

## 2019th meeting

Wednesday, 7 November 1973, at 10.50 a.m.

Chairman: Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2019

### AGENDA ITEM 59

**Importance of the universal realization of the right of peoples to self-determination and of the speedy granting of independence to colonial countries and peoples for the effective guarantee and observance of human rights: report of the Secretary-General (concluded) (A/9154, A/C.3/L.2047/Rev.1)**

1. Mr. SCHREIBER (Director, Division of Human Rights) said that after consulting the sponsors of draft resolution A/C.3/L.2047/Rev.1 he was able to state that operative paragraph 9 of the text referred to a report on the implementation of the provisions of paragraph 8. It should be pointed out in that connexion that reports of the kind were in fact already being prepared, and were submitted to the Fourth Committee and examined by it. In the event that, on the basis of recommendations by the Fourth Committee, the General Assembly requested the Secretary-General to continue providing such reports, they would be taken into consideration when the Secretary-General prepared the report on the implementation of the resolution.

2. Mr. BAL (Mauritania) drew attention to the wording of operative paragraph 8 of the draft resolution, which had been changed to read: "*Requests* the Secretary-General to continue to assist the specialized agencies and other organizations within the United Nations system in working out measures for the provision of increased international assistance to the peoples of colonial territories;"

3. The CHAIRMAN invited any members of the Committee who wished to do so to explain their vote on the draft resolution before the vote, under rule 130 of the rules of procedure of the General Assembly.

4. Miss PRODJOLALITO (Indonesia) said that Indonesia was one of the 11 Member States granting assistance to Trust Territories, as mentioned in the Secretary-General's report on the question (A/9154); in addition, it had made contributions to the United Nations Trust Fund for South Africa, the United Nations Educational and Training Programme for Southern Africa, the United Nations Fund for Namibia and the Liberation Committee of the Organization of African Unity (OAU), and it had also been a sponsor of the text adopted as General Assembly resolution 2955 (XXVII). As could be inferred from those facts, Indonesia considered that it was not sufficient to express opposition to the policies of Portuguese colonialism, but that action should be taken in that connexion. Accordingly, her delegation was pleased to join the sponsors of draft resolution A/C.3/L.2047/Rev.1, to operative paragraphs 8 and 9 of which it attached particular importance.

5. Mr. PETHERBRIDGE (Australia) said that his delegation would vote in favour of the draft resolution, since his Government fully supported the right of peoples to self-determination and the draft reflected the

aspirations of peoples, particularly in Africa, to sovereignty and independence and stressed the importance of the universal realization of that right for the guarantee and observance of human rights. Nevertheless, in accordance with the position it had stated on other occasions with regard to the use of force to solve African problems and with its hope that the question of the Portuguese Territories could be settled by negotiation, his delegation regretted the inclusion of the reference to "armed struggle" in operative paragraph 2.

6. His delegation would have preferred the draft to concentrate on African questions relating to liberation movements recognized by OAU and working closely with the United Nations. In the current circumstances, when an effort was being made to reach a settlement of Middle Eastern questions, a different wording of operative paragraph 6 would have been more appropriate, and accordingly his delegation would abstain from voting on that paragraph.

7. Mrs. MAIR (Jamaica) said she was pleased to support draft resolution A/C.3/L.2047/Rev.1, since colonialism was a negation of virtually all the human rights and fundamental freedoms enshrined in the Universal Declaration of Human Rights. Her delegation acknowledged with appreciation the Secretary-General's report on the item (A/9154), which gave concrete evidence of the international concern for the welfare of those still under the yoke of colonialism, and paid a tribute to the dedicated work of those who, under the aegis of organizations such as WHO, UNESCO, OAU, UNICEF and the World Food Programme, contributed to the welfare of colonial victims and helped to advance the cause of self-determination.

8. On the other hand, given the resources of Member States and their priorities, and in view of the monetary value of the resources made available to liberation movements, it could rightly be claimed that the international community could do much more. Accordingly, the requests contained in operative paragraphs 3 and 7 of the draft resolution were extremely appropriate, and her only reservation was that they could have been worded more strongly.

