



*President:* Mr. Imre HOLLAI (Hungary).

AGENDA ITEM 27

**Preparation of the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy: report of the Preparatory Committee for the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy**

1. The PRESIDENT: I call on the representative of Bangladesh, who wishes to introduce draft resolution A/37/L.40/Rev.1.
2. Mr. SOBHAN (Bangladesh): It is a great privilege for Bangladesh, in its capacity as Chairman of the Group of 77, to introduce, on behalf of the Group, draft resolution A/37/L.40/Rev.1, on the preparation of the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy.
3. The Assembly is aware that this important item has been on the agenda of the General Assembly at its last five sessions. General Assembly resolution 32/50, adopted unanimously on 8 December 1977, not only underlined the need for such a conference but also spelled out certain important principles for the promotion of co-operation in this particular field. Since then, every year resolutions on this important subject have been adopted by the Assembly by consensus. Last year, by its resolution 36/78, the Assembly also, *inter alia*, decided that the proposed Conference would be held at Geneva from 29 August to 9 September 1983. The Preparatory Committee that was established in accordance with the General Assembly resolutions had been meeting at Vienna with a view to completing the preparatory work for the holding of the Conference.
4. The Group of 77 would like to express its satisfaction at the appointment of Mr. Amrik Mehta as the Secretary-General of the Conference. It is confident that his rich and varied experience will help immensely in the realization of our common objective. Although we note this positive development, we are constrained to express our deep concern at the lack of progress in the Preparatory Committee on substantive preparations, which we consider to be an essential prerequisite for ensuring the holding of a meaningful and fruitful Conference, as envisaged in General Assembly resolutions 32/50 and 35/112. The Committee has also failed to prepare the provisional agenda, the documentation and the rules of procedure for the Conference.
5. The targeted date for the holding of the proposed Conference is only a few months away, and in the light of the present lack of progress at Vienna, it was keenly felt that the General Assembly should give some definite guidelines to the Preparatory Committee for the undertaking of substantive preparations for the Conference. At Vienna, the Group of 77, under the chairmanship of Mexico, after detailed consultations, prepared the first draft resolution on the subject. Here, in New York, the Group of 77, after undertaking further consultations, approved the text and authorized the delegation of Bangladesh to propose the initial draft resolution contained in document A/37/L.40.
6. After proposing the draft resolution, a broad-based, open-ended contact group of the Group of 77 undertook extensive consultations with the members of other groups with a view to reaching a consensus text. The concerns and views that were expressed by the other groups were duly noted, and the Group of 77 tried as far as possible to accommodate their viewpoints.
7. It is unfortunate that, despite the best efforts on the part of the Group of 77, it has not been possible to arrive at a consensus text. However, in the light of our consultations, we have made significant changes in our revised draft resolution in a spirit of accommodation. I should like to make it clear here that the revised text we have submitted does not fully reflect the well-known position of the Group of 77 on this issue. Rather, it should be viewed as a sincere attempt on our part to meet, as far as possible, the views and concerns expressed by members of other groups, without compromising our basic stand on the issue. We sincerely hope and believe that the members of other groups will find it possible to vote in favour of the revised text before us. We are also hopeful that members of the Preparatory Committee will make sincere efforts to speed up and complete the substantive preparations for the Conference.
8. In conclusion, I should like to emphasize once again the importance which the Group of 77 attaches to a meaningful outcome of the proposed Conference. The valuable experience gained during the last three decades on the peaceful uses of nuclear energy and technology needs to be shared and developed for our mutual benefit.
9. Mr. ŠILOVIĆ (Yugoslavia): The initiative aimed at promoting international co-operation in the peaceful uses of nuclear technology and thus also at speeding up the economic growth of developing countries was launched in the General Assembly several years ago. The basic intention of that action was to lay the foundations for and define the principles of new forms of co-operation and to reach a new international consensus on which relations and co-operation in this field would be based.

10. Adequate energy supply is one of the essential prerequisites for general economic growth. It is well known that many developing countries are deficient in energy sources and are faced with a particularly grave situation. Their reliance on classic sources of energy such as hydroenergy, oil and coal will in the near future prove insufficient, which will pose an additional obstacle to their development. In order to avoid this, a timely orientation to other sources, including nuclear energy, is indispensable. However, nuclear energy, in addition to being extremely expensive owing to the fact that the possession of most sophisticated technology is a pre-condition of its exploitation, is also inaccessible to most. In recent years, an increasing trend towards the strengthening and consolidation of the monopoly over the technology by the countries that possess it has been more and more evident. The democratization of international relations, which the non-aligned countries consistently advocate in all spheres, implies and includes also the achievements of modern science, which should be available to and serve the well-being of all humanity. The supplying countries co-operate closely, often in spite of political and bloc barriers, co-ordinating and adjusting their policies and their restrictive approach towards the developing countries.

11. This is being justified by the need to prevent the proliferation of nuclear weapons, obviously an important issue and a problem which deserves full attention. However, the danger of the proliferation of nuclear weapons must not be used as an excuse for impeding exercise of the sovereign right of all countries to use nuclear technology for peaceful purposes. Nuclear technology is indispensable, both as a source of energy and for other purposes, such as agriculture, scientific research, applied medicine, and so on.

12. It is interesting that such concern for the non-proliferation of nuclear weapons is not reflected in co-operation in the field of nuclear energy with some particularly aggressive countries whose policies threaten the independence of their neighbours and of the Middle East and southern African regions in general. Access to nuclear energy continues to be available to these countries although, in unbiased studies prepared by the United Nations and in the eyes of the entire international community, they appear as possible possessors of nuclear weapons or as probable producers of such weapons.

13. It is completely unacceptable to consider the danger of proliferation of nuclear weapons as an argument for denying access to technology and as an obstacle to international co-operation in that field. Bearing in mind precisely the need to channel that co-operation into an international framework and in order to prevent its misuse, the developing countries initiated the convening of this Conference, which, we firmly believe, should establish universally acceptable principles of co-operation in the peaceful uses of nuclear energy. This Conference should change the existing inequality of relations in that field, as well as put an end to the monopoly of a small number of countries over the technology on which the further development of so many to a great extent depends.

14. At the same time, we are aware of the high degree of interdependence which exists in this field. That is why we advocate the parallel promotion of the interests both of developing countries, the importers of equip-

ment and nuclear material, and of countries which have achieved a significant level in the development of technology and which are its exporters.

15. It is therefore even more difficult to understand the attempts of developed countries, primarily those that possess nuclear technology, to distort the approach to and the concept of the Conference. Instead of aiming at the comprehensive promotion of international co-operation in the peaceful uses of nuclear energy, they are trying to make non-proliferation of nuclear weapons the main issue of the Conference. Nobody denies that the issue of non-proliferation of nuclear weapons is important, but there are other mechanisms to deal with it. By its statute, the IAEA has the responsibility of dealing with problems in this field, as well as the duty and the instruments to carry out this task. On the basis of the IAEA statute, a system of agreed international safeguards and regular control of the use of nuclear material and the facilities of individual countries applied through the Agency have been established. This is also being done on the basis of the Treaty on the Non-Proliferation of Nuclear Weapons [*resolution 2373 (XXII), annex*], a multilateral instrument applied through the IAEA. Therefore, in regard to safeguards and the non-proliferation of nuclear weapons, established principles and systems for their application exist. On the other hand, the promotion of co-operation and the access of developing countries to nuclear technology are curbed, which is another important—if not the most important—aspect of IAEA's activity.

16. For these reasons, action was initiated for the convening of a United Nations conference which would give an impetus to elaborate the principles of and determine the ways and means for the promotion of co-operation in the peaceful uses of nuclear energy. None the less, we must note that the work of the Preparatory Committee, which has not been able to determine even the agenda of the Conference during the three sessions it has held so far, is a great disappointment and gives rise to justified dissatisfaction on the part of developing countries. In spite of the fact that a number of resolutions adopted by consensus by the General Assembly contain the guidelines and the framework for the work of the Preparatory Committee, the attitude of developed countries in the Committee points to the lack of the political will to approach substantial preparations for the holding of the Conference.

17. By its resolution 36/78, the General Assembly determined the date for the holding of the Conference, and that date is getting very close indeed. In our view, it is necessary to speed up and complete the substantive preparations for the Conference, without which a successful outcome cannot be achieved. We believe, therefore, that the General Assembly, in the light of the results of the next session of the Preparatory Committee, should take appropriate decisions in this regard. We hope and expect that, at the next session of the Preparatory Committee, it will be possible to overcome the difficulties which stand in the way of substantive preparations.

18. The draft resolution submitted by the Group of 77, which has just been so ably introduced by its Chairman, Mr. Sobhan, the representative of Bangladesh, constitutes in our opinion a balanced basis for the

forthcoming work of the Preparatory Committee, and my delegation expects that it will receive the widest support.

19. The Yugoslav delegation regrets that, despite enormous efforts, it has not been possible to reach consensus on this matter. We expect that this will not affect the readiness of those countries members of the Preparatory Committee which, regrettably, might not vote in favour of this draft resolution to participate actively and constructively in the next session of the Committee. In our opinion, that session should be another opportunity to consider all the problems again and make an effort to find comprehensive solutions. For its part, Yugoslavia will contribute its share to the success of that session, the positive results of which would make possible the holding of the Conference on the date determined and its fruitful and meaningful outcome.

20. Mr. AYEWAH (Nigeria): In participating in the debate on agenda item 27, the Nigerian delegation reiterates its belief, which it has on so many occasions adverted to in this and other forums, that it is the sovereign right of every State to seek to develop nuclear energy for peaceful purposes within the framework of its social, political or economic possibilities and priorities.

21. Current experience regarding the world's supply of energy points to a direction in which neither continuity nor predictability can be assured. That is why, aside from reliance on hydrocarbons or fossil fuels, there is progressive resort to other new and renewable sources of energy, such as biomass, wind, solar, geothermal and so on. Within this perspective, nuclear energy has come to acquire considerable interest and attraction for an increasing number of States.

22. The economics of power generation point to the fact that certain sources of energy are more efficient, others are less hazardous to human life and the environment and others are more costly, while others may, on the other hand, in fact be more attractive in terms of cost-benefit analysis. Whatever the various considerations and motivations which might influence the ultimate decision of any State, it should be possible for that State, in the event of its adopting a nuclear option, for instance, to acquire or be guaranteed access to related technology on fair and reasonable terms and on a non-discriminatory basis. Although questions of safety for human life and the environment, both for ourselves and our descendants, currently lie at the heart of much of the nuclear debate, the decision as to whether or not to develop nuclear energy as an alternative or supplementary source of energy should remain a sovereign decision of the interested State and not be subject to the whims of any nuclear club or cartel.

23. There is basic recognition that international co-operation in the peaceful uses of nuclear energy has the capacity to contribute to the development efforts of States. In this connection, those States which have the technology ought to be disposed to provide assistance, on a mutually assured basis, to those States which desire to acquire such technology. It was such an understanding that motivated the General Assembly to adopt resolution 32/50, in which it elaborated a set

of objectives in the context of which the full utilization of nuclear energy for peaceful purposes could be pursued.

24. By its resolution 36/78, the General Assembly decided that the Conference should be held at Geneva from 29 August to 9 September 1983. To this end, it set up a Preparatory Committee composed of 70 Member States to prepare for the Conference. After three sessions of the Preparatory Committee, the quantity of work which has been accomplished cannot be said to have met the expectations of the General Assembly. The current report of the Preparatory Committee [A/37/48] points clearly to the fact that a lot of further work needs to be done in order to ensure a meaningful and fruitful Conference. It would certainly be out of keeping with the intents and purposes of the Conference for it to be held without substantive preparations. My delegation cannot subscribe to the holding of such a conference if it is conceived of only in terms of the formality of holding it. Besides, it would be a great disappointment to many Member States if the Conference lacked meaningful content. In the circumstances, the General Assembly should prevail upon the Preparatory Committee to address itself constructively and purposefully to its terms of reference in order to ensure the speedy completion of its assignment.

25. As a developing country, Nigeria is fully aware of the interdependence of nations and of the mutuality of their interests in economic pursuits. That is why it places a premium on international co-operation as an aid to the development of indigenous capacity on which self-reliance can solidly be built. The Conference should therefore be in a position, and indeed is duty-bound, to establish acceptable principles on which such co-operation can be based. Such a conference should not take only a short-term view of nuclear energy, but should consider its long-term prospects for development efforts.

26. As a party to the Treaty on the Non-Proliferation of Nuclear Weapons, Nigeria fully subscribes to its non-proliferation objectives. But we think that the results of the Treaty have fallen far short of expectations in terms of the implementation of its article IV, which bears on the promotion of nuclear energy for peaceful purposes. If universality of adherence to the Treaty is to be achieved, which is desirable, then its provisions must be strictly observed and implemented in each and every respect.

27. We are equally aware that the development of nuclear energy can be put to wrong uses by States that are so inclined. That is why we believe that the IAEA, in accordance with its statute, has the responsibility, apart from promoting the development of nuclear energy for peaceful purposes, to ensure that all nuclear facilities are subject to its full-scope safeguards. Nuclear energy must not be put at the disposal of racist régimes which use such capability as an instrument of policy or of blackmail. South Africa's nuclear capability is a case in point. In this connection, we must remind Member States once again of their commitment, under the provisions of the Final Document of the Tenth Special Session of the General Assembly [resolution S-10/2], the first special session devoted to disarmament, to prevent any further acquisition of arms and armaments technology by

racist régimes, since such accumulation of arms and acquisition of armaments technology, as well as the possible acquisition of nuclear weapons, present a challenging and increasingly dangerous obstacle to a world community faced with the urgent need to disarm.

28. It is the view of my delegation that in order to ensure adequate and substantive preparations for the Conference, as well as its success, adequate resources should be provided. It is our hope that the General Assembly will take appropriate decisions in this regard.

29. Finally, my delegation looks forward to the holding of the Conference at the appropriate date, and retains the hope that the Conference will result in the sharing of experiences, the meaningful transfer of the relevant technology and the establishment of agreed principles for nuclear collaboration, as well as in making available access to the relevant technology, equipment and materials at reasonable cost.

30. Miss ABOUL NAGA (Egypt) (*interpretation from Arabic*): In my delegation's statement on the report of the IAEA [71st meeting], we indicated Egypt's interest in the activities of the Agency and in its important and effective role in safeguarding and promoting the peaceful uses of nuclear energy. We also stated that our interest is constantly increasing because of Egypt's desire to devote its nuclear programme to the construction of nuclear reactors for peaceful purposes and for the purposes of development.

31. In the debate on the present item, my delegation would like to stress the special importance we attach to this issue.

32. Scientific data and research have proved the urgent need for nuclear power as an energy source and as an alternative or supplement to other, conventional energy sources. This source should be accessible to all States without exception, especially the developing countries, which often lack technical capabilities and techniques which would enable them to harness nuclear energy for peaceful purposes.

33. We agree that much remains to be done to develop and promote international co-operation in the field of nuclear energy. At present, there is a need for substantial, long-term investments, which in turn require secure guarantees, to ensure the continued flow of materials, fuel, equipment, services and technology and make it possible to meet the needs of nuclear programmes, especially those of the developing countries.

34. In the light of this, Egypt supports the convening of the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy, which will be of special significance not only for Egypt and many other developing countries but also for the welfare and development of the international community as a whole. International co-operation in the peaceful uses of nuclear energy will enter a new phase with the convening of this Conference.

35. As a member of the Preparatory Committee and an officer of the Conference, Egypt will spare no effort to ensure the sound preparation of the Conference so that the goal for which we are all striving

may be achieved. It is certainly much to be regretted that the Preparatory Committee, in the three sessions it has held so far, has been unable to achieve agreement on the main items to be included in the agenda of the Conference. That only emphasizes the importance of sound, adequate, substantive preparation for the Conference. We feel that both the preparations and the Conference itself must be based on the principles set out in resolution 32/50 in order to ensure meaningful results in the promotion of international co-operation in the peaceful uses of nuclear energy.

36. The main objective of effective preparation is precisely to overcome the difficulties faced by the Preparatory Committee so far, which stem basically from the differing positions of the developing and the developed countries. In this regard, we realize the necessity for continued work by everyone in a spirit of sincerity and seriousness. Hence, we feel that the next session of the Preparatory Committee, to be held early next year, must take place in New York in order to overcome the difficulty faced by the Group of 77, which is not adequately represented at Vienna. Holding the next session in New York will give an opportunity for wider participation and better results.

37. In view of the short time available until the convening of the Conference, scheduled for 29 August next year at Geneva, the substantive preparatory work must continue between the two preparatory sessions scheduled for early 1983 and before the convening of the Conference itself. Although the Preparatory Committee's work is focused on organizational matters, this should not prevent the Committee's touching upon substantive issues which the Conference will deal with. Therefore, it is very important for the success of the Conference that the preparation for it be both organizational and substantive at the same time.

38. As its title indicates, the main objective of the Conference is the promotion of international co-operation in the peaceful uses of nuclear energy. We therefore hope that the Conference will succeed in adopting internationally acceptable principles for the constructive and equitable regulation of that international co-operation, especially since the IAEA Committee on Assurances of Supply has not so far made real progress in its work on the principles of international co-operation in the peaceful uses of nuclear energy. We certainly consider the creation of that Committee to be a positive and important step in enhancing confidence between States exporting and States receiving materials, equipment and technology for the peaceful uses of nuclear energy, but experience has clearly shown that genuine international co-operation in this regard can be achieved only through internationally agreed principles. We therefore believe that the Conference must adopt such principles if there is a sincere intention to achieve and promote international co-operation in the peaceful uses of nuclear energy.

39. We certainly subscribe to the increasing concern over the growing proliferation of nuclear weapons. Egypt has always supported the idea of the non-proliferation of nuclear weapons and was one of those that led the way in the conclusion of the Non-Proliferation Treaty. Egypt is now a party to that Treaty and to the IAEA safeguards system, but we

believe that the non-proliferation procedures should not be over-emphasized in such a way as to obstruct the peaceful use of nuclear energy, which is the just and natural right of all nations, especially the developing ones. Moreover, no new, additional conditions should be imposed on the States receiving nuclear energy. In accordance with its statute, the IAEA plays its role most effectively in connection with the safeguards system and non-proliferation. We believe that it is possible for the Agency to play a basic role in the promotion of international co-operation in the peaceful uses of nuclear energy as well.

