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Official Records



**101st
PLENARY MEETING**

*Friday, 14 December 1984,
at 3.20 p.m.*

NEW YORK

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

(b) Status of the Convention on the Elimination of All Forms of Discrimination against Women: report of the Secretary-General

AGENDA ITEM 12

Report of the Economic and Social Council
(*continued*):

- (a) Report of the Economic and Social Council (chaps. I, II, III (part I, sects. A to C and E, and part II, sect. D), IV (sect. A), V (sects. A, B and D), VII, VIII and IX (part I, sect. H));
- (b) Reports of the Secretary-General;
- (c) Reports of the United Nations High Commissioner for Refugees

AGENDA ITEM 92

International Research and Training Institute for the Advancement of Women: report of the Secretary-General

AGENDA ITEM 93

United Nations Decade for Women: Equality, Development and Peace:

- (a) Implementation of the Programme of Action for the Second Half of the United Nations Decade for Women: report of the Secretary-General;
- (b) Preparations for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women;
- (c) Voluntary Fund for the United Nations Decade for Women: report of the Secretary-General

AGENDA ITEM 94

Elimination of all forms of discrimination against women:

- (a) Report of the Committee on the Elimination of Discrimination against Women;

AGENDA ITEM 95

Elimination of all forms of religious intolerance

AGENDA ITEM 96

Human rights and scientific and technological developments

AGENDA ITEM 97

Question of a convention on the rights of the child

AGENDA ITEM 98

International Covenants on Human Rights:

- (a) Report of the Human Rights Committee;
- (b) Status of the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights and the Optional Protocol to the International Covenant on Civil and Political Rights: report of the Secretary-General;
- (c) Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty

AGENDA ITEM 100

Office of the United Nations High Commissioner for Refugees:

- (a) Report of the High Commissioner;
- (b) Assistance to refugees in Africa: report of the Secretary-General

AGENDA ITEM 101

International campaign against traffic in drugs:
report of the Secretary-General

AGENDA ITEM 102

Alternative approaches and ways and means within
the United Nations system for improving the
effective enjoyment of human rights and
fundamental freedoms:

- (a) Implementation of General Assembly resolution 38/124;
- (b) National institutions for the protection and promotion of human rights: report of the Secretary-General

1. Mr. POLOWCZYK (Poland), Rapporteur of the Third Committee: I have the honour and privilege to introduce the reports of the Third Committee on agenda items 12, 92 to 98 and 100 to 102.

2. In paragraph 69 of its report on agenda item 12 [A/39/700], the Third Committee recommends to the Assembly the adoption of 20 draft resolutions. Draft resolutions I to XVII were adopted by the Committee without a vote. Draft resolution XVIII was adopted by a recorded vote of 83 to 13, with 35 abstentions. Draft resolution XIX was adopted by a recorded vote of 79 to 13, with 39 abstentions. Draft resolution XX was adopted by a recorded vote of 83 to 15, with 32 abstentions.

3. In paragraph 8 of its report on agenda item 92 [A/39/701], the Third Committee recommends to the Assembly the adoption of a draft resolution that was adopted by the Committee without a vote.

4. In paragraph 22 of its report on agenda item 93 [A/39/702], the Third Committee recommends to the Assembly the adoption of seven draft resolutions. Draft resolutions I to IV, VI and VII were adopted by the Committee without a vote. Draft resolution V was adopted by a recorded vote of 124 to 1, with 10 abstentions.

5. In paragraph 8 of its report on agenda item 94 [A/39/703], the Third Committee recommends to the Assembly the adoption of a draft resolution that it adopted by a recorded vote of 124 to 1, with 4 abstentions.

6. In paragraph 13 of its report on agenda item 102 [A/38/711], the Third Committee recommends to the Assembly the adoption of two draft resolutions. Draft resolution I was adopted by the Committee without a vote. Draft resolution II was adopted by a recorded vote of 118 to 1, with 13 abstentions.

7. In paragraph 12 of its report on agenda item 100 [A/39/709], the Third Committee recommends to the Assembly the adoption of two draft resolutions which it adopted without a vote.

8. In paragraph 16 of its report on agenda item 101 [A/39/710], the Third Committee recommends to the Assembly the adoption of three draft resolutions which it adopted without a vote.

9. In paragraph 7 of its report on agenda item 95 [A/39/704], the Third Committee recommends to the Assembly the adoption of a draft resolution that it adopted without a vote.

10. In paragraph 11 of its report on agenda item 96 [A/39/705], the Third Committee recommends to the Assembly the adoption of three draft resolutions. Draft resolution I was adopted by the Committee without a vote. Draft resolution II was adopted by a recorded vote of 100 to none, with 20 abstentions. Draft resolution III was adopted by a recorded vote of 97 to 6, with 17 abstentions.

11. In paragraph 7 of its report on agenda item 97 [A/39/706], the Third Committee recommends to the Assembly the adoption of a draft resolution that it adopted without a vote.

12. In paragraph 15 of its report on agenda item 98 [A/39/707], the Third Committee recommends to the Assembly the adoption of three draft resolutions. Draft resolutions I and III were adopted by the Committee without a vote. Draft resolution II was adopted by a recorded vote of 57 to 18, with 50 abstentions.

13. I submit the recommendations of the Third Committee to the General Assembly for adoption.

14. In concluding, I should like to express my warm and sincere gratitude to the Secretariat, in particular to Mrs. Pilar Santander-Downing and Mr. Valeri Yudin for their diligent work and the assistance extended to me.

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

15. The PRESIDENT: Statements will be limited to explanations of vote. The positions of delegations regarding the various recommendations of the Third Committee have been made clear in the Committee and are reflected in the relevant official records.

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

17. The Assembly will consider first the report of the Third Committee on agenda item 12 [A/39/700].

18. I shall now call on those delegations wishing to explain their vote before the vote. I shall then put the recommendations of the Third Committee to the Assembly one by one, without interruption.

19. Mr. ARCILLA (Philippines): My delegation would like to explain its votes on draft resolution A/C.3/39/L.43/Rev.2, "Situation of human rights and fundamental freedoms in El Salvador", draft resolution A/C.3/39/L.77, "Situation of human rights and fundamental freedoms in Guatemala", and draft resolution A/C.3/39/L.79, "Situation of human rights and fundamental freedoms in Chile".

20. In the past, the Philippines has voted against resolutions on the human rights situation in Chile, El Salvador and Guatemala. However, in view of the changing circumstances as they affect the situation in those three countries and elsewhere, the Philippines will abstain in the vote on the relevant resolutions this year. I should like to add that our abstention still reflects our main concern relating to the principle of

non-intervention in the domestic affairs of States as stipulated in Article 2, paragraph 7, of the Charter of the United Nations. We feel that unless adequate safeguards are instituted to preserve and protect this principle, the appointment of a special rapporteur or representative to look into the human rights situation in any Member State might infringe on that principle.

21. Mr. GUMUCIO GRANIER (Bolivia) (*interpretation from Spanish*): In the debate on agenda item 12 in the Third Committee, my delegation explicitly stated the policy of the democratic Government of Bolivia in defence of the total validity of human rights and fundamental freedoms throughout the world and, furthermore, expressed its concern at and energetic condemnation of the violation of human rights wherever they are vulnerable.

22. The delegation of Bolivia once again repeats the desire of the Government and the people of Bolivia to see respect for human rights and for fundamental freedoms restored in Chile, Guatemala and El Salvador. On this occasion we should like to refer to the report of the Third Committee contained in document A/39/700, in particular draft resolutions XVIII, XIX and XX relating to the situation of human rights and fundamental freedoms in El Salvador, Guatemala and Chile, respectively. As last year, for political reasons my delegation will not participate in the voting on those three draft resolutions and requests that this position be duly recorded in the proceedings of this meeting.

23. Mr. DAZA (Chile) (*interpretation from Spanish*): The delegation of Chile wishes to say that it will vote against the draft resolution on human rights and fundamental freedoms in Chile. In the Third Committee we explicitly stated that the legal rules of the Organization impose an overwhelming obligation to concern itself with promoting the development and encouragement of human rights in the world, without distinction as to race, sex, language or religion, on the basis of objective, universal and non-political criteria. That same set of rules prohibits discrimination and selectivity.

24. I do not want to repeat here the flagrant violations of human rights—which I described in the Committee—that are occurring in the world and in respect of which the Organization has maintained a cynical and culpable silence. But I should like to point out that in so doing the draft resolution before us is, as it were, stillborn, inasmuch as it is selective and irresponsible.

25. In 1984, the name of George Orwell has been frequently mentioned in the Assembly. The forecast he made for this year presupposed a world in which words had lost their meaning. In what he said or wrote, he reflected in terms of fiction what those who wielded power wanted to say. Therefore, on the façade of the building housing the Ministry of Truth one could read the inscription: "War is peace, Freedom is slavery, Ignorance is strength".

26. The draft resolution submitted to this plenary meeting is Orwellian, inasmuch as it promotes the interests of countries which are ignorant of respect for human rights; it is Orwellian, because it has the support of those who have no concept of democracy, as is the case with the socialist countries of Eastern Europe; it is Orwellian, because it fails to recognize the institutional effort and the ultimately democratic goal of my country's policies; it is Orwellian, because

most of the sponsors are accused of serious human rights violations in their own countries; it is Orwellian, because it reflects the irresponsible attitude of the Western European countries which have the moral obligation to understand us but, in actual fact, through the draft resolution are serving only internal political goals.

27. My delegation is against this draft resolution and my country does not recognize the validity of the charges against it. Chile accuses the Organization of not doing its duty, of politicizing the cause of human rights, and of acting selectively and in a discriminatory manner, thus committing an illegal act which is unqualified and invalid from the start.

28. Because of the selectivity, which my delegation rejects, we shall vote against the draft resolutions contained in documents A/C.3/39/L.43/Rev.2, on El Salvador, and A/C.3/39/L.77, on Guatemala.

29. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): With regard to human rights, Ecuador has constantly maintained as its national policy scrupulous observance of human rights and is very much concerned to see that they are complied with. We believe that human rights constitute an important source of international law. We hold that an essential element in the validity of human rights is their universality. We believe that all selectivity in international bodies in highlighting solely a few countries and singling them out for criticism, while silence is maintained with regard to the overwhelming majority of countries where human rights are being violated, is an inappropriate and unjust method which only serves to weaken the validity and credibility of the system. We believe that the United Nations, once its various pieces of machinery had been put in place, should produce an annual report on the observance of human rights in each and every country in the world. We insist that those who participate in debates and discussions on human rights in other countries should report to the international community, by way of a preliminary contribution, on the status of the observance of these rights in their own territories. In this respect, Ecuador has on various occasions pointed out that it has a democratic way of life based on free elections, total freedom of the press and free entry to and departure from the country for journalists of various media, while the same facilities are afforded citizens of our country and foreigners—without censorship, political prisoners, torture or declarations of a state of emergency. There is freedom of action for all political parties, full equality of rights for men and women and full exercise of labour laws.

30. We firmly maintain that, in so far as Latin America is concerned, it should be essentially Latin Americans who should busy themselves dealing with and solving the problems of the region. Consequently, we reaffirm our constant support for the Contadora Group's efforts to bring about peaceful coexistence in Central America, and we applaud its efforts to bring about agreement on this matter which will in the future, it is hoped, include a convergence of views on the part of the five States of the Central American region which make up the Group.

31. We repeat that it is not universally realistic, equitable or viable for the world Organization systematically to devote itself to criticizing failure to observe human rights solely and exclusively in certain countries of the Latin American region, while it

maintains an ominous silence with regard to well-known and repeated violations in other regions or in the same region.

32. Consequently, Ecuador—out of respect for the duty of universal defence of human rights, and in order to promote the viability of the machinery for ensuring observance of human rights and rejecting their violations in each and every country of the international community—will abstain in the votes on the texts submitted with regard to the three Latin American countries, that is to say, draft resolutions XVIII, XIX and XX in document A/39/700, although in the case of El Salvador the language has been somewhat impartial, this time failing to mention just one sector of the negative aspects of the report of the Special Representative. It was necessary to point out that El Salvador has made progress in the exercise of freedom to vote, without extremism and with the bold initiative of inviting the leaders of the rebels to a free and frank dialogue in order to find democratic solutions and not to resort to arms to forge the destiny of the Salvadorian people, for whose total national and subregional reconciliation our delegation hopes.

33. Finally, Ecuador once again appeals to the sister countries of El Salvador, Chile and Guatemala, as well as other members of the international community, to adopt measures that will contribute to the total and full exercise of human rights on a universal scale.

34. Mr. FAJARDO-MALDONADO (Guatemala) (*interpretation from Spanish*): Before casting its vote, the delegation of Guatemala once again wishes to refer to draft resolution XIX in the report of the Third Committee [A/39/700], a draft resolution on the situation of human rights and fundamental freedoms in Guatemala sponsored in the Committee by some European countries.

35. Noting the way in which this body has approached the situation of human rights in the world, we are witnessing once again a repetition of the same selective and discriminatory scenario which has been characteristic of the approach to this subject in previous years. Outside the Latin American countries, which are systematically and politically selected by those who have appointed themselves masters of this system of selectivity, it would appear that the rest of the world is a paradise on earth, an idyllic Utopia where there exists no totalitarianism imposed upon millions of human beings nor operetta-type dictatorships, no political violence, no northern or tropical *gulags*, no racial discrimination or governmental repression, no arms race or arms traffic; where there is no economic oppression, no governmental corruption, no terrorism, no sabotage, no exploitation of peoples by inept or corrupt leaders; where there is no cowardice or cynicism—which is what Latin American countries are being charged with—on the part of those countries involved in exploiting our resources and transacting important economic and commercial deals with our Governments; where there is no discrimination against emigrants from former colonies, no child pornography, no inhuman economic exploitation: in a few words, what there appears to be is respect, total rule and triumph of human rights throughout the rest of the world.

36. This alleged idyllic world is politically disregarded by countries such as those that sponsored the

draft resolutions against Guatemala, particularly when there is a discussion on the subject of human rights in general. The existence of this supposed paradise on earth leads to a situation where the standard-bearers of human rights throughout the world do not deal at all with other latitudes because they seem to them to be perfect.

37. My delegation rejects this selective, discriminatory and cynical approach which is used against just one region of the world, Latin America, where three countries have been selected, including Guatemala. When the worst violations of human rights are occurring in the totalitarian areas of other regions of our planet, why, once again, do we find only three draft resolutions? We cannot countenance the hypocrisy of those countries which condemn the violation of human rights in other countries when they themselves are guilty of the same violations and oppress their peoples.

38. My delegation vigorously rejects the selectivity which has been used once again against Latin America, and the small Latin American countries in particular, including Guatemala, and we repeat what we have said in previous statements in the Third Committee. All of this simply helps to erode, weaken and detract from the credibility of and respect for the principles and institutions of human rights, as well as for the United Nations.

39. In casting our vote and rejecting draft resolutions XVIII and XX on El Salvador and Chile, respectively, we similarly vigorously repudiate draft resolution XIX against Guatemala inasmuch as it is selective, discriminatory and notable for its double standards; because it is politicized and because, unacceptably and intolerably, it attempts to interfere in the internal affairs of Guatemala, thus violating and distorting the Charter of the United Nations. Consequently, my country requests a recorded vote.

40. Mr. HERRERA CÁCERES (Honduras) (*interpretation from Spanish*): Even though it has not yet been possible to relegate to the past cases of selectivity whereby only Latin American countries continue to be the target of draft resolutions of the General Assembly, there is no doubt that this year some progress has been achieved towards an objective and balanced appreciation of the situation with regard to human rights in El Salvador, as reflected in the draft resolution contained in document A/C.3/39/L.71, sponsored by Costa Rica, Venezuela and Singapore in the Third Committee. The resolution could have been voted upon favourably by my delegation, but it was withdrawn as a result of negotiations involving this draft and the one contained in document A/C.3/39/L.43. Part of the philosophy and approach of that draft resolution could have been transferred greatly to the benefit of the content of A/C.3/39/L.43 which, as a result, was the subject of two revisions. However, the origins of the latter draft resolution, and part of its structure and orientation, are still the same as those which prompted Honduras, in previous years, and again this year, to vote against it.

41. In our statement on the subject of Central America on 24 October [36th meeting], we highlighted the meeting in La Palma as an exceptional event, motivated by the initiative of the President of El Salvador when he invited, from this very rostrum, his armed opponents to a meeting in the search for reconciliation in that sister country. That gesture and that attitude on the part of the Government of El

Salvador should not be distorted, nor should we disregard the merits of the armed opposition forces in their acceptance of that initiative. Ultimately, the problem of El Salvador should be resolved by the Salvadorians; therefore the only thing we should take into account in this draft resolution is the humanitarian element, allowing the Salvadorians to determine their own political destiny.