9. Her delegation saw the draft resolution as containing a very special challenge to the United Nations, since in certain fields only the United Nations and its related organs could perform effective work in implementing the principles of the Charter and of the Universal Declaration of Human Rights. That was particularly true in the field of information, since the United Nations system possessed both the technical resources and the necessary integrity to do what was needed. The mass media of the developed countries were too compromised by their relationship to the international imperialist system, and in any case they failed to reach millions of inhabitants of the developing world, who felt a natural solidarity with the freedom fighters. Under the circumstances, the organs of the United Nations sys-

tem had a special responsibility for making known to the whole world, both verbally and by audiovisual means, the evils of colonialism and the sufferings it still inflicted on men, women and children.

10. The draft resolution directed the attention of the General Assembly to vital areas in which colonialism had to be attacked, and reaffirmed the legitimacy of the peoples' struggle for liberation from colonial and foreign domination by all available means including armed struggle. In that connexion her delegation, while understanding why all references to Guinea-Bissau had been removed from the draft, nevertheless regretted that that had been done. Jamaica was proud to have been one of the first countries in the world to recognize the independence of that courageous nation, whose determined efforts were an inspiration to all men and women who had endured or were still enduring the colonial experience. The achievements of Guinea-Bissau dramatically emphasized the legitimacy of armed struggle when the enemy was colonial domination.

11. Her delegation endorsed the paragraphs of the draft resolution condemning those Governments which were still aiding the forces of racism and repression. It also supported those passages which made it clear that the denial of self-determination was not a phenomenon peculiar to southern Africa.

12. Mr. SÖYLEMEZ (Turkey) said it had always been Turkey's policy to support measures and actions designed to expedite the historic process of decolonization. Accordingly, his delegation was ready to vote for draft resolution A/C.3/L.2047/Rev.1. Nevertheless, while it supported that African initiative as a matter of principle and policy, it had certain reservations with regard to operative paragraphs 2, 4 and 5 on grounds of drafting, scope and substance. Consequently his delegation would abstain if a separate vote was taken on those paragraphs.

13. Mrs. LYKOVA (Union of Soviet Socialist Republics) shared the view expressed by other delegations that the item under discussion was one of the most important on the Committee's agenda. The draft resolution reaffirmed support for the Declaration on the Granting of Independence to Colonial Countries and Peoples and recognized the right of those peoples to self-determination.

14. In that connexion, she recalled that from 25 to 31 October 1973 the World Congress of Peace Forces had met in Moscow and had been attended by more than 300 delegates from 140 countries who, although representing different political parties, organizations and beliefs, had shared the conviction that mankind's primary objective was to strengthen world peace and security. The Congress had paid particular attention to national liberation movements and their struggle against colonialism and racism.

15. In accordance with its fundamental policy, her delegation firmly supported the draft resolution and particularly welcomed the fact that it was to be adopted on the Soviet Union's National Day, on the fifty-sixth anniversary of the historic October Revolution which had laid the foundations for the liberation of peoples from colonial oppression.

16. Mr. PETROPOULOS (Greece) said that his country had always voted in favour of resolutions designed

to bring about decolonization. In accordance with that position, it would also vote in favour of draft resolution A/C.3/L.2047/Rev.1, although it had some observations and reservations to make in that connexion. First, although Greece maintained friendly relations with the non-aligned countries, it did not consider it necessary to refer, in the third preambular paragraph, to a forum outside the United Nations. Secondly, with regard to operative paragraphs 4, 5 and 6, his delegation felt that expressions of condemnation weakened resolutions unless they were accompanied by practical measures. It also considered that the reference in paragraph 6 to the peoples of Africa and to the Palestinian people was not appropriate since the right to self-determination should not be limited to specific areas or regions.

17. Mr. FØNS BUHL (Denmark) said that his delegation and those of Iceland, Norway and Sweden would abstain in the vote on draft resolution A/C.3/L.2047/Rev.1 as a whole and on all its paragraphs if each one was voted on separately. On several occasions, the delegations of Denmark, Iceland, Norway and Sweden had drawn attention to the disadvantages of duplication of effort in the Main Committees of the General Assembly and, in their opinion, the draft resolution related to questions which were dealt with in two other Main Committees of the General Assembly and in the Security Council. For the same reasons, they had abstained in previous years in the vote on General Assembly resolutions 2787 (XXVI) and 2955 (XXVII) on the same matter. The abstention of the four Nordic countries was not, however, an expression of their position on the substance of the draft resolution.