40. Egypt is one of the sponsors of draft resolution A/37/L.40/Rev.1, introduced by Bangladesh on behalf of the States members of the Group of 77, concerning the preparation of the Conference. We hope that the draft resolution will enjoy wide support in the General Assembly. It is worth noting that, although it does not include all the basic positions of the Group of 77 in this regard, the draft resolution takes account of numerous other views that do not affect the basic positions of the Group. This is the result of the Group's desire to achieve consensus on this issue, although, regrettably, this has not been possible this year.

41. We also hope that the needs of the developing countries, which have been indicated in this debate and which will be highlighted again at the Conference, will be met in the near future.

42. Mr. THAHIM (Pakistan): Pakistan has always been convinced of the growing importance of peaceful applications of nuclear energy in the development efforts of an increasingly large number of countries, particularly countries of the third world. This conviction, which is shared by all the developing countries, is further strengthened by independent international studies and surveys regarding the role of nuclear energy in meeting world energy requirements in the future. It is for this reason that international co-operation in the peaceful uses of nuclear energy is vital for global progress and the welfare of the international community, and is therefore a subject of importance and concern to the United Nations.

43. For the promotion of international co-operation in the peaceful uses of nuclear energy, a great deal is expected from the United Nations Conference scheduled for 29 August to 9 September 1983, in accordance with General Assembly resolution 36/78. The General Assembly has also pronounced itself, in its earlier resolution 32/50, on the scope and objectives of the Conference. That resolution affirms the principles which guide the preparations for the Conference. These are that the use of nuclear energy for peaceful purposes is of great importance for the economic and social development of many countries; all States have the right, in accordance with the principle of sovereign equality, to develop their programme for the peaceful uses of nuclear technology for economic and social development, in conformity with their priorities, interests and needs; all States, without discrimination, should have access to, and should be free to acquire, technology, equipment and materials for the peaceful use of nuclear energy; and international co-operation in the field covered by the resolution should be under agreed and appropriate international safeguards applied through the IAEA on a

non-discriminatory basis in order to prevent effectively proliferation of nuclear weapons.

44. For some time, however, there has been an attempt to detract from these principles and link the entire issue of the promotion of peaceful uses of nuclear energy with the question of nuclear non-proliferation and nuclear safeguards. In short, the developed countries are striving to give the Conference a new orientation emphasizing the safeguards system.

45. This deviation from the objectives originally envisaged for the Conference is evident in the position of the developed countries on the work which the Preparatory Committee is required to undertake for the Conference. As a result, there has been a divergence between the position of the Group of 77 and that of the developed countries, which first became apparent at Vienna and has been accentuated during consultations in New York, covering the entire range of substantive as well as procedural questions relevant to the Conference.

46. In our view, the outline for the objectives of the Conference has already been defined in resolution 32/50. The question of safeguards is a matter of major concern for the Conference but it should not become the central issue. Nuclear non-proliferation is primarily a question of disarmament which must be pursued in that context with the utmost sincerity and vigour. Over-emphasis on this question to the detriment of access by the developing countries to nuclear energy for peaceful uses would be a retrogressive development.

47. We support the approach which has been adopted for the preparation of the Conference in draft resolution A/37/L.40/Rev.1, which has been introduced by Bangladesh on behalf of the Group of 77. The draft resolution provides for the procedural arrangements necessary for adequate preparation of the Conference. It is also flexible on the dates for the convening of the Conference, which could be suitably reconsidered in the interest of a successful outcome. So far, the progress in the Preparatory Committee has been disappointing. We hope that an attitude of greater accommodation will characterize the future sessions of the Preparatory Committee, enabling it to adopt a meaningful agenda for the Conference and also to complete other substantive work so that a worthwhile plan may emerge from the Conference. Pakistan has already submitted proposals in this regard.

48. Apart from the procedural aspects, the adoption of the draft resolution would help all concerned to maintain the desired emphasis on the objectives of the Conference, in accordance with the principles already outlined as parameters for the promotion of international co-operation in the peaceful uses of nuclear energy. We hope that the differences which have surfaced at this stage of our work will be narrowed during the future deliberations of the Preparatory Committee and that we shall achieve results which will ensure a fruitful outcome of the Conference.

49. Mr. MENON (India): The United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy is a significant initiative which potentially could make an important contribution to improving the contri-

bution of atomic energy to peace, health and prosperity throughout the world, particularly in the developing countries. As the General Assembly's consensus resolution 32/50 made clear, there is a pressing need to strengthen international co-operation in this field so that the benefits of nuclear energy can be applied to the economic development of the developing countries. The appointment of an able Secretary-General of the Conference, in the person of Mr. Amrik Mehta, will, we are sure, contribute to the success of the Conference and the achievement of these goals.

50. Unfortunately, the process of preparation for this Conference has been slow and tortuous. After three sessions, the Preparatory Committee has yet to arrive at agreement even on the agenda of the Conference, originally scheduled for August-September 1983, only nine months from now. During this session of the Assembly as well, the consultations relating to the draft resolution have highlighted the difficulties we continue to face in securing agreement on the essential conditions required for making the Conference meaningful and fruitful in terms of the objectives set for the Conference by the Assembly. This lack of progress therefore makes it imperative that at this session the Assembly provide the Preparatory Committee with clear and adequate directions to make the Conference meaningful. This is a Conference which needs careful and substantive preparation. We are convinced that it would be unwise to rush into the Conference until the substantive preparations have been completed. Also, we cannot agree that the Conference should be converted into a conference on energy, a conference on disarmament, or a purely technical conference. On the contrary, this Conference offers a unique opportunity to promote international co-operation in an area of critical importance to the world, particularly the developing countries. The name of the Conference makes this explicit. To this end, it is necessary for the Conference to result in universally acceptable principles, as is provided for in draft resolution A/37/L.40/Rev.1, introduced by the representative of Bangladesh. International co-operation in the peaceful uses of nuclear energy cannot develop if it is subject to arbitrary, one-sided or *ad hoc* decisions, or if it is straitjacketed by principles agreed in limited groups or based on discriminatory treaties. My country's position on the substantive questions that the Conference is likely to deal with is well known, it having been expressed clearly in the Assembly and the Preparatory Committee. I shall therefore not repeat it at present.

51. My delegation will support the draft resolution as a compromise, which, in the revised version, represents a significant attempt to meet the concerns of all groups. We regret that, despite our constructive efforts, a consensus on this text has not been possible. The time has come for the Assembly to take a decision on this potentially significant and politically sensitive Conference. We also hope that the process of preparing the Conference will now go forward in a positive and expeditious manner.

52. Mr. IBRAHIM (Indonesia): It may be pertinent to recall that it was back in 1977 that the General Assembly, in resolution 32/50, clearly recognized the responsibility of States that are advanced in the nuclear field to promote the satisfaction of the legiti-

mate nuclear energy needs of the developing countries by participating in the fullest possible transfer of nuclear equipment, materials and technology, under agreed and appropriate international safeguards. By that and subsequent resolutions, the international community established the indisputably important role of nuclear energy in the economic and social development of developing countries.

53. As a developing country, Indonesia is fully aware of the enormous potentialities inherent in the peaceful application of nuclear technology. However, my delegation has long recognized that, owing to the extremely complicated nature of a fully fledged, peaceful nuclear programme and the uneven distribution of nuclear technology and materials, the development of such a programme is outside the scope of many developing countries without the co-operation of technologically advanced States. Therefore, we have consistently supported the call of developing countries for technical co-operation in the training of manpower and the development of other basic infrastructures.

54. It is on the basis of these considerations that, from the outset, Indonesia endorsed the idea of convening the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy. We have always envisaged that the Conference's main objective would be the promulgation of the principles and mechanisms necessary to facilitate and strengthen international co-operation and thereby ensure a wide range of technological transfers. It was hoped that such an approach would have the further benefit of creating a new atmosphere of mutual understanding and good will among all nations.

55. However, the difficulties encountered in the preparatory sessions have belied these hopes and expectations. It is most disheartening that, despite the fact that the Preparatory Committee has been in session for two years now and despite the decision of the General Assembly to convene the Conference at Geneva from 29 August to 9 September 1983, the Preparatory Committee has been unable to come to grips with such a fundamental aspect as a provisional agenda for the Conference.

56. As the report on the third session of the Preparatory Committee [A/37/48, part two] makes clear, there are wide divergencies in the approach to the agenda by various groups of States. Some have chosen to propose an agenda that excludes any consideration of an agreement on principles to govern international co-operation in this field. In our estimation, this would perpetuate the present situation, which is characterized by the utilization of nuclear energy by only a limited number of States. Thus, it would continue to hinder the satisfaction of the legitimate nuclear energy needs of developing States.

57. Others have chosen to refrain altogether from mentioning the question of principles and mechanisms, according to priority to non-proliferation. Indonesia fully shares the concern to prevent the proliferation of nuclear weapons, has supported various international instruments on the safeguards system and is a party to the Non-Proliferation Treaty. However, this issue should not be used to distract our attention from

preparing for the Conference and from its main objective, which the General Assembly has itself established as the promotion of co-operation in meeting the legitimate nuclear energy needs of the developing countries.

58. Yet another variant of an agenda would give prominence to technical matters, relegating the question of principles to a secondary position. It has been evident to my delegation from all United Nations conferences breaking ground in a new field that the establishment of principles is an essential prerequisite for all other substantive work.

59. It is in the context of the foregoing that my delegation is at a loss to understand the divergent positions that have been taken by groups of States, leaving the Preparatory Committee in limbo. To break this stalemate, the Group of 77 has exerted strenuous efforts, in a spirit of compromise, to overcome the differences by taking into consideration the legitimate interests of all groups of States. Therefore, we believe that the draft provisional agenda of the Conference submitted by the Group of 77 [*ibid.*, part one, annex III] constitutes the most viable approach to resolving this issue, as provisions contained therein most faithfully reflect the objectives of the Conference envisaged by the General Assembly.

60. The problems facing the Preparatory Committee go beyond consideration of a provisional agenda and include various procedural issues, most notably the question of reaching decisions by consensus. Indonesia has consistently supported decision-making by consensus, since it ensures the effective implementation of those decisions. However, my delegation believes that the principle of consensus should not be made the only decision-making procedure. We should continue the long-established practice of reaching decisions as far as possible on the basis of consensus. But, if this is not possible, then our overriding concern should be that the reservations of a few should not block progress towards wider international co-operation in the peaceful uses of nuclear energy, as aspired to by the majority of the international community. Just as my delegation eschews rigidity on substantive issues, so it equally sees wisdom in adopting flexibility in our procedures also.

61. In conclusion, my delegation is convinced that the revised draft resolution will facilitate our efforts to resolve the aforementioned differences in the Preparatory Committee. It calls for the Committee to meet at least twice and, if necessary, also to call inter-sessional meetings. Furthermore, it emphasises that the primary goals of the Conference are the establishment of universally acceptable principles and the exploration of ways and means of promoting international co-operation in the peaceful uses of nuclear energy. We believe that the revised draft resolution is fully consistent with the earlier decisions of the General Assembly and provides the best possible basis for the completion of preparations for the Conference within the short time available. My delegation, therefore, whole-heartedly recommends the unanimous adoption of the draft resolution by the Assembly.

62. Miss MEREGA (Argentina) (*interpretation from Spanish*): My delegation would like to remind

Member States that the United Nations has been devoting efforts to the preparation of the Conference for about five years. During this preparatory period, as emerges from the various resolutions adopted by the General Assembly on the subject, Member States have recognized, by consensus, the importance of international co-operation in the development of the peaceful uses of nuclear energy.

63. On the basis of the principle of sovereign equality, all States have the right to apply and develop their own programmes for the peaceful use of nuclear energy, in accordance with their priorities, interests and needs, and for this purpose non-discriminatory access to material, equipment, services and nuclear technology is necessary.

64. In the present world circumstances, the extent of interdependence in the field of the development of nuclear energy has increased the responsibility of the most advanced States in this field. They have a responsibility to satisfy the legitimate needs of the developing countries. For that co-operation and the transfer of technology to be viable, it is important that there be a consensus on the need to transcend monopolistic relations and inequalities in the development and peaceful use of nuclear energy.

65. My delegation is convinced that, in the interest of harmony and understanding in international relations, technology must be transferred in accordance with decisions in line with internationally accepted principles. This in turn requires an analysis of the political and economic aspects of the development of nuclear energy; and there must be consideration of the promotion of international co-operation and the role to be played by international organizations in this field.

66. We are convinced that a code of conduct or declaration of principles would give the developing countries the best assurances of supply in the transfer of nuclear technology for peaceful purposes and would tend to establish balance in international economic relations. The Conference to be held next year, in accordance with the objectives that the United Nations has set itself in this field, will provide the appropriate framework within which an international agreement must be reached on the principles to guide international co-operation in this area and a plan of action prepared for the application in practice of the principles contained in the declaration.

67. We are also convinced that international co-operation should be pursued in keeping with the norms of the Charter of the United Nations, the Declaration and the Programme of Action on the Establishment of a New International Economic Order and the Charter of Economic Rights and Duties of States. The Conference will strengthen efforts to achieve this.

68. So far, the preparatory work has not been sufficiently encouraging concerning the attainment of the objectives of the Conference. For this reason, we believe that, if the Conference is to yield substantive results, the General Assembly must give precise guidelines to the Preparatory Committee and instruct it to accelerate its work.

69. As a member of the Group of 77 and a State actively interested in the development and promotion of the peaceful uses of nuclear energy, Argentina

supports the principles and the proposed decisions set forth in draft resolution A/37/L.40/Rev.1. We hope that it will receive the support of the General Assembly, because it is the right way to achieve the objectives in this field which the United Nations has been pursuing for many years.

70. Mr. GONZÁLEZ de LEÓN (Mexico) (*interpretation from Spanish*): My delegation has asked to be allowed to speak in order to indicate the great importance that we attach to the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy.

71. Ever since nuclear energy became a fundamental resource in science and technology, the Government of Mexico has been very active in all international meetings on this subject, starting with the first International Conference on the Peaceful Uses of Atomic Energy and continuing to the task being performed by the IAEA Committee on Assurances of Supply. We were also particularly active in the negotiations which led to the establishment of IAEA and of the Inter-American Nuclear Energy Commission, bodies which promote the peaceful uses of the atom. We have spared no efforts in those and other contexts to ensure the establishment of the international machinery needed to promote co-operation and the broadest possible exchange in this field.

72. In all these efforts, the peaceful traditions of my country have been made evident, and in connection with both the promotion of the peaceful uses of nuclear energy and nuclear disarmament, Mexico has played a significant role. My country's contributions to, for example, the negotiation of the Treaty of Tlatelolco for the prohibition of nuclear weapons in Latin America, the Treaty on the Non-Proliferation of Nuclear Weapons and the instruments prohibiting nuclear weapons on the sea-bed and in outer space are well known.

73. This year, my country was honoured by the award of the Nobel Peace Prize to an illustrious Mexican diplomat, Mr. García Robles.

74. From the beginning, we have supported the idea of a United Nations conference on civilian uses of nuclear energy, as scheduled for 1983. Our position on nuclear energy is quite clear. We wish to promote the peaceful uses of nuclear energy to the maximum, just as we wish to prevent the warlike uses of nuclear energy. We consider the 1983 Conference to be not only vital but also a matter of urgency. It is vital because it is increasingly clear that only at the level of a world conference can universally acceptable principles for international co-operation in this field be established; because of its importance this cannot continue to be governed solely by a small group of countries. It is urgent owing to the regrettable failure of all the other efforts that have been made to establish efficient means and procedures to promote this form of co-operation, both within the institutional framework of the IAEA—including in the Committee on Assurances of Supply and in other related contexts, where there have also been failures—and at the second special session of the General Assembly devoted to disarmament and the Second Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons.

75. For all these reasons, the delegation of Mexico, as co-ordinator of the Group of 77, supported in Vienna the document which served as a basis for draft resolution A/37/L.40, which has been revised here in New York on the basis of the broad and wide-ranging consultations engaged in by members of the Group of 77 with members of other groups. My delegation hopes that draft resolution A/37/L.40/Rev.1, which is self-explanatory, will be adopted unhesitatingly by the General Assembly.

76. The PRESIDENT: We have heard the last speaker in the debate on this item. I call on the representative of the Union of Soviet Socialist Republics, who wishes to explain his vote before the voting on draft resolution A/37/L.40/Rev.1.

77. Mr. SHUSTOV (Union of Soviet Socialist Republics) (*interpretation from Russian*): In connection with the consideration of the question of the preparation of the United Nations Conference for the Promotion of International Co-operation in the Peaceful Uses of Nuclear Energy, the Soviet delegation would like to state the following in explanation of its vote.

78. The Soviet Union, which was a pioneer in the use of nuclear energy for peaceful purposes, has consistently advocated broad-based, creative international co-operation in this field. It shares its achievements with other countries both on a bilateral and on a multilateral basis, *inter alia*, within the Council for Mutual Economic Assistance and the IAEA. On the basis of this consistent policy, the Soviet Union supported the idea of convening the Conference. This Conference, we believe, will play a positive role in promoting this kind of co-operation, and it will be able to do this if questions relating to the peaceful uses of nuclear energy are considered bearing in mind the need to strengthen the régime for the non-proliferation of nuclear weapons. Moreover, the further strengthening of the nuclear weapons non-proliferation régime is a very important prerequisite for the development of broad-based international co-operation in the peaceful uses of nuclear energy.

79. As has been stated repeatedly by representatives of the Soviet Union in various international forums, at the sessions of the General Assembly and of the General Conference of the IAEA, the international exchange in the nuclear field should in no way be used as a channel for proliferating nuclear weapons or other explosive nuclear devices. That is our position of principle, and it is not based on the interest of the Soviet Union alone. The prevention of the proliferation of nuclear weapons is in the interest of all States, both large and small, since the attainment of that goal is one of the major ways of limiting the danger of nuclear war.