42. In our statement in the Third Committee on 9 December last year,¹ we stated, *inter alia*, that although the United Nations should make sure to foster respect for and protection of universal human dignity, resolutions adopted in this body on the situation with regard to human rights in specific countries should bear the mark of strict impartiality and also be marked by pre-eminently humanitarian content, excluding all ideological elements.

43. Consequently, from our point of view, these resolutions should be objective and should include not only charges against legally constituted authorities of the respective States, but also should denounce, equally emphatically, violent actions carried out by the armed opposition forces in the same countries exclusively to achieve power by these means, clearly damaging the human rights and fundamental freedoms of innocent people. Thus, all parties involved in a situation of violence should be urged, without exception, to put an end to all acts of this nature so that loss of human life can cease as well as the sufferings of their respective peoples.

44. Furthermore, we stated that the international community in this kind of resolution should not overlook the decisions and efforts of the Government of the country in question in an attempt to bring about respect for human rights and fundamental freedoms. A proper, balanced position obliges us to take note of this attitude and to encourage its development and full effective application, thus also promoting the assistance and international co-operation needed for this purpose. Otherwise, how can we justify the declaration that the United Nations is striving for a better world, if we neither recognize nor support the hopeful signs apparent in the actions of Governments of Member States?

45. There are obvious omissions in draft resolution A/C.3/39/L.43/Rev.2. It fails to mention a grave problem confronting El Salvador, the deprivation of our brothers in El Salvador who have been obliged to leave their homes and work, and take refuge in another part of the territory of the State in the search for protection, personal security and help to meet their elementary needs. Similarly, there is no reference to the voluntary return of Salvadorian refugees which is gradually taking place as a consequence of the efforts of the Government to restore a climate of tolerance and better security in a democratic and constitutional manner.

46. Indeed, if this kind of resolution is to be based on purely humanitarian principles, such as those contained in the Charter of the United Nations itself, in the Universal Declaration of Human Rights and the International Covenants on Human Rights,² we should include estimates or appeals for international co-operation and assistance of an additional nature so that Governments which are finding it difficult to ensure conditions which will make it possible for every individual to enjoy his economic, social, cultural, civil and political rights can fully ensure the exercise of these rights. It is the responsibility of the

United Nations, as has often been mentioned in resolutions, to be constantly vigilant against violations of human rights wherever they may occur and thereby to eliminate the selective political approaches which have prevailed hitherto. In this way we would find more effective and objective all the energetic appeals of the international community for respect for the human rights and fundamental freedoms of all human beings.

47. On the basis of what I have just said and because these matters are not reflected in resolution A/C.3/39/L.43/Rev.2, as amended, on the situation of human rights and fundamental freedoms in El Salvador, my delegation will continue to vote against it.

48. Mr. ROSALES-RIVERA (El Salvador) (*interpretation from Spanish*): My delegation would like to state that draft resolution XVIII, on the situation of human rights and fundamental freedoms in El Salvador, contained in document A/39/700, contains objective paragraphs and elements reflecting the essential elements of the current policy of the Government of President Duarte, which is aimed at bringing about democracy, social and economic reforms, peace and, particularly, respect for human rights. Nevertheless, the origins of the draft resolution were a tendentious, partial and inimical document, the aim of which was to deal with matters which undoubtedly quite deliberately transcended the consideration of human rights and went into subjective and capricious assessments of a political nature, all couched in insulting language. Some of these characteristics have been bequeathed, unfortunately, to this draft resolution approved by the Third Committee.

49. For these reasons, we can only place on record our opposition to the general orientation of the draft resolution and the language of certain paragraphs, in both its operative and preambular parts. Accordingly, the resolution which we are about to vote on turns out to be a mixture of ideas, some positive, some negative, some constructive and some destructive, some relevant to the question of human rights, some highly politicized and falling outside the framework of the subject-matter. The resolution is a poorly worded symbiosis because the language has been changed from the original draft.

50. Throughout the process which produced this Third Committee resolution, our Government considered the various steps and attitudes of the countries which have concerned themselves with it. In this regard we would like to repeat what we stated in the period of time allotted for commenting on draft resolutions in the Committee. On that occasion, with respect to this draft resolution we stated:

"We are concerned about the action of two of the sponsors. One of them is Mexico, which, together with three other countries in Latin America and with the assent of each of the five Central American countries, has been involved in working for peace in the area. Its attitude with regard to El Salvador, particularly reflected in draft resolution A/C.3/39/L.43 and Rev.1 (which were the reference numbers of the document in the Third Committee), placed the new Salvadorian Government in a dilemma because it precipitated a response to its conduct. We should not forget that it is the five Central American countries which, as sovereign States directly concerned, are responsi-

ble for ensuring the indispensable elements in the search for a negotiated and global settlement to bring about peace in Central America. Consequently, the following question arises: is it permissible for a third party to assume the role of the accuser of the Salvadorian Government and, at the same time, permit itself to continue to be a fully-fledged member of a group which is attempting to find a peace settlement by common accord among the five Central American Governments? Undoubtedly, all States in this Assembly will understand that there are certain lines of conduct which cannot be carried on in parallel with each other and cannot be carried out simultaneously without incompatibility. It is intolerable for a State to set itself up as an accuser and, at the same time, as an honest broker. We would like this to be clear to all members of the General Assembly so that in the future we will not be told that El Salvador was acting inopportunistly.”³

51. Other Latin American countries exerted a constructive influence with a view to ensuring that the original draft resolution was amended and brought further into line with the realities of what is occurring in El Salvador and with the report of the Special Representative, and that it recognized the tremendous efforts of the Government of President Duarte in the field of human rights, peace and the promotion of democracy. These countries have our undying gratitude. But, inasmuch as there has been a change in the original concept of the draft resolution, it still contains this interventionist streak and too great a degree of partiality.

52. We will not go into an analysis of each of its paragraphs since the general spirit of the draft resolution is inappropriate and it is riddled with political prejudice. However, we recognize that it has some positive elements. The draft resolution refers to the adoption of a new government policy and it states that because of that there has been a marked decrease in the number of human rights violations. It mentions the elections of 6 May this year and that President Duarte of El Salvador has a mandate to bring about social harmony and internal peace, and it recognizes the obvious desire of the new Government to establish a democracy governed by the rule of law and guaranteeing full respect for human rights. It welcomes the initiative, announced by President Duarte in the Assembly, in initiating a dialogue with the armed opposition, implicitly gives recognition to the socio-economic reforms which have been undertaken in El Salvador, and states that the hostilities of the guerrilla forces have caused civilian victims and material damage to the economic infrastructure of El Salvador.

53. Our delegation must point out that we once again reject the selective and discriminatory manner in which, principally for political reasons, the subject of human rights is treated in the General Assembly.

54. For all the reasons I have mentioned and because the draft resolution in its present version still contains negative elements, has an interventionist streak and bespeaks a philosophy which is damaging to the national interests represented by the present Government of the Republic, we are obliged to vote against it.

55. Mr. ODOCH-JATO (Uganda): My delegation wishes to explain its vote on three draft resolutions submitted under agenda item 12, namely, draft

resolution XVIII, entitled “Situation of human rights and fundamental freedoms in El Salvador”, draft resolution XIX, entitled “Situation of human rights and fundamental freedoms in Guatemala”, and draft resolution XX, entitled “Situation of human rights and fundamental freedoms in Chile”.

56. Since 1979, Uganda has consistently voted in favour of similar resolutions on the three situations. We shall do so again today. We deem it necessary to make this explanation of vote in view of the fact that my delegation inadvertently and mistakenly abstained on the three resolutions in the voting in the Third Committee.

57. I wish to give the assurance that Uganda's position in respect of the three situations remains unchanged. As we had occasion to reiterate in our statement on item 12 at the 65th meeting of the Committee, Uganda maintains its solidarity with the peoples of Latin America. We continue to support them in their quest for social justice and the freedom to determine their own destinies without outside interference, intervention or aggression. For that reason, we shall continue to contribute to all efforts aimed at achieving improvements in the human rights situations in El Salvador, Guatemala and Chile. In our view, the draft resolutions now before the Assembly constitute an important effort in that direction.

58. Mr. ALBÁN-HOLGUÍN (Colombia) (*interpretation from Spanish*): No sensible observer in the United Nations, an Organization the essential task of which is to protect human rights, could but be sceptical if he had access to the voting record on resolutions under nearly all the important items dealt with in the Third Committee. An observer could not be enthusiastic about the results of the voting on resolutions condemning the policy of *apartheid*. He would think that so many denunciations of these cruel and hideous practices—practices including the denunciation by Bishop Tutu, when he received the Nobel Peace Prize recently, and dramatically recounted the innumerable cases of innocent children murdered, families separated, fundamental human rights denied to the victims of *apartheid*—would have had some echo; that resolutions such as resolution 39/17 adopted at the 71st meeting, on 23 November, on the universal realization of the right of peoples to self-determination, in which the Assembly “*Strongly condemns the continued violations of the human rights of the peoples still under colonial domination*”, would, as Bishop Tutu recommended in his Nobel award speech, be greeted with enthusiasm. Our observer would be confused to see that countries such as Sweden, France, the Netherlands, Canada, Italy, Denmark, Luxembourg, Norway and Australia voted against that resolution and that Austria, Ireland, Spain, Greece and Portugal abstained in the voting.

59. But when it came to the debate on possible means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms, our observer would note with renewed optimism the emergence of a draft resolution on the right to development, which, in expressing concern at the existing disparity between the established norms and principles and the actual situation with regard to human rights and fundamental freedoms in the world, affirms that it is necessary to promote the right to education, work, health and sufficient food to ensure the full enjoyment of all

human rights and the total dignity of the human person, and that therefore the Commission on Human Rights should adopt measures to promote the right to development.

60. Our observer would be gravely disappointed, however, to realize that, far from being approved by consensus, in the voting on this draft resolution countries such as Sweden, Denmark, Canada, Austria, Ireland and Norway abstained; and he would be totally confused in seeing that it was precisely Sweden, Denmark, Canada, the Netherlands, Austria, Ireland, Norway, France, Spain, Greece, Italy, Luxembourg and Australia which, in the context of item 12, on the situation with regard to human rights, decided to criticize three Latin American countries as if throughout the world there did not exist all other kinds of the most grave violations of the dignity of the human being.

61. Why that selectivity? Why pick out Latin America for mention as the sole violator of human rights? Is it not clear that such practices bring the United Nations into disrepute?

62. Believers in the United Nations will have ceased to believe and will have become convinced that, far from protecting human rights, it is the scene of a shady political game to cover up other realities.

63. Why is there continual disregard of the fact that in Latin America not only is there a great trend towards true democratization but countries with long democratic traditions are actively seeking solutions in order to establish peace in countries today affected by violence? Another Nobel Prize winner, the Colombian García Márquez, said:

"Latin America does not want to be considered a pawn or a chimera whose intended independence and originality are changed to fit Western aspirations. . . . Why should the originality freely conceded to us in literature be denied to us with such suspicion when we try, with great difficulty, to bring about social change? Why should it be thought that social justice, which the advanced Europeans are trying to impose in their own countries, cannot also be a Latin American objective, with its own distinct methods, in different circumstances? No. The immoderate violence and suffering of our history are the result of countless age-old, bitter injustices, not a plot hatched 3,000 leagues away. But many European leaders and thinkers have believed this, with the childishness of old people who forget the prolific folly of their youth, as if they had no other possible future than to live at the mercy of the two great masters of the world."

64. The sponsors of the draft resolution on the situation with regard to human rights in El Salvador understood on this occasion that the Latin American countries could contribute to the search for solutions, and agreed to change the content and language of the original draft resolution substantially, recognizing the role of President Duarte in taking certain initiatives. My Government applauds him and is grateful to him for this. In recognition of this political integrity, Colombia will vote in favour of that draft resolution.

65. For all the reasons that I have given, we cannot support the draft resolutions on Guatemala and Chile.

66. The PRESIDENT: We have heard the last speaker in explanation of vote before the voting on

the recommendations of the Third Committee. The Assembly will now take a decision on the 20 draft resolutions recommended by the Third Committee in paragraph 69 of its report [A/39/700].

67. Draft resolution I, entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers", was adopted by the Third Committee without a vote. The programme budget implications of the draft resolution are contained in the relevant report of the Fifth Committee [A/39/805/Rev.1]. May I take it that the Assembly wishes to adopt this draft resolution?

Draft resolution I was adopted (resolution 39/102).

68. The PRESIDENT: Draft resolution II, entitled "Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live", was adopted by the Third Committee without a vote. The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/39/805/Rev.1. May I take it that the Assembly wishes to adopt this draft resolution?

Draft resolution II was adopted (resolution 39/103).

69. The PRESIDENT: Draft resolutions III to VII, entitled "Assistance to refugees in Somalia", "Assistance to displaced persons in Ethiopia", "Emergency assistance to returnees and displaced persons in Chad", "Humanitarian assistance to refugees in Djibouti" and "Situation of refugees in the Sudan", respectively, were adopted together by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolutions III to VII were adopted (resolutions 39/104 to 39/108).

70. The PRESIDENT: Draft resolution VIII, entitled "Assistance to student refugees in southern Africa", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution VIII was adopted (resolution 39/109).

71. The PRESIDENT: Draft resolution IX, entitled "Summary or arbitrary executions", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution IX was adopted (resolution 39/110).

72. The PRESIDENT: Draft resolution X, entitled "Question of enforced or involuntary disappearances", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution X was adopted (resolution 39/111).

73. The PRESIDENT: We turn to draft resolution XI, entitled "Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders", which was adopted by the Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution XI was adopted (resolution 39/112).

74. The PRESIDENT: Draft resolution XII, entitled "United Nations Voluntary Fund for Victims of Torture", was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

Draft resolution XII was adopted (resolution 39/113).

75. The PRESIDENT: Draft resolution XIII, entitled "Measures to be taken against Nazi, Fascist and neo-Fascist activities and all other forms of totalitarian ideologies and practices based on racial intolerance, hatred and terror", was adopted by the Committee without a vote. May I take it that the Assembly also wishes to adopt it?

Draft resolution XIII was adopted (resolution 39/114).

76. The PRESIDENT: Draft resolution XIV, entitled "Regional arrangements for the protection of human rights", was also adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XIV was adopted (resolution 39/115).

77. The PRESIDENT: Draft resolution XV, entitled "Regional arrangements for the promotion and protection of human rights in the Asian region", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XV was adopted (resolution 39/116).

78. The PRESIDENT: Draft resolution XVI, entitled "Human rights and mass exoduses", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XVI was adopted (resolution 39/117).

79. The PRESIDENT: Draft resolution XVII, entitled "Human rights in the administration of justice", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution XVII was adopted (resolution 39/118).

80. The PRESIDENT: We turn now to draft resolution XVIII, which is entitled "Situation of human rights and fundamental freedoms in El Salvador". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Egypt, Ethiopia, Finland, France, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Peru,⁴ Poland, Portugal, Qatar, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia.

Against: Bangladesh, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Morocco, Paraguay, United States of America, Uruguay.

Abstaining: Bahamas, Belize, Bhutan, Brazil, Brunei Darussalam, Burma, Central African Republic, Chad, China, Democratic Kampuchea, Ecuador, Equatorial Guinea, Fiji, Gabon, Germany, Federal Republic of, Ivory Coast, Japan, Jordan, Liberia, Malawi, Malaysia, Maldives, Nepal, Niger, Oman, Pakistan, Papua New Guinea, Philippines, Romania, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, Yemen, Zaire.

Draft resolution XVIII was adopted by 93 votes to 11, with 40 abstentions (resolution 39/119).⁴

81. The PRESIDENT: We come now to draft resolution XIX, entitled "Situation of human rights and fundamental freedoms in Guatemala". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Qatar, Rwanda, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Spain, Swaziland, Sweden, Syrian Arab Republic, Togo, Tunisia, 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, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Bangladesh, Chile, El Salvador, Guatemala, Haiti, Indonesia, Morocco, Pakistan, Paraguay, United States of America, Uruguay.

Abstaining: Bahamas, Belize, Bhutan, Brazil, Brunei Darussalam, Burma, Central African Republic, Chad, China, Colombia, Costa Rica, Democratic Kampuchea, Dominican Republic, Ecuador, Egypt, Equatorial Guinea, Fiji, Gabon, Guinea, Honduras, Ivory Coast, Japan, Jordan, Liberia, Malawi, Malaysia, Maldives, Nepal, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, Romania, Singapore, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Turkey, Venezuela, Yemen, Zaire.

