanism of the Convention. This mechanism is obviously central to the object and purpose of the Convention, and without it the Convention could not operate effectively.

320. Article 6 establishes the obligation upon States Parties to ensure the continued presence for the purpose of prosecution or extradition of an alleged offender when he is on the territory of that State Party. The phrase "upon being satisfied that the circumstances so warrant" merely reflects the fact that before a State may take action it must know of the presence of the alleged offender in its territory.

321. The obligation in article 7 is clearly stated to be "without exception whatsoever". It forms a central part of the mechanism of the Convention.

322. Several articles in the Convention deal with co-operation among States in the prevention and punishment of the crimes covered. These are articles 4, 5, 6, 10 and 11. Article 4 deals with taking all practicable measures to prevent preparation for the commission of the crimes covered. The United States understands this obligation to refer to doing the utmost to prevent attempts to commit such crimes or conspiracy to commit such crimes. Article 10 is notable in

that it substantially improves the prospects for proper presentation of cases when prosecutions are conducted outside the territory of the State Party in whose Territory the crime was committed. In such cases assistance in connexion with the criminal proceedings, as well as the supply of all evidence at the disposal of other States Parties, including witnesses who are willing or can be convinced to attend proceedings in another State, will be necessary for the mechanism of the Convention to operate successfully.

323. Article 12 is a compromise which was the result of a difficult negotiation. While the United States, frankly, does not see the need for such an article in this Convention, we recognize that there are some other countries that believe it essential that such an article be included. This having been said, we worked co-operatively with those countries to draft an article that is limited in its scope and clear in its language. The article states that this Convention shall not affect the application of treaties on asylum in force as between parties to those treaties *inter se*. That is to say, even if the alleged offender is present on the territory of one party to such a treaty and the State on the territory of which the crime has taken place is also a party to such a treaty, if the internationally protected person attacked exercised his functions on behalf of a State not party to such a treaty or the alleged offender was a national of a State not party to such a treaty, the State where the alleged offender is present may not invoke that treaty with respect to the non-party State. Thus, the non-party State can hold the State where the alleged offender is present to its obligations under article 7 and may, if it wishes, request extradition under article 8.

324. The United States would have preferred a stronger dispute settlement provision than the one contained in article 13. The United States delegation made proposals to this end during the negotiations. However, many countries preferred to follow the model of The Hague and Montreal Conventions. Nonetheless, we are gratified that minor technical improvements have been made in article 13, paragraph 1, improvements which we consider reflect more precisely the intention of the drafters of the provision in The Hague and Montreal Conventions.

325. We are also pleased that an acceptable compromise has been arrived at with regard to the final clauses which permits the widest possible adherence to the Convention without placing the Secretary-General in an untenable situation.

326. Since the Assembly did such excellent work in completing the Convention, we were pleased to vote in favour of the resolution which constitutes the formal act of adoption of the Convention. Such a resolution constitutes the procedural step by which the international community, whether operating in the context of the General Assembly or a diplomatic conference specially convened for the purpose, concludes its legislative actions. While this resolution contains some paragraphs which we would not have considered necessary, we nevertheless see no particular harm in their inclusion since they do not purport to impinge—and of course they cannot impinge—upon the Convention. One such paragraph restated propositions we were all pleased to accept in the authoritative Declaration on friendly relations adopted at the twenty-fifth session [*resolution 2625 (XXV)*].

It is perhaps always useful to recognize fundamental human rights, including the legitimate exercise of the right of self-determination in accordance with the Charter.

327. Regarding the injunction, in paragraph 6 of the resolution, to the United Nations to publish the resolution in conjunction with the Convention, we consider that this requires the Convention to be published as part of the United Nations volumes of resolutions of the General Assembly; in addition, the idea of including the resolution in the *Treaty Series* for information purposes could be regarded as useful in that those referring to the *Treaty Series* can conveniently have ready access to the resolution.

328. This Convention has been opened for signature today and my Government has begun the necessary review of the final text in order to enable us to sign it before the end of the year. We hope a number of others will be in a position to do the same.

329. In closing, I should like to make recognition of the fact that this Convention would not have been possible without the positive co-operation of all regional groups. That co-operation was forthcoming and, as a result, the Assembly has a major positive achievement. I think we can all take satisfaction over what we have achieved in the Assembly with respect to this very important Convention.

330. Mr. YÁÑEZ BARNUEVO (Spain) (*interpretation from Spanish*): When the International Law Commission last year submitted to the General Assembly the draft articles on the protection of diplomats, the delegation of Spain to the Sixth Committee expressed its willingness to consider it favourably, although we were aware that it did not solve all of the legal and political problems of the matter.

331. In that same spirit of co-operation and realism the Government of Spain submitted extensive comments on the draft, which appear in document A/9127. Among other general remarks, we stated the view that:

“A convention should be adopted which while, meeting certain minimum conditions of severity, effectiveness and deterrent power, will be acceptable to the greatest possible number of States so that it does not remain a dead letter.” [*See A/9127.*]

332. The Sixth Committee has worked intensely during the present session and now, as a result of its labours, it presents a text which has precisely those characteristics. The delegation of Spain has accordingly supported it, although like almost all other delegations, we would have preferred a different wording in several articles. This enables us to speak accurately of a compromise.

333. Since several interpretations have been given to the resolution under which the Convention was adopted, the Spanish delegation considers it necessary to place its understanding of the text on record. As we see it, it is neither more or less than the usual procedure of the Assembly when it adopts a Convention, in the same way as codification conferences draft a final act incorporating all the texts that have been prepared. The fact that the resolution accompanies the Convention—which is also usual—does not alter its legal nature or make it an integral part of the text of the Conven-

tion. It is therefore obvious that no paragraph of the resolution can be interpreted as an exception to or modification of the Convention itself.