80. The Soviet delegation would like to reaffirm its conviction that IAEA must play an active part in order to guarantee the success of the preparation and holding of the Conference. That Agency is the main international body which guarantees co-operation between States in the peaceful uses of nuclear energy, and it has accumulated rich experience in that field.

81. We feel that, in the preparation and proceedings of the Conference, a contribution should also be made by other international organizations within the United Nations system whose activities are in some degree or

other connected with the peaceful uses of nuclear energy. In this connection, we commend the statements made by the representative of the IAEA and other international organizations in the Preparatory Committee of the Conference, which took up such questions as participation in the Conference and the preparation of the Conference.

82. As members know, these international organizations are to submit reports to the Conference on their activities connected with the peaceful uses of nuclear energy. We believe that these international organizations should determine the content and thrust of their reports themselves. I should like to stress our satisfaction that the IAEA secretariat has already drawn up a report reflecting the multifaceted activities of the Agency relating to safeguards under the non-proliferation régime. The major role played by the Agency in ensuring that international co-operation in the field of the peaceful uses of nuclear energy cannot be used to produce nuclear weapons is well known and generally acknowledged. The importance of the activities of the Agency has been stressed many times at sessions of its principal organs—the General Conference, the Board of Governors—and also at sessions of United Nations bodies.

83. As we can see from the report it has submitted at this session of the General Assembly, the Preparatory Committee of the Conference—did not manage to tackle the basic questions—namely, to draw up a draft agenda and rules of procedure for the Conference. The absence of any substantial progress in this work gives rise to concern, particularly since time is an increasingly important factor. In accordance with our position of principle on matters relating to international co-operation in the peaceful uses of nuclear energy, the Soviet Union and the other socialist countries display flexibility at the meetings of the Committee and actively seek a mutually acceptable solution.

84. We believe that the agenda and rules of procedure of the Conference should reflect the positions of all groups of States participating in it so that the Conference can draw up realistic measures for the further development of international co-operation in the peaceful uses of nuclear energy, taking into account the need to strengthen the non-proliferation régime.

85. It is on the basis of the foregoing considerations about the preparation and holding of the Conference that the Soviet delegation looks at draft resolution A/37/L.40/Rev.1. Unfortunately, we have to say that this draft resolution does not adequately reflect the need for effective preparation of the Conference. Its sponsors, to our disappointment, did not find it possible to take into consideration the positions of all the States concerned. The Conference, like other United Nations conferences, will provide a forum in which the widest circle of States Members of the United Nations will participate. In this connection, we are profoundly convinced that only the search for mutually acceptable decisions on the basis of consensus can guarantee the success of such a major conference.

86. But this draft resolution suffers from a one-sided approach. In it, an attempt is already being made to predetermine the results of a conference for which an agenda acceptable to all has not yet even been drafted.

Nor has due account been taken of the need to guarantee the non-proliferation of nuclear weapons in the consideration of such questions as co-operation in the field of nuclear energy, bearing in mind the existing Treaty on the Non-Proliferation of Nuclear Weapons and the system of safeguards for its implementation. The draft resolution also contains a provision which does not promote the full and active participation in the Conference of the most universal international organ directly concerned with the peaceful uses of nuclear energy, the IAEA. Therefore, the Soviet delegation will not be in a position to support it.

87. However, our delegation would like to state again that it will continue to participate actively in the preparatory work for the Conference so that it can take place at the time allocated to it and successfully.

88. The PRESIDENT: The Assembly will now take a decision on draft resolution A/37/L.40/Rev.1.

89. The administrative and financial implications of that draft resolution appear in the report of the Fifth Committee [A/37/775].

A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Bahamas, Bahrain, Bangladesh, Barbados, Benin, Bhutan, Bolivia, Botswana, Brazil, Burma, Burundi, Cape Verde, Chad, Chile, China, Colombia, Comoros, Congo, Costa Rica, Cuba, Cyprus, Democratic Kampuchea, Democratic Yemen, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Ivory Coast, Jamaica, Jordan, Kenya, Kuwait, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Malawi, Malaysia, Maldives, Malta, Mauritania, Mauritius, Mexico, Morocco, Mozambique, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Sao Tomè and Príncipe, Saudi Arabia, Senegal, Sierra Leone, Singapore, Solomon Islands, Somalia, Sri Lanka, Sudan, Suriname, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, United Arab Emirates, United Republic of Cameroon, United Republic of Tanzania, Upper Volta, Uruguay, Vanuatu, Venezuela, Yemen, Yugoslavia, Zaire, Zambia.

*Against:* Australia, Austria, Belgium, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Czechoslovakia, Denmark, Finland, German Democratic Republic, Germany, Federal Republic of, Hungary, Iceland, Ireland, Japan, Luxembourg, Mongolia, Netherlands, New Zealand, Norway, Poland, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Kingdom of Great Britain and Northern Ireland, United States of America, Viet Nam.<sup>1</sup>

*Abstaining:* France, Greece, Israel, Italy, Portugal, Spain, Sweden.

*The draft resolution was adopted by 111 votes to 26, with 7 abstentions (resolution 37/167).*

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

91. Mr. BRYLLE (Denmark): On behalf of the 10 member States of the European Community, I should like to make the following explanation of vote.

92. As stated on previous occasions, the Ten hold a positive attitude to the convening of a conference on peaceful uses of nuclear energy. Indeed, in previous years, member countries of the Ten have sponsored consensus resolutions on the subject. We therefore regret that it has not been possible to adopt a consensus resolution on the preparation of such a conference, despite close and intensive consultations on the subject. As we have stated continuously during these consultations, we hold the firm view that an appropriate draft resolution on the preparation of a United Nations conference for the promotion of international co-operation in the peaceful uses of nuclear energy should have dealt solely with procedural questions. Member countries of the Ten have participated actively and with a flexible attitude in efforts to achieve such a draft resolution.

93. The Ten regret that the resolution just adopted, in their view, prejudices in many respects the work of the Preparatory Committee for the Conference and might even affect the outcome of the Conference itself. We realize that the Preparatory Committee has as yet been unable to resolve problems with regard to many important issues. But we hold the view that efforts to resolve these problems should be made within the context of the preparatory process itself, and we cannot accept attempts to get around such problems through the procedures of the General Assembly.

94. Turning to the specific issues taken up by the resolution that has just been adopted, we find that, for instance, the question of intersessional work and other organizational matters with regard to the preparatory process should be decided upon by the Preparatory Committee itself. On substance, as far as operative paragraph 4 is concerned, we further find that this paragraph seeks to prejudge the work of the Preparatory Committee. The resolution also has other shortcomings. I would also mention the importance we attach to the role of the IAEA in the preparation of the Conference.

95. Finally, the Ten are concerned that, in the context of the Conference, due consideration should also be given to non-proliferation aspects. We continue to adhere to the view that there is a need for strengthening and developing international co-operation on the peaceful uses of nuclear energy.

96. Mr. PASTINEN (Finland): The delegation of Finland voted against the draft resolution.

97. For almost 20 years, Finland has been a strong supporter of the peaceful uses of nuclear energy and an equally strong supporter of the international non-proliferation régime. For us, these aims go together; one cannot exist without the other. We firmly believe that these aims, which are of crucial importance for the maintenance of international peace and security, go hand in hand. The overwhelming majority of the nations present here are committed to these aims by

their adherence to the Non-Proliferation Treaty and to the non-proliferation régime.

98. In further explanation of my delegation's vote, I wish to state the following.

99. Finland welcomed the consensus reached at the thirty-sixth session of the Assembly on resolution 36/78, by which it endorsed the recommendations of the Preparatory Committee of the Conference. That resolution serves to underline, *inter alia*, the importance of consensus on issues related to the promotion of international co-operation in this prominently important field. That is, indeed, the only sound and constructive basis on which an endeavour of this importance and magnitude can succeed.

100. We deeply regret that it did not prove possible to agree on a consensus text this year. A text of a purely procedural nature would have met the purpose. We therefore consider that the situation now created amounts to a serious set-back in the preparations for a successful conference. Faced with the resolution adopted by vote, the Preparatory Committee will have an extremely difficult task to accomplish. The resolution and the context in which it was adopted give rise to serious misgivings for my delegation, as well as for many others. The resolution all but ignores the overriding importance of nuclear non-proliferation and the IAEA safeguards system. Further, it contains no binding reference to the IAEA Committee on Assurances of Supply, which will be essential for the work of the Conference. That constitutes a crucial omission and an unwarranted departure from earlier resolutions which were adopted by consensus.

101. It is the consistent view of the Government of Finland that the elimination of the danger of the proliferation of nuclear weapons is an essential prerequisite for enhanced international co-operation in the field of the peaceful uses of nuclear energy. While these are sometimes presented as opposing goals, they in fact complement and support each other. It is therefore of vital importance that the objective of promoting international co-operation in the transfer of nuclear materials, equipment and technology, on the one hand, and that of the strengthening of the non-proliferation régime, on the other, be pursued concurrently. Full recognition of the relationship between those two objectives will be the key to the success of the Conference.

102. Finally, in spite of the circumstances in which the present resolution was adopted, my delegation hopes that the Conference can be held next year. To this end, the work of the Preparatory Committee should proceed on common ground, with due regard for the basic issues I have referred to. The success of the Conference will be to the benefit of all, the suppliers as well as the receivers, and, ultimately, in the interest of the international community as a whole.

103. Mr. LICHENSTEIN (United States of America): I should like to explain our negative vote on draft resolution A/37/L.40/Rev.1.

104. Many delegations here, my own among them, worked hard to develop a generally acceptable compromise draft resolution text which could be adopted by consensus at this session. These efforts, unfortunately, proved fruitless.

105. Basic differences have prevented agreement so far in the Preparatory Committee on the substance and procedures for the proposed Conference. My own delegation and a number of others have argued that the seriousness of some of the issues arising in this case imposes certain requirements on such a Conference if it is to be meaningful. In response to the desires of some that the Conference seek to establish universally acceptable principles for international cooperation in the peaceful uses of nuclear energy and that it consider possible ways and means of such cooperation, my own and like-minded Governments have shown a readiness to include these items in the agenda if the agenda also states that treatment of these items is to be in accordance with mutually acceptable considerations of non-proliferation and the deliberations of the IAEA Committee on Assurances of Supply and that decisions on all aspects of these substantive matters shall be by consensus. This has been the essential bargain. The resolution just adopted disregards this necessary balance and is aimed at prejudicing decisions still to be made by the Preparatory Committee on the agenda and on the procedural approach to be adopted for the Conference.

106. The last session of the Preparatory Committee stopped short of discussing or making any recommendation regarding intersessional work. A number of countries, including my own, believe that, pending an agreement in the Preparatory Committee on such essentials as an agreed agenda and a procedural framework, moving ahead with substantive preparations along other avenues is premature. Indeed, without agreed basic terms of reference, what form and direction can these substantive preparations take? Accordingly, no recommendation on intersessional work for the Conference has yet been made by the Preparatory Committee. The present resolution disregards this and calls for intersessional work even in the absence of basic pre-conditions.

107. Moreover, this resolution shifts the next meeting of the Preparatory Committee to New York, thus breaking the continuity of its deliberations and putting it at long range from national representatives and international organization staff most familiar with the matters before the Committee and most relevant to the subject of the Conference. We disagree with this move and see it too as reflecting an unwillingness to seek a mutually satisfactory course in preparing for the Conference.

108. Previous resolutions adopted by the General Assembly, each time by consensus, included language inviting and spelling out in some detail the desired contribution of the IAEA to the Conference. This resolution unaccountably goes beyond the previous ones and adds words restricting the contribution of the Agency to its responsibilities under its statute, implying that the Agency might otherwise exceed its statutory bounds or that it has done so. Such a challenge arose during the last Preparatory Committee session, and my delegation replied that the statute fully underpinned the role and responsibilities being carried out by the Agency, including those pursuant to the Non-Proliferation Treaty in the area of safeguards. We thus consider this addition gratuitous and, in the light of the issue raised at the last session of the Preparatory Committee regarding the work of

IAEA, as carrying an erroneous and objectionable connotation.

109. We wish to note that this resolution recalls previous resolutions which were adopted by consensus but on which we and others expressed reservations. Specific language is reiterated which we found defective or unsatisfactory—for example, in the fourth preambular paragraph of the present resolution, which appeared in earlier texts. We pointed out earlier that, while we were ready to respond sympathetically to the interest of developing countries in peaceful nuclear technology, our specific obligation in this area is assumed under article IV of the Non-Proliferation Treaty and applicable to the parties to that Treaty. In the same paragraph, there also appears the formulation “proliferation of nuclear weapons”. We have had serious problems with the use of this term if it is not accompanied, as in the Non-Proliferation Treaty, to which 119 nations subscribe, by a corresponding reference to “other nuclear explosive devices”. Otherwise, this reference to nuclear weapons only has been construed as providing scope for so-called peaceful nuclear explosions. In the process of negotiation on the present text, the drafters at one point deleted this paragraph on their own initiative. We regret to see it restored in the final version.

110. As regards the budgetary implications of this item, we have already made our position clear in the Fifth Committee. Suffice it to say now that it is the United States position that the necessary resources should be provided to make possible a successful conference, but these resources should be programmed from within the level of resources approved in the 1982-1983 United Nations programme budget.

111. Our views on what we could see as a workable compromise approach to the Conference are reflected in the agenda proposal put forward by several countries, including the United States, at the recent third session of the Preparatory Committee in Vienna and are annexed to the report of that meeting. In case a compromise along those lines could not be reached, we submitted a possible alternative agenda proposal, which is also annexed to that report. This alternative approach focuses on the substantive aspects of the applications of nuclear energy for economic and social development, with special emphasis given to the needs of developing countries. It was proposed in case it is not possible to reach agreement on a text which includes principles and ways and means.

112. We have approached this task in a spirit of compromise. We noted, however, in our concluding remarks to the third session of the Preparatory Committee, that “an unbalanced agenda forced on any group by majority vote would only remove the incentives for many to continue to contribute to the preparations for the Conference or, indeed, to the Conference itself” [*see A/37/48, part two, annex III C, para. 11*].

113. The passage, over the objections of ourselves and others, of this resolution, which is aimed at prejudging decisions not yet reached by the Preparatory Committee on the substance of the Conference and on further substantive preparations, makes it increasingly difficult for us to justify our participation in a conference based on this resolution.

114. Mr. KERGIN (Canada): It is with regret that my delegation has had to join with some other delegations in casting a negative vote on the draft resolution. We note with concern that the elements and provisions contained in the text have obliged a significant number of delegations to withhold their support from the General Assembly's decision on this item this year. Consensus has been decisively broken, and not by any single grouping of States, on a question whose treatment, to be effective or, in the terms of the resolution itself, "meaningful", requires support from all quarters, suppliers and consumers, both actual and potential.

115. Canada's negative vote should not be interpreted as a denial of the idea of holding a conference on the peaceful uses of nuclear energy. It was meant, however, as a strong statement that any conference must take into account and, indeed, reaffirm the utility and reference of existing structures, such as the Committee on Assurances of Supply, the IAEA and the International Nuclear Fuel Cycle Evaluation. The Conference must also serve as a rededication to the ideal of strict adherence to international legislation, such as the Non-Proliferation Treaty, or to such regulations as the full-scope safeguards underlying these structures.

116. My delegation finds it would be most unfortunate—and regrettably, in paragraph 4, the resolution tends to move in this direction—to provide the Conference with a mandate to seek new principles of international co-operation in peaceful uses of nuclear energy which would replace the universally acceptable norms and obligations which have been so carefully developed and widely approved. We are also concerned that the resolution, in its paragraph 2, implies the establishment of an *ad hoc* bureaucracy of an apparently open-ended nature. We are disturbed that this bureaucracy could operate without specific rules of procedure or defined control mechanisms in some areas, such as regional and public information activities, which my delegation questions as being either necessary or relevant.

117. Returning to the idea of the Conference itself, my delegation considers that no good purpose has been served by the introduction of a resolution on this subject which has divided this house. The General Assembly would have failed further, however, if it were to insist on a conference which could only publicize how deep the chasm might be between the views and interests of Member States. The rupture of consensus today, a most unwelcome development, points out the need for a reassessment of the situation. At the next Preparatory Committee meeting we should reflect soberly on whether it would not be more productive and globally useful to plan a conference on the peaceful uses of nuclear energy which might aim at less grandiose objectives and concentrate on more functional exchanges of views designed to consolidate and expand the existing system of international nuclear co-operation. For our part, Canadian activities and efforts will be bent to these more immediate and ultimately more attainable goals.

118. Miss BOYD (Australia): Australia voted against the draft resolution which has just been adopted by the Assembly. My delegation regrets that this resolution, which relates to the forthcoming Conference,

could not be adopted by consensus, as has been the case with similar resolutions each year since the decision to hold such a Conference was first made at the thirty-fifth session.

119. I should like to set out now in brief some of the more important considerations which made it impossible for Australia to support the text, notwithstanding our earlier support for the Conference itself. The General Assembly, in deciding to convene the Conference, outlined what the aims of the Conference would be, namely: the promotion of international co-operation in the peaceful uses of nuclear energy. Both during the meetings of the Preparatory Committee and in consultations on the text of document A/37/L.40/Rev.1, some delegations have sought to expand the aims of the Conference in a manner which was not originally envisaged and is not now acceptable to other delegations. Unless consensus can be achieved on such a basic issue, there is little prospect of a successful conference. Further, there are elements in the resolution which seek to promote the exchange of nuclear technology without acceptance of corresponding non-proliferation conditions. This is entirely unacceptable to Australia.

120. Mr. PAVLOVSKÝ (Czechoslovakia): The Czechoslovak Socialist Republic attaches great importance to the forthcoming Conference. We believe that the Conference, adequately prepared, will serve as a useful forum for the discussion of a wide range of issues pertaining to this subject and an attempt to find solutions to them. We agree that the task of the further promotion of the peaceful uses of nuclear energy requires a world-wide approach, which is the very aim of the Conference. We are prepared to take an active part both in the preparation of the Conference and in its work.