18. Mr. PAPADEMAS (Cyprus) said that his Government, which was a member of the group of non-aligned countries, had supported all the liberation movements of colonial countries and peoples. Proof of that support had been given in the joint communiqué issued the previous week by Archbishop Makarios, the President of Cyprus, and Emperor Haile Selassie of Ethiopia, when the Archbishop had visited Addis Ababa. The two leaders had reaffirmed in the communiqué their will and desire to work for the independence of the African countries under colonial domination, the elimination of racial discrimination, and the defence of the right of all peoples to self-determination. In accordance with that position, his delegation would fully support draft resolution A/C.3/L.2047/Rev.1.

19. Mrs. DE BARISH (Costa Rica) endorsed the principles on which draft resolution A/C.3/L.2047/Rev.1 was based, since peoples must be in a position to exercise their right to self-determination if human rights were to be enjoyed by all. With regard to the text itself, her delegation would have no difficulty whatever in supporting the ideas in operative paragraph 1, but had reservations concerning the reference to General Assembly resolutions 2649 (XXV) and 2787 (XXVI), on which it had abstained. Nor could it agree that paragraph 2 should read: "by all available means including armed struggle", since Costa Rica had a long tradition of peace and non-violence; as paragraph 2 read, it amounted to recognition by the General Assembly of various forms of violence, such as terrorism and hijacking of aircraft. With regard to paragraph 3, her delegation could approve all of the wording, except for the phrase "and any other assistance". It regretted that it could not support paragraph 6, in which reference was made to a situation

which was of a political and not a colonial nature, and was currently the subject of negotiations at the highest level between the parties concerned and under continuous and careful consideration in the Security Council. Her delegation would therefore abstain in the vote on those paragraphs and on the draft resolution as a whole, while regretting that it could not vote in favour of it.

20. Mr. IRARRAZAVAL (Chile), reaffirming the position which his Government had maintained since the establishment of the United Nations, he said that he would vote in favour of draft resolution A/C.3/L.2047/Rev.1. His delegation welcomed the initiative of the sponsors of the draft resolution to withdraw some paragraphs, thus broadening the margin of acceptance of the text. That set a good precedent, since the inclusion of various points which would detract from the main purpose of the draft resolution had thus been avoided and it would now constitute a step forward in the struggle against colonialism and promote the self-determination of peoples in those parts of the world where that fundamental right was still not recognized and unacceptable colonialist practices were still taking place.

21. Mr. RODAS MARTINEZ (Guatemala) said that because of its tradition of giving support to the independence of colonial Territories and peoples in accordance with the Charter and the relevant resolutions of the General Assembly, his delegation would have liked to vote in favour of draft resolution A/C.3/L.2047/Rev.1. However, because of the inclusion of paragraphs which did not directly relate to the item or whose scope was not sufficiently clear, his delegation would have to abstain in the vote on the third and fourth preambular paragraphs, on operative paragraphs 2, 5 and 6, and on the draft resolution as a whole.

22. Mr. NOMURA (Japan) said that he sympathized with the aspirations of the peoples still under colonial and alien domination and fully understood the reasons why the sponsors had submitted draft resolution A/C.3/L.2047/Rev.1. His delegation considered, however, that, in view of the political nature of the draft, it would be more appropriate for it to be dealt with elsewhere, for example, in the Fourth Committee. Therefore, although it could support some of the paragraphs, it would abstain in the vote on the draft resolution as a whole and on all the paragraphs if they were voted upon separately.

23. Mrs. GERÉB (Hungary) said that since everyone seemed to be in favour of the right of peoples to self-determination, it was strange that in the explanations of vote some delegations had said that they would abstain on operative paragraphs 2, 3 and 6 of the draft resolution. It was well known that peoples under colonial domination wished to achieve independence peacefully, but they were not in a position to choose the means to be used for that purpose. The Committee should state that even armed struggle was legitimate for the achievement of independence. She therefore considered that all delegations should vote in favour of the draft resolution.