334. Finally, we wish to emphasize paragraph 153 of the report of the Sixth Committee, which refers to the purpose and object of the Convention. In the view of the Spanish delegation, this instrument is intended to achieve a better guarantee and more practical effectiveness for the special protection to which all diplomatic agents and other internationally protected persons are entitled. It is therefore a matter of strengthening rules embodied in customary international law, which are already contained in various multilateral conventions. It would be meaningless to agree on provisions which are contrary to the fundamental norms of international coexistence, which protect the channels of communication between States, the preservation of which is of equal interest to all of us.

335. The Spanish delegation would wish these considerations to appear in the record as an explanation of vote on the item before us.

336. Mr. ALARCÓN (Cuba) (*interpretation from Spanish*): At this late hour it is not my intention to state the position of my delegation on every aspect of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. We have expressed our point of view in detail on other occasions.

337. I wish to place on record some of the fundamental reasons which have led us to object to the draft resolution and Convention adopted by consensus by the Assembly.

338. In the first place, my delegation has on more than one occasion stated that it did not consider that the item before the Assembly should be the subject of a multilateral instrument. We consider that protection of diplomatic agents is the exclusive responsibility and the unavoidable competence of the receiving Governments. Nor can we associate ourselves with the attempts of some States to transform the Convention which the Assembly has considered into an international instrument of repression against national liberation movements or a means of undue restriction of the right of asylum.

339. These reasons and others have led my delegation to have serious reservations on several articles of the draft Convention.

340. Finally, we wish to place on record our position that had there been a vote on the resolution that was recently adopted by consensus, my delegation would have abstained.

341. Mr. ROSALES (El Salvador) (*interpretation from Spanish*): The delegation of El Salvador would like to take this opportunity to explain its vote.

342. While we voted in favour of the Convention, with the inclusion of article 12, we should like to state, in connexion with this article, that we did so after giving the matter much thought and after taking into account the following fundamental considerations.

343. First, article 12 contains, as a balance, two virtually equal and counterposed parts, separated by a semi-colon.

344. Secondly, my delegation would not have hesitated to support the first part of article 12, because it is in accord with the aspirations of my country.

345. Thirdly, the second part of article 12 contains provisions in regard to which El Salvador has serious reservations, because we consider that, in the future, they might constitute the beginning of an erosion of the traditional right of the American institution of asylum.

346. Fourthly, because of that situation we agreed, with some hesitation, to the provision that we have commented on, for a strategic rather than substantive reason. We concluded, basically, that of the possibilities considered by the group of 11 that sponsored document A/C.6/L.928, on which this article is based, a formula similar to the one contained in article 12 of the Convention was the only viable way to obtain majority support and, consequently, gave us the bare opportunity to include in the Convention the respectable institution of asylum.

347. In addition we did not wish to prevent the Assembly from disposing of the matters which the Sixth Committee had on its agenda.

348. In short, at that stage of the negotiations we opted for what was possible rather than what was desirable. Nevertheless, El Salvador will reserve its right to review what has been agreed upon on future occasions before we decide to sign and ratify the draft international instrument under consideration, the whole of which will be reviewed at the time of signature and subsequent ratification.

349. Mr. KARASSIMEONOV (Bulgaria) (*interpretation from French*): The delegation of Bulgaria participated actively in the preparation of the Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents and voted for it without reservation. We did so because we are firmly convinced that intensified international protection of diplomatic agents and all other officials performing missions as between States will promote friendly relations and co-operation among States regardless of their political and social structures. Thus, this new legal instrument will find its place in the modern legal and political context, that is, within the framework of the policy of peaceful coexistence and détente which has emerged of late.

350. The importance of this Convention is further emphasized by the fact that it was prepared by the main legal body of the United Nations in an atmosphere of co-operation and in a spirit of compromise and goodwill.

351. Without doubt, this instrument will enhance the prestige of the United Nations throughout the world and will strengthen its role in international relations.

352. My delegation is particularly gratified that in the resolution adopted this evening at the same time as the Convention, the Assembly solemnly declared that no provision of the Convention could jeopardize the exercise of the

legitimate right of the colonial peoples to self-determination and independence. It goes without saying that Bulgaria unreservedly supports the struggle of peoples against colonialism and racist régimes.

353. My delegation, in expressing pleasure at the adoption of this new international instrument, wishes to voice its deep indignation regarding the new criminal acts perpetrated or tolerated by the Fascist junta in Chile, this time against the Soviet Embassy and the Soviet Trade Mission in Santiago. We fully agree with the representative of the Soviet Union, who mentioned this matter, that those new criminal acts represent an arrogant challenge to the international community and to the General Assembly of the United Nations, which is about to conclude its fruitful session in a climate of détente. We hope that this Convention will help to halt criminal acts of the kind perpetrated in Chile.

AGENDA ITEM 99

Report of the Committee on Relations with the Host Country (*concluded*)*

354. The PRESIDENT: I should like to draw the attention of members to the letters contained in documents A/9436 and A/9437. In those letters, the President of the General Assembly was informed that Argentina and Guyana had decided to withdraw from the Committee on Relations with the Host Country. After consultations with the regional group concerned, the President has decided to appoint Costa Rica and Honduras to replace Argentina and Guyana.

The meeting rose at 9.35 p.m.

* Resumed from the 2197th meeting.