Draft resolution XIX was adopted by 85 votes to 11, with 47 abstentions (resolution 39/120).⁵

82. The PRESIDENT: Finally, we come to draft resolution XX, entitled "Situation of human rights and fundamental freedoms in Chile". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burkina Faso, Burundi,

Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Dominican Republic, Equatorial Guinea, Ethiopia, Finland, France, Gambia, German Democratic Republic, Germany, Federal Republic of, Ghana, Greece, Guinea, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Ireland, Italy, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Norway, Poland, Portugal, Qatar, Romania, Rwanda, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sri Lanka, Swaziland, Sweden, Togo, Tunisia, 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, Vanuatu, Venezuela, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

Against: Bangladesh, Brazil, Chile, El Salvador, Guatemala, Haiti, Indonesia, Lebanon, Morocco, Pakistan, Paraguay, United States of America, Uruguay.

Abstaining: Bahamas, Belize, Bhutan, Brunei Darussalam, Burma, Cameroon, Central African Republic, Chad, China, Democratic Kampuchea, Ecuador, Egypt, Fiji, Gabon, Honduras, Ivory Coast, Japan, Jordan, Liberia, Malawi, Malaysia, Nepal, Niger, Nigeria, Oman, Panama, Papua New Guinea, Peru, Philippines, St. Vincent and the Grenadines, Saudi Arabia, Singapore, Somalia, Suriname, Thailand, Trinidad and Tobago, Turkey, Yemen, Zaire.

Draft resolution XX was adopted by 90 votes to 13, with 40 abstentions (resolution 39/121).⁵

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

84. Mr. VILLAGRA DELGADO (Argentina) (*interpretation from Spanish*): Argentina voted in favour of draft resolution XVIII because human rights constitute a legitimate interest of the United Nations and because the General Assembly should concern itself with violations of those rights wherever they occur. However, the Argentine delegation would like to point out that it considers that this year, 1984, has seen positive progress in the situation in El Salvador, represented particularly by the elections and the dialogue initiated by President Duarte with the opposition forces. Argentina believes that these positive factors will contribute to improving the human rights situation in the sister republic of El Salvador.

85. Mrs. PAPAORGJI (Albania) (*interpretation from Spanish*): The Albanian delegation voted in favour of draft resolution XVIII, in accordance with the policy of the Government of the Socialist People's Republic of Albania in support of the just struggle of peoples. In spite of that, our delegation would point out that it has reservations on certain paragraphs of this resolution.

86. The PRESIDENT: The Assembly has concluded its consideration of all the chapters of the report of the Economic and Social Council allocated to the Third Committee. We will now turn to the report of the Third Committee on agenda item 92 [A/39/70]. The Assembly will now take a decision on the draft resolution entitled "International Research and Training Institute for the Advancement of

Women", recommended by the Committee in paragraph 8 of its report. The Committee adopted that draft resolution without a vote. May I take it that the Assembly also wishes to adopt it?

The draft resolution was adopted (resolution 39/122).

87. The PRESIDENT: We will now consider the report of the Committee on agenda item 93 [A/39/702]. The Assembly will now take a decision on the seven draft resolutions recommended by the Committee in paragraph 22 of its report. Draft resolution I, entitled "The role of women in society", was adopted by the Committee without a vote. May I take it that it is also the wish of the Assembly to adopt that draft resolution?

Draft resolution I was adopted (resolution 39/123).

88. The PRESIDENT: Draft resolution II, entitled "Participation of women in promoting international peace and co-operation", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 39/124).

89. The PRESIDENT: Draft resolution III, entitled "Arrangements for the future management of the Voluntary Fund for the United Nations Decade for Women", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution III was adopted (resolution 39/125).

90. The PRESIDENT: Draft resolution IV, entitled "Improvement of the situation of women in rural areas", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution IV was adopted (resolution 39/126).

91. The PRESIDENT: Draft resolution V is entitled "Senior women's programme officers posts at the regional commissions". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Austria, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burma, Burundi, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Democratic Kampuchea, Democratic Yemen, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, Finland, France, Gabon, Gambia, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Ivory Coast, Jamaica, Japan, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden,

Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Vanuatu, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Bulgaria, Byelorussian Soviet Socialist Republic, Czechoslovakia, Hungary, Israel, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics.

Draft resolution V was adopted by 135 votes to 1, with 8 abstentions (resolution 39/127).

92. The PRESIDENT: Draft resolution VI, entitled "Integration of women in all aspects of development", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution VI was adopted (resolution 39/128).

93. The PRESIDENT: Finally, we come to draft resolution VII, entitled "Preparations for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace". The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/39/812. The Third Committee adopted the draft resolution without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution VII was adopted (resolution 39/129).

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

95. Mrs. QUINTANILLA (United States of America): Draft resolution I in document A/39/702 is a compromise text reflecting differing views of Member States on the role of women in society, particularly as mothers.

96. Over all, American public policy recognizes and supports the basic principle that parents have the primary responsibility for childbearing, child care, child rearing and the education of their children. Parental love and responsibility provide a sound basis for children to develop their full potential. The task of Government and society is not to replace the primary role of the family, but to encourage and defend it.

97. With regard to paragraph 2 of the draft resolution, the United States has established legal procedures to combat inequities in employment opportunities and practices which discriminate against women. The Equal Pay Act of 1963 prohibits unequal pay for women and men in the same establishment whose jobs require equal effort, skill and responsibility. Because we believe the phrase "equal pay for work of equal value" has this meaning, the United States was able to support it.

98. We would not have been able to do so, however, had the ill-defined and unproved concept of "comparable worth" been raised. Many economists have criticized this concept, which seeks to deal with the disparity in the average wage earnings of men and women through a system of determining the relative value of different jobs in setting wages. This theory is a developing area of law and of lively legislative debate in the United States. It is not current Federal

law or practice, although it is a matter currently being considered by various courts and local governments.

99. Regarding paragraph 4, Federal law in the United States, while protecting the rights of pregnant workers, does not mandate paid maternity leave. This is a matter reserved for negotiations between employers and their employees. The Pregnancy Discrimination Act of 1978 requires that employers, for all employment-related purposes—including the receipt of benefits under fringe benefit programmes—treat women affected by pregnancy, childbirth and related medical conditions in the same manner as other persons not so affected, but similar in their ability or inability to work. This law, which applies to employers with 15 or more employees, does not require employers to provide special benefits or new programmes, such as paid maternity leave for pregnant workers.

100. The same law states that an employer cannot refuse to hire a pregnant woman so long as she is able to perform the major functions necessary to the job. An employer may not terminate workers because of pregnancy, force them to go on leave at an arbitrary date if they are still able to work, or penalize them because of pregnancy in reinstatement rights, including credit for previous service, accrued retirement benefits and acquired seniority. Since 1972, similar provisions have also been part of the sex discrimination guidelines issued by the United States Equal Employment Opportunity Commission.

101. The PRESIDENT: The Assembly will now turn its attention to the report of the Committee on agenda item 94 [A/39/703]. We will now take a decision on the draft resolution entitled "Convention on the elimination of all forms of discrimination against women", recommended by the Committee in paragraph 8 of its report. The report of the Fifth Committee on the programme budget implications is contained in document A/39/803. A recorded vote has been requested.

A recorded vote was taken.

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

Suriname, Swaziland, Sweden, 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, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia.

Against: United States of America.

Abstaining: Morocco.

The draft resolution was adopted by 142 votes to 1, with 1 abstention (resolution 39/130).

102. The PRESIDENT: The Assembly will now consider the report of the Committee on agenda item 95 [A/39/704] and take a decision on the draft resolution entitled "Elimination of all forms of religious intolerance", recommended by the Committee in paragraph 7 of its report. That draft resolution was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 39/131).

103. The PRESIDENT: I shall now call on those representatives wishing to explain their positions.

104. Mr. KOROMA (Sierra Leone): On the resolution just adopted, the Sierra Leonean delegation would like to state the following. In Sierra Leone, spires and minarets punctuate the townscape of the country, evidence of the strong and living influence of religion in the life of the nation. Christian, Islamic and African religious expression coexist and thrive in an atmosphere of mutual respect and tolerance. Today in Sierra Leone there are different Christian denominations. Anglican, Roman Catholic, Evangelical, United Brethren, Methodist and West African Methodist, Baptist and a number of other congregations coexist in harmony in a climate of religious freedom and tolerance.

105. The influence of Islam in Sierra Leone pre-dates that of Christianity. From time immemorial, the modern pattern of tolerance and mutual respect between Christianity and Islam has been established, the two uniting in the anti-colonialist movement and also joined in a common culture. Both the Christian and Islamic communities in my country offer facilities for worship in the vernacular to various sections of the community.

106. African religion is deeply rooted in the history of Sierra Leone. Its fundamental values—worship of the Creator, recognition of family and communal responsibilities and respect for the wisdom of our ancestors—provide an ethical foundation compatible with Christianity and Islam and act as a cohesive force throughout the country at a time of rapid development and changing life-styles.

107. Against that background of religious tolerance and freedom in my country and the need to promote universal respect for and observance of human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion, it will be understandable why the Sierra Leone delegation is concerned that intolerance and discrimination based on religion or belief continue to exist in some countries.

108. The Sierra Leone delegation firmly believes that religion is a matter of the heart and is a bond between the individual and whom or what he believes in. We also maintain that it is not a matter that

should be determined, established or disestablished by parliament, decree, ordinance or in any other manner for that matter. My delegation believes it is the inherent right of the individual to declare and practise his faith.

109. We would therefore like to urge those Governments which proscribe or attempt to proscribe one religious denomination or another and persecute its followers on the ground that it is not the true or authentic religion to refrain from such a practice.

110. On the other hand, the Sierra Leone delegation endorses paragraphs 2 and 3 of the resolution just adopted, which urge all States to give continuing attention to the need for adequate legislation to prohibit discrimination based on religion or belief in the recognition, exercise and enjoyment of human rights and fundamental freedoms and to combat intolerance based on religion or belief.

111. The PRESIDENT: Next we turn to the report of the Committee on agenda item 96 [A/39/705]. The Assembly will now take a decision on the recommendations of the Committee contained in paragraph 11 of its report.

112. First, the Assembly will take a decision on draft resolution I, entitled "Implications of scientific and technological developments for human rights", which the Committee adopted without a vote. May I consider that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 39/132).

113. The PRESIDENT: We turn next to draft resolution II, entitled "Human rights and scientific and technological developments". A recorded vote has been requested.

A recorded vote was taken.

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

Against: None.

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

Draft resolution II was adopted by 127 votes to none, with 21 abstentions (resolution 39/133).

114. The PRESIDENT: Finally, we turn to draft resolution III, entitled "Human rights and use of scientific and technological developments". A recorded vote has been requested.

A recorded vote was taken.

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

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

Abstaining: Australia, Austria, Belgium, Denmark, Finland, Iceland, Ireland, Israel, Japan, Luxembourg, Netherlands, New Zealand, Norway, Portugal, Spain, Sweden, Turkey.

Draft resolution III was adopted by 124 votes to 6, with 17 abstentions (resolution 39/134).

115. The PRESIDENT: We will now turn our attention to the report of the Committee on agenda item 97 [A/39/706]. The Assembly will take a decision on the draft resolution entitled "Question of a convention on the rights of the child", recommended by the Committee in paragraph 7 of its report. The Committee adopted that draft resolution without a vote. May I take it that the Assembly wishes to do the same?

The draft resolution was adopted (resolution 39/135).

116. The PRESIDENT: We turn next to the report of the Committee on agenda item 98 [A/39/707]. The Assembly will take a decision on the three draft

resolutions recommended by the Committee in paragraph 15 of its report.

117. Draft resolution I, entitled "International Covenants on Human Rights", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 39/136).

118. The PRESIDENT: Draft resolution II is entitled "Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty". A recorded vote has been requested.

A recorded vote was taken.

In favour: Argentina, Australia, Austria, Belgium, Bolivia, Brazil, Burundi, Canada, Cape Verde, Central African Republic, Chile, Colombia, Costa Rica, Cyprus, Denmark, Dominican Republic, Ecuador, El Salvador, Fiji, Finland, France, Germany, Federal Republic of, Ghana, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Ivory Coast, Jamaica, Japan, Kenya, Liberia, Luxembourg, Mali, Malta, Mauritania, Mexico, Netherlands, New Zealand, Nicaragua, Norway, Panama, Papua New Guinea, Peru, Portugal, Rwanda, Samoa, Sao Tome and Principe, Seychelles, Spain, Sweden, Togo, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela.

Against: Bahrain, Bangladesh, Iran (Islamic Republic of), Iraq, Jordan, Kuwait, Libyan Arab Jamahiriya, Maldives, Oman, Pakistan, Qatar, Saudi Arabia, Senegal, Singapore, Somalia, Sudan, Syrian Arab Republic, United Arab Emirates, Yemen.

Abstaining: Afghanistan, Algeria, Angola, Bahamas, Barbados, Belize, Benin, Bhutan, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Byelorussian Soviet Socialist Republic, Cameroon, China, Congo, Cuba, Czechoslovakia, Democratic Kampuchea, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Hungary, India, Lao People's Democratic Republic, Lebanon, Lesotho, Madagascar, Malawi, Malaysia, Mauritius, Mongolia, Nepal, Niger, Nigeria, Paraguay, Poland, Saint Vincent and the Grenadines, Sri Lanka, Swaziland, Thailand, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Viet Nam, Yugoslavia, Zaire, Zambia, Zimbabwe.

Draft resolution II was adopted by 64 votes to 19, with 55 abstentions (resolution 39/137).

119. The PRESIDENT: Draft resolution III, entitled "Reporting obligations of States parties to United Nations conventions on human rights", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution III was adopted (resolution 39/138).

120. The PRESIDENT: The Assembly will now consider the report of the Committee on agenda item 100 [A/39/709] and take a decision on the draft resolutions recommended by the Committee in paragraph 12 of its report.

121. Draft resolution I, entitled "Second International Conference on Assistance to Refugees in Africa", was adopted by the Committee without a vote. May I take it that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 39/139).

122. The PRESIDENT: Draft resolution II is entitled "Report of the United Nations High Commissioner for Refugees". The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/39/804. The Third Committee adopted draft resolution II without a vote. May I consider that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 39/140).

123. The PRESIDENT: The Assembly will now consider the report of the Committee on agenda item 101 [A/39/710] and take a decision on the three draft resolutions recommended by the Committee in paragraph 16 of its report.

124. Draft resolution I, entitled "Draft Convention against Traffic in Narcotic Drugs and Psychotropic Substances and Related Activities", was adopted by the Committee without a vote. May I consider that the Assembly wishes to do the same?

Draft resolution I was adopted (resolution 39/141).

125. The PRESIDENT: Draft resolution II, entitled "Declaration on the Control of Drug Trafficking and Drug Abuse", was also adopted in the Committee without a vote. May I take it that the Assembly wishes to do likewise?

Draft resolution II was adopted (resolution 39/142).

126. The PRESIDENT: Draft resolution III is entitled "International campaign against traffic in drugs". The report of the Fifth Committee on the programme budget implications of the draft resolution is contained in document A/39/768. The draft resolution was adopted by the Third Committee without a vote. May I consider that the Assembly wishes to do likewise?

Draft resolution III was adopted (resolution 39/143).

127. The PRESIDENT: The Assembly will now consider the report of the Committee on agenda item 102 [A/39/711] and take a decision on the two draft resolutions recommended by the Committee in paragraph 13 of its report.

128. The Assembly will take action first on draft resolution I, entitled "National institutions for the protection and promotion of human rights", which was adopted by the Committee without a vote. May I consider that the Assembly wishes to do likewise?

Draft resolution I was adopted (resolution 39/144).

129. The PRESIDENT: Next we turn to draft resolution II, entitled "Alternative approaches and ways and means within the United Nations system for improving the effective enjoyment of human rights and fundamental freedoms". A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Bangladesh, Barbados, Belgium, Belize, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burma, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Ethiopia, Fiji, France, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guatemala, Guinea, Guyana, Honduras, Hungary, India, Indonesia, Iraq, Italy, Ivory Coast,

Jamaica, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Romania, Rwanda, Saint Vincent and the Grenadines, Samoa, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Singapore, Somalia, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Yugoslavia, Zaire, Zambia, Zimbabwe.

Against: Israel, United States of America.

Abstaining: Austria, Canada, Denmark, Finland, Germany, Federal Republic of, Iceland, Ireland, Japan, Norway, Sweden, Turkey, United Kingdom of Great Britain and Northern Ireland.