24. Mrs. MARICO (Mali) said that there was a typing error in paragraph 5 of the French version of draft resolution A/C.3/L.2047/Rev.1. The word "*deux*" should be replaced by "*ceux*".

25. The CHAIRMAN put to the vote draft resolution A/C.3/L.2047/Rev.1 as orally revised, and with the following additions to its original sponsors: Burundi, Indonesia, Liberia, Malaysia, Sudan and Togo.

26. Mrs. RANA (Nepal) requested a separate vote on operative paragraph 6.

27. Mr. COSTA COUTO (Brazil) requested that the operative part be voted on paragraph by paragraph.

### *Preamble*

*The preamble was adopted by 97 votes to 1, with 16 abstentions.*

### *Operative part*

*At the request of the representative of Cuba, a recorded vote was taken on the paragraphs of the operative part.*

### *Paragraph 1*

*In favour:* Afghanistan, Algeria, Argentina, Australia, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Bolivia, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Colombia, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, France, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Laos, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, 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, United States of America, Upper Volta, Uruguay, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* Israel, Portugal.

*Abstaining:* Austria, Brazil, Costa Rica, Denmark, Dominican Republic, Finland, Germany (Federal Republic of), Iceland, Ireland, Japan, Netherlands, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland.

*Paragraph 1 was adopted by 102 votes to 2, with 14 abstentions.*

### *Paragraph 2*

*In favour:* Afghanistan, Algeria, Argentina, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Guinea, Hungary, India, Indonesia, Iran, Iraq, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia,

Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, Niger, Nigeria, Oman, Pakistan, Panama, 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, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* Austria, Bahamas, Bolivia, Brazil, Colombia, France, Germany (Federal Republic of), Israel, Nicaragua, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Australia, Belgium, Costa Rica, Denmark, Dominican Republic, Fiji, Finland, Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Ivory Coast, Japan, Netherlands, New Zealand, Norway, Spain, Sweden, Turkey, Uruguay, Venezuela.

*Paragraph 2 was adopted by 82 votes to 12, with 23 abstentions.*

#### *Paragraph 3*

*In favour:* Afghanistan, Algeria, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, 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, Yemen, Yugoslavia, Zaire, Zambia.

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

*Abstaining:* Bahamas, Bolivia, Brazil, Colombia, Costa Rica, Denmark, Dominican Republic, France, Germany (Federal Republic of), Iceland, Ireland, Israel, Japan, Netherlands, Nicaragua, Norway, Spain, Sweden, Uruguay, Venezuela.

*Paragraph 3 was adopted by 94 votes to 3, with 20 abstentions.*

#### *Paragraph 4*

*In favour:* Afghanistan, Algeria, Argentina, Australia, Bahamas, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Finland, Gabon, Ger-

man Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, 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, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Upper Volta, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* Brazil, Portugal, Spain, United States of America.

*Abstaining:* Austria, Belgium, Bolivia, Colombia, Denmark, Dominican Republic, France, Germany (Federal Republic of), Iceland, Ireland, Israel, Italy, Japan, Laos, Netherlands, Nicaragua, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

*Paragraph 4 was adopted by 93 votes to 4, with 22 abstentions.*

#### *Paragraph 5*

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

*Against:* Belgium, Brazil, France, Germany (Federal Republic of), Italy, Nicaragua, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Austria, Bahamas, Bolivia, Colombia, Denmark, Dominican Republic, Greece, Guatemala, Iceland, Ireland, Israel, Japan, Laos, Netherlands, Norway, Spain, Sweden, Turkey, Uruguay, Venezuela.

*Paragraph 5 was adopted by 89 votes to 9, with 20 abstentions.*

#### *Paragraph 6*

*In favour:* Afghanistan, Algeria, Argentina, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Repub-

lic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Gabon, German Democratic Republic, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, 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, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* Bolivia, Brazil, Dominican Republic, Israel, Nicaragua, United States of America.