121. None the less, we are firmly convinced that the Conference will achieve its goals only if it takes fully into account the particular need for strengthening the non-proliferation régime and the international safeguards system for the verification of the peaceful use of nuclear installations. Both the suppliers and the recipients of nuclear materials and fuel-cycle technology must be bound by clear-cut obligations effectively preventing any possibility of the misuse of those materials and that technology for military purposes. Without such obligations, there would be no reliable basis for international co-operation in the peaceful uses of nuclear energy.

122. A particularly significant role in the efforts aimed at ensuring exclusively peaceful uses of nuclear energy is played by the Treaty on the Non-Proliferation of Nuclear Weapons, which has become one of the most universal legal instruments for the maintenance of peace and international security. A large number of States parties to the Treaty will take part also in the Conference. The Treaty establishes an effective policy for strengthening the safeguards relating to nuclear equipment, material and technology which over the years has fully justified itself. At the same time, it facilitates international co-operation relating to equipment, materials and scientific and technological information for the peaceful uses of nuclear energy on a non-discriminatory basis.

123. We believe that the Conference, while considering questions of the promotion of international co-operation in the peaceful uses of nuclear energy, must contribute to the achievement of the aim of the full implementation of all the provisions of the Non-Proliferation Treaty, as is also required by the Final Document of the tenth special session of the General Assembly, which was devoted to disarmament [resolution S-10/2].

124. We are also convinced that a particularly important and active role in the substantive preparations for the Conference should be played by the IAEA within the whole range of its responsibilities, including the Agency's activities with regard to the non-proliferation régime.

125. Proceeding on the basis of such considerations, my delegation has carefully studied the draft resolution which has just been adopted by the Assembly. We must note with regret that the majority, if not all, of the substantive suggestions and proposals put forward by a number of delegations, including mine, during the series of consultations with the sponsors of that draft resolution with a view to achieving consensus have not been taken into account. We are of the opinion that the requirement for intersessional work by the States members of the Preparatory Committee, as contained in paragraph 2, will lead to a protracted procedural discussion in the Committee rather than to substantive preparatory work. With regard to paragraph 4, we believe it neither necessary nor useful to prejudge the nature of the result of the Conference in the way the sponsors have done. Nor can we agree with the lessening of the importance of the contribution by IAEA to the preparatory work that follows from paragraph 7. Similarly, we experienced difficulties with regard to some other provisions of the resolution. As a whole, the resolution, as we see it, belittles the importance of the non-proliferation régime and of the IAEA safeguards. Accordingly, we had to vote against the draft resolution.

126. My delegation deeply regrets that the genuine efforts to reach a consensus on this most important subject proved unsuccessful. But we believe that, in the course of further preparatory work and of the Conference itself, the spirit of co-operation and positive efforts to find constructive and generally acceptable solutions will prevail. For our part, we are resolved to contribute to this end.

127. Mr. SIBAY (Turkey): Turkey voted in favour of the draft resolution. We should like, however, to clarify our position concerning paragraph 4. It is our understanding that universally acceptable principles for international co-operation in the peaceful uses of nuclear energy are embodied within the IAEA safeguards system and the non-proliferation régime.

128. Mr. ŠILOVIĆ (Yugoslavia): Yugoslavia, together with other developing countries members of the Group of 77, voted in favour of the draft resolution. We are hopeful that, on the basis of the resolution which has just been adopted, it will be possible for the Preparatory Committee to undertake substantive preparations for the Conference. It is also our understanding that consideration of agenda item 27 has not ended and that, in accordance with paragraph 3 of the resolution which we have just adopted, the

General Assembly will consider the item further at its resumed session in order to take suitable decisions with regard to the date of the Conference in the light of the results of the session of the Preparatory Committee to be held early in 1983.

129. In fixing the date of the spring meeting of the Preparatory Committee, it may be advisable to keep in mind that the Seventh Conference of Heads of State or Government of Non-Aligned Countries will be held at New Delhi at the beginning of March 1983. Therefore, we would recommend that the Preparatory Committee should meet either before or after that Conference.

## AGENDA ITEM 11

### Report of the Security Council

130. The PRESIDENT: The representative of Argentina has asked to explain his delegation's position before a decision is taken with regard to this item, and I call on him now.

131. Mr. PFIRTER (Argentina) (*interpretation from Spanish*): The Argentine delegation would like to state for the record that it has reservations concerning the unsatisfactory manner in which certain documents relating to the recent crisis in the South Atlantic have been summarized in chapters 10 and 11 of the report of the Security Council [A/37/2]. The present language does not suitably or sufficiently reflect the content of certain important communications in which my Government, other countries, the Organization of American States and the Movement of Non-Aligned Countries reported to the Security Council on their position or on their decisions in the face of the military aggression against Argentina and other related matters. Such omissions seriously affect the balance of the report of the Security Council and oblige us to enter this express reservation.

132. The PRESIDENT: May I take it that the General Assembly takes note of the report of the Security Council?

*It was so decided (decision 37/435).*

## AGENDA ITEM 13

### Report of the International Court of Justice

133. The PRESIDENT: We now turn to the report of the International Court of Justice covering the period from 1 August 1981 to 31 July 1982 [A/37/4]. May I take it that the General Assembly takes note of that report?

*It was so decided (decision 37/436).*

## AGENDA ITEM 3

**Credentials of representatives to the thirty-seventh session of the General Assembly (concluded):\***  
(b) Report of the Credentials Committee

134. The PRESIDENT: I invite representatives to turn their attention to the draft resolution recom-

\* Resumed from the 45th meeting.

mended by the Credentials Committee in paragraph 8 of its second report [A/37/543/Add.1]. The Committee adopted that draft resolution without a vote. May I take it that the General Assembly wishes to do the same?

*The draft resolution was adopted (resolution 37/5 B).*

#### AGENDA ITEM 12

**Report of the Economic and Social Council (chapters II, III (sections A to C, F, G, I and K), IV (section D), V, VI (section C), VII, VIII and IX (section F)) (continued)**

#### AGENDA ITEM 84

**Elimination of all forms of religious intolerance**

#### AGENDA ITEM 85

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

#### AGENDA ITEM 86

**Question of a convention on the rights of the child**

#### AGENDA ITEM 87

**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) **Publicity for the work of the Human Rights Committee: report of the Secretary-General;**
- (d) **Elaboration of a second optional protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty: report of the Secretary-General**

#### AGENDA ITEM 88

**Torture and other cruel, inhuman or degrading treatment or punishment:**

- (a) **Unilateral declarations by Member States against torture and other cruel, inhuman or degrading treatment or punishment: report of the Secretary-General;**
- (b) **Draft Code of Medical Ethics: report of the Secretary-General**

#### AGENDA ITEM 90

**Office of the United Nations High Commissioner for Refugees:**

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

#### AGENDA ITEM 93

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

#### AGENDA ITEM 94

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

#### AGENDA ITEM 95

**New international humanitarian order: report of the Secretary-General**

135. Mr. BORCHARD (Federal Republic of Germany), Rapporteur of the Third Committee: I have the honour to introduce the reports of the Third Committee on agenda items 12, 84, 85, 86, 87, 88, 90, 93, 94 and 95, which are contained in documents A/37/745, A/37/715, A/37/716, A/37/717, A/37/718, A/37/727, A/37/692, A/37/728, A/37/693 and A/37/746, respectively.

136. In paragraph 79 of its report on item 12 [A/37/745], the Third Committee recommends to the General Assembly the adoption of 19 draft resolutions. Draft resolutions I to XIII, XV and XIX were adopted by the Committee without a vote; draft resolution XIV adopted by a recorded vote of 99 to 5, with 18 abstentions; draft resolution XVI was adopted by a roll-call vote of 74 to 16, with 40 abstentions; draft resolution XVII was adopted by a roll-call vote of 74 to 16, with 45 abstentions; and draft resolution XVIII was adopted by a roll-call vote of 67 to 19, with 49 abstentions.

137. In paragraph 8 of its report on item 84 [A/37/715], the Committee recommends to the Assembly the adoption of a draft resolution which it adopted without a vote.

138. In paragraph 16 of its report on item 85 [A/37/716], the Committee recommends to the Assembly the adoption of two draft resolutions. Draft resolution I was adopted without a vote. Draft resolution II A was adopted by 102 votes to none, with 28 abstentions, and draft resolution II B was adopted by 109 votes to none, with 23 abstentions.

139. In paragraph 7 of its report on item 86 [A/37/717], the Committee recommends to the Assembly the adoption of a draft resolution which it adopted without a vote.

140. In paragraph 13 of its report on item 87 [A/37/718], the Committee recommends to the Assembly the adoption of two draft resolutions. Draft resolution I was adopted without a vote and draft resolution II was adopted by a recorded vote of 52 to 23, with 53 abstentions.

141. In paragraph 10 of its report on item 88 [A/37/727], the Committee recommends to the Assembly the adoption of two draft resolutions which it adopted without a vote.

142. In paragraph 16 of its report on item 90 [A/37/692], the Committee recommends to the Assembly the adoption of three draft resolutions which it adopted without a vote.

143. In paragraph 8 of its report on item 93 [A/37/728], the Committee recommends to the Assembly the adoption of a draft resolution which it adopted without a vote.

144. In paragraph 17 of its report on item 94 [A/37/693], the Committee recommends to the Assembly the adoption of two draft resolutions and a draft decision. Draft resolution I was adopted by a recorded vote of 104 to 1, with 24 abstentions; draft resolution II was adopted by a recorded vote of 75 to 30, with 22 abstentions. The draft decision was adopted without a vote.

145. In paragraph 7 of its report on item 95 [A/37/746], the Committee recommends to the Assembly the adoption of a draft resolution which it adopted without a vote.

146. Last, but not least, I should like to take this opportunity to express my thanks to the staff of the Secretariat, and in particular to Mrs. Jeanne Condevaux, who worked so hard and effectively to prepare the drafts for the reports that I have the honour to submit.

147. I commend the recommendations of the Third Committee to the General Assembly.

148. The PRESIDENT: I call on the representative of Mexico to introduce the amendments in documents A/37/L.60 and A/37/L.61.

149. Mr. MUÑOZ LEDO (Mexico) (*interpretation from Spanish*): The delegation of Mexico asked to speak to introduce formally two proposals under agenda item 12. The first [A/37/L.60] is an amendment to draft resolution XVI, recommended by the Third Committee in its report [A/37/745]. This amendment is sponsored also by the delegations of Algeria, Bolivia, Cuba and Yugoslavia and its purpose is to include a reference in operative paragraph 12 to the extension of the mandate of the Special Rapporteur on the human rights situation in Chile.

150. Year after year, the Commission on Human Rights has been extending that mandate because the situation on human rights and fundamental freedoms in Chile has not improved at all, as stated by the Special Rapporteur himself in his last report to the Assembly [A/37/564]. The veracity and impartiality of that report are unassailable and its conclusions can easily be established and even amplified by reference to information media and the copious testimony of religious, political and cultural organizations in the country itself.

151. The extension of the mandate of the Special Rapporteur, which is the logical consequence of the report to which I have referred, is the business of the Commission on Human Rights. The proposed amendment does not prejudice the decision to be adopted by that body. However, if no reference is made this time to the question of the Special Rapporteur, the General Assembly will be changing the practice it has followed for the past seven years on this subject. That could be interpreted to mean that it is felt that conditions in that country have improved, which, regrettably, is not the case. It is our duty to defend human rights as far as that is possible and to ensure that repression is not encouraged by any omissions on our part. The sponsors of this amendment are confident

that the Assembly shares this reasoning and will support it with an affirmative vote.

152. The second proposal [A/37/L.61] is an amendment to draft resolution XVIII, which is also recommended by the Third Committee in document A/37/745. This amendment is sponsored by the delegations of Algeria, France, Greece, Sweden and Yugoslavia, together with the delegation of Mexico. It refers to the situation of human rights and fundamental freedoms in El Salvador.

153. We believe that the General Assembly must take a clear decision in the vote on this important question. When this draft resolution was voted on in the Third Committee, my delegation said that it disagreed with the unduly hasty manner in which amendments were introduced and with the way a roll-call vote was avoided. Operative paragraph 7, which we now suggest be reincorporated in the resolution, was eliminated from the original draft resolution in a vote which merged it with operative paragraph 4. Obviously, there should have been a separate vote on each paragraph.

154. The sponsors are convinced that the content of operative paragraph 7, which we are now reintroducing, is an essential part of the resolution. It reiterates the appeal which was made earlier by the General Assembly and by the Commission on Human Rights to the parties to the conflict in El Salvador to endeavour to bring about a peaceful settlement of the matter. Such a settlement can be achieved only by means of negotiations, not by the use of force.

155. The ending of violence in El Salvador is a matter of particular urgency because of the deplorable loss of human life and material damage that has occurred in that country. It is equally urgent to prevent the indefinite continuance of the violations of fundamental rights in that country, which have been clearly reflected in the report of the Special Representative of the Commission on Human Rights [A/37/611].

156. The early cessation of the conflict is also indispensable if we are to ensure that it does not spread beyond the borders of the country and link up with other explosive situations in the region. Interference by foreign forces must cease and dialogue must be re-established in an atmosphere free of intimidation and terror, as distinct from that prevailing today. Only in this way can the Salvadorian people fully exercise their rights and determine the political and economic system which best suits their aspirations.

157. When the General Assembly votes on this amendment it will be making a choice between two possibilities: a negotiated settlement to end the conflict and the imposition of the will of one of the parties by the use of force, which would prove to be an illusion. We shall vote either for political polarization and military violence or for reason and dialogue. The decision of the Assembly is particularly important because recent events have shown that the arms race and tension in the area are still being encouraged from abroad.

158. In this connection, I should like to bring to the attention of the Assembly an important document which has just been signed by distinguished world

figures and which I received only a few hours ago. It reads as follows:

“This year’s winners of Nobel Prizes for peace and literature, Alfonso García Robles, Alva Myrdal and Gabriel García Márquez, together with the Prime Minister of Sweden, Olof Palme, have sent the following message to the six Heads of State of Central America:

“The danger of a widespread war in Central America has never been as imminent as it is today. Yet the possibilities of saving peace have never been so great. We appeal to the political and military leaders in the region to begin negotiations immediately, and without pre-conditions. A first step would be the cessation of all supplies of and trafficking in weapons and of all military assistance to and within the region, and respect for the territorial integrity of the different countries.”

159. As far as this Assembly is concerned, in order to prevent more widespread confrontations occurring, it is necessary that Member States fulfil their political responsibility and make their positions on this matter known as clearly as possible.

160. On behalf of the sponsors of these amendments [A/37/L.60 and A/37/L.61], I invite delegations to contribute with their affirmative vote to the prevention of greater catastrophes and the promotion of human rights in two situations which have been on the agenda of the Assembly for some time now because they are of such great concern to the universal conscience.

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

161. Mr. RANGACHARI (India): I had, in fact, asked to speak before you banged the gavel. I wanted to draw attention to the fact that in regard to the report contained in document A/37/693 we have some amendments, and the effect of a decision not to discuss all the reports would be that those who might wish to speak on those amendments would not be able to do so. Even as I speak there are some consultations going on. I do not know what the results of those consultations will be, but it is not unlikely that even if we are not able to solve the problem we may be able to indicate a way in which it can be dealt with.

162. I hope that as far as the report on item 94 [A/37/693] and the two amendments [A/37/L.56 and A/37/L.57] are concerned, it is not considered that we have dispensed with all further discussion and that the only way in which delegations can speak is in explanation of vote. I do not say that a debate will be necessary, but I want to keep open that possibility, depending upon the results of the consultations.

163. The PRESIDENT: Within the framework of explanations of vote delegations will have an opportunity to refer to these amendments.

164. Mr. RANGACHARI (India): That is precisely the point I was making: that delegations might wish to say something that may not be covered by an explanation of vote. Therefore, we should keep open the possibility of delegations being allowed an opportunity to speak if it becomes necessary. I cannot anticipate the results of the consultations but I hope that that opportunity will not be precluded.

165. The PRESIDENT: When we come to that point the Assembly has to take a separate decision on it, but now we are taking up first the report of the Third Committee on item 12 and we will have explanations of vote on this item before the vote.

166. Mr. O'DONOVAN (Ireland): I should just like to refer to what the representative of India has just said, which I fear may have led to some misunderstanding on your part, Sir.

167. A number of delegations in fact put their names down some time ago to speak in regard to item 94 and specifically in regard to the Third Committee report on that item [A/37/693].

168. It should be quite clear, given that there are amendments to that report, that delegations will, in the first place, wish to introduce their amendments, and that other delegations may, if they choose to do so, offer their views in the debate on those amendments. It is not a question of explanation of vote, I would point out, Sir. It is a question of a debate, and in that sense I fully agree with my colleague from India.

169. The PRESIDENT: I am not against a discussion afterwards on the amendments which have been presented. I am saying that when we come to item 94 we shall have the opportunity to consider whether it is necessary to discuss those amendments. As the representative of India has just indicated, the consultations are still going on. As a matter of fact, I am not aware as yet how many representatives have indicated their desire to speak on that particular item. So may we proceed on the understanding that when we come to that stage there will be an opportunity to reopen the debate on those points if the necessity arises?

170. Mr. ROSALES-RIVERA (El Salvador) (*interpretation from Spanish*): My delegation would like to speak on the amendment contained in document A/37/L.61, which is connected with agenda item 12 and which has just been introduced by the representative of Mexico. We wish to speak, but not in explanation of vote. So I would like to ask you, Mr. President, to give us the opportunity to make a few comments on the amendment introduced by the delegation of Mexico, and then we will offer an explanation of vote on the draft resolution as a whole.

171. The PRESIDENT: The understanding is, then, that we are not reopening the debate but are permitting delegations to speak on the draft amendments which have just been introduced by the representative of Mexico. I take it that the Assembly agrees.

172. I shall therefore now call on those delegations that wish to explain their positions on amendments A/37/L.60 and A/37/L.61. After that, I shall call on those representatives who wish to explain their votes on the draft resolutions contained in the report of the Third Committee on item 12 [A/37/745]. I think that is clear.

173. Mr. ROSALES-RIVERA (El Salvador) (*interpretation from Spanish*): This afternoon we are witnesses once more of manoeuvring and manipulation of the human rights issue, since we have before us a proposed amendment [A/37/L.61] to a draft resolution adopted by the Third Committee.