Draft resolution II was adopted by 131 votes to 2, with 12 abstentions (resolution 39/145).

AGENDA ITEM 36

The situation in the Middle East: reports of the Secretary-General (concluded)*

130. The PRESIDENT: The Assembly has before it the draft resolutions contained in documents A/39/L.19 and Corr.1 and Add.1, L.20 and Corr.1 and Add.1 and L.21 and Corr.1 and Add.1. I shall now call on those representatives who wish to explain their vote before the vote on any or all of the three draft resolutions. Representatives will also have an opportunity to explain their vote after all the votes have been taken. I should like to remind the Assembly that, under rule 88 of the rules of procedure: "The President shall not permit the proposer of a proposal or of an amendment to explain his vote on his own proposal or amendment."

131. Mr. FARRELL (Ireland): I wish to make a statement on the draft resolutions on behalf of the 10 member States of the European Community. The views of the Ten on the principles necessary to secure peace in the Middle East are well known and were set out in our address to the General Assembly on this item [74th meeting].

132. It will be clear that the Ten have serious reservations on those draft resolutions that address themselves to important aspects of the question of a comprehensive settlement of the Arab-Israeli dispute and that are not in accordance with their common position regarding principles for a comprehensive peace settlement. Consequently, the Ten have repeatedly stressed the need for such draft resolutions to adopt a balanced approach. Also, the Ten cannot accept formulations criticizing a permanent member of the Security Council for exercising its right under the Charter of the United Nations. In connection with draft resolution A/39/L.21, which the Ten will support, they recall the importance they attach to Security Council resolution 478 (1980).

*Resumed from the 77th meeting.

133. Mr. GROSER (New Zealand): New Zealand has always supported Security Council resolution 242 (1967) as the basis for a comprehensive peace settlement in the Middle East. That resolution affirms the right of every State to live in peace within secure and recognized boundaries, free from threats or acts of force. We regard that as fundamental and it applies to Israel as much as to any State.

134. No less fundamental is the right of the people of Palestine to decide their own future and to establish their own State if they wish to. Resolution 242 (1967) reaffirms the principle that territory cannot legitimately be acquired by force. New Zealand believes that Israel should withdraw from the territories it seized by force in 1967 and has occupied ever since. We do not recognize the validity of a number of acts taken by Israel in defiance of this principle. These acts include the annexation of East Jerusalem, the extension to the Golan Heights of Israeli law, jurisdiction and administration, and the establishment of new settlements on land that has been seized in the occupied West Bank.

135. My delegation is disappointed that draft resolutions A/39/L.19 and L.20 do not adequately reflect the balance of principles embodied in resolution 242 (1967). As such, they are not well calculated to contribute to a negotiated settlement. We shall be obliged to abstain on those two draft resolutions.

136. New Zealand will vote in favour of draft resolution A/39/L.21, concerning Jerusalem. New Zealand does not recognize Israel's annexation of Jerusalem. We do not recognize Jerusalem as the capital of Israel. New Zealand has supported a special administrative régime for Jerusalem which safeguards the right of access of all religions.

137. Mr. CHEOK (Singapore): Before voting on the draft resolutions, my delegation wishes to express its concern over the lack of progress towards a lasting settlement of the Arab-Israeli conflict and to emphasize the urgent need for progress to this end. My delegation also reaffirms our support for the efforts in favour of the re-establishment of the full sovereignty, territorial integrity, national independence and unity of Lebanon. We can only add our voice to those calling for a halt to the hostilities in the troubled region and for a renewed effort to seek a negotiated settlement that will include the following elements: first, withdrawal of all foreign forces from Lebanon other than those invited by the Government of Lebanon; secondly, withdrawal of Israel from all Arab territories occupied since 1967; thirdly, self-determination and a homeland for the Palestinian people; and fourthly, the right of all States in the region, including Israel, to live in peace within secure and recognized boundaries, free from threats or acts of force, as embodied in Security Council resolutions 242 (1967) and 338 (1973).

138. On the basis of the foregoing understanding, my delegation is unable to support draft resolutions that do not recognize the legitimate rights of the State of Israel, or those that are selective and unbalanced in their condemnation, or those impinging on the sovereign rights of third countries having diplomatic relations with Israel. However, we support all efforts aimed at restoring the legitimate rights of the Palestinian people and a return to a just and durable peace in the Middle East.

139. My delegation will accordingly vote in favour of draft resolutions A/39/L.19 and L.21 and will abstain on L.20.

140. Mr. BARBOSA DE MEDINA (Portugal) (*interpretation from French*): During its intervention on the question of the Middle East at the thirty-eighth session [102nd meeting], my delegation had the opportunity to define some of the essential principles underlying our votes on the draft resolutions before us. We mentioned the principle of non-use of force in international relations and also the principle whereby armed occupation does not create any territorial rights and cannot give rise to valid agreements unless they include the restoration of territories occupied by force. We invoked the fundamental right of all States to live within secure and recognized boundaries, with the withdrawal of all foreign troops in respect for the sovereignty of countries. We also denounced any unilateral decision liable to modify the juridical status of the territories under military occupation in violation of the applicable norms of international law.

141. Furthermore, we did not fail to express our conviction that it would be a lack of realism to concede the possibility of achieving a solution to the problems of the Middle East without finding a solution to the Palestinian question, a question whose importance is both particular and universal in the light of all the interests at stake and all the risks involved, and one which creates such a grave situation from the point of view of the security of States because of its human dimensions. Based on these considerations, my delegation supported draft resolutions A/39/L.37 to L.40, on the question of Palestine, that were voted on last Tuesday [95th meeting].

142. Indeed, any lasting settlement of these problems presupposes justice for the Palestinians, for the oppression of one people by another or the annexation of occupied territories can never be a valid basis for a negotiated settlement. We have to find a comprehensive solution which involves all the interested parties. A negotiated settlement must be sought based on consultation, and thus the search for a peaceful solution must exclude any acts which may be prejudicial thereto.

143. Portugal will continue to support all diplomatic initiatives and all efforts aimed at implementing the relevant resolutions of the Security Council, as measures likely to prevent destabilization and escalation of violence in the region, and also the threats to international security flowing from such conditions. My Government is looking for a framework for a negotiated settlement in which any dispute in the Middle East will be examined, including its relationship to the whole problem and the legitimate interests of the parties. In this context, as long as there is well-founded hope of efforts being consummated which will reverse the feelings of mutual distrust and fear that have ceaselessly worsened over the last few decades, my delegation believes that it is its duty to dissociate itself from any initiative that may render negotiations more difficult. We shall do this particularly in connection with draft resolutions A/39/L.19 and L.20, which, because of their language, advocate certain measures, but have discriminatory implications or juridical implications that would make more difficult the dialogue on which, in our view, a peaceful solution to the Middle East problem should be based.

144. Mr. ALBORNOZ (Ecuador) (*interpretation from Spanish*): In accordance with the consistent policy of Ecuador of rejecting the occupation of territories by force and of searching for a just and comprehensive solution to the problem of the Middle East, with the participation on an equal footing of all the parties involved, in accordance with the relevant resolutions of the United Nations which provide for the withdrawal of Israel from the occupied Palestinian and Arab territories and the cessation of all hostile activities in those territories, my delegation will vote in favour of draft resolutions A/39/L.19 and L.21, although we do not agree with the wording of some paragraphs in L.19. We will abstain on draft resolution A/39/L.20, inasmuch as it contains paragraphs which detract from the principle of the universality of the United Nations and decisions that are the prerogatives of sovereign States, which, under no circumstances, should be subordinate to decisions or exhortations from third parties or international organizations.

145. Mr. BHATT (Nepal): Nepal's position on the question of the Middle East has been made clear in various forums, including the General Assembly. In this we are clearly guided by the principle of the inadmissibility of the acquisition of territory by force. We have therefore called for the withdrawal of Israel from all the Arab territories occupied since 1967.

146. Secondly, Nepal has made it clear that the Palestinian question is central to any solution of the Middle East problem. As such, we continue firmly to believe that the rights of the Palestinian people should be respected, including its right to statehood. It is imperative that the Palestinians, as represented by the Palestine Liberation Organization [PLO] should be a partner to any settlement of the question.

147. Thirdly, Nepal has made it unequivocally clear that all the States in the region, including Israel, should have the right to live within secure and recognized boundaries.

148. In our view these principles are the only realistic basis to establish a just, lasting and comprehensive peace settlement in the Middle East. We consider that Security Council resolutions 242 (1967) and 338 (1973) contain the essential elements which provide the appropriate framework for the solution of the problem in the Middle East.

149. My delegation would like to express its grave concern over the situation in Lebanon. That small, non-aligned country has been the subject of violence, tension and foreign aggression. We once again call upon Israel to withdraw its forces from that country without any pre-condition. Lebanese sovereign authority should be re-established over all the territory of Lebanon without any foreign interference. In this respect we commend the Secretary-General for promoting talks currently being held between Israel and Lebanon. We hope that the talks will result in agreements which will facilitate Israeli withdrawal from Lebanon and which will help Lebanon eventually to re-establish its authority and territorial integrity over the whole of Lebanon. We hope the talks will also help to create conditions for UNIFIL to play a more effective role in the future.

150. Guided by this position, we will vote in favour of draft resolutions A/39/L.19 and L.20 because we have found that the general thrust of these draft

resolutions is in keeping with what I have stated earlier.

151. However, we are not in a position to support all the provisions and language in draft resolution A/39/L.20. The delegation of Nepal reserves its position on the fourth and eighth preambular paragraphs and on paragraphs 8, 9, 12, 13 and 14 of that draft resolution. The provisions of those paragraphs run counter to the declared policies and perceptions of my Government with regard to the situation in the Middle East. Furthermore, the initiation of measures called for in the operative paragraphs is the prerogative of the Security Council, which alone has the power to adopt the measures it deems necessary under the Charter of the United Nations.

152. Regarding draft resolution A/39/L.19, my delegation reserves its position on paragraphs 10 and 11.

153. Finally, my delegation would have liked reference to be made to Security Council resolutions 242 (1967) and 338 (1973), which, in our opinion, constitute the only realistic basis for a peaceful settlement of the Middle East dispute.

154. Mr. GARCÍA REVILLA (Peru) (*interpretation from Spanish*): The delegation of Peru wishes to explain its votes on draft resolutions A/39/L.20 and L.19.

155. My delegation will abstain in the vote on draft resolution A/39/L.20 because we think it contains certain considerations and recommendations whose orientation, far from contributing to a just, integral and lasting solution to the Middle East problem, tends to prejudice efforts and possibilities for bringing about a solution within the framework of the United Nations and in accordance with the relevant Security Council and General Assembly resolutions.

156. We do not think adoption of the methods proposed in draft resolution A/39/L.20 is the best path for initiating a peace process in the region. On the contrary, it implies the danger of leading to infringement of some of the principles and norms of international law and an erosion of the effectiveness of the United Nations.

157. We will vote in favour of draft resolution A/39/L.19. However, we should like to make quite clear our objections to the interpretation which may be derived from the wording of paragraphs 6, 10 and 11. In the light of the gravity and the continuing deterioration of the situation in the Middle East, we believe that none of these paragraphs fully recognizes the importance of initiatives for peace in this region and that references to relations between given States or other States should be strictly linked to the question of Palestine as the central problem, to respect for the inalienable rights of the Palestinian people and to the need to reject and avoid the carrying out of policies or acts which would infringe the proposed objective of bringing about a political settlement in the Middle East. Finally, my delegation would like to see an explicit reference in draft resolution A/39/L.19 to Security Council resolutions 242 (1967) and 338 (1973), which for my country continue to provide an acceptable and just basis for bringing the parties to an understanding.

158. Mr. PHIRI (Malawi): We are again called upon to consider the situation in the Middle East. My delegation holds the firm view that the situation in that region will elude a peaceful settlement as long as we continue to ignore important principles laid down in the Charter of the United Nations. In our

view, the main elements of these principles are: first, recognition of the legitimate rights of the Palestinian people, including the right to self-determination; and secondly, recognition of the sovereignty and territorial integrity of the State of Israel and of the role that the General Assembly should play in resolving the conflict in the Middle East.

159. My delegation supports self-determination for the Palestinian people and at the same time supports the right of Israel to exist as a sovereign State within secure borders, on the basis of the right of all States in the region to coexist within secure and internationally recognized boundaries, with justice and security for all people. We support the call that all the parties to the conflict must be allowed to participate in the process of negotiating a comprehensive and just settlement of the dispute.

160. For those reasons, my delegation will vote in favour of draft resolution A/39/L.21. However, we shall abstain in the votes on draft resolutions A/39/L.19 and L.20. We are motivated by a deep-rooted conviction that there is still sufficient room for a just and amicable solution to the dispute through negotiation.

161. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): My Government's position regarding the problem of Palestine is quite clear. My delegation will vote in favour of draft resolutions A/39/L.19, L.20 and L.21, but with the following reservations.

162. First, we make no distinction between those territories that were occupied before 1967 and those occupied since. We therefore believe that the Zionist usurpers must withdraw from the whole of Palestine and not simply from the territories occupied since 1967.

163. Secondly, paragraph 4 of draft resolution A/39/L.19 is not acceptable to us. Therefore, we also declare our reservation on that paragraph, which we regard as a continuation or version of the Camp David accord—or, rather, the Camp David conspiracy.

164. Our solution to the problem of Palestine and the Middle East is simply the united Islamic front.

165. Mr. ARTACHO (Spain) (*interpretation from Spanish*): At the end of our consideration of the question of Palestine last Tuesday [95th meeting], my delegation took the opportunity to state Spain's position on that subject and on the Middle East conflict. Today I want simply to repeat the well-known position of the Spanish delegation with regard to that conflict.

166. A final solution, and with it the establishment of a just and lasting peace in the Middle East, should be based on Israel's withdrawal from all the Arab territories occupied since 1967, on the right of all States in the area, including Israel, to live in peace within secure and recognized borders, and on respect for the legitimate rights of the Palestinian people, including the right to self-determination.

167. In accordance with that position of principle, my delegation will vote in favour of draft resolution A/39/L.21.

168. My delegation supports the essential elements for a solution to the Middle East problem set out in draft resolution A/39/L.19. We regard as acceptable paragraphs 4, 6 and 13, in that the Arab peace plan embodied in the Final Declaration⁶ adopted on 9 September 1982 at the Twelfth Arab Summit Confer-

ence, held at Fez, and an international peace conference on the Middle East should not exclude other possible plans or means of bringing about a peaceful, negotiated solution to the Middle East problem. However, we cannot support paragraphs 10, 11 and 12, and therefore we shall be obliged to abstain in the vote on that draft resolution.

169. Finally, my delegation endorses the spirit of draft resolution A/39/L.20, inasmuch as it reflects the principles underlying Spain's position on the Middle East problem and, specifically, in that it rejects the expansionist policy of the Israeli authorities and condemns the measures to annex the Golan Heights. Nevertheless, the legal problems and the political implications of the penultimate preambular paragraph, paragraphs 8 and 9 and, in particular, paragraphs 12, 13 and 14, make it impossible for us to vote for the draft resolution.

170. Mr. FARTAS (Libyan Arab Jamahiriya) (*interpretation from Arabic*): My country will vote for the three draft resolutions. We wish to reaffirm our established position on the question of Palestine and the situation in the Middle East, and therefore we must state that we have reservations about any reference that can be interpreted, directly or indirectly, as my country's recognition of the Zionist, racist entity or a legitimization of a *fait accompli* imposed by force.

171. Mrs. KIRKPATRICK (United States of America): Three days ago [95th meeting], I had occasion to explain the United States votes against the set of four draft resolutions submitted under the item "Question of Palestine". I wish today to state that the United States also opposes and will vote against draft resolutions A/39/L.19 and L.20 because they are, if possible, more unfair, more unbalanced, more prejudicial, more dysfunctional than the four resolutions which the Assembly considered on Tuesday, against which we spoke then. At that time we stated how utterly inconsistent and unproductive it was to accuse a State of being non-peace-loving and then, in virtually the same breath, to urge that State to attend an international conference devoted to the search for peace, as though that country, already branded a non-peace-loving State, might expect fair play from such a conference.

172. We also stated that this context, this prejudicial preparation for a conference, this judgement in advance—this prior judgement—could not possibly lead to good-faith negotiations, and we suggested that negotiations lacking good faith were not negotiations at all in any meaningful sense of that term. Such so-called negotiations would instead simply serve as a propaganda forum, a propaganda exercise, which would certainly make the attainment of peace more difficult, rather than contribute to the achievement of that desirable goal.