*Abstaining:* Australia, Austria, Bahamas, Belgium, Colombia, Costa Rica, Denmark, Fiji, Finland, France, Germany (Federal Republic of), Greece, Guatemala, Honduras, Iceland, Ireland, Italy, Japan, Laos, Nepal, Netherlands, New Zealand, Norway, Portugal, Sweden, United Kingdom of Great Britain and Northern Ireland, Uruguay, Venezuela.

*Paragraph 6 was adopted by 85 votes to 6, with 28 abstentions.*

#### *Paragraph 7*

*In favour:* Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Dominican Republic, Ecuador, Egypt, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, 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:* Portugal.

*Abstaining:* Bolivia, Brazil, Colombia, Germany (Federal Republic of), Iceland, Ireland, Israel, Japan, Laos, Netherlands, Nicaragua, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Paragraph 7 was adopted by 103 votes to 1, with 15 abstentions.*

#### *Paragraph 8 as orally revised*

*In favour:* Afghanistan, Algeria, Argentina, Australia, Austria, Bahamas, Bahrain, Barbados, Belgium, Bhutan, Bolivia, 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, Ethiopia, Fiji, Finland, France, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, 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:* Portugal.

*Abstaining:* Brazil, Denmark, Dominican Republic, Iceland, Ireland, Israel, Japan, Laos, Netherlands, Nicaragua, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Paragraph 8, as orally revised, was adopted by 104 votes to 1, with 14 abstentions.*

#### *Paragraph 9*

*In favour:* Afghanistan, Algeria, Argentina, Australia, Bahamas, Bahrain, Barbados, Belgium, Bhutan, 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, Ethiopia, Fiji, Finland, Gabon, German Democratic Republic, Germany (Federal Republic of), Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Italy, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, Spain, 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:* Portugal.

*Abstaining:* Austria, Brazil, Denmark, Dominican Republic, France, Iceland, Ireland, Israel, Japan, Netherlands, Norway, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.



*Paragraph 9 was adopted by 102 votes to 1, with 14 abstentions.*

*Draft resolution as a whole, as orally revised*

*At the request of the representative of the United Republic of Tanzania, a recorded vote was taken on the draft resolution as a whole.*

*In favour:* Afghanistan, Algeria, Argentina, Australia, Bahrain, Barbados, Bhutan, Botswana, Bulgaria, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Central African Republic, Chad, Chile, China, Congo, Cuba, Cyprus, Czechoslovakia, Dahomey, Democratic Yemen, Ecuador, Egypt, Ethiopia, Fiji, Gabon, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iran, Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Republic, Madagascar, Malaysia, Mali, Mauritania, Mexico, Mongolia, Morocco, Nepal, New Zealand, Niger, Nigeria, Oman, Pakistan, Panama, 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, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* France, Israel, Nicaragua, Portugal, United Kingdom of Great Britain and Northern Ireland, United States of America.

*Abstaining:* Austria, Bahamas, Belgium, Bolivia, Brazil, Canada, Colombia, Costa Rica, Denmark, Dominican Republic, Finland, Germany (Federal Republic of), Guatemala, Iceland, Ireland, Italy, Japan, Laos, Netherlands, Norway, Spain, Sweden, Uruguay, Venezuela.

*Draft resolution A/C.3/L.2047/Rev.1 as a whole, as orally revised, was adopted by 91 votes to 6, with 24 abstentions.*

28. Miss CAO PINNA (Italy), explaining her vote, said that Italy firmly supported the inalienable right of peoples to self-determination in accordance with Article 1 of the Charter. It was therefore with regret that her delegation had abstained in the vote on draft resolution A/C.3/L.2047/Rev.1. The Italian delegation had clearly expressed its reservations on the condemnations of countries which were members of the North Atlantic Treaty Organization (NATO) that were repeatedly included in draft resolutions on self-determination recommended by the Third Committee. She considered those condemnations not only groundless, and therefore unacceptable, but also dangerous because they might be taken as an expression of hostile propaganda against some Western countries, thus impairing the spirit of mutual respect which should prevail among States Members of the United Nations. For those reasons, her delegation had voted against operative paragraph 5 of the draft resolution. It had also abstained on paragraph 2 because it rejected the use of force, which was contrary to the very principles of the Charter, on paragraph 4 because it believed that the General Assembly was a body to promote better understanding and co-operation among Member States and not a court authorized to express condemnations, and

on paragraph 6 because it believed that the situation of the Palestinians could not be considered in isolation but must be seen within the broader and more complex situation of the Middle East, which it fervently hoped would be settled as soon as possible.