174. Mexico, along with other sponsors, wishes to show that things in the United Nations must turn out as its delegation wishes—lacking in objectivity and balance and, in the end, absurd. We must ask ourselves if this is a responsible attitude. We know it is purely the result of an arrogant attitude, the idea being that “Jalisco never loses, and when it loses it takes over”. This is an attempt to introduce into the United Nations the Jalisco doctrine, which marches with the France of the minuet and the guillotine, that profoundly colonialist France which continues to pursue its neo-colonialist policy in El Salvador, under the slogan “Intervention, yes; presence, no”.
175. The amendment in document A/37/L.61 is the result, in turn, of the notorious Franco-Mexican declaration, which has been repudiated by Latin America. They have now made use of this legal farce, but history has given its verdict.
176. Why is there now an attempt to manipulate the General Assembly, as if it were an appendage of the official Mexican Party? Why is such clumsy use being made of the human rights issue? Does not the delegation of Mexico understand that it is increasingly losing credibility? We understand that the grandiloquent words with which the draft has been introduced are empty and insincere, and the references to the Charter and the Nobel Prizes were not relevant to the issue.
177. Why does the delegation of Mexico continue to take a hostile attitude towards El Salvador? Why does it not focus on its own national problems, which are many, serious and profound, and range from the moral sphere to the lack of economic and social development of the impoverished masses? Whom does it wish to impress? Does the amendment in document A/37/L.61 encompass a human rights issue? Could anyone reasonably argue that it does not go into a matter that falls within the domestic jurisdiction of a State and is therefore subject to the sovereign decision of the Salvadorian people?
178. The PRESIDENT: I apologize for interrupting the representative of El Salvador. The representative of Mexico has asked to be allowed to speak on a point of order.
179. Mr. MUÑOZ LEDO (Mexico) (*interpretation from Spanish*): I wish simply to make it clear, Sir, that you called on the representative of El Salvador, if my delegation understood correctly, to speak on the amendments recently introduced by my delegation, not to insult a people or analyse the internal problems of a country, which are not under discussion at this time.
180. The PRESIDENT: I am sure that the representative of El Salvador will take that position into account and confine his remarks to the subject-matter.
181. Mr. ROSALES-RIVERA (El Salvador) (*interpretation from Spanish*): Mr. President, you may rest assured that we are the first to feel insulted by this way of dealing with things.
182. What we want to say is that we shall not go into the substance of the proposal because this procedure is one that we squarely reject. Whatever the merits of the proposal, for us it is irrelevant given the renewed attempts to manipulate the plenary Assembly although these issues have already been decided in the Third Committee.
183. Mrs. WARZAZI (Morocco) (*interpretation from French*): On behalf of my delegation, I should like to comment on the two amendments that we have before us. I do not know why we started with the amendments on Chile and El Salvador. I see that there are other questions under agenda item 12, but since we started with those we might as well carry on.
184. I shall start with the amendment concerning Chile [A/37/L.60]. It was with considerable surprise that we noted the strong feelings, I might almost say, this vendetta, against Chile. When the Third Committee accepted at its 73rd meeting the oral amendment proposed by the United Kingdom to put an end at that level to the Special Rapporteur's mission, it undoubtedly took into account two facts that are extremely important to those that are sincere in their defence of human rights.
185. First, the special rapporteurs, since their appointment to investigate the question of Chile, had not succeeded in getting any dialogue under way with the Chilean Government, which clearly indicated their uselessness. Indeed, we could quite easily have entrusted the task of gathering information through newspapers or interviews with political opponents to a member of the Secretariat. That would have avoided considerable expenditure, expenses and unnecessary financial outlay and would have released funds which could have been better used and would have been much more useful and helpful to, for example, the refugees in southern Africa, students and other equally deserving cases.
186. Secondly, since a dialogue was never started, the Third Committee, through its vote, tried to approach the problem in a different way that would give us some clear information about the future attitude of Chile. That new approach is extremely important; in any event, there is no other approach at the level of the General Assembly, since cases such as those of El Salvador and Bolivia prove that certain rapporteurs are accepted. There has been such success in the case of Bolivia, for example, that we see that country, which is still in the dock in the Commission on Human Rights, cheerfully becoming a sponsor of the amendment concerning Chile.
187. Therefore, we cannot understand the strong feelings of those that want at all costs to impose a special rapporteur who works only outside the country and whose presence works against the achievement of the goals we have set ourselves—that is, the improvement of a situation through complete knowledge of the facts thanks to co-operation between the country concerned and the United Nations.
188. Furthermore, it should be recalled that the Commission on Human Rights can take the necessary measures without any amendments being presented here to the draft resolution. That Commission is capable of taking the necessary steps in the light of fresh events.
189. Consequently, we shall vote against the amendment because we have neither hatred nor desire for vengeance in our hearts and espouse no ideological or geopolitical ambitions. We are voting in favour of

human rights and for a better way of defending them, and that is all.

190. As far as the amendment on El Salvador [A/37/L.61] is concerned, in the statement made by one delegation—and quite an important one—during the debate on human rights, the following was said:

“The efforts which the United Nations devotes to the development of various instruments to defend human rights should be undertaken in accordance with the principles set forth in the Charter of the United Nations, including that of national sovereignty and non-interference in the internal affairs of States”.

This delegation added:

“It is inadmissible for human rights to be used as a pretext for interference”.

191. We consider that the purpose of the amendments on El Salvador that have been presented, again, to the General Assembly is to encourage us to interfere in a country's internal political affairs. I am convinced that if, for example, the General Assembly asked the Government of Poland to negotiate with “Solidarity”, we would have quite a fuss here; and, strictly from the human rights point of view, I think that that would be quite justified.

192. Consequently, we shall vote against the amendment on El Salvador.

193. The PRESIDENT: I should like to make it clear to the Assembly that we agreed that at the appropriate stage we would discuss the amendments introduced by the representative of Mexico under agenda item 12. We have now reached that stage of our work and I shall call on any other representatives who wish to make statements on the amendments. After they have spoken we shall hear statements in explanation of vote before proceeding to the vote.

194. Mr. TRUCCO (Chile) (*interpretation from Spanish*): With regard to the first amendment introduced by the delegation of Mexico [A/37/L.60], I wish to state first of all that I do not acknowledge the moral entitlement of that delegation to pass judgement on us. The representative of Mexico has said that the report of the so-called Special Rapporteur could easily be verified by means of various documents issued by organizations which he said were highly respected. I assume that among those organizations we should include Amnesty International, which devotes several pages of its report to serious accusations concerning the human rights situation in Mexico.

195. The amendment presented by the delegation of Mexico attempts to reintroduce into the draft resolution adopted in the Third Committee the reference to extending the mandate of the so-called Special Rapporteur. I wish to state that my Government has never, since its inception, recognized the mandate conferred upon the so-called Special Rapporteur, for the following reasons. It is an *ad causam* entity designated without the consent of my Government. The designation is not in conformity with the rules established by and existing at the United Nations which are of general application and universal acceptance. Consequently, it constitutes a violation of the fundamental principle, embodied in the Charter, of the sovereign equality of

all States and confronts us with a clear case of discrimination and selectivity. Far from aiming at the development and encouragement of respect for human rights, which is one of the purposes of the United Nations, referred to in Article 1 of the Charter, it hampers and impedes co-operation between a Member State and the United Nations in that field. Lastly, it attempts to intervene in matters which are essentially within the domestic jurisdiction of States, such as the economic, educational, social, agricultural and other policies of a sovereign country.

196. We wish to make ourselves clear, as we have done over the last eight years when we have referred to this question. We wish to be perfectly clear and definitive, and I therefore shall reiterate and reaffirm my Government's statement at this time.

197. We will not co-operate with the *ad causam* entity which bears the name of Special Rapporteur, nor with any procedure which may be attempted arbitrarily, either through the Commission on Human Rights or through the General Assembly; nor will we co-operate with the regular procedures of the United Nations as long as this discriminatory treatment persists. We demand the same rights and consequently we accept the same duties as those which apply to the other 156 Member States of the Organization.

198. We do co-operate, and we shall continue to co-operate, with all organizations which apply an objective criterion and a general standard and which are known for their deep humanitarian spirit and for their rejection of activism and political demagoguery in the lofty task they have been carrying out.

199. On behalf of my Government, I wish to thank the many countries which have rejected this on-going, sterile campaign aimed at maintaining, with funds from the United Nations budget to which all Member States contribute, a special entity which, I am certain, more than one of its main advocates, such as the Government of Mexico, would not be willing to have describe the internal policies of their countries—much less to examine the human rights situation there.

200. The increasingly widespread view that an end must be put to this situation, which in no way contributes to the prestige of the United Nations, is a clear manifestation of the rejection of these discriminatory practices, which are obviously politically perverse and have dangerous implications.

201. The valuable and authoritative views of delegations which have spoken in this vein during the debate in the Third Committee and here in plenary meeting constitute noteworthy positive action at a time when the majority of the States Members of the United Nations have decided to focus their anger and placate their consciences by singling out only three countries—all of which are from Latin America—as alleged violators of human rights. I am certain that in our contemporary history there has never been a case where such impudence has been revealed.

202. Consequently, my delegation will vote against the amendment which it is sought to introduce into the draft resolution adopted in the Third Committee, as well as against draft resolution XVI as a whole, since it contains a series of elements that are gross distortions of the real situation in my country.

203. Mr. GERSHMAN (United States of America): During the course of our deliberations in the Third Committee, two things became very clear. One was that many delegations felt that the approach to human rights issues in the United Nations was characterized by selectivity, with only a few countries being singled out for treatment, and that this was being done not on the basis of human rights abuses but on the basis of political considerations. The other was that the draft resolutions we were considering were themselves unbalanced. In other words, we were being told by many delegations—and our delegation made this point as well—that there were two forms of imbalance in the way we were approaching human rights: one was the nature of the draft resolutions and the other was the selectivity of our approach in regard to countries.

204. It seems to our delegation that there should be one criterion that should guide our actions—that is, how to be most effective in promoting human rights in particular situations and how to do so in an unbiased and non-political fashion. Regrettably, that has not characterized our work on the two draft resolutions now before the Assembly to which amendments are being proposed.

205. Last Friday we pointed out in the Third Committee in our explanation of vote on the draft resolution on Chile that that draft resolution itself did not take account of steps that had been taken to try to seek improvements in the human rights situation in Chile. One such step, to which no recognition was given in the draft resolution, was the formation of a special commission to review cases of exiles to facilitate their return to Chile. We pointed out that the Acting President of the Chilean Human Rights Commission had stated that the decision to establish the Commission had been highly positive and given hope of an eventual dialogue aimed at a reconciliation of all Chileans. We said that we shared that hope. We pointed out that there were other areas of progress, including greater independence for the judiciary, but that this progress could not, regrettably, be linked to any actions taken by the United Nations, because, as we all know, there has been no communication whatsoever between the Government of Chile and the Special Rapporteur and the process has broken down.

206. An amendment was presented by one delegation which attempted to introduce some little balance into the draft resolution, to take a step away from the imbalance. That amendment was adopted by 46 votes to 42, with 42 abstentions. We think that that is an important step in trying to restore some balance in our work. To move away from that now would have no positive effect on the human rights situation in Chile and would simply return us to a very punitive and highly political process, through which we would not be doing anything constructive with regard to the situation in Chile but would simply be engaging in a political effort against a particular country—an effort that, in some cases, is undertaken by countries whose own human rights records are hardly pure.

207. With respect to the amendment concerning the draft resolution on El Salvador [A/37/L.61], again I should like to point out that, in our delegation's view, there have been significant developments in El Salvador over the past year which are important from the point of view of human rights. On 28 March 1982,

an election was held which was an overwhelming success—an election which even the Special Rapporteur's very cautious report labels a political event of prime importance. In the presence of hundreds of foreign observers—700, to be exact—and newsmen some 1.5 million Salvadorians went to the polls, which is about 80 per cent of the eligible electorate. That turn-out occurred in spite of attacks on the central election headquarters and polling places and threats of retaliation against voters from the guerrilla forces. Those observers confirmed the judgement that the elections had been free and that the people had voted their preference without Government pressure or intimidation. Those March elections proved the statement made by the Salvadorian bishops that the guerrilla forces were narrowly based and did not have the broad support which would be indicated by the adoption of the amendment that is proposed here today.

208. What we felt was wrong with the draft resolution on El Salvador was that, like the one on Chile, it was in its own way unbalanced and did not reflect the attempt at balance inherent in the interim report of the Special Representative of the Commission on Human Rights [A/37/611, annex]. The report states:

“... the Special Representative noted a clear desire gradually to improve respect for human rights of all kinds in the country. The full and open co-operation of the Government in the implementation of the Special Representative's mandate, the assistance and facilities granted him during his visit to the country, the establishment of a Human Rights Commission under the Apaneca Pact and the efforts to give impetus to the activity of the judiciary are some of the signs of that desire” [*ibid.*, para. 9].

In the section on the judicial system, the Special Representative noted the desire of the authorities to improve the criminal justice system and said that it was part of a policy aimed at improving the human rights situation in the country. With respect to political violence, he noted that assassinations had declined by approximately half compared with 1981.

209. The United States supports peaceful reconciliation in El Salvador. This has been our position all along. But, as we did last year, we shall oppose any call for direct negotiations as equals between the legitimate Government and a political front representing what we feel are the unrepresentative guerrillas. We cannot ask those who seek to pursue reform and democratic order to negotiate with violent minorities trained and armed by foreign Powers. The path to peace in Central America has been outlined by the Central American Democratic Community: a halt to the illegal, clandestine arms movement in the region, an end to the regional arms build-up and the fostering of confidence through international supervision and inspection.

210. By adopting this amendment, the Assembly would be adding to the political nature of the draft resolution before us. It is our view that draft resolutions on human rights coming before the Third Committee should deal with human rights questions and should not be political. Getting into the question of negotiations—as this draft resolution does—is not, in our view, appropriate in a draft resolution before the

Third Committee; it is not a human rights but a political draft resolution.

211. In that sense, I feel that the adoption of the amendment that has been proposed by Mexico would, as with the amendment to the draft resolution on Chile, undo a very small step that was taken in the Third Committee towards rectifying the situation of imbalance; it would remove a certain degree of balance that was introduced into this draft resolution; it would be a step away from balance, a step towards greater selectivity and greater imbalance, towards greater politicization of human rights resolutions. We feel that it would be inappropriate and unfortunate if these amendments were to be adopted by the General Assembly.

212. Mr. FURSLAND (United Kingdom): My delegation listened with care and interest to the statement by the representative of Mexico introducing the two amendments—contained in documents A/37/L.60 and A/37/L.61, respectively—to the draft resolutions on Chile and El Salvador. I have no wish to encourage a long debate on the issues raised in those amendments. After all, we discussed them at length in the Third Committee. I am speaking now simply because the amendment to the draft resolution on Chile seeks to change a formulation which my delegation proposed in the Committee and which the Committee subsequently approved in a vote.

213. My delegation regrets that the amendment contained in document A/37/L.60 has been introduced; we regret it for two main reasons. In the first place, we regard it as generally unwelcome practice, and as unhelpful for the conduct of our business, for delegations to insist on voting again in plenary meeting on issues which have already been decided in committee. There may be reason to raise new issues, but that is not the case here. In the Third Committee, my delegation introduced an amendment to the last paragraph of the draft resolution on Chile [A/C.3/37/L.53]. That amendment had the effect of deleting any specific reference to the Special Rapporteur on Chile and leaving the question of further action on Chile entirely to the Commission on Human Rights. That amendment was adopted by the Committee in a vote. It is therefore now included in the draft resolution before us.

214. The intention of the amendment in document A/37/L.60 is to overturn the Committee's decision on this point. If my delegation had lost the vote in the Committee we would certainly have regretted it, but we should not have dreamed of trying again in plenary meeting, forcing delegations to vote again on the same issue. Frankly, if delegations which lose votes on amendments in committee insist on having them voted on again in plenary meeting, we might as well dispense with committee voting entirely. For those reasons my delegation believes the introduction of the amendment in document A/37/L.60 to be a thoroughly bad precedent.

215. Secondly, with regard to substance, that amendment seems to us to be even more objectionable than the text which was deleted by our amendment in the Third Committee. The United Kingdom delegation has voted for all General Assembly draft resolutions on Chile. We also voted for draft resolution A/C.3/37/L.53 when it was adopted in the Committee. I hope

there is therefore no doubt about the seriousness of our concern about the situation in Chile. However, we have also been becoming increasingly concerned at the selectivity of the United Nations treatment of the question of Chile.

216. In this respect, and in case there is any confusion, I want to emphasize that the question raised by our amendment in the Third Committee, and the question raised again by document A/37/L.60, is not whether to extend the mandate of the Special Rapporteur. As the representative of Mexico said, the Special Rapporteur is appointed by the Commission on Human Rights, not the General Assembly. It is for the Commission to decide whether to extend his mandate.

217. The sense of our amendment in the Committee, and consequently the sense of the draft resolution now before the Assembly, is simply to leave it open to the Commission to take whatever further steps on Chile it judges appropriate. This would not in any way prejudice a possible decision by the Commission to extend the mandate of the Special Rapporteur if it judged that appropriate. This is clearly illustrated by the fact that in the Committee our amendment was supported by a number of delegations that are strong supporters of the Special Rapporteur and the extension of his mandate. Indeed, the text of our amendment, and consequently of the second part of operative paragraph 12 of the draft resolution, was not invented by my delegation at all; it was taken word for word from the draft resolution on Chile submitted this year by the delegations of Denmark and the Netherlands [A/C.3/37/L.68].

218. The equivalent Third Committee draft resolutions leave the question of further action by the Commission on Human Rights entirely to the Commission. My delegation does not see why Chile should be treated differently. This Assembly has had before it a report prepared by the Special Rapporteur [A/37/564]. The Commission on Human Rights will have the benefit of hearing directly from the Special Rapporteur about his views on the situation in Chile, and possibly about appropriate further steps for the United Nations to take, including the possibility of extending his mandate.