173. The United States opposes such a Middle East conference, but we also note that any positive possibility such a conference might conceivably have is undermined by resolutions of this type.

174. The United States also strenuously objected to the unfair treatment and disrespect shown in those draft resolutions on the question of Palestine to the sovereignty of a State Member of the United Nations. One of those draft resolutions, A/39/L.40, regretted the negative response of two Governments towards such a conference. I mention that reference because one of the draft resolutions before the

Assembly today—A/39/L.19—makes an equally inappropriate and unacceptable reference to the United States and to the way my country conducts its foreign policy. Once again, there is an unwarranted and unjustified interference in the internal affairs and decision-making of the United States. Once again, I should remind the General Assembly that the Charter of the United Nations does not give it jurisdiction over the foreign policy of the United States.

175. Paragraph 10 of draft resolution A/39/L.19 considers that the co-operative agreements between the United States and Israel “would encourage Israel to pursue its aggressive and expansionist policies”. The United States considers this a false and offensive statement. We also consider it misleading as to the likely consequences of our policies.

176. Last night [99th meeting], the General Assembly undertook to correct an abusive practice which has prevailed in the Assembly for some time. It took note of the practice of singling out particular countries for special criticism and, more important, last night we all took a step in the direction of correcting that abuse. As this body is aware, selective name-calling is almost entirely reserved for the United States and Israel. It is very selective indeed. The Soviet Union goes unnamed in the resolution on Afghanistan; Viet Nam goes unnamed in the resolution on Kampuchea. In both of those cases, aggressive, expansionist invasions, indeed, and occupations are under way; yet no names are named. In the draft resolutions before us there is fear that some policy might lead to an aggressive, expansionist policy; yet names are named.

177. Last night, however, the General Assembly took the wise and courageous step of removing four derogatory references to the United States. That was done in the interest of fairness and justice and in the interest of the ability of the United Nations to play a constructive role in the future. We hope that the General Assembly will do no less today. That is why my delegation has asked for a separate recorded vote on paragraph 10 of draft resolution A/39/L.19. We would hope that this needed corrective action would continue.

178. But we are faced today with another draft resolution—A/39/L.20—which, through its slightly veiled reference to a permanent member of the Security Council “which prevented the Council” from adopting sanctions against Israel, would continue this obnoxious practice of selective name-calling.

179. Those are my country’s strong objections to the singularly offensive treatment of the United States in these draft resolutions, and indeed too often in this debate. They alone constitute ample reason for voting against the two draft resolutions, but there is more, and that goes to the thrust and overall purpose of the draft resolutions. They speak repeatedly of “aggression”, of “threats to international peace and security” and “the maintenance of international peace”, of Israel as not being a peace-loving Member State and of wide-ranging sanctions in the military, diplomatic, economic, technological and cultural fields. They “condemn”, “strongly condemn”, “reject”, “deplore”, “strongly deplore” and so forth.

180. The people of the Middle East—all the people of the Middle East, Arabs, Israelis and all other peoples of that region—desire peace. They need

peace. They deserve better from this Assembly than the negative finger-pointing which these draft resolutions contain. They deserve a positive approach, hopeful ideas and a constructive spirit to come out of our debates. They deserve good faith.

181. The United States, for its part, will not be distracted, nor will it flag in its efforts to work for peace between Israel and its neighbours. It believes that the basis for achieving such a goal already exists in Security Council resolutions 242 (1967) and 338 (1973), which call for direct negotiations and secure borders for all States in the region.

182. A focus in our debates on practical means to implement those two resolutions could go far towards bringing an equitable and comprehensive solution to at least one major dispute in the Middle East.

183. Mr. LEVIN (Israel): Predictably, the agenda item before the Assembly has been exploited to assist the campaign of the Arab States against Israel, thereby undermining a peaceful solution of the Arab-Israel conflict. The draft resolutions before the Assembly vividly illustrate this.

184. Draft resolution A/39/L.19 is a synopsis of the elements underlying all the draft resolutions submitted under agenda item 33, on the question of Palestine. Its purpose is precisely the same as that of the other resolutions, namely, to impede a peaceful solution to the Arab-Israel conflict.

185. Especially outrageous are paragraphs 10 and 11, which suggest that war can and should be waged against Israel through the use of United Nations machinery. It is consequently an anti-peace, draft resolution and as such must be rejected.

186. Draft resolution A/39/L.20 is a blatant attempt to harm Israel and legitimize Arab aggressions of the past. For years, the Golan Heights served as a launching ground for Syrian attacks against Israel. However, instead of condemning Syria, the chief menace to peace in our area today, the draft resolution castigates Israel. Instead of calling for negotiations and conciliation, the draft resolution grotesquely calls on States to refrain from supplying Israel, the object of repeated Arab aggression, with the necessary means to defend itself. It seeks to isolate Israel so that Arab warmongers may be emboldened to strike across its borders. In its extremist language, this draft resolution stands out even among the other proposals against Israel.

187. Regarding Jerusalem, dealt with in draft resolution A/39/L.21, Israel’s position is well known. For the Jewish people, Jerusalem has always been the centre of their national and spiritual life. Reunited since 1967, Jerusalem enjoys freedom and prosperity unprecedented in the city’s history. In glaring contrast with the situation which prevailed in Jerusalem before 1967, the adherents of all faiths are guaranteed free access to their holy places of worship.

188. Israel will steadfastly continue to advance the peace and well-being of our capital and its inhabitants, as well as the preservation of Jerusalem’s unique place in the hearts of people of diverse faiths.

189. In focusing on the Arab-Israel dispute within the context of the situation in the Middle East, the General Assembly is doing considerable harm to the cause of peace. It totally neglects the many conflicts in the area and their underlying causes. My delegation will not lend a hand to this distortion. We shall vote against the draft resolutions on this agenda item

and call upon the delegations of those States committed to peace to do likewise.

190. The PRESIDENT: We have heard the last speaker in explanation of vote before the vote. I call on the representative of the United States on a point of order.

191. Mr. SCHIFTER (United States of America): I would like to clarify an issue of procedure.

192. Yesterday [98th meeting], acting under Article 18, paragraph 3, of the Charter of the United Nations, the General Assembly decided that the *apartheid* draft resolution was an important question requiring a two-thirds vote on the principal proposal and any subsidiary question. Paragraph 3, as we will all recall, allows the General Assembly to add by majority vote "additional categories of questions" requiring a two-thirds majority. These are categories additional to the categories set out in Article 18, paragraph 2.

193. It will be recalled that we objected yesterday to a motion under Article 18, paragraph 3, which gives the General Assembly the option to declare a matter an important question. As we made clear, we were deeply concerned that the option to make this change was put before the General Assembly so very late in the game. By contrast, we are now raising a different issue. It is an issue arising out of Article 18, paragraph 2. Paragraph 2 is mandatory, not optional. It mandates—it by law requires—a two-thirds vote on certain categories of issues.

194. To make absolutely clear what we are talking about, I shall read the relevant material from the Charter that will clarify the point I am trying to make. Yesterday the issue arose, as I indicated, under Article 18, paragraph 3, which reads as follows:

"Decisions on other questions, including the determination of additional categories of questions to be decided by a two-thirds majority, shall be made by a majority of the members present and voting."

195. The issue that our delegation is putting before the Assembly is the following: under Article 18, paragraph 2, there is no choice, there is no option, there is no freedom for the General Assembly to decide the matter one way or the other. There is a mandate to vote certain issues by a two-thirds vote, and I quote Article 18, paragraph 2:

"Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include:"—and the first category is—"recommendations with respect to the maintenance of international peace and security"

It then goes on to speak of various other matters that we all know about, such as elections to the Security Council. But the point to be made is that Article 18, paragraph 2, requires a two-thirds vote on any draft resolution that constitutes a recommendation with respect to the maintenance of international peace and security. Our point is that there is no choice.

196. Now as draft resolution A/39/L.19 calls for the commencing of a peace conference and speaks of the efforts to establish peace, and of threats to international security, and also as draft resolution A/39/L.20 makes a judgement that Israel's actions constitute a continuing threat to international peace and security, both draft resolutions clearly fall under the provisions of Article 18, paragraph 2. The necessary

consequence is that the draft resolutions and all subsidiary votes require a two-thirds majority for adoption.

197. The PRESIDENT: I call on the representative of the Islamic Republic of Iran on a point of order.

198. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): I totally disagree with the interpretation presented by the representative of the United States. What is meant by the paragraph just read out to us is not any reference to any world peace or world order. International peace and order is often referred to in all paragraphs of the various documents of the United Nations. To make decisions on peace and war is something different from speaking about peace, and the references to peace in the two paragraphs to which the representative of the United States referred are general references to peace and not decisions on peace or war. Therefore, they are totally different from the implication of Article 18.

199. The PRESIDENT: I call on the representative of Democratic Yemen on a point of order.

200. Mr. AL-ASHTAL (Democratic Yemen): This is the thirty-ninth session of the General Assembly. For 39 years, every year, we have had resolutions on the Middle East on which we have voted, customarily, by simple majority. All of a sudden, today the representative of the United States sees this to be an important matter under Article 18, paragraph 2, of the Charter of the United Nations. I am not going to say that this is not only an insincere and unfair method being used by the United States delegation but I want only to mention that the United States has never taken the resolutions of the General Assembly so seriously that it can now cite Article 18 of the Charter.

201. The representative of the United States did not suggest that the draft resolutions before us should be adopted by a two-thirds majority. He said that, under Article 18, paragraph 2, it is mandatory on the General Assembly to consider these draft resolutions as important. Since we have not, for the past 38 years, considered them important under Article 18, paragraph 2, I request you, Mr. President, to ask the Legal Counsel to clarify the matter.

202. Mrs. KIRKPATRICK (United States of America): It was, of course, the General Assembly, precisely, which called the attention of all of us to the question of what is or is not an important question and does or does not therefore require a two-thirds majority. It was the General Assembly which called our attention back to the provisions of the Charter, whether or not they had been invoked in recent years, and addressing the requirements of Article 18 makes perfectly clear that it is not in fact discretionary for this Assembly to decide whether or not recommendations with respect to the maintenance of international peace and security are or are not important questions, any more than the election of non-permanent members of the Security Council is or is not an important question. It is simply postulated by the Charter of the United Nations, under Article 18, paragraph 2, that these questions are important.

203. It is also perfectly clear—as even a cursory examination of the two draft resolutions before us establishes—that they concern in their very essence recommendations with respect to maintenance of international peace and security. A significant portion of their preambular and operative paragraphs is

concerned precisely with the maintenance of international peace and security.

204. Therefore, it seems to us that the mandatory decision must be that this is an important question.

205. Mr. EL-FATTAL (Syrian Arab Republic) (*interpretation from Arabic*): Actually, I was not surprised at the American proposal, which is twofold. I am speaking only of the interpretation—and I stress the word “interpretation”—this unilateral interpretation of the United States of the Charter of the United Nations. I am really surprised, because Mrs. Kirkpatrick herself did not consider the situation in the Golan Heights as a threat to peace. I can quote her statement on 5 February 1982 during the ninth emergency special session of the General Assembly, convened to discuss the question of the Golan Heights. After the United States had used its right of veto in the Security Council to paralyse that body, we came to the General Assembly to seek justice here.

206. At that time, Mrs. Kirkpatrick said that the draft resolution—the same resolution that has been submitted for the past three years:

“The draft resolution . . . calls the Israeli legislation an act of aggression. But no shots were fired, no soldiers were brought into place. And the future of the Golan Heights is no less negotiable than before.”* [12th meeting, para. 21.]

207. She herself thus recognizes that the situation, following the application of Israeli legislation in the occupied Syrian territories, does not constitute an act of aggression. Why should she now say that this question constitutes a threat to international peace and security or is relevant to international peace and security?

208. Moreover, mocking the draft resolution and wishing to minimize the importance of the question, Mrs. Kirkpatrick said:

“Suppose this draft resolution is adopted, as regrettably I suppose it will be; what will this exercise have achieved?

“—An Israeli withdrawal from the Golan? Of course not.

“—An embargo on economic, technological and military goods destined for Israel? Of course not.

“—A restoration of the occupied territories? Of course not.

“—A resolution of the problems of Palestine? Of course not.

“—Peace in the Middle East? Of course not.”* [Ibid., para. 28.]

209. For three years we have been submitting the same draft resolution, this important resolution which we were forced to refer to the General Assembly for adoption because Israel has not yet rescinded the legislation and administration it imposed on the Golan Heights. For three years the United States did not make a move. The question, then, is political, in the following sense. The United States, through this attempt, wants to abort the draft resolution so as to allow Israel to shirk its international responsibility in the General Assembly. The General Assembly and the Security Council, by virtue of a unanimous decision, have called upon Israel to rescind its legislation and administration imposed on the Golan Heights. That has not happened. Therefore, there is an American-Israeli collu-

sion to fetter the General Assembly and prevent it from following up the question. The Security Council has taken a decision on the question but has not been able to implement it owing to the United States veto. And now, under the pretext of the two-thirds majority, it comes to the General Assembly to impose something like a veto. But Mrs. Kirkpatrick does not have such a bloc in the General Assembly.

210. Let us be frank. This question must be seen in light of the strategic co-operation accords between the United States and Israel. This strategic co-operation includes the diplomatic field, that is, voting in the United Nations, and political and military questions.

211. The PRESIDENT: I call on the representative of the United States on a point of order.

212. Mrs. KIRKPATRICK (United States of America): Surely what is at stake here is not some representative's opinion of some speech which I made three years ago, on which occasion the General Assembly decided otherwise, I may say. The question is not my speech, the question is the clear provision of the Charter and the clear content of the draft resolutions before us.

213. A ruling from the Chair, a legal consultation, has been asked for by another Member State. The United States has no objection to such a consultation.

214. The PRESIDENT: Will the representative of the Syrian Arab Republic please continue?

215. Mr. EL-FATTAL (Syrian Arab Republic) (*interpretation from Arabic*): The question is not a legal question. That is what I wanted to say. It must be looked at from the angle of the strategic co-operation accord which, a few days before the annexation of the Golan Heights in 1981, was transformed into an alliance to include the military and economic fields, including military manoeuvres undertaken off Syrian shores—

216. The PRESIDENT: I call on the representative of the United States on a point of order.

217. Mrs. KIRKPATRICK (United States of America): The relationship between the United States and Israel is not germane to the point of order which has been raised here concerning the requirement for a two-thirds majority on matters dealing with international peace and security.

218. The PRESIDENT: Will the representative of the Syrian Arab Republic please continue?

219. Mr. EL-FATTAL (Syrian Arab Republic) (*interpretation from Arabic*): Now that we have done with the strategic aims of the United States, we shall move on to the legal aspects. I should like to pose a direct question to the United States delegation: Would we be in a better position today if Israel had abrogated its decision to impose its legislation and administration in the Golan Heights? If Israel had done so, we would not have needed this draft resolution, which is based on a bitter reality which our people suffer daily not only in the Golan Heights but also in Jerusalem and the occupied territories.

220. The question before us is defined in a draft resolution. We are not speaking about the eruption of a war tomorrow. We want to deter Israel, and here it is our right to put the draft resolution to the vote and the United States has no right to resort to the legal manoeuvres with which we are familiar. The United States has recourse to law only when it feels weak or

*Quoted in English by the speaker.

when it is faced by an adverse situation, the entire international community having condemned the annexation of the Golan Heights and Jerusalem and the *de facto* annexation that has occurred in the other occupied Arab territories. Therefore I see no value in the United States proposal and I reject it.

221. The PRESIDENT: In view of the nature of the question put to me by the representative of the United States, I shall request the Legal Counsel to provide us with an opinion on the subject.

222. I call on the representative of Jordan on a point of order.

223. Mr. SALAH (Jordan) (*interpretation from Arabic*): I should like to comment on the point of order raised by the representative of the United States a moment ago. The General Assembly has discussed, ever since its inception, a great many resolutions—and many of them have been adopted—under the items entitled "The situation in the Middle East" and the "Question of Palestine". Among the most important of these is resolution 181 (II) of 29 November 1947, by which the United Nations established Israel. This was adopted by a simple majority—no more than a few votes. I should like to ask whether the question of the United States representative applies retroactively to resolution 181 (II)?

224. The PRESIDENT: I call on the representative of Democratic Yemen on a point of order.

225. Mr. AL-ASHTAL (Democratic Yemen): Mr. President, I heard you say that you have asked the Legal Counsel to give an opinion on the nature of the question posed by the United States representative. I beg to disagree with you, Sir, because it was I who asked for the legal opinion and the question I want to ask the Legal Counsel is whether, on the basis of precedent, Article 18, paragraph 2, of the Charter should apply to the question of the Middle East and whether it should therefore be regarded as an important question.