29. The Italian delegation supported the spirit and general principle on which the draft resolution was based, but the fact that its views on some of the paragraphs differed from those of the sponsors had prevented it from voting in favour of the draft resolution, as it would have liked to do, because of its firm attachment to the right to self-determination.

30. Mr. ROUX (Belgium) associated himself with the Italian delegation's position and with the arguments and comments put forward by the Italian representative.

31. Mr. VALTASAARI (Finland) reiterated the position adopted by the Finnish delegation in various United Nations bodies, to the effect that the only way to achieve the purposes of the Charter was to grant national independence and self-determination to all colonial peoples. His country had also consistently emphasized that the struggle for independence and self-determination must take place within the framework of the Charter. That was the foundation of Finland's commitment, renewed in the additional protocol to the programme adopted recently by the Finnish Government for the provision of active humanitarian assistance to peoples suffering under racism and colonialism. Consequently, his delegation fully supported the basic concept embodied in the draft resolution that had just been adopted, and regretted that the sponsors had, in some paragraphs, and particularly operative paragraph 2, chosen language that was not compatible with Finland's interpretation of the provisions of the Charter. That was why his delegation had been unable to support the draft resolution.

32. Mr. COSTA COUTO (Brazil) said that his delegation's vote should not and could not be construed as an indication that the Brazilian Government did not acknowledge the principle of self-determination, which was basic to the Charter. His country had always expressed its absolute faith in the right of peoples to take their destinies into their own hands, as could be seen from the part it had played in the San Francisco Conference and its own early political history. However, despite its willingness to vote for draft resolution A/C.3/L.2047/Rev.1, his delegation had been obliged to abstain because although some parts of the text reiterated the fundamental principles of the Charter, others were contrary to those principles.

33. His delegation would have supported the draft resolution had it reaffirmed one of the cardinal principles of international order, without which such order was inconceivable, namely, the principle of the peaceful resolution of international conflicts, including problems relating to Non-Self-Governing Territories, to avoid endangering international peace and security. As that had not been done, his delegation had been obliged to vote against operative paragraph 2. Likewise, it considered that the assistance given by the United Nations and Member States to peoples aspiring to self-determination must be exclusively peaceful in nature. Moreover, it could not support the general condemnations and inappropriate references in some paragraphs containing passages whose tone was incompatible with

the Committee's mandate, which was social, cultural and humanitarian. If the preambular paragraphs had been voted on separately, his delegation would have voted for the first two and abstained on the others.

34. Mr. CADENA COPETE (Colombia) said that the reference in the third preambular paragraph to the Political Declaration of the Fourth Conference of Heads of State or Government of Non-Aligned Countries had obliged his delegation to abstain in the vote on the preamble, but that did not mean that its position with regard to the right of peoples to self-determination had changed. It had also had to abstain on some operative paragraphs because they entailed a violation of fundamental principles of the Charter or referred to matters beyond the purview of the Third Committee. However, it had voted in favour of the provisions expressing appreciation of the assistance given to dependent territories by Governments, United Nations agencies, and intergovernmental and non-governmental organizations, and the paragraphs requesting that such assistance should be continued and increased.

35. Mrs. BERTRAND DE BROMLEY (Honduras) said that her delegation had voted in favour of draft resolution A/C.3/L.2047/Rev.1 as a whole, reaffirming its steadfast belief in the right of all peoples to self-determination and its sympathy for the African peoples' struggle for their independence. However, it had abstained on operative paragraph 2 because of the reference it contained to armed struggle, and also on paragraph 6 because it considered that all peoples subjected to colonial domination were equally important and that it was not right to single out some of them for special mention.