219. In presenting his report to the Third Committee, the Special Rapporteur himself indicated that he would be ready to give up his position if that would facilitate co-operation with the Chilean Government. My delegation regarded that as a constructive approach. If the Special Rapporteur is prepared to be flexible on this subject, my delegation does not see why this Assembly should seek to prejudge a decision by the Commission.

220. My delegation noted that, in introducing the amendment contained in document A/37/L.60, the representative of Mexico said that it would not in any way prejudice a decision by the Commission. If this amendment is adopted we hope that the Commission will indeed regard it in that light. However, that does not seem to my delegation to be the sense of the amendment; rather, it suggests to my delegation an even stronger degree of prejudgement than the original text in draft resolution A/C.3/37/L.53 which the Third Committee in its wisdom decided to delete.

That text simply invited the Commission to extend the Special Rapporteur's mandate. If the amendment is adopted, the draft resolution will "request"—a stronger word than "invite"—the Commission to study the Special Rapporteur's report with a view to taking the most appropriate steps, in particular the extension of the mandate of the Special Rapporteur.

221. Now, first of all this suggests that the Commission on Human Rights should act with a view to extending the Special Rapporteur's mandate, as one of the most appropriate steps. But it goes beyond that. When the General Assembly asks the Commission on Human Rights—as it often does—to take account of appropriate resolutions—in particular, for example, resolution 32/130—it means that the Commission should take account in particular of resolution 32/130 but should also take account of other appropriate resolutions.

222. Adoption of the amendment contained in document A/37/L.60 would therefore mean that the Assembly was requesting the Commission to act not only with a view to extending the mandate of the Special Rapporteur but also with a view to taking other appropriate steps.

223. My delegation does not know if that was the sponsors' intention, nor do we know what other appropriate steps they had in mind. But that is clearly what the amendment means. If it were to be adopted, the resolution would thus be going further than the draft resolution [A/C.3/37/L.53]. It would be going further than the formulation in that draft resolution that the Third Committee decided to delete, and it would also be going further than any of the resolutions this Assembly has adopted on the question of Chile in recent years.

224. It will be clear from what I have said that my delegation has difficulties with the substance of the amendment, but I would also just like to reiterate the difficulties that we have with the principle involved—that is, insisting that the plenary Assembly should retake decisions which have already been taken in committee.

225. In view of those considerations, my delegation would regard it as a constructive and helpful step, both in this instance and for the future conduct of this Assembly's business, if the sponsors could see their way clear to withdrawing the amendment contained in document A/37/L.60.

226. The PRESIDENT: There are no further requests to speak in the debate on the amendments submitted by the representative of Mexico. The debate is therefore concluded, and the Assembly will now hear statements from representatives wishing to speak in explanation of vote before the voting on all 19 draft resolutions recommended by the Third Committee under agenda item 12.

227. I would remind members that, in accordance with General Assembly decision 34/401, explanations of vote are limited to 10 minutes and should be made by representatives from their seats.

228. Mr. del ROSARIO CEBALLOS (Dominican Republic) (*interpretation from Spanish*): We would like to state clearly and unequivocally before the Assembly that the way in which we will vote on these

draft resolutions on violations of human rights does not affect our feelings of friendship, respect and understanding towards any national of the countries mentioned in those draft resolutions. On the contrary, our statements in the Third Committee and the statement I am now making further commit us to struggle for the common good of the entire American continent.

Mr. Moreno-Salcedo (Philippines), Vice-President, took the Chair.

229. This position also strengthens our moral stand of offering our good offices where requested in order to help to find solutions to the complex political and social problems that beset peoples with which we have sacred bonds, bonds that we respect.

230. The Dominican Republic wishes at this time to reiterate that it will help in any initiative for peace and will search anywhere in the American continent for peaceful solutions. This mediating stance was manifest when, last September [33rd meeting], our country immediately supported the initiative advanced by several countries to seek a better understanding among the nations of the Central American region.

231. Our country maintains strict respect for fundamental human rights. We defend the principle of non-intervention in the internal affairs of States. We are everyone's friend and no one's enemy. We are an island located in the central Caribbean with a strategic geographical position that could be an ideal and neutral site for serious dialogue to bring opposing positions closer together and achieve understanding.

232. We are and continue to be pioneers in our efforts for peace and understanding among the American peoples. Once again, we take this opportunity to reiterate the condemnation and repudiation by my Government and my people of violations of human rights anywhere in the world, without exception. However, the treatment of this matter in the draft resolutions before us is unjustifiably selective. It would seem that in the General Assembly there is a kind of discrimination and prejudice against Latin American countries. We reiterate that Latin America does not hold a monopoly on human rights violations in the world.

233. We do not wish to contribute to the process of selectivity, the consequences of which could well be more serious than the situations they purport to resolve. That is why we feel compelled to abstain in the voting on all of the draft resolutions condemning human rights violations in Latin American countries.

234. Mr. SANZ de SANTAMARÍA (Colombia) (*interpretation from Spanish*): The Assembly is considering three draft resolutions on human rights violations. Each of them criticizes a certain country, singling it out as if the serious human rights violations that exist in so many regions of the world existed only therein.

235. The three draft resolutions refer to human rights violations in Latin American nations, and all of them call for a continuation of a practice that has proved futile, that of producing reports on the human rights situation in a given country. It has proved futile because such reports contain merely lists of horrors without offering a thorough analysis of the complexity

of the situation or taking into account the achievements of each of those countries or the tremendous difficulties it is facing in undertaking its praiseworthy, albeit imperfect, journey towards true democracy.

236. Since such draft resolutions generally turn into a flood of accusations that are often employed for political purposes, not to put forward solutions but rather to serve specific international political interests, their immediate result is to break off any possibility for dialogue with the Government of the country concerned, in other words, the only possibility for finding a solution to the problems.

237. Colombia, fortunately, can speak of these matters because its position has always been to seek effective solutions that can lead to true respect for human rights. That is why it is a party to all regional and international covenants and agreements on the protection of human rights, including the Optional Protocol to the International Covenant on Civil and Political Rights [*see resolution 2200 A (XXI), annex*], to which few countries are parties, perhaps because they fear the political use that could be made of the Optional Protocol.

238. Because it honestly and deeply believes in the importance of respecting human rights, Colombia has fought against the harsh circumstances of underdevelopment, seeking above all to maintain its status as a State of law in which law is the governing rule of society, seeking to maintain democratic institutions as the expression of the political will of its people, freely expressed at the polls, and maintaining government action within the framework of a strict separation of powers.

239. In general, the General Assembly denounces only violations such as those mentioned in the draft resolutions before us and efforts are made to prevent other countries from altering the tone of such draft resolutions.

240. In the case of El Salvador, the very occurrence of elections is ignored along with the efforts made thus far in the search for social justice, including the initiation of difficult agrarian reform programmes. The purposes embodied in the Apaneca Pact are disregarded.

241. As for Guatemala, the draft resolution under consideration disregards the announcement by the Government of the holding of elections to the Constituent Assembly and the establishment of a commission to watch over human rights.

242. In the life of peoples—unfortunately, everywhere in the world—there are violations of these principles. Among these violations, the worst is war. With conventional weapons, often highly sophisticated ones, which come from the death factories of the industrialized countries, the innocent lives of simple people, civilian and military, are destroyed. That is the most expedient way of denying the first of all human rights, the right to life.

243. The question of respect for human rights poses problems everywhere, and no country, whether highly advanced or economically underdeveloped, is beyond reproach. Many of the underdeveloped countries have powerful enemies: poverty, ignorance, malnutrition, disease and inertia. At times, the struggle

against underdevelopment is confused with the struggle against subversion.

244. For the benefit of countries which favour the practices set out in these draft resolutions, I should like to quote a portion of the speech recently delivered in Sweden by the distinguished Colombian Gabriel García Márquez when he was awarded the Nobel Prize for literature. With regard to European understanding of the Latin American reality which these draft resolutions attempt to change, he said:

“It is understandable that they would insist on measuring us by the same yardstick by which they measure themselves, without remembering that the disruptions of life are not the same for all, and that the search for one’s own identity is as hard and bloody for us as it was for them. Interpreting our reality using alien patterns only contributes to making us less understood, less free, and more solitary.

“But I think that Europeans of a discerning spirit, those who struggle, here too, for a great and more just homeland, could help us better were they fundamentally to change their view of us. Solidarity with our dreams does not make us feel less alone, unless it is not manifested in concrete acts of legitimate support for the peoples which maintain the illusion of having a life more their own in the allotment by the world.

“Why think that the social justice which advanced Europeans seek to impose on their countries could not also be a Latin American objective, with different methods and under different conditions? No, the violence and unbounded pain of our history are the result of age-old injustices and untold bitterness, and not a plot hatched 2,000 miles from our homes. But many European leaders and thinkers have believed it is thus, with the childishness of old people who have forgotten the fruitful folly of their youth, as if it were not possible to have a fate other than to live at the mercy of the two great masters of the world. This, my friends, is the extent of our solitude.”

245. Colombia wishes to reiterate its concern over the high degree of politicization which was revealed in the debate on this issue. If this political practice of disinformation concerning the real situation in a country continues, we shall be moving further away from the possibility of identifying the real problems and, therefore, the possibility of finding solutions to them.

246. For all those reasons, my delegation will abstain in the voting on these draft resolutions.

247. Mr. NGO PIN (Democratic Kampuchea): My delegation has no difficulty in joining in the consensus on draft resolution XI, on the right to education, and on draft resolution XII, on 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. The position of my Government on these two matters must be very clear to all, particularly at this very moment, when my country is going through the worst period of its history because of foreign invasion and occupation. In this connection, my delegation feels compelled to

explain its position before the Assembly takes a decision.

248. With regard to draft resolution XI, my delegation takes serious note of the fourth preambular paragraph, which reaffirms "the paramount importance of the implementation of the right to education for the full development of the human personality and for the enjoyment of other fundamental human rights and freedoms". But, as my delegation clearly said in its statement in the Third Committee's general debate, in the areas under the control of more than 250,000 foreign occupying troops, the Kampuchean people have no way of enjoying their sacred fundamental human rights and freedoms, not to speak of their right to education. In their attempt to uproot the Kampuchean culture, civilization and soul, as they did to the Islamic Champa nation in the seventeenth century, the invaders are now going so far as to dare to force Kampuchean children and other Kampucheans to learn their language even before they learn to read or write the Kampuchean language, their mother tongue.

249. Similarly, with regard to draft resolution XII, my delegation wishes to draw the Assembly's attention to the first, second and third preambular paragraphs. The first preambular paragraph recalls the principal origin of the founding of the United Nations and the fact that "the peoples expressed their resolve in the Charter of the United Nations to save future generations from the scourge of war"; the second bears in mind "the suffering, destruction and death of millions of victims of aggression, foreign occupation, nazism and fascism"; and the third reaffirms "the purposes and principles laid down in the Charter, which are aimed at maintaining international peace and security [and] developing friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples".

250. It is well known here that the practices and policies of the invaders, whose representatives deceitfully pretend here to be sponsors of these two draft resolutions, completely contradict their acts and deeds. My delegation therefore requests the Assembly to place on record my delegation's strong reservations about including Viet Nam as a sponsor of the two draft resolutions.

251. Mr. ROSALES-RIVERA (El Salvador) (*interpretation from Spanish*): My delegation wishes to explain its vote on draft resolution XVIII. This draft resolution contains a series of intrinsic mistakes, ranging from intervention in the internal affairs of a State to distortion of the fundamental task of the United Nations as a promoter of human rights and including politicization of the item to such a dangerous extent that it discredits the system, in attempting to turn resolutions into political pamphlets favouring extremist trends, motivated by alignment with European international movements which act in connivance or collusion with radical, extreme left theories. A country in our America, out of demagoguery which convinces no one, is playing their game. Therefore, El Salvador will vote against the draft resolution.

252. To adopt that position it is enough simply to recognize that the draft resolution is not impartial and that it is part of a strategic methodology which is discriminatory and is aimed only at Latin American

countries. The countries of the region, as can be observed from their positions and statements in the Third Committee, with the exceptions which prove the rule, are clearly opposed to that unjust and almost offensive treatment. Arguments to the contrary are feeble and inconsistent and presented under a cloak of cynicism, and seek only to salve the consciences of those who know the damage which they are causing to the group of Latin American States in general and to the prestige of the United Nations, as the final body to which are directed those trends, which are motivated by ignorance or bad faith. This year, it has been shown beyond any doubt that selectivity and sectarian positions have characterized the debate.

253. In the case of draft resolution XVIII, the situation has deteriorated since the meetings of the Third Committee. Amendments introduced by a respectable delegation attempted to introduce a modicum of objectivity. The Third Committee was practically divided. That meant that members were very dissatisfied with the draft resolution submitted on the human rights situation in El Salvador and had become aware that, despite the propaganda against it, the Government was trying to see that social, economic and political reforms took place in a democratic framework.

254. The most thorough process of agrarian reform in Latin America is continuing.

255. In the political arena, we are firmly convinced that free elections will take place in 1984 to elect the new President of the Republic and mayors of all the municipal districts. The President of the Central Electoral Council said only a few days ago that "the new electoral law which will govern the 1984 elections will expressly invite all ideologies to participate in those elections". I stress the phrase "all ideologies". Before the eyes of the world elections took place in which ideological dispute was an element. Among other factors, that brought more than 90 per cent of the electorate to the polls. Government delegations and international organizations, as well as representatives of electoral bodies, trade unions, civic and political organizations, representatives of the International Human Rights Federation, members of the European Parliament and political figures who were invited to observe the elections testified to this fact. The event was covered by 742 foreign press and broadcasting organizations, including many international television teams. The date 28 March 1982 marks an epic page in Salvadorian history.

256. Guarantees will be given that the elections scheduled for 1984 will also constitute a new plebiscite in that the parties representing various ideologies, without exception, will have an opportunity of proving which of them the people support. Democracy is proved at the polls, not by force or subversive action. Let whoever says that he has the people's support prove it. The Salvadorian people cannot be fooled.

257. It is absurd to try to ignore the elections of last 28 March, as the draft resolution tries to do. The final judge of the elections is the Salvadorian people itself. Why do some foreigners try in vain to detract from the merits of the Salvadorian people? The only thing that they will attain is their rejection.

258. The manner in which the problem of human rights is being discussed at the United Nations may take on the characteristics of a snowball. The sorcerer's apprentices will know the consequences of their creation, and those who live in glass houses should not throw stones. If they wish to paint this distorted and hypocritical picture, let them bear the consequences. Or do they want to turn the Third Committee, through a strange morality, into a kind of Holy Inquisition with international jurisdiction, which will hand down moral verdicts by distorting values and ideological correlations? The witnesses will be the judges themselves. The demands will be politicized, the evidence will necessarily be distorted, and States—without exception, without having thought about it or wished it—will be subject, because of these precedents, to the competence of this rare tribunal, which will engage in a witch hunt of States.

259. The product of the partiality with which these cases have been treated, together with the desire for vengeance and the current trends, is a futile and useless resolution—a soap bubble—that is nothing but an instant pyrrhic victory. It is not at all positive or constructive. On the contrary, it encourages the violence induced by extremist positions. The time has come to analyse thoroughly the fact that one of the purposes of the Charter—to promote human rights—is degenerating into a new Inquisition, which recalls the dark ages in history.

260. Latin America is known for its major contributions to international law. It has an integrated system in the arena of human rights which encompasses the Inter-American Court on Human Rights, with jurisdictional powers, and the countries members of the Inter-American system could whenever they wished lend their co-operation solely to the established bodies of that system, turning their backs on the United Nations in this field. Given such papers as draft resolution XVIII which, as I have said, is biased, interventionist, politicized and manipulative, who would blame us? Would any country in this Hall agree to renounce the protective principle of non-intervention in the affairs of another State? It is only necessary to read the draft resolution to detect the political overtone in the spirit behind it, in which the human rights issue is approached with prejudice and bias, in an attempt to give it a veneer which does not bear analysis.

261. To sum up, El Salvador rejects the draft resolutions because it constitutes a disproportionate and vain attempt, promoted by a small number of countries, to intervene in the political process of El Salvador, with unfounded allegations that pressure has been brought to bear on a people which has massively expressed itself in favour of peace and of participating in the electoral process as a vehicle for strengthening democracy.

262. The draft resolution presents the situation in El Salvador in terms which distort reality and disregard the efforts of the highest authorities of State in the area of human rights, producing an absurd contrast with the report by Professor José Antonio Pastor Ridruejo, Special Representative of the Commission on Human Rights. The sum of all this is that the draft resolution was distributed in all its versions, each one worse than the one before, before

the report was considered in the Third Committee. Thus, its content was prejudged and incorrect references have been made to it.

263. As a result, this draft lacks true humanitarian scope. Its purpose is for use as propaganda abroad and because of its intrinsic and basic faults it will not produce any results in El Salvador.

264. For all those reasons, we shall vote against the draft resolution.

265. Mr. ROA KOURÍ (Cuba) (*interpretation from Spanish*): My delegation wishes to state its position on draft resolutions XVI and XVIII recommended by the Third Committee in paragraph 79 of its report [A/37/745], on the situation of human rights and fundamental freedoms in Chile and in El Salvador, respectively.

266. Draft resolution XVI submitted to the Third Committee by several delegations, among them my own, contained an operative paragraph which requested the Commission on Human Rights to extend the mandate of the Special Rapporteur on the situation of human rights in Chile for the period of time necessary. That extension, of course, is necessary. The Special Rapporteur himself clearly stated in his most recent report to the General Assembly that there was a total lack of improvement in the human rights situation in Chile.

267. Also, the Human Rights Commission of Chile, meeting at Santiago on 13 December 1982 to celebrate the fourth anniversary of its creation and the thirty-fourth anniversary of the Universal Declaration of Human Rights, issued a communiqué in which it asked that the system of having a Special Rapporteur should not be discontinued and that the General Assembly continue to show its concern and support for the cause of human rights in Chile.

268. The paragraph on the renewal of the mandate of the Special Rapporteur that was deleted as the result of an amendment by the United Kingdom—undoubtedly as compensation for the, at the very least, dubious attitude of the Pinochet régime during the Malvinas war—should be restored by the General Assembly. The situation prevailing in our brother country to the south certainly justifies that.