226. The PRESIDENT: I shall now ask the Legal Counsel to come and provide us with an opinion on the subject, as requested by the representative of Democratic Yemen.

227. Mr. FLEISCHHAUER, Legal Counsel: My advice has been requested with regard to the question whether draft resolution A/39/L.19 requires a two-thirds majority for adoption by the General Assembly, under Article 18, paragraph 2, of the Charter of the United Nations and rule 83 of the rules of procedure of the General Assembly.

228. Article 18, paragraph 2, of the Charter provides:

"Decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting. These questions shall include: recommendations with respect to the maintenance of international peace and security, . . ."

and then a number of other points are mentioned.

229. It has been stated by the United States representative that draft resolution A/39/L.19 contains elements which make it a recommendation with respect to the maintenance of international peace and security within the meaning of Article 18, paragraph 2.

230. Looking at draft resolution A/39/L.19, I note that in its third preambular paragraph it refers to a great number of Security Council resolutions. I also

note that the draft resolution, in the tenth preambular paragraph, expresses grave concern: "at the continuing Israeli actions involving the escalation and expansion of the conflict in the region, which further violate the principles of international law and endanger international peace and security".

231. In the ninth and eleventh preambular paragraphs, the draft resolution speaks of the establishment of a "comprehensive, just and lasting peace in the region" and "in the Middle East". The same reference is made in paragraphs 1, 3 and 4. In paragraph 8, aggression is condemned, and paragraph 10 speaks of the "aggressive and expansionist policies and practices" which "would have adverse effects on efforts for the establishment of a comprehensive, just and lasting peace in the Middle East and would threaten the security of the region". Paragraph 12 refers to the danger of nuclear blackmail.

232. I also note that the draft resolution refers—

233. The PRESIDENT: I call on the representative of Democratic Yemen on a point of order.

234. Mr. AL-ASHTAL (Democratic Yemen): I think the Legal Counsel has started to speak on the substance of the draft resolution. My question was as follows: for 39 years the General Assembly has met and for 39 years there have been resolutions on the question of the Middle East. Not once has this been considered under Article 18, paragraph 2, of the Charter of the United Nations. How is it that now this question can be considered as mandatory in terms of Article 18, paragraph 2? That is my question.

235. Mr. FLEISCHHAUER, Legal Counsel: I was coming in a minute to what has just been stated by the representative of Democratic Yemen. I was saying that I also note that the draft resolution referred to a matter which is under active review by the Security Council. Now, the point has been made that the General Assembly had not at past sessions considered resolutions of this kind to fall under Article 18, paragraph 2. I would state that the practice of the General Assembly in this respect has been varied. Many of the resolutions relating to questions pertaining to the situation in the Middle East have received a two-thirds majority, so that the question of whether or not they were taken under Article 18, paragraph 2, has not arisen. In other cases, decisions have been taken that individual resolutions came under Article 18, paragraph 2.

236. I refer in this respect to a decision taken by the General Assembly in December 1961, at its sixteenth session [*1086th meeting*], on a draft resolution relating to the United Nations Conciliation Commission for Palestine, which was held to require a two-thirds majority for adoption. Also, I refer to a decision taken in December 1978, at the thirty-third session of the General Assembly [*84th meeting*], in connection with agenda item 125, concerning military and nuclear collaboration with Israel.

237. In addition, I would like to refer to the legal situation under which these procedural decisions are taken. They are taken individually by the General Assembly at each session on an *ad hoc* basis and they are not binding on the Assembly at subsequent sessions.

238. The point has been made that the draft resolution is not a specific resolution referring to maintenance of peace and security, but rather a general statement and general exhortation. It is true

that the draft resolution does not contain a recommendation to the Security Council to take measures under Chapter VII of the Charter. That, however, is not a prerequisite for the determination that a case falls under Article 18, paragraph 2.

239. Therefore, on the basis of what I have said before, I come to the conclusion that a finding would be appropriate that the decision on draft resolution A/39/L.19 falls into the category of decisions mentioned in Article 18, paragraph 2, of the Charter and requires a two-thirds majority for adoption.

240. Mr. AL-QAYSI (Iraq): Purely from a legal and non-political—I assure my colleagues in this Assembly—point of view, it is very interesting to note that the Legal Counsel, in dealing with the past practice of the General Assembly, in dealing with the past practice of the General Assembly, quoted two examples to us, one relating to the United Nations Conciliation Commission for Palestine from the Assembly's sixteenth session and the other dealing with nuclear and military collaboration with Israel from the thirty-third session. Yet, he did not tell us whether the two-thirds majority vote undertaken at those two sessions with respect to the two resolutions mentioned by him was undertaken on the basis of a specific request to do so. For if the two-thirds modality of voting on those two resolutions was made on the basis of a specific request, then, to my mind, one cannot take these two precedents as having fallen within what my colleague from the United States called the mandatory character of the language of Article 18, paragraph 2, of the Charter of the United Nations and rule 83 of the rules of procedure of the General Assembly. For a provision of a mandatory character has to be applied in law without any specific request being made to that end.

241. That is point one and I require clarification from the Legal Counsel.

242. The second point, which is non-political, is again a legal point. The Legal Counsel, as I understood it, stated that each General Assembly decides individually, for its specific duration, the modality of voting on the nature of the issue before us. If this is so, how can we then employ the argument made by the United States representative to the effect that the proposal is based on Article 18, paragraph 2, of the Charter, being of a mandatory nature, for "mandatory nature", again, does not apply to an individual Assembly; in other words, it is not of an elective nature but of a durative nature applicable throughout in relation to all General Assemblies and to all items that have a connotation of "recommendations with respect to the maintenance of international peace and security".

243. The third legal point is this. A few days ago, on 11 December [95th meeting], we voted on a series of draft resolutions relating to the question of Palestine which included language akin to the language mentioned in the draft resolutions before us. If Article 18, paragraph 2, of the Charter is of a mandatory character, what is the status of the resolutions that were voted upon and adopted a few days ago? Indeed, from a legal point of view, what is the legal nature of the resolutions that were adopted during this session on the question of Afghanistan and a score of other resolutions that were adopted with language akin to the language in the draft resolutions before us?

244. I have one final remark which is not legal or political but is a factual remark. I am sure that, had it

not been for the procedural wrangle that the General Assembly got itself into in the past two days with the ensuing results, we would not have faced the request that is made today by the representative of the United States and the interventions that it has generated. I feel that we should take stock from that experience in order not to be led to conclusions before we think ahead as to what is intended behind the language used in the Charter and we should not take that language lightly. action, as has been pointed out—and we have the words "international peace and security", which we assume mean "international peace and security" in the proposed draft resolution.

245. Mr. FLEISCHHAUER, Legal Counsel: First, I should like to say that of the two examples that I cited, one case is the case concerning the United Nations Conciliation Commission for Palestine where there was no specific request, and one case is the case I quoted from the thirty-third session of the General Assembly where there was a specific request. In addition, I should like to say that even if one has a mandatory provision, then of course the question can legitimately be asked whether one is within the scope of the mandatory provision or not; and this, it seems to me, is precisely the question with which the General Assembly at this moment is confronted. This seems to be the situation in which the Assembly finds itself right now. Such questions can legitimately be asked, and I have stated that, according to my findings, we are in the realm of Article 18, paragraph 2, as far as draft resolution A/39/L.19 is concerned.

246. Mr. AL-QAYSI (Iraq): I should like to express my profound and sincere gratitude and appreciation to the Legal Counsel for having provided me with the clarifications which I sought in my earlier intervention in relation to the questions on the precedents to which he had referred earlier.

247. Since, in regard to the two examples he has quoted, it is clear that in the one precedent the two-thirds majority vote modality was resorted to without a specific request being made, and since in the other example a specific request for a two-thirds majority requirement in the voting was made, it seems to me that on this score the precedents break about even. That is point one.

248. Secondly, in raising the legal questions to the Legal Counsel, I should like to assure him, you, Mr. President, my colleagues and the representative of the United States that I would not at all question the legitimacy and, indeed, the sovereign right of any Member State to make any motion on the basis of the Charter and on the basis of the rules of procedure. Indeed, it is through the democratic practices and the non-emotional and rational procedures we should adopt in our political stand in the United Nations that we could at least see a glimmer of hope for the attainment of international peace and security.

249. But when we consider a draft resolution in terms of the mandatory language in Article 18, paragraph 2, of the Charter, when for 39 years the United Nations has been producing and adopting resolutions by following a practice contrary to the mandatory language of that paragraph, and when we require precedents and the precedents given are approximately evenly balanced, I can only submit that whether the mandatory language of Article 18, paragraph 2, applies to the draft resolution before us can be resolved only on the basis of a procedural vote. For if it is mandatory and must be applied

without resort to a procedural vote, we shall have concluded one of two things: either past resolutions with language similar to that of the draft resolution before us are null and void or we are now trying to institute a practice that runs counter to the 39 years of the General Assembly's practice. It seems to me that either alternative would be very dangerous for the future of the United Nations.

250. Mrs. KIRKPATRICK (United States): I have listened with great interest to the intervention of my colleague and friend, the representative of Iraq. I would note only that, first, most resolutions brought before the General Assembly do not concern recommendations with respect to the maintenance of international peace and security or the election of members of the Security Council and so on, and, secondly, many of those resolutions have been adopted with a two-thirds majority, including, I believe, all those at this session that the representative of Iraq mentioned.

251. Mr. AL-QAYSI (Iraq): I do not want to prolong the discussion because I do not think it serves the purposes and principles of the United Nations, but I would point out that the Legal Counsel referred to some paragraphs of draft resolution A/39/L.19, construing them to be in the nature of a recommendation relating to the maintenance of international peace and security. A recommendation relating to the maintenance of international peace and security must be action-oriented. When we say, in the ninth preambular paragraph of draft resolution A/39/L.19, "*Reaffirming further* the imperative necessity of establishing a comprehensive, just and lasting peace in the region, . . ." that is the expression of an aspiration. When we say, in the tenth preambular paragraph, "*Gravely concerned* . . . at the continuing Israeli actions involving the escalation and expansion of the conflict . . ." and so on, that is the expression of an opinion.

252. When it is said that there is a recommendation relating to the maintenance of international peace and security, I reply that we are not calling for peace-keeping operations, nor expending money, nor deciding upon a question that has been referred to us under the "Uniting for peace" resolution [resolution 377 (V)]. I know precisely what I am talking about. That is why we should note the conclusion of the Legal Counsel's opinion. He deems it to be appropriate. That is the expression of an opinion, but the opinion is consultative and non-binding.

253. I can see no other way to resolve the question whether draft resolution A/39/L.19 comes within the mandatory language of Article 18, paragraph 2, of the Charter than by a procedural vote. In other words, we should not be deciding upon the additional categories; we are not adding an additional category. I want to make this precisely clear to my good friends from the United States. I am not relying on Article 18, paragraph 3. I am basing myself on a motion whether the mandatory language of paragraph 2—"recommendations with respect to the maintenance of international peace and security"—applies to the language of draft resolution A/39/L.19. We must decide that by a vote, in order to pass judgement on the legal opinion we have received from the Legal Counsel. That is the only democratic way to settle the question.

254. The PRESIDENT: I call on the representative of the United States on a point of order.

255. Mrs. KIRKPATRICK (United States of America): I would point out only that the language of paragraph 11 of draft resolution A/39/L.19 is indeed such as to recommend. In it, the General Assembly

"*Calls upon* all States to put an end to the flow to Israel of any military, economic and financial aid, as well as of human resources, aimed at encouraging it to pursue its aggressive policies against the Arab countries and the Palestinian people;"

It is precisely a recommendation.

256. Secondly, if the question whether the mandatory requirement of the Charter applies to a draft resolution that clearly contains recommendations concerning international peace and security is to be decided by majority vote of the Assembly, is the election of members of the Security Council to be decided first by a majority vote of the Assembly followed by a decision whether a two-thirds majority was required?

257. The PRESIDENT: There is clearly a sharp division of views on the question raised by the United States delegation. In these circumstances, I feel it would be appropriate for the Assembly itself to decide the issue, as it has done on several similar occasions in the past. The Assembly is master of its own procedures, and therefore it will decide on this matter. It will have to take a decision on the motion of the United States that the decision on draft resolution A/39/L.19 falls within the category of the decisions mentioned in Article 18, paragraph 2, of the Charter of the United Nations and that therefore its adoption requires a two-thirds majority of members present and voting.

258. I call on the representative of the United States on a point of order.

259. Mrs. KIRKPATRICK (United States of America): If this question is to be submitted to a vote by the General Assembly, to determine whether the draft resolutions constitute recommendations with respect to the maintenance of international peace and security, the United States would like to inquire what the sponsors of the draft resolutions concerned mean when they speak of "international peace and security". If they do not indeed mean to refer to international peace and security, what do their words mean? Surely we require a new translation of those draft resolutions.

260. Mr. AL-ASHTAL (Democratic Yemen): I believe these draft resolutions are written in the English language and Mrs. Kirkpatrick reads English, being a professor. I do not think she should ask us to translate for her what these words mean.

261. Mr. SHIHABI (Saudi Arabia): I think the situation before the Assembly is clear; asking for a vote on whether this needs a two-thirds majority or only a half is very clear.

262. We support a vote and we support very strongly this Assembly's voting in favour of voting on it as a normal, simple draft resolution, because if we are going to take every draft resolution to be a very important resolution the functioning of this body will be handicapped in the long run and we shall be setting a very wrong precedent. I think we should keep to the procedures that have been followed so far.

263. Mr. LEVIN (Israel): I must agree with the representative of Saudi Arabia. We think the situation is very clear. A very simple, clear question is

being raised here: is this or is this not an important matter—the whole debate on the Middle East and Palestine. We are hearing from representatives of the Arab Governments which time and again have taken a great deal of the time of the Assembly—by some estimates about a third of this session's time, certainly no less than a quarter, and similarly with previous sessions—on these very issues. I find it hard to believe that they have spent so much time on unimportant matters. The question indeed is, is this or is this not an important matter?

264. Mr. AL-ANSI (Oman) (*interpretation from Arabic*): We are facing a clear situation. The United States has asked that there should be put to the vote the question whether or not the draft resolution is one which needs a two-thirds majority and whether or not it is an important question. The representative of Iraq gave us an opinion which represents that of the Arab countries and the co-sponsors of the three draft resolutions. We support what the representative of Saudi Arabia said and we call for a vote on the United States motion in this connection.

265. Mr. LEVIN (Israel): I want to complete the point I was making earlier. Article 18, paragraph 2, of the Charter says that decisions of the General Assembly on important questions shall be made by a two-thirds majority of the members present and voting, and those questions shall include "recommendations with respect to the maintenance of international peace and security". We have both recommendations—by the way, recommendations of action, as has been pointed out—and we have the words "international peace and security", which we assume mean "international peace and security" in the proposed draft resolution.

266. If this is not an important question, I do not know what is, but I would say to the Arab representatives here who have raised this question, what have you been doing taking up a third of the Assembly's time on unimportant questions?

267. Mr. SCHIFTER (United States of America): I would just like to clarify the procedural state and make a recommendation.

268. We did not propose a motion: we made a statement as to our interpretation and what we believe to be the correct interpretation of Article 18, paragraph 2, of the Charter as it applies to draft resolutions A/39/L.19 and L.20. We note that the Legal Counsel has expressed his agreement with our interpretation. The matter could rest there.

269. However, as a vote has been asked for, and as it is necessary in the circumstances to have a proposal before the Assembly on which it can vote, and as you, Mr. President, suggested that there was a motion by the United States before the Assembly, let me simply, in a spirit of accommodation and so as to make it possible for us to have an appropriate text, read to the Assembly what we would indeed propose be put before this body. Here is my motion:

"Draft resolutions A/39/L.19 and L.20 constitute 'recommendations with respect to the maintenance of international peace and security' within the meaning of that phrase as it appears in Article 18, paragraph 2, of the Charter of the United Nations and as affirmed by the Legal Counsel."

270. The PRESIDENT: The Assembly has heard the motion of the United States.

271. I believe the representative of Iraq wants to speak on a point of order?

272. Mr. AL-QAYSI (Iraq): I sincerely hope that the representative of the United States will not make that recommendation because it will amount, in effect, if that particular motion is rejected, to killing the draft resolutions *de facto*, and if it is accepted, to killing them *de jure*.