36. Mr. ABSOLUM (New Zealand) said that his delegation had voted for the draft resolution just adopted, as an expression of its unswerving support for the right of peoples to self-determination—a right which it considered to be as fundamental as it was undeniable. His delegation was, however, troubled by operative paragraphs 2 and 6. The Government of New Zealand had reservations about the use of armed force for the purposes outlined in the text, as it considered that such action ran counter to the Charter and to a corner-stone of the United Nations, that is, the ideal of the peaceful resolution of disputes. It would have preferred, therefore, to see the reference to armed force excluded from the text. The reference to the complex Palestinian problem in operative paragraph 6 was open to ambiguous interpretation and it would have been preferable to refrain from prejudging, in the Third Committee, the important issues that were to be discussed in the General Assembly. Despite those significant reservations, his delegation thought it important that there should be no doubt about its sympathy with the basic thrust of the text and had therefore decided on a positive vote.

37. Miss AL-MULLA (Kuwait) expressed gratification at the outcome of the vote on draft resolution A/C.3/L.2047/Rev.1, which her delegation had co-sponsored. The countries that were fortunate enough to be free should not hesitate to offer the most generous assistance to the freedom fighters. The peoples of Angola, Mozambique, Guinea-Bissau and Palestine needed support and assistance. Peace would not prevail in the world unless those peoples attained their inalienable right to self-determination, a right which was embodied in the Charter and reaffirmed in numerous res-

olutions adopted in the United Nations. Lending support to the freedom fighters meant helping the Organization in its quest for its realization of the purposes and principles of the United Nations. Consequently the adoption of the draft resolution was a major step in the right direction.

38. Mr. SCOTLAND (Guyana) said he was sorry he had been absent during the vote on the first part of the draft resolution and said that, if he had been present, he would have voted in favour of the preambular part and operative paragraphs 1, 2 and 3.

39. Mr. PARDOS (Spain) said that despite Spain's clear-cut position on the principle of self-determination, the Spanish delegation had been unable to vote for operative paragraph 4 of the draft resolution because it referred explicitly to a country with which Spain had fraternal ties and good-neighbourly relations. The Spanish delegation had voted for operative paragraph 6 because it stood for the defence of human rights, but had been obliged to abstain in the vote on paragraph 2, because the reference to the use of armed force was incompatible with the principles concerning the peaceful settlement of disputes. In view of those considerations it had also abstained in the vote on the draft resolution as a whole.

40. Mr. TRAVERT (France) said that his delegation had been compelled to vote against the draft resolution because it felt that the controversial aspects had not been debated with sufficient thoroughness, and that too short a time had elapsed between the submission of the draft resolution and the vote. That certainly did not mean that there had been any change in France's position concerning the right of peoples to self-determination.

41. Mr. VON KYAW (Federal Republic of Germany) said that his delegation had abstained on a number of paragraphs in the draft resolution because it did not consider their wording sufficiently clear or balanced, and had also felt compelled to vote against operative paragraphs 2 and 5.

42. The Federal Republic of Germany had renounced the use of force in accordance with the principles of the Charter and had done so also, and in particular, with respect to the solution of its own national problem. In view of that basic position his country could not lend its support to the use of force and violence or to the notion of a struggle for liberation "by all available means including armed struggle", as embodied in paragraph 2. It supported the legitimate desire of peoples still under colonial domination to achieve freedom and independence through an evolutionary and peaceful process, and urged Portugal to enter into the negotiations with representatives of the population of the Territories under its administration.

43. As far as operative paragraph 5 was concerned, he rejected the allegation that members of NATO were assisting Portugal and other racist régimes in the policies described in that paragraph. The Atlantic Alliance, which his country considered essential for its security and an element of stability in the world, was strictly confined to a geographical area which did not include any African territory.

44. In spite of those objections and difficulties his delegation had abstained on the draft resolution as a whole in order to indicate its sympathy with those who

were struggling for freedom and the universal realization of the right to self-determination in accordance with the principles of the Charter. Its position in that respect had been clearly stated by Chancellor Willy Brandt and by the Minister for Foreign Affairs of the Federal Republic of Germany at the current session of the General Assembly (2128th and 2119th plenary meetings respectively).