269. With regard to draft resolution XVIII, my delegation considers it essential to restore the paragraph contained in the original draft resolution favouring a comprehensive negotiated political solution in order to bring about a peaceful settlement and appropriate conditions in El Salvador for the establishment of a government in an atmosphere free from intimidation and terror. Such a solution, voiced by various responsible members of the international community and supported by eminent Latin American leaders, requires direct negotiations between representatives of the Government and the popular forces grouped under the revolutionary democratic front and the Farabundo Martí national liberation front, as the belligerent party in the conflict.

270. Not to reinstate this paragraph in draft resolution XVIII, as suggested in a note which recalls United States Monroe-oriented missions, circulated as instructions to numerous sovereign States Members of the Organization, would be tantamount to

sanctioning the height of arbitrary illegality and injustice prevailing over justice, reason and the broad political solution called for by the vast majority of the Salvadorian people.

271. Mrs. CASTRO de BARISH (Costa Rica) (*interpretation from Spanish*): During the debate on agenda item 12, my delegation reiterated its position of commitment to the rights and fundamental freedoms of the individual, which is the subject of all law, including international law. Human rights today are a pillar of the new international order and a guarantee of internal and international peace and security.

272. In 1948, the year when the Universal Declaration of Human Rights was adopted, a new era began in the history of efforts to bring dignity to the individual and to improve society. For Costa Rica, the universal existence of those rights is basic, be they political, civil, economic, cultural or social rights.

273. On the basis of those concerns of my delegation, we can only express our surprise and regret at the widespread attitude in this Hall of censuring the violation of those rights when they occur in some countries and disregarding repeated and no less scandalous transgressions in other countries. That only leads to a yearly repetition of a ritual which does not yield satisfactory results and which erodes the principles and prestige of the United Nations. To international public opinion and many of the suffering peoples of this earth, it is clear that those resolutions are inconsistent. They do not take into account the internal situation of some of the countries sponsoring the draft resolutions considered in the General Assembly.

274. It is also in contrast with reports of organizations such as Amnesty International, which, for example, describe the spectacle of thousands of political prisoners in permanently difficult situations, without any hope of improvement in those countries. It is quite inadmissible for some of the same countries where such situations prevail as a constant factor to come before the international community as champions of human rights and to think that they have credibility.

275. As Central Americans, we are particularly sensitive to these issues. We have been concerned for several decades about the daily injustice and the violation of the rights of peoples, inexorably leading to instability and to the struggles which beset our region today. As Central Americans, we are convinced that the road to stability in the region, to the peace and justice which our peoples deserve, necessarily includes promoting full respect for human rights in Central American nations. Because of this conviction, we view with deep sorrow the just cause of the Central American peoples being at times distorted through political manipulation in the service of causes alien to the best interests and wishes of Central American nations.

276. Costa Rica is above all interested in giving more support to those elements in our society which struggle for the improvement of their peoples, and which are actively fought by anti-democratic groups from the left and the right. We have doubts as to the impact of draft resolutions such as the ones being discussed here on El Salvador and Guatemala, in terms of any positive results—if that is indeed what is desired.

As proof of the efforts of these positive sectors, we see that in El Salvador a national Commission on Human Rights has just been set up. Only political interests could have defeated the third of the amendments proposed in the Third Committee by Canada in document A/C.3/37/L.82, which took account of the establishment of this Commission and which was aimed at strengthening it.

277. Furthermore, the Government of El Salvador indicated that it was ready to receive Professor Pastor Ridruejo and to make it possible for him to produce the report which has been thoroughly analysed in the Third Committee, where the representative of El Salvador said that since some of the recommendations contained in the report could be of use, in terms of the purposes of the Government, they would be given due consideration.

278. On the other hand, a draft resolution on human rights in Guatemala was adopted despite the fact that the Government of that Central American country accepted the appointment by the Commission for Human Rights of a Special Rapporteur to go there to examine the situation. We hope that he will soon be able to begin his study, which doubtless will be before us next year. The Government of Guatemala, on its own initiative, also invited the Inter-American Human Rights Commission to undertake, as it had already done, an on-the-spot investigation of the facts.

279. Throughout this session of the Assembly we have discussed our position on numerous occasions with other sponsors of these resolutions whose credentials are unimpeachable in the area of respect for and promotion of human rights. We have told them of our concern that mechanisms be set up in this area that could not be used politically to point the finger at some Governments but that rather would serve as support for Governments in improving the human rights situation in their respective countries.

280. In this regard, our country has been promoting for many years the idea of the establishment of a United Nations High Commission for Human Rights to promote respect for human rights on a universal level. If the Assembly truly wants to improve the situation in the countries mentioned in these draft resolutions, as well as in the world in general, what must be done, in our view, is to establish such a mechanism. In our country's view, the fact that some countries which promote and vote in favour of these biased resolutions oppose this idea actually reveals their political motivations.

281. We wish our position to be perfectly clear. Costa Rica is concerned over oppression wherever it may occur. We are worried that many human beings and many peoples cannot express themselves, cannot inform themselves or associate, or that, if they do, they are imprisoned. We shall always be against arbitrariness, be it on the side of totalitarianism or despotism, against the use of torture, violation of the physical and mental integrity of the human person, and to the deprivation of the right to self-defence and to impartial and rapid justice—

282. The PRESIDENT: The representative of Costa Rica has exceeded the limit of 10 minutes. If she can finish her statement in one minute, I shall allow her to continue.

283. Mrs. CASTRO de BARISH (Costa Rica) (*interpretation from Spanish*): Mr. President, I think I can finish in half a minute. But I have to explain my delegation's position on the amendments. I consulted on this and I was told that I could do this when I explained our vote on the draft resolutions.

284. I shall continue. All of this is part of the listing of rights contained in the Universal Declaration of Human Rights which should be framed on the walls in the offices of all the Governments of the world.

285. For those reasons, my delegation cannot join in any resolution which unilaterally ostracizes Latin American countries, disregarding the terrible violations committed in some neighbouring States, as well as in many other States in the world. Consequently, we shall not take part in the vote on the draft resolutions recommended by the Third Committee on Chile, El Salvador and Guatemala.

286. Now I shall very briefly refer to the amendments—

287. The PRESIDENT: I am sorry, but if we make an exception in the case of the representative of Costa Rica, we shall have to make an exception in other cases. The rule is very clear. The limit is 10 minutes. I think the representative of Costa Rica has spoken for at least 13 minutes.

288. Mrs. CASTRO de BARISH (Costa Rica) (*interpretation from Spanish*): Mr. President, I abide by your ruling, but I consulted at the place where representatives inscribe their names to speak on the draft resolutions and I was told I could speak on the amendments. However, I shall not do so at this time.

289. The PRESIDENT: I thank the representative of Costa Rica for her courtesy.

290. I should like to make it clear that, under the rules, statements in explanation of vote are limited to 10 minutes. I do not want to limit anyone's right to explain his vote, but if we are going to finish our session in the prescribed time, I think we must observe the rules. So I would request representatives to take note of this rule.

291. Mr. QUIÑONES-AMÉZQUITA (Guatemala) (*interpretation from Spanish*): Guatemala considers the promotion of respect for human rights to be an essential instrument for the work of the United Nations. That activity must be divorced from partisan political interests. In other words, it should not serve as an instrument for some countries, acting from a position of strength, to attempt to impose their political ideology or their military or trade alliances on others.

292. If the United Nations is used, as is now being done, for pressure, as a vehicle for some countries to impose their political or ideological system on others, through assistance to political groups under the pretext of protecting human rights, the moral authority of the institution is lost, especially when the selectivity goes against Latin American nations, including the small ones, which do not have the aid of political, trade or military alliances.

293. Guatemala opposes, protests and rejects any attempt to have it condemned for violations of human rights, which it does not recognize having committed, and rejects the draft resolution concerning it. We regard the draft resolution as political and as inspired,

drafted and promoted, with pressure, by a country from the Nordic peninsula for political purposes and not for purposes of protecting human rights.

294. Guatemala has a new Government. Among its basic objectives is respect for human rights. We have announced specific dates for the holding of elections in which all political and ideological groups will participate, although they may be financed from other countries.

295. The present Government does not wish to prolong itself in power indefinitely and has broken with the past. It has no commitment to any political party or previous Government. One of the reasons for the change of Government was precisely lack of respect for human rights at the time.

296. Guatemala is faced with a problem of subversion, which has caused death, suffering and economic difficulties and has led to attempts to take power by force and not to seek power in legality, in the legitimacy conferred only by votes. No way of learning the will of a people has been discovered other than free and pluralistic elections. The difference between the intentions of the Government and subversion is that some of us wish legal struggle but subversion wishes armed struggle; some of us want peaceful propaganda but others want violent propaganda; some of us expect everything of words and votes but others expect everything of plots and weapons. At this new, historic stage, our country needs Guatemalans who instead of fighting will pacify; instead of lighting fires will put them out; and instead of destroying towns will help build them.

297. Our country has different ethnic groups, all of them descendants from the Mayas, with their own idiosyncrasies and customs, and speaking different languages. Our natives live in accordance with the customs of their ancestors. They have chosen to remain apart from the Western way of life, in material and philosophical terms. Their values and thought patterns are an enigma to those who are not familiar with them. The Government's policy towards them should seek balance aimed at helping them and improving the quality of their life, working with them to reduce mortality rates, helping them to obtain better crops—the obvious examples—while respecting their right to live as they wish. The present Government, as a historic step, brought persons from various ethnic groups in the country into the Council of State to present their views and help solve their problems. Any analysis of human rights that does not take national realities and the problems which give rise to subversion into account lacks objectivity and practical worth.

298. In addition to all the foregoing, we should point out that there is a violation of procedures in draft resolution XVII, recommended by the Third Committee in its report [A/37/745], which we consider to be unfair, premature and political. The United Nations proposed, and Guatemala accepted, the appointment of a Special Rapporteur, who was offered all necessary co-operation in accordance with the appointing resolution. That resolution contains the terms of reference: the Special Rapporteur is to prepare a thorough study on the human rights situation in Guatemala on the basis of all the information that may be considered relevant,

including any comments or information that the Government of Guatemala submits, and to present his report to the Commission on Human Rights at its thirty-ninth session. To submit this resolution without noting violations, by referring to a rapporteur's report, leads one to wonder what is the purpose of appointing a Special Rapporteur.

299. Violating procedures constitutes a violation of the very essence of human rights, since that is arbitrary action. I wish to point out in particular that ambassadors from other countries have stated that reports by some interested sectors with regard to massacres are not necessarily accurate. On 15 December we received the following cable:

“The Belgian Ambassador in Guatemala stated today that he did not find any evidence that in El Juleque de Dolores, Department of Petén, a massacre of peasants had taken place. The diplomat visited that place and ascertained that the complaint was false. It came from an alleged member of the Presbyterian Church who was actually an active member of a political party; it was he who had made the complaint recently at Brussels. Dr. Pieter D. Maddens visited the Minister of Government of my country and informed him that he had visited the place and ascertained that everything was quiet and that there was no evidence of a massacre having taken place there.”

300. If there are no impartial and well-founded reports, we risk condemning without proof. Institutions or organizations lose moral authority when they act with partiality and do not serve the purposes for which they were created.

301. Guatemala considers that further proof of the politicization of this draft resolution is its operative paragraph 5, which calls upon Governments to refrain from supplying arms and other military assistance to the Government of Guatemala. This operative paragraph simply confirms our view that the draft resolution is an instrument of partisan politics—because the desire is not to help Guatemala when subversive elements are freely obtaining weapons, at times even free of charge. What is the relationship between this operative paragraph and the protection of human rights?

302. For all those reasons—because we consider the draft resolution to be unfair, because we consider it to be premature, because we consider that proper procedure is violated, and because we consider that the draft resolution is political and biased since only Latin American countries are mentioned—my country will vote against it.

303. Mr. BELL (Canada): My delegation would like to explain its vote on the amendment contained in document A/37/L.61. In considering its approach to that amendment, the Canadian delegation was somewhat perplexed. Perhaps other delegations were similarly perplexed. On the one hand, the Canadian Government remains seriously concerned at the continuing violation of human rights in El Salvador; on the other hand, if memory serves correctly, the amendment is exactly the same as—indeed, it is a verbatim copy of—a text on which the Third Committee, the substantive committee on these questions, took a clear decision only one week ago.

304. In the view of my delegation, it is not a helpful or a desirable practice for texts on which substantive committees have pronounced themselves to be re-introduced verbatim in the plenary Assembly. At best, such a practice is an inefficient use of the time of the plenary Assembly, and this is especially the case when there is absolutely no change in the text which was defeated in the substantive committee.

305. As regards draft resolution XVIII in document A/37/745, my delegation in the Third Committee introduced a series of amendments. Most of those amendments were defeated. The amendment contained in document A/37/L.61 seeks to change the one amendment proposed by my delegation which the Third Committee did accept. If we were to follow to its logical conclusion the practice established by document A/37/L.61, my delegation would reintroduce the whole set of amendments for a second chance at success. We obviously have no intention of doing so, as we accept the Third Committee's verdict. It would have been the hope of my delegation that the sponsors of document A/37/L.61 would not insist on questioning the decision of a substantive committee by reintroducing a text already defeated.

306. Therefore, for that procedural reason and for the substantive reason that the amendment will not contribute to a balanced text on El Salvador, my delegation will vote against the amendment contained in document A/37/L.61.

307. Mr. GERSHMAN (United States of America): We have already spoken today on the amendments contained in documents A/37/L.60 and A/37/L.61, so I will not speak again on them now. We have indicated our opposition to those amendments. We have already given our explanations of vote in the Third Committee on most of the draft resolutions. We shall explain our vote now on only one draft resolution that will come before us—that was draft resolution A/C.3/37/L.69 and is now draft resolution XII in the report of the Third Committee [A/37/745].

308. The United States has chosen not to break the consensus on draft resolution XII—on nazism—despite the fact that we consider it to be, on the whole, a bad draft resolution. We should like to explain the basis for our position.

309. To the degree that the draft resolution pinpoints nazism as a central problem facing the world today, it is at best an anachronism and an absurdity; at worst, it is a propaganda initiative promoted largely by totalitarian States for the purpose of disguising their own totalitarian character. Nazism was defeated in 1945. It is no longer a major or even a minor centre of political, military or ideological power. To suggest otherwise might lead some to believe that the United Nations lives in a time-warp. The small, fragmented neo-Nazi groups that peddle their obnoxious wares in some countries today do not pose the kind of problems suggested in this draft resolution and in speeches by some delegations. Moreover, we do not believe that Government repression of the dissemination of ideas is an appropriate or effective way to combat the revival of nazism or to combat other totalitarian ideologies—a course suggested in operative paragraphs 2 and 4 of the draft resolution, despite certain qualifying language. On the contrary, such an approach

will only legitimize totalitarian methods, and it is not surprising that its main advocates are totalitarian States.

310. We should like to recall the fourth preambular paragraph of resolution 2839 (XXVI), which states that the General Assembly is

*“Firmly convinced that the best bulwark against nazism and racial discrimination is the establishment and maintenance of democratic institutions, that the existence of genuine political, social and economic democracy is an effective vaccine and an equally effective antidote against the formation or development of Nazi movements and that a political system which is based on freedom and effective participation by the people in the conduct of public affairs, and under which economic and social conditions are such as to ensure a decent standard of living for the population, makes it impossible for fascism, nazism or other ideologies based on terror to succeed”.*

311. My delegation does not welcome a propaganda exercise in which opponents of democratic values pose as opponents of totalitarian terror. We do not welcome the focus of attention on an issue of historical importance but of marginal contemporary significance. We do not believe in using totalitarian methods to combat totalitarian ideologies.

312. Why, then, have we not broken the consensus on this draft resolution? The main reason is that the language of the draft resolution allows for an interpretation of the problem of totalitarianism and fascism that is relevant to the contemporary world. Operative paragraph 1 makes it clear that it is totalitarianism itself that is being condemned first and foremost, not just some of its particular variants. Our abhorrence of all forms of totalitarianism, regardless of ideology, whether it be of the left or of the right, is clear to all delegations. While nazism is a defeated and discredited totalitarian ideology, totalitarianism itself remains a threat to all freedom-loving people. It is ironic, in fact, that the main contemporary totalitarian danger is the same régime that once joined with the Nazis in a pact whose signing precipitated the outbreak of the Second World War. The fact that this régime, which has remained essentially unchanged since that time, unlike nazism, now promotes and is active in promoting a draft resolution against nazism and totalitarianism should tell us something about the régime and the draft resolution. Still, we welcome the condemnation of totalitarianism by the General Assembly.

313. Moreover, we cannot disagree with the statement in the draft resolution that there still exist Fascist practices which jeopardize international peace and security, as well as the realization of human rights and fundamental freedoms. Here too, however, we choose to interpret the term “Fascist” literally, not as an epithet or a mere term of derogation, but as a distinct political mode and ideology with historical antecedents. The basic mode is a radical rejection of the procedures and values of what is sometimes called “bourgeois” democracy and extreme revolutionary nationalism, a political style discussed in great depth by A. James Gregor in his important study *The Fascist Persuasion in Radical Politics*.<sup>2</sup> This

political style is often associated with anti-Semitism, which one sociologist recently called “the cement providing a cross-over from Right to Left in terms of both ideology and personnel”.

314. What might be called neo-Fascist radicalism manifests itself both in the process of making the revolution through terror and in the effort to transform society once power has been seized. Acting through the transmission belt of the party, the revolutionary leadership attempts to impose a social transformation from above. The society is organized on a military basis, terror is used systematically, party purges are carried out periodically to ensure absolute discipline, and various “war psychology” techniques—the invocation of national myths, warnings of imminent danger from a menacing imperialism, moral appeals to create a “new man”—are used to mobilize the masses behind the programme calling for extreme sacrifice and deprivation. In sum, economics, society and history itself are subordinated to the political will of the vanguard party and its supreme leader.

315. Such a political method is, unfortunately, not uncommon in the contemporary world, and we agree that it is a source of “deep concern”, as is stated in the draft resolution. Because we think that totalitarianism is the central problem facing mankind, and because we believe that it must be rejected in each and every form without exception, we have been able to overcome our very strong objections to draft resolution XII and resist breaking the consensus.