273. The question to be decided by the General Assembly, I submit in good faith, is the following—and this is my counter-proposal:

"Whether the mandatory language in Article 18, paragraph 2, of the Charter applies in the voting process on draft resolutions A/39/L.19 and L.20".

That is my proposal, whether the mandatory language in Article 18, paragraph 2, of the Charter—

274. The PRESIDENT: I call on the representative of the United States on a point of order.

275. Mrs. KIRKPATRICK (United States of America): The motion was, Sir, as you have pointed out clearly and as everyone present understands it, made by the United States. We made the motion prior to the motion of our friend from Iraq. The Assembly might desire to vote on both motions.

276. The PRESIDENT: I shall make the position clear when the representative of Iraq has finished. Will he proceed, please?

277. Mr. AL-QAYSI (Iraq): I sincerely hope that my good friend, Mrs. Kirkpatrick, will listen carefully to what I am going to say now. It is a factual account of what has transpired this afternoon.

278. The delegation of the United States did not make a motion; it outlined a position to the effect that, in voting on draft resolutions A/39/L.19 and L.20, the voting modality should be two thirds because of the language in Article 18, paragraph 2, of the Charter, which is mandatory, and we have to vote on these two draft resolutions on a two-thirds majority basis because the language of the Charter is mandatory.

279. It was the delegation of Democratic Yemen which requested legal opinion. The Legal Counsel gave his opinion. My delegation intervened twice and concluded that the only way to resolve this question is to put the question whether the mandatory nature applies here. I agree entirely with the delegation of the United States—and I have pointed this out many times—that the language of Article 18, paragraph 2, of the Charter is mandatory. I said nothing short of that. But the question at issue here is whether the mandatory nature of that language and the conclusion in terms of the voting modality that issues from it apply to draft resolutions A/39/L.19 and L.20. I am not here adopting a procedural tactic in connection with my motion and the United States motion being voted upon and as to which should take precedence over the other. The factual situation is this: the United States concluded, with the support of the Legal Counsel, that the language of Article 18, paragraph 2, of the Charter is mandatory and therefore we have to have a two-thirds majority vote on draft resolutions A/39/L.19 and L.20.

280. My conclusion is that that has to be decided for the reasons I have outlined in my two statements. So what the Assembly has to do, in good faith and in all honesty, is to determine whether that mandatory language applies to the voting procedure on draft resolutions A/39/L.19 and L.20—not, as it was worded by the representative of the United States, that "draft resolutions A/39/L.19 and L.20 constitute

recommendations with respect” and so on. As I have said, if that motion, or recommendation, is accepted by the General Assembly, it will amount to killing the draft resolutions *de jure*; if it is rejected, it will kill them *de facto*.

281. Indeed, this shows the sense of fairness, justice and democracy and the discontinuance of abusive practices through procedural debates to which we should all aspire.

282. Mr. SCHIFTER (United States of America): This delegation certainly agrees with the final objectives just stated by the representative of Iraq, for whose scholarship we have the highest regard. Looking at this matter for what it is, namely, a legal issue, we consider it essential that the General Assembly deal with the steps that are necessary to reach the legal conclusion that has to be reached here, and not skip any step. If we were simply to put the question: should this matter be decided by a two-thirds vote or not, we would be skipping an essential legal point, namely, the question whether draft resolutions A/39/L.19 and L.20 are, as I suggested before, recommendations with respect to the maintenance of international peace and security. So as to deal with this question, we must go at it step by step, and going at it step by step would be to say, first, that draft resolutions A/39/L.19 and L.20 either are or are not recommendations with respect to the maintenance of international peace and security. If they are, then Article 18, paragraph 2, applies; if they are not, it does not apply. That is the question that has to be decided. The question that the General Assembly certainly should not be called upon to decide is whether, irrespective of whether the section applies or not, it wants to proceed by a two-thirds vote. This would not be legally proper and should not be a matter before the General Assembly at any time.

283. The PRESIDENT: I appeal to members of the General Assembly, including the delegation of the United States, to consider the following as the basis of a decision that is to be made by the General Assembly.

284. In the light of the discussion which has been held, it is my understanding that the General Assembly is being called upon to determine that draft resolution A/39/L.19 is to be decided by a two-thirds majority of members present and voting, under Article 18, paragraph 2, of the Charter.

285. Mrs. KIRKPATRICK (United States of America): The United States, in all good faith and in the interests of clarity and the meaningfulness of our procedures here, respectfully suggests that the question as you have put it, Mr. President, would be perfectly acceptable to us providing that, after “draft resolution A/39/L.19”, the words “as recommendations with respect to the maintenance of international peace and security” were added—so that it would read:

“The General Assembly is being called upon to determine with regard to draft resolutions A/39/L.19 and L.20 that they should be decided by a two-thirds majority, under Article 18, paragraph 2, as recommendations with respect to the maintenance of international peace and security.”

286. Mr. BOUZIRI (Tunisia) (*interpretation from French*): The Tunisian delegation very much appreciates the effort made by the President of the Assembly, and we believe that his proposal is relevant and absolutely clear and that it could therefore be put to

the vote immediately. That would resolve the situation in which the Assembly finds itself at present.

287. Mrs. KIRKPATRICK (United States of America): The reason that the United States desires to make specific reference to “recommendations with respect to the maintenance of international peace and security” is that Article 18, paragraph 2, of the Charter includes a number of categories of decisions by the General Assembly. We desire to be specific about the precise terms of that Article under which we are suggesting that the Article applies. We are suggesting that it is precisely that part of Article 18, paragraph 2, concerning recommendations with respect to the maintenance of international peace and security, and no other part of that Article, to which we are making reference.

288. Mr. AL-QAYSI (Iraq): I crave your indulgence, Mr. President, but I was unable to take down in full the proposal you read out to the Assembly. I hope that you will read it again after my present statement so that I am able to scrutinize its wording.

289. What I was able to jot down makes specific reference to two things which link it precisely to the substance of the addition which the delegation of the United States would like to make to the proposal, that is, references to the requirement of a two-thirds majority in the voting, and to Article 18, paragraph 2, of the Charter. What troubles me, quite honestly, about the addition proposed by the United States is that with the United States addition to your proposal, Sir, we would end up with the precise proposal made by the United States earlier, except for the difference that, while the United States proposal starts by speaking of recommendations, the United States addition to your proposal would end by speaking of such recommendations.

290. That would somehow make it a little bit unfair, in terms of substance. The cardinal issue is, as I submitted earlier, that the position of the United States is that Article 18, paragraph 2, of the Charter applies to the voting procedure for draft resolutions A/39/L.19 and L.20 because its language is mandatory, and that the question has to be decided on the basis of Article 18, paragraph 2, not on the basis of the additional category on the basis of Article 18, paragraph 3. If that is the cardinal issue, why should we not be able to settle for the language put forward in an unprejudicial manner by you, Sir, which would not tip the scale either way.

291. As you pointed out earlier, according to the practice of the General Assembly there have always been requests, except in marginal cases where it is within the mandate that the voting should be by a two-thirds majority. I hope that your appeal will be heeded and that this question may be disposed of.

292. I would note that we are not deciding here whether or not the question is important linguistically or politically or geographically; we are deciding here the technical, conceptual, constitutional question of whether or not what is contained in draft resolutions A/39/L.19 and L.20 is governed by the mandatory nature of Article 18, paragraph 2, of the Charter.

293. Mrs. KIRKPATRICK (United States of America): The United States made a simple point about draft resolutions A/39/L.19 and L.20. That point was that those draft resolutions concern recommendations with respect to the maintenance of international peace and that, that being the case, they fall under

the mandatory provisions of Article 18, paragraph 2, of the Charter, which deal with recommendations with respect to the maintenance of international peace and security.

294. The position stated by the United States on a point of order was upheld by the Legal Counsel with regard to draft resolution A/39/L.19. The United States was the first country to formulate a motion here today, once the President determined that he would call for a vote. The United States feels that it cannot accept a formulation which makes no reference to precisely the point of our point of order, namely, whether these draft resolutions, making recommendations with respect to the maintenance of international peace and security, should not fall under that Article. To eliminate reference to the subject-matter of our point of order seems to me to be unreasonable and unacceptable.

295. The PRESIDENT: I propose now to suspend the meeting for a short time.

The meeting was suspended at 7.10 p.m. and resumed at 8.35 p.m.

296. The PRESIDENT: Before the suspension there was a motion by the representative of the United States, which reads as follows:

“Draft resolutions A/39/L.19 and L.20 constitute ‘recommendations with respect to the maintenance of international peace and security’ within the meaning of that phrase as it appears in Article 18, paragraph 2, of the Charter of the United Nations and as affirmed by the Legal Counsel.”

297. The Assembly will now take a decision on the United States motion.

The motion was rejected by 69 votes to 28, with 23 abstentions.

298. The PRESIDENT: The General Assembly will now vote on the various draft resolutions before it. First, we turn to draft resolution A/39/L.19 and Corr.1 and Add.1. A separate vote has been requested on paragraph 10 of that draft resolution. A recorded vote has been requested.

A recorded vote was taken.

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

Against: Australia, Austria, Bahamas, Belgium, Bolivia, Canada, Chile, Colombia, Denmark, Dominican Republic, Ecuador, Fiji, Finland, France, Germany, Federal Republic of, Guatemala, Haiti, Honduras, Iceland, Ireland, Israel, Italy, Japan, Liberia, Luxembourg, Malawi, Mauritius, Netherlands, New Zealand, Norway, Panama, Papua New Guinea, Paraguay, Portugal, Spain, Sweden, United

Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

Abstaining: Argentina, Barbados, Belize, Brazil, Burma, Cameroon, Central African Republic, Chad, Equatorial Guinea, Gabon, Greece, Ivory Coast, Jamaica, Lesotho, Mexico, Nepal, Niger, Peru, Philippines, Saint Vincent and the Grenadines, Samoa, Singapore, Thailand, Togo, Trinidad and Tobago, Venezuela.

Paragraph 10 was adopted by 69 votes to 39, with 26 abstentions.

299. The PRESIDENT: I now put to the vote draft resolution A/39/L.19 and Corr.1 and Add.1 as a whole. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Argentina, Bahrain, Bangladesh, Benin, Bhutan, Bolivia, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Colombia, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Kampuchea, Democratic Yemen, Djibouti, Ecuador, Egypt, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guyana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Peru, Philippines, Poland, Qatar, Romania, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, 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, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

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

Abstaining: Austria, Bahamas, Barbados, Belize, Burma, Chile, Dominica, Dominican Republic, Fiji, Finland, Guatemala, Haiti, Honduras, Ivory Coast, Jamaica, Japan, Liberia, Malawi, Panama, Papua New Guinea, Paraguay, Portugal, Saint Vincent and the Grenadines, Samoa, Spain, Sweden, Uruguay, Venezuela.

The draft resolution, as a whole, was adopted by 100 votes to 16, with 28 abstentions (resolution 39/146 A).

300. The PRESIDENT: The Assembly will now vote on draft resolution A/39/L.20 and Corr.1 and Add.1. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Albania, Algeria, Angola, Bahrain, Bangladesh, Benin, Bhutan, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Cape Verde, Central African Republic, Chad, China, Comoros, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Djibouti, Equatorial Guinea, Ethiopia, Gabon, Gambia, German Democratic Republic, Ghana, Greece, Guinea, Guinea-Bissau, Guy-

ana, Hungary, India, Indonesia, Iran (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mexico, Mongolia, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Poland, Qatar, Rwanda, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Somalia, Sri Lanka, Sudan, Syrian Arab Republic, Togo, Tunisia, Turkey, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Viet Nam, Yemen, Yugoslavia, Zambia, Zimbabwe.

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

Abstaining: Argentina, Austria, Bahamas, Barbados, Belize, Bolivia, Brazil, Burma, Colombia, Dominican Republic, Ecuador, Egypt, Fiji, Guatemala, Honduras, Ivory Coast, Jamaica, Malawi, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Saint Vincent and the Grenadines, Samoa, Singapore, Spain, Thailand, Trinidad and Tobago, Uruguay, Venezuela.

The draft resolution was adopted by 88 votes to 22, with 32 abstentions (resolution 39/146 B).

301. The PRESIDENT: We turn now to draft resolution A/39/L.21 and Corr.1 and Add.1. A recorded vote has been requested.

A recorded vote was taken.

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

Against: Israel.

Abstaining: Guatemala, Ivory Coast, Liberia, Paraguay, Saint Vincent and the Grenadines, United States of America, Venezuela.

The draft resolution was adopted by 138 votes to 1, with 7 abstentions (resolution 39/146 C).

302. The PRESIDENT: I shall now call upon those representatives wishing to explain their vote after the voting.

303. Mr. ARCILLA (Philippines): The Philippines has consistently stressed the view that a comprehensive, just and lasting settlement of the Middle East conflict should be achieved on the basis of the following key principles: first, withdrawal of Israeli forces from the Palestinian and other Arab territories occupied since 1967, including Jerusalem; secondly, recognition of the inalienable right of the Palestinian people to self-determination, including the right to establish an independent State in Palestine; thirdly, participation of the Palestinian people, through the PLO, in the peace negotiations; and fourthly, recognition of the right of all States in the region, including Israel, to live in peace within secure and internationally recognized boundaries, free from threats or acts of force, in conformity with Security Council resolutions 242 (1967) and 338 (1973).

304. We also remain of the view that resolutions on the situation in the Middle East, in order that they may contribute positively to the peace efforts, should be balanced in substance and should not prejudice the sovereign right of States to conduct their own international affairs in the way they see fit.

305. In the light of the foregoing, my delegation was constrained to abstain on draft resolution A/39/L.20. By the same token, while my delegation voted in favour of draft resolution A/39/L.19, we have reservations on the way certain of its provisions were formulated.

306. Mr. LEHNE (Austria): Austria's position on the item under discussion is well known and has been consistent over the years. It has found clear expression in our contribution to the debate on this agenda item. It should therefore be evident to all that we fully share the concern expressed in the draft resolutions relating to the situation in the Middle East, and we agree with most of their elements.

307. There are however a number of provisions in these texts which we cannot support. In particular, Austria does not believe that breaking relations with Israel would bring us any closer to a solution of the Middle East problem. We also consistently oppose the singling out for criticism in General Assembly resolutions of particular countries, a practice which does not serve to promote the cause of peace in the Middle East.

308. Nor can we support any formulation which could be interpreted as impinging on the principle of universality of membership in the United Nations.

309. While Austria whole-heartedly supported draft resolution A/39/L.21, in the light of these considerations it felt obliged to abstain in the vote on draft resolutions A/39/L.19 and L.20.

310. Let me add a few words explaining our position on the procedural motion regarding the application of Article 18, paragraph 2, of the Charter of the United Nations in the vote on draft resolutions A/39/L.19 and L.20. My delegation is concerned about the recent trend at this session of the General

Assembly to change the established practice of decision-making to suit particular political interests and positions. As we fear that this tendency could undermine the role and the functioning of this body, we felt compelled to oppose this motion, just as we have previously opposed others.

311. Mr. BORIO (Brazil): With regard to draft resolutions A/39/L.19 and L.20, let me reiterate that the Brazilian Government believes that the global solution for the situation in the Middle East must necessarily include the right of all States in the region to exist within internationally recognized boundaries. My delegation has been insisting on the withdrawal of the occupation forces from Arab territories and on the right of the Palestinians to an autonomous and independent territory. But it also considers that the possibilities for achieving such a goal should not be reduced by the diplomatic isolation of one of the parties to the conflict, even if that party has been acting in a manner incompatible with international law and with numerous resolutions of the General Assembly and the Security Council. We strongly condemn such behaviour, but at the same time do not want to offer the Israeli Government excuses to act in further disregard of the rules of international law and of mutually respectful relationships among peoples because of its isolation from the international community. It is necessary for Israel to understand that its attitude does not lead to peace or to its own security. No action—and in particular no illegal action—will give Israel the right to live in peace if it does not respect the security and territorial integrity of its neighbours.

312. Mr. PAPAORGJI (Albania): The Albanian delegation voted in favour of the three draft resolutions just adopted. This is in conformity with the position of the Socialist People's Republic of Albania in support of the struggle of Arab peoples against the imperialist, Zionist aggression.

313. The Albanian delegation expressed once again the viewpoints of its Government in the statement made during the debate on this agenda item [75th meeting]. Nevertheless, we have our reservations; we have made them known in the past and we shall not repeat them now. They deal with some paragraphs, such as paragraph 13 of draft resolution A/39/L.19, as well as with the documents and resolutions adopted in the past which are now mentioned in the draft resolutions just adopted.