#### AGENDA ITEM 60

##### **Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (A/9003 and Corr.1, chap. XXIII, sect. A.9; A/9136)**

45. Mr. SCHREIBER (Director, Division of Human Rights) said that the importance attached by the United Nations to the question of the punishment of persons guilty of war crimes and crimes against humanity had been manifested from the earliest years of the Organization's existence in a series of resolutions and extensive studies. The General Assembly had reiterated the Nuremberg principles in its resolution 95 (I) of 11 December 1946. It had later studied the possibility of preparing a draft code of offences against the peace and security of mankind and a draft statute for an international criminal court. In 1948 it had adopted the Convention on the Prevention and Punishment of the Crime of Genocide.

46. Starting in 1965, United Nations work in the field had been intensified. As the result of a recommendation by the Commission on Human Rights, and after a preliminary study submitted by the Secretary-General on the subject to the Commission at its twenty-second session,<sup>1</sup> the General Assembly had adopted in 1968 the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, which had entered into force in 1970. Twenty States had ratified or acceded to that Convention.

47. Since 1969, at the request of the Economic and Social Council and, subsequently, of the General Assembly, the Secretary-General had submitted further, in-depth studies on all aspects of the problem, together

<sup>1</sup> E/CN.4/906.

with comments and suggestions by various Governments at the twenty-fifth session of the Commission on Human Rights<sup>2</sup> and at the twenty-sixth<sup>3</sup> and twenty-seventh<sup>4</sup> sessions of the Assembly. Those studies had emphasized the importance of increased international co-operation, particularly with regard to the exchange of information and evidence and to extradition. In 1971, the General Assembly, in its resolution 2840 (XXVI), had requested the Commission on Human Rights to consider the principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. The note by the Secretary-General (A/9136) reviewed the history of the item, since that time, which was marked by such milestones as Commission on Human Rights resolution 7 A and B (XXVIII),<sup>5</sup> Economic and Social Council resolution 1691 (LII), General Assembly resolution 3020 (XXVII), Commission on Human Rights resolution 13 (XXIX)<sup>6</sup> and Economic and Social Council resolution 1791 (LIV). It would be recalled that, in its resolution 13 (XXIX), the Commission had approved the text of a set of draft principles of international co-operation in the matter. The draft principles, the text of which was contained in the annex to the note by the Secretary-General, covered the main questions relating to the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity. In its resolution 1791 (LIV), the Economic and Social Council had approved the draft principles transmitted by the Commission and recommended for adoption by the General Assembly a draft resolution proclaiming those principles.

48. The CHAIRMAN drew attention to the draft resolution submitted by the Economic and Social Council (A/9136, annex).

*The meeting rose at 12.30 p.m.*

<sup>2</sup> E/CN.4/983 and Add.1 and 2.

<sup>3</sup> A/8345.

<sup>4</sup> A/8823 and Add.1.

<sup>5</sup> See *Official Records of the Economic and Social Council, Fifty-second Session, Supplement No. 7, chap. XIII.*

<sup>6</sup> *Ibid.*, *Fifty-fourth Session, Supplement No. 6, chap. XX.*

## 2020th meeting

Thursday, 8 November 1973, at 10.50 a.m.

*Chairman:* Mr. Yahya MAHMASSANI (Lebanon).

A/C.3/SR.2020

#### AGENDA ITEM 60

##### **Principles of international co-operation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity (*continued*) (A/9003 and Corr.1, chap. XXIII, sect. A.9; A/9136)**

1. Mrs. KARPENKO (Byelorussian Soviet Socialist Republic) noted with satisfaction that the Committee had before it the draft principles contained in the annex to the note by the Secretary-General (A/9136), and emphasized that the text had been arrived at as the

result of an agreement and after protracted debates and efforts. The main sources of the draft were international legal instruments such as the principles of international law recognized by the Charter of the International Military Tribunal, Nuremberg, the Convention on the Prevention and Punishment of the Crime of Genocide, the Convention on the Non-Applicability of Statutory Limitations to War Crimes and Crimes against Humanity, and numerous General Assembly resolutions.

2. She pointed out that the idea expressed in principle 1, namely, that the perpetrators of war crimes and