314. Mr. SHEHATA (Egypt): The principled position of Egypt regarding the illegality of the Israeli occupation and annexation of the Syrian Golan Heights is reflected in no uncertain terms in our sponsoring of draft resolution A/SPC/39/L.27, adopted by the Special Political Committee on 29 November and endorsed today by the General Assembly [resolution 39/95F]. It is equally reflected in our affirmative vote on draft resolution A/39/L.19 just adopted, particularly paragraph 9, which focuses on the Syrian Golan Heights.

315. During the ninth emergency special session of the General Assembly, the delegation of Egypt, on 5 February 1982, stated fully its position on the issue of the Golan Heights [12th meeting], and I need not quote from that statement.

316. As to draft resolution A/39/L.20, just adopted, it includes, in our view, both in its preambular and operative paragraphs, positive elements and established principles to which Egypt fully subscribes. The

Government of Egypt strongly supports the principle of the inadmissibility of acquisition of territory by war. We likewise reaffirm the applicability of the Geneva conventions to all the occupied Arab territories in the West Bank, including Jerusalem, the Gaza Strip, and the occupied Syrian Golan Heights.

317. It is also our view that Israel's decision to extend its law, administration and jurisdiction over the Golan Heights is null and void and that Israel must withdraw from the occupied Golan Heights. There are certain aspects of draft resolution A/39/L.20 to which we cannot subscribe, in particular some parts of paragraph 13. We have therefore abstained in the voting on that resolution.

318. Mrs. BOCHECIAMPE de CROVATI (Venezuela) (*interpretation from Spanish*): Our country is participating, as it always does, in the Assembly's consideration of the situation in the Middle East. We are thereby performing a duty that we owe to the international community, for we feel that there should be a just and lasting peace in the Middle East.

319. We are convinced that such a peace in the region will be achieved only if it is founded upon the right of all States in the region to exist in peace within internationally recognized and secure borders, and as long as there is full respect for the inalienable rights of the Palestinian people. That is our unwavering position, which is well known.

320. In that spirit, Venezuela abstained in the voting on draft resolutions A/39/L.19, L.20 and L.21. We did so because we consider that they contain paragraphs that do not contribute to the achievement of the objective of peace. Rather than promoting the processes that have been favoured by the international community, they include points that could indeed cause a delay in the settlement of the Middle East problem.

321. Mr. HERRERA CÁCERES (Honduras) (*interpretation from Spanish*): My delegation concurs with the Secretary-General's statement, with regard to the conflict between the Arab countries and Israel, that "a comprehensive settlement will have to be reached, at least in its final stage, if not earlier, through a process of negotiation in which all the parties concerned will participate" [A/39/600, para. 39]; that "none of the parties to this historic and tragic conflict can hope to attain its maximum demands if there is to be a state of real peace in the region" [*ibid.*, para. 43]; and that

"a comprehensive settlement in the Middle East will have to meet the following conditions: the withdrawal of the Israeli forces from occupied territories; respect of and acknowledgement of the sovereignty, territorial integrity and political independence of every State in the area and their right to live in peace within secure and recognized boundaries, free from threats or acts of force; and, lastly, a just settlement of the Palestinian problem based on the recognition of the legitimate rights of the Palestinian people, including self-determination. In this context, the question of Jerusalem also remains of primary importance." [*Ibid.*, para. 38.]

322. In previous years, Honduras cast an affirmative vote on the draft resolutions that today correspond to draft resolution A/39/L.21. We have continued to follow the same policy during this session. Regarding draft resolutions A/39/L.19 and L.20, my delegation finds positive and negative elements in them, and we have already expressed the position of

Honduras within the context of our bilateral and multilateral international relations.

323. We have already indicated, *inter alia*, the reasoning underlying our votes on previous resolutions. We support the legitimate and inalienable right of the Palestinian people to self-determination, the right to existence and security of all States in the Middle East, including Israel, and the preservation of the character and status of the Holy City of Jerusalem. That is why we have also spoken out against the use of force in international relations and condemned any act of military occupation. Everything that is in accordance with those aspects in these resolutions we deem to be positive and, therefore, has our continued support.

324. However, there are negative elements that have been merged with the positive elements. The delegation of Honduras has previously expressed its clear-cut position. There are some elements here that do not give the necessary respect to the consular and diplomatic relations we enjoy with other States of the international community, as well as to the harmonization of efforts that we must make in order to achieve the aims sought by all of the 159 Members of the United Nations.

325. Honduras does not consider the singling out of countries a justifiable practice, and it would be difficult for us to support appeals and selective measures that would be incompatible with the relations and aims we have mentioned. This is a matter of principle which, if not taken into consideration, could in our view jeopardize the security, confidence and good faith that should govern consular and diplomatic relations among States and could have a negative impact on the achievement of the aims of the United Nations, which can be achieved by promoting the peaceful solution of disputes and peaceful forms of co-operation among States Members of the Organization.

326. In view of the concurrence of the negative and positive elements I have just mentioned, we abstained in the votes on draft resolutions A/39/L.19 and L.20.

327. Mr. PAPAPOULOS (Greece): Greece has never failed to condemn consistently and in no uncertain terms the acts of Israel against the Arab countries. Our position in this respect is determined, *inter alia*, by my country's unshakeable attachment to the principles enshrined in Article 2, paragraph 4, of the Charter of the United Nations and in the Helsinki Final Act.⁷ It is for those reasons that my delegation voted in favour of draft resolutions A/39/L.19, L.20 and L.21.

328. However, my delegation is unable to go along with certain paragraphs in draft resolution A/39/L.20. If a separate vote had been taken, my delegation would have abstained in the voting on paragraphs 8, 13 (c) and 13 (d) and would have voted against paragraph 14. Thus, my delegation dissociates itself from those paragraphs, while it voted in favour of the draft resolution as a whole.

329. Mr. WOOLCOTT (Australia): Australia voted in favour of the United States motion on the basis of the opinion of the Legal Counsel and of our own reading of Article 18, paragraph 2, of the Charter of the United Nations. But my delegation is concerned, as I said yesterday in relation to the resolutions with regard to *apartheid* [99th meeting], that established

procedures of the Assembly are being changed, with unpredictable consequences.

330. Australia voted against two of the three draft resolutions which have been adopted because they contain some extreme language and unacceptable elements which are contrary to Australian policy. Australia supports the urgent need to achieve a just, lasting and comprehensive settlement in the Middle East. The Palestinian issue is of central importance to a settlement, and Australia acknowledges the right to self-determination of the Palestinian people, including their right, if they so choose, to independence and the possibility of their own independent State.

331. At the same time, Australia has a fundamental commitment to Israel's right to exist within secure and recognized boundaries. Draft resolution A/39/L.19 failed to provide appropriate guarantees of that. In our view, it should, for example, have reaffirmed Security Council resolutions 242 (1967) and 338 (1973) as essential elements in a framework for a settlement. We could not support draft resolution A/39/L.19 because of its exclusive emphasis on the rights of one party to the conflict to the detriment of the rights of another.

332. Australia also rejects a number of elements in draft resolution A/39/L.20 which would, in our view, serve only to aggravate an already tense situation and obstruct the search for peace. In particular, we cannot support calls for the adoption of measures which would lead to the total isolation of Israel, including action under Chapter VII of the Charter. Such calls take no account of the need for all parties to commit themselves to end the violence and bloodshed which have so long marked the dispute and to seek negotiated solutions.

333. Australia voted in favour of draft resolution A/39/L.21. The Australian Government does not accept the validity of measures which claim to change the status of territories occupied since 1967, including East Jerusalem and the Golan Heights.

334. Mrs. CARRASCO MONJE (Bolivia) (*interpretation from Spanish*): The Government of Bolivia has always firmly supported the principle of the inadmissibility of the acquisition of territories by force. For this reason, we consider null and void measures adopted by Israel with regard to the occupied Arab territories, and we call for the withdrawal of the occupying troops in Lebanon and the Golan Heights, as well as withdrawal from the territories occupied in the West Bank and Gaza.

335. My delegation considers that a just and lasting settlement of the question of the Middle East must be achieved that will allow all the States in the region to live together in peace within secure and recognized borders free from any threat. However, the approach and treatment in some of the paragraphs of draft resolution A/39/L.20 made it impossible for us to support it.

336. Mr. VRAALSEN (Norway): The Norwegian delegation has voted against two and in favour of one of the draft resolutions before us on the situation in the Middle East. In this connection, I would like to stress the following points which remain at the core of my country's position on the Middle East issue.

337. First, Norway firmly believes that the basic elements of a peaceful settlement to the Arab-Israeli dispute are contained in Security Council resolutions 242 (1967) and 338 (1973). These elements, which are recognized by the international community,

include the non-acceptance of the acquisition of territory by force and the right of all States in the area to live in peace within secure and internationally recognized boundaries.

338. Equally, we believe that a just, lasting and comprehensive peace must take into account the legitimate national rights of the Palestinian people, including their right to self-determination.

339. Those basic principles strike what in our view is a fair balance of rights and obligations between the parties to the dispute.

340. I would like to stress that two of the draft resolutions before us, taken as a whole, in no way reflect the mutual balance between the interests of the parties which, in the opinion of my Government, would be necessary to achieve a just and lasting peace in the Middle East.

341. Rather than promoting peace and understanding, the contents of some of the paragraphs of draft resolution A/39/L.20 are disruptive and could lead in the opposite direction. With regard to paragraphs 12 to 16 of that draft resolution, our objections relate to their substantive contents as well as to the fact that they cannot be reconciled with the division of responsibilities between the General Assembly and the Security Council as envisaged by the Charter of the United Nations.

342. Norway also voted against draft resolution A/39/L.19. Our main objection is the severe lack of balance. Regarding paragraph 10 of that draft resolution, we believe that a sovereign State has the right to conclude agreements with another State. That right is recognized by international law.

343. My delegation voted in favour of draft resolution A/39/L.21, concerning Jerusalem. Norway does not recognize Israel's annexation of Jerusalem, and we do not recognize Jerusalem as the capital of Israel.

344. Mr. CAPPAGLI (Argentina) (*interpretation from Spanish*): The delegation of Argentina voted in favour of draft resolution A/39/L.19 because it reflects my country's position and the will of the vast majority of the international community, and of the members of the Movement of Non-Aligned Countries in particular, that there be a comprehensive, just, peaceful and lasting solution in the Middle East that will meet the legitimate aspirations of all the peoples of the region.

345. At the same time, my delegation would like to reaffirm its belief that the situation in the Middle East, an area of persistent instability, requires a just and equitable solution based on the purposes and principles of the Charter of the United Nations and the relevant resolutions of the General Assembly and the Security Council, in particular Security Council resolutions 242 (1967) and 338 (1973).

346. Notwithstanding that, the delegation of Argentina wishes to state that it does have some reservations with regard to some of the paragraphs in the draft resolution and the possible interpretation that might be given them, in particular, paragraph 10, upon which a separate vote was taken, and paragraphs 6 and 11, because they contain statements critical of efforts made to achieve peace in the region.

347. The Argentine delegation abstained in the vote on draft resolution A/39/L.20 because some of its paragraphs contain judgements and recommendations that would not, in our opinion, lead to a

peaceful, negotiated and comprehensive solution of the situation in the Middle East.

348. On the other hand, my delegation believes that, in conformity with the provisions of the Charter, the competence of the main organs of the United Nations must be respected. Nevertheless, my delegation expresses its full support for the paragraphs in the resolution that refer to the Syrian territory of the Golan Heights, which Israel continues to occupy illegally, in violation of Security Council resolution 497 (1981) and resolutions adopted by the General Assembly.

349. Israel's decision to impose its legislation, jurisdiction and administration in the Golan Heights is null and void, and therefore has no validity or legal effect whatever. A part of the Syrian Arab Republic's sovereign territory has been illegally taken away from it. The Government of Israel must respect the principles of the inadmissibility of the acquisition of territory by force and of the territorial integrity of States, which are essential principles laid down in the Charter.

350. Mr. CHEN CHARPENTIER (Mexico) (*interpretation from Spanish*): Mexico has repeatedly stated that it is in favour of a peaceful, negotiated solution to the Middle East conflict, in accordance with the principles of the United Nations and the relevant resolutions of the General Assembly and the Security Council.

351. Any just and lasting settlement must take into account the interests of all the parties involved and must fulfil the national aspirations of the Palestinian people. So long as that core of the conflict is not resolved, there will be only provisional agreements that will impede any lasting solution.

352. The convening of an international conference, with the participation of all the interested parties and under the auspices of the United Nations, could be of great importance for peace, so long as, from the very stage of its preparation, the true political will to find satisfactory compromise formulas existed.

353. Mexico voted in favour of draft resolutions A/39/L.19, L.20 and L.21, thereby demonstrating once again its real commitment to United Nations resolutions, despite its reservations on paragraphs 12, 13 and 14 of draft resolution A/39/L.20. Finally, had there been a separate vote on paragraph 6 of draft resolution A/39/L.19, my delegation would have abstained.

354. Mr. DOJE (Bhutan): I wish to explain my delegation's vote on draft resolution A/39/L.20. My delegation voted in favour of that draft resolution, but we have reservations on the use of certain phrases and on certain determinations made in the eighth preambular paragraph and in paragraph 12.

355. Mr. ADJOYI (Togo) (*interpretation from French*): The Government of Togo has always been very much concerned over the situation in the Middle East and has always wished peace to be restored to that part of the world, which for almost 40 years has never known that peace so greatly aspired to by all the peoples of the region. That is why my delegation voted in favour of draft resolutions A/39/L.19, L.20 and L.21.

356. The Government of Togo has always supported various actions designed to restore peace to the region, by means, of course, of the self-determination of the Palestinian people. However, the Government of Togo refuses, as it has the right to do, to take a

position on agreements freely signed by sovereign States. My Government does not defend agreements to which it is not a party, but neither does it wish to attack such agreements. That is why my delegation abstained in the vote on paragraph 10 of draft resolution A/39/L.19.

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

358. Mr. NETANYAHU (Israel): I have two brief remarks. The first relates to the voting sheet that I have before me concerning the United States motion to regard international peace and security as international peace and security. I think this is a historic document. We have long argued that there is, as many people know, an abasement and a corruption of language here. We have seen that argument used in Orwell's book *1984*—this very year. What Mr. Orwell was saying was that in 1984 the word "peace" would not mean peace; it would mean something else—it might mean war. What we have learned today is that the General Assembly says that "international peace and security" does not mean international peace and security. I think that, at the close of December of 1984, this is, unhappily, a fitting tribute to Mr. Orwell.

359. My second comment is this. The vote of the General Assembly on the motion regarding Article 18, paragraph 2, of the Charter of the United Nations has decreed that the issue at hand, the situation in the Middle East, with all the attendant resolutions condemning my country, is not—I repeat: is not—an important issue. My Government will in the future take this into account.

360. The PRESIDENT: I call on the representative of Jordan on a point of order.

361. Mr. BURAYZAT (Jordan): I did not think that we were now discussing the vote which took place a while ago. The representative of Israel asked to explain his delegation's vote on the draft resolutions that have just been adopted. Now he has simply

opened the debate on another issue, a substantive issue. He is interpreting the meaning of a vote. The General Assembly did not debate that vote. No delegation asked to speak in order to debate the motion put forward by the representative of the United States.

362. So I instruct you, Mr. President, to ask the representative of Israel to limit his statement to explaining his delegation's position on the motion and not to interpret what the Assembly meant when it voted on the motion.

363. The PRESIDENT: Unfortunately, the representative of Israel has already left the Hall, so I cannot tell him anything. The Assembly has concluded its consideration of agenda item 36.

The meeting rose at 9.20 p.m.

NOTES

¹See *Official Records of the General Assembly, Thirty-eighth Session, Third Committee, 71st meeting*; and *ibid.*, *Third Committee, Sessional Fascicle*, corrigendum.

²Resolution 2200 A (XXI), annex.

³This statement was made at the 66th meeting of the Third Committee, the official records of which are published in summary form (see *Official Records of the General Assembly, Thirty-ninth Session, Third Committee, 66th meeting*; and *ibid.*, *Third Committee, Sessional Fascicle*, corrigendum).

⁴The delegations of Guinea-Bissau and Zimbabwe subsequently informed the Secretariat that they had intended to vote in favour of the draft resolution and the delegation of Peru that it had intended to abstain.

⁵The delegation of Guinea-Bissau subsequently informed the Secretariat that it had intended to vote in favour of the draft resolution.

⁶See *Official Records of the Security Council, Thirty-seventh Year, Supplement for October, November and December 1982*, document S/15510, annex.

⁷Final Act of the Conference on Security and Co-operation in Europe, signed at Helsinki on 1 August 1975.