316. Mr. CANDA MORALES (Nicaragua) (*interpretation from Spanish*): My delegation will vote in favour of the amendment contained in document A/37/L.61 because we are convinced that only through a concerted and determined dialogue in a tireless search for a negotiated political settlement in El Salvador will it be possible to attain peace in that country. That is only consistent with the policy which the Government of National Reconstruction of Nicaragua has been promoting and maintaining since 1981, when, before the General Assembly, Commandant Daniel Ortega, the Co-ordinator of the Junta of our Government of National Reconstruction, presented the terms for a political solution in El Salvador.

317. For those reasons, my delegation will vote in favour of the amendment.

318. Mr. RAJAIE-KHORASSANI (Islamic Republic of Iran): Political exploitation of human rights has been directed against our Islamic Republic more often than not. My delegation therefore wishes to emphasize that the affirmative votes we are going to cast on the amendments contained in documents A/37/L.60 and A/37/L.61 are with regard to their human rights implications and not with regard to any political implications.

*Mr. Hollai (Hungary) resumed the Chair.*

319. We totally disassociate ourselves from any possible political connotations the amendments may convey. However, we have before us an article from today’s edition of *The New York Times*, entitled “Israelis Said to Step Up Role As Arms Suppliers to Latins”—that is, Latin American countries. Infiltration of zionism—which is the same as racism—to Latin American countries is in itself a blatant violation of

human rights. The Moslem people of the Middle East have been suffering the effects of a Zionist base for the past 35 years and they know very well how painful this infiltration and hegemony is. May God help the oppressed people of Latin America against the Zionist threat. In the hope that the Commission on Human Rights just may be able to achieve something to prevent this threat to the Latin American people, my delegation will vote in favour of the amendments.

320. Mrs. GONTHIER (Seychelles): With regard to draft resolution XVI, the Chilean Commission for Human Rights has pointed out that its own safety in the conduct of its work depends in no small measure on continued strong international support, particularly that of the General Assembly. The Commission also acknowledges that selectivity of United Nations censure is a valid concern; but it believes, as we do, that selectivity should be overcome not by the elimination of existing measures, such as the mandate of the Special Rapporteur on the human rights situation in Chile, but, rather, by extending such mechanisms to a larger number of countries where human rights are imperilled and the situation warrants such measures.

321. With regard to draft resolution XVIII, our position on the question of El Salvador is based on the concern of my Government over the need to find a peaceful political solution to the conflict in that country, which has resulted in over 50,000 deaths in the last three years, mostly among the civilian population. The increasing regionalization of the conflict, which represents a threat to world peace, makes it imperative for this conflict to be resolved. Therefore, a negotiated settlement which takes into account the representative political forces is the only reasonable solution to the internal conflict in El Salvador.

322. For those reasons, my delegation will vote in favour of the amendments.

323. The PRESIDENT: We have heard the last speaker in explanation of vote before the vote on agenda item 12. We shall now proceed to the vote on all the proposals before the Assembly under agenda item 12.

324. The representative of Belgium wishes to speak on a point of order, and I now call on him.

325. Mr. STEVENS (Belgium) (*interpretation from French*): Under rule 74 of the rules of procedure of the General Assembly, my delegation officially proposes that no decision be taken on the amendment [A/37/L.60] to the draft resolution on human rights in Chile, since a decision has already been taken on this matter in the Third Committee. I request that this motion be put immediately to the vote.

326. The PRESIDENT: Under the rules of procedure, two representatives may speak in favour of, and two against, the motion by the representative of Belgium.

327. Mr. MUÑOZ LEDO (Mexico) (*interpretation from Spanish*): We are happy to hear the voice of the Belgian delegation, which has not taken part in the negotiating and debating process on this item.

328. The representative of Belgium referred to rule 74 of the rules of procedure, which, obviously, is not

applicable. That rule states that "a representative may move the adjournment of the debate on the item under discussion".

329. Mr. President, you have already closed the debate, without any objection from any delegation. Therefore that rule is not applicable. However, what is fully applicable is rule 88 of the rules of procedure, according to which, after the President has announced the beginning of voting, no representative shall interrupt the voting except in connection with the actual conduct of the voting—and that is not the case at present.

330. Therefore, Mr. President, since you have already twice—first when you opened the process of explanation of vote, and then when you closed it—announced that the voting process has begun, that process must be concluded in accordance with the rules of procedure.

331. The PRESIDENT: We are faced with the following situation. There is a difference of understanding of rule 88 and of rule 74. I hope I can clear up this matter by reading out rule 88 and that the Assembly can then take action on the motion. The title of rule 88 is "Conduct during voting". The rule reads as follows:

"After the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connexion with the actual conduct of the voting. The President may permit members to explain their votes, either before or after the voting, except when the vote is taken by secret ballot. The President may limit the time to be allowed for such explanations..."

332. I think that from what I have just read out the position is clear. I did announce at least twice that I would call upon those delegations wishing to explain their votes on all 19 draft resolutions that have been presented on this item and that the voting would then take place. So I put the matter to the Assembly for decision. If members are of the opinion that we are in the process of voting and that that process should not be interrupted, they should vote "yes"; if they are of the opinion that we are not in the process of voting, they should vote "no".

333. I call on the representative of Singapore on a point of order.

334. Mr. KOH (Singapore): Mr. President, I think the real issue here is whether or not the point of order made by the representative of Belgium is a point of order in connection with the actual conduct of voting. His proposal is that the Assembly should not vote on the amendment contained in document A/37/L.60. Now, if members of the Assembly are of the view that the Belgian proposal is made in connection with the conduct of voting, then it is in order under rule 88. If, however, members of the Assembly are of the opposite view—that his proposal has nothing to do with the actual conduct of voting—then it is clearly outside the ambit of rule 88. So that is the issue to be put to the Assembly, not the question that you have suggested, Mr. President.

335. I seem to remember that on a previous occasion, when we were considering the recommendations in the Credentials Committee's report, the process of

voting had begun on two amendments to those recommendations; and the delegation of Finland, invoking the same rule 74, made a similar point of order, and on that occasion it was put to the vote and no one said that that was contrary to rule 88.

336. I am not saying that we are bound by that precedent. We are not in a court of law; I appreciate that. And the Assembly, in its own wisdom, has chosen sometimes to follow precedents and sometimes not. But, being trained in the law, I would, with great respect, Mr. President, prefer to be guided by the Legal Counsel on whether or not the point of order made by the representative of Belgium is a point of order in connection with the actual conduct of voting and therefore within the ambit of rule 88. If it is possible for the Legal Counsel to advise us this evening, I should be very grateful. If it is not possible, I would suggest that we defer a decision on this matter until Monday morning.

337. The PRESIDENT: I am afraid we are not in a position to consult the Legal Counsel on that point, but I am willing to accept the argumentation of the representative of Singapore, since he is a learned jurist and a man of law. We can take a decision on the proposal made by the representative of Belgium. That will solve the problem. Therefore we may now hear one more speaker for and one more against the proposal.

338. Mr. KOROMA (Sierra Leone): I would first of all concede that it is the duty of every delegation here to respect what the President says. I concede that you, Mr. President, are in an invidious position. But, if I understood the representative of Mexico correctly, he was not asking for the Assembly to take a decision. He appealed a proposal made by the representative of Belgium, and he asked for a ruling from the President. You did not see fit to give such a ruling. But I believe that under rule 88 it is for the President to make a ruling on the proposal made by Mexico. If the ruling were challenged, then of course the question would be put to the Assembly. But I cannot understand what the Assembly is being asked to vote on. It is for the President to rule whether the voting has in fact commenced and then, of course, if the ruling were to be challenged, the Assembly would take a decision in that regard.

339. The PRESIDENT: So far, in conducting the affairs of the Assembly, I have always relied on the wisdom of the Assembly. I am willing to be challenged, if that is desired. But I think that we should work in harmony and solve the problem, so far as is possible, in a businesslike manner and use the rules of procedure to help us to do so. I think that if we take a decision on the proposal that has been made by the representative of Belgium, that will solve the problem. He has proposed that we not take action on the amendment proposed by Mexico.

340. I am afraid that rule 74 does not permit the President to call on more than two representatives to speak in favour of, and two against, a motion for adjournment of the debate. It was my understanding that the representative of Mexico spoke against the motion and that the representative of Singapore spoke in favour of it. Therefore I may permit one more

representative to speak against the motion and one more to speak in favour of it.

341. Mr. ASANTE (Ghana): My delegation has been listening to the discussion and we feel that we might be of some assistance to the President. We are not so much concerned at this juncture about whether we are speaking in favour of the Belgian motion or the Mexican counter-motion. We merely wish to be of some assistance.

342. We are in particular referring to the points made by the representative of Singapore, and with the greatest respect, because we know his worth so well. In our comments we are guided not so much by the headings, the subheadings or the italics, because under the rules of procedure one does not need italics to help in interpretation. We are concerned with the text of the rules. If we understood correctly, the Belgian motion purports to be grounded in rule 74 of the rules of procedure. Rule 74 is quite clear on this: that such a motion may be made during the discussion of any matter.

343. The question is whether the Assembly has now passed the stage of discussion of the matter under consideration, and with the greatest respect we are suggesting that the Assembly has done so. We have moved on to a further stage. We have, in our view, moved into the ambit of the provisions of rule 88 of the rules of procedure, namely, the conduct of delegations during voting. The President will recall that—as he himself said and as the record will show—on at least two occasions he announced that the Assembly was in the process of voting. Therefore, the question for the Assembly to decide is whether or not the Belgian motion is in order at all and whether it can be sustained.

344. First of all, it cannot be sustained under rule 74 of the rules of procedure; nor can it, in our view, be sustained under rule 88. In our view, the motion is misconceived and out of order. We do not believe that we ought to take any vote or decision on the Belgian motion at all. Personally we are in some sympathy with the motion, but it was not put forward in a timely manner, if I may say so.

345. The PRESIDENT: That is what I was attempting to say when I read out rule 88 in connection with the motion, not actually with the voting procedure. But, whether we like it or not, the two issues are connected.

346. Mrs. WARZAZI (Morocco) (*interpretation from French*): Under rule 74 of the rules of procedure, I feel that the representative of Ghana was correct in stating that the motion of Belgium is out of order. Since that motion refers to a vote, however, I feel that it should be considered under rule 79 of the rules of procedure. That rule will bear you out, Mr. President, since you have mentioned rule 88.

347. Rule 88 states that after the President has announced the beginning of voting, no representative shall interrupt the voting except on a point of order in connection with the actual conduct of the voting—we could add, with the actual conduct of the voting, present or future.

348. The Belgian delegation is asking that we vote not to vote on an amendment. Therefore a vote is being requested and the Belgian motion is quite in order

under rule 79 of the rules of procedure and falls within the ambit of rule 88.

349. The PRESIDENT: I believe that we can solve the problem most simply by taking a vote on whether or not the Belgian motion is in order. I would therefore request members of the Assembly to proceed to the vote. Those who are in favour of not taking a vote on the amendment submitted by Mexico will vote "yes"; those who are against will vote "no".

350. Mr. ROA KOURÍ (Cuba) (*interpretation from Spanish*): I am sorry, but I did not understand the purpose or the terms of the President's proposal. I would ask for clarification.

351. The PRESIDENT: If we examine the motion submitted by the representative of Belgium, it can be summed up as follows: the representative of Belgium does not want the Assembly to vote on the amendments submitted by the representative of Mexico in documents A/37/L.60 and A/37/L.61.

352. Mr. STEVENS (Belgium) (*interpretation from French*): My proposal, as I made it, refers only to document A/37/L.60, the amendment to the draft resolution on Chile.

353. The PRESIDENT: We shall therefore restrict the voting to document A/37/L.60, using the same formulation. I trust that it is now clear.

354. I call upon the representative of the Philippines on a point of order.

355. Mr. MORENO-SALCEDO (Philippines): My delegation is slightly confused about the vote proposed by the President. As my delegation understands it, there are two issues before this Assembly. One is: is Belgium in order in proposing that we not take any vote on the amendment submitted by Mexico? That is the first issue. In other words, does Belgium have the right to propose that we not vote on the amendment of Mexico? If the President or the Assembly should decide that Belgium has the right to interrupt the conduct of the voting—because the President has said that we are in the process of voting—then we proceed to take the next step, which is to vote on the Belgian proposal. In other words, the next step is not a vote on the amendment itself. That is how my delegation understands it.

356. If this Assembly votes in favour of the proposal of Belgium, it is saying that we will now interrupt the process of voting and vote on his proposal. My delegation understands that to vote favourably on the proposal of Belgium, two steps will have to be taken. First, we must agree that the representative of Belgium is in order, since the President has ruled that under rule 88 of the rules of procedure the conduct of voting cannot be interrupted; secondly, if we sustain him against the ruling, then we will vote on his proposal. In the first case, a vote in favour will be a vote in favour of interrupting the conduct of the voting. In the second case, a vote in favour will be a vote in favour of the motion of Belgium.

357. Mr. KOH (Singapore): My friend Mr. Moreno-Salcedo of the Philippines is quite correct that legally there are, in fact, two steps to be taken, but what the President had earlier suggested was to shorten the two steps into one. The two steps are that, first, we should decide whether or not the point of order

raised by Belgium comes within the ambit of rule 88. Mr. Moreno-Salcedo was not, however, correct when he said that the President had made a ruling that the Belgian point of order was not within the ambit of rule 88 of the rules of procedure.

358. You did not make a ruling, Mr. President. You asked the Assembly to pronounce itself on whether or not the point of order of Belgium was a point of order in connection with the actual conduct of the voting. Those who hold the view that it is should cast an affirmative vote, saying that it is within the ambit of rule 88, and those who disagree should cast a negative vote. Having disposed of this first question we shall then come to the motion itself. The representative of the Philippines was quite right, but I wanted merely to point out to him that the President has not, in fact, made a ruling.

359. The PRESIDENT: The representative of Singapore is correct: when I said that I wanted to consult the Assembly I purposely did not make a ruling. The representative of the Philippines has rightly said that we should take a decision as to whether or not the Belgian motion is in order.

360. Mr. MUÑOZ LEDO (Mexico) (*interpretation from Spanish*): I should like to support what was said by the representatives of Ghana and the Philippines. In fact, we have before us two separate questions, which cannot be reduced to a single one. The first is to decide whether the Belgian proposal is in order. In our view, rule 74 does not apply because the debate has been closed. Nor is rule 79 applicable, because the competence of the Assembly to take a decision on this question is not in doubt.

361. The President has put it well: the question we must answer is whether or not we are in the process of voting; then we must see what we shall do with the vote. To save time, I would ask the President, who conducted the debate and who closed it and began the voting procedure, to take a decision and tell us whether or not we are in the process of voting.

362. The PRESIDENT: To cut short this long debate, I shall put it to the Assembly that, in my understanding, we are in the process of voting.

363. Mr. KOH (Singapore): I would point out, with all due respect, that we are all agreed that we are in the process of voting. That is not the question. The question is whether or not the proposal made by the representative of Belgium is a point of order in connection with the conduct of the voting. Even the representative of Belgium will agree that we are in the process of voting and that the issue is whether or not the Assembly agrees that his proposal not to vote on the amendment in document A/37/L.60 is a proposal in connection with the actual conduct of the voting and can therefore be entertained under rule 88. On that point, I think the Assembly is clearly divided.

364. The PRESIDENT: The Assembly will now vote on the question whether the Belgian motion is in order. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Antigua and Barbuda, Argentina, Australia, Austria, Bahamas, Belgium, Belize, Brazil, Burma, Canada, Chile, Colombia, Denmark, Dominica, El Salvador, Fiji, Finland, Germany, Federal Republic

of, Guatemala, Haiti, Honduras, Iceland, Indonesia, Israel, Japan, Lebanon, Luxembourg, Malawi, Malaysia, Morocco, Nepal, Netherlands, New Zealand, Norway, Oman, Pakistan, Papua New Guinea, Paraguay, Portugal, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Singapore, Solomon Islands, Somalia, Sudan, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Upper Volta, Uruguay.

*Against:* Afghanistan, Algeria, Angola, Bahrain, Benin, Bolivia, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Czechoslovakia, Democratic Yemen, Ethiopia, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, India, Iran, (Islamic Republic of), Iraq, Jordan, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Liberia, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Philippines, Poland, Qatar, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

*Abstaining:* Bangladesh, Barbados, Bhutan, Botswana, Chad, Dominican Republic, Ecuador, Egypt, France, Gabon, Ireland, Italy, Ivory Coast, Jamaica, Niger, Panama, Sri Lanka, United Republic of Cameroon, Zaire.

*It was decided, by a vote of 65 to 53, with 19 abstentions, that the Belgian motion was not in order.*

365. The PRESIDENT: The Assembly will thus vote on the amendment in document A/37/L.60 at the appropriate time.

366. The Assembly will now take decisions on the 19 draft resolutions recommended by the Third Committee in paragraph 79 of its report [A/37/745].

367. Draft resolution I is entitled "Strategy and policies for drug control". The Third Committee adopted that draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution I was adopted (resolution 37/168).*

368. The PRESIDENT: Draft resolution II is entitled "Question of the international legal protection of the human rights of individuals who are not citizens of the country in which they live". The administrative and financial implications of this draft resolution are contained in the report of the Fifth Committee [A/37/756]. The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution II was adopted (resolution 37/169).*

369. The PRESIDENT: Draft resolution III is entitled "Measures to improve the situation and ensure the human rights and dignity of all migrant workers". The administrative and financial implications of this draft resolution are contained in the report of the Fifth Committee [A/37/756]. The draft resolution was adopted by the Third Committee

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

*Draft resolution III was adopted (resolution 37/170).*

370. The PRESIDENT: Draft resolution IV is entitled "Regional arrangements for the promotion and protection of human rights". This draft resolution, too, was adopted by the Third Committee without a vote. May I take it that the General Assembly adopts it without a vote?

*Draft resolution IV was adopted (resolution 37/171).*

371. The PRESIDENT: Draft resolution V is entitled "Regional arrangements for the protection of human rights". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution V was adopted (resolution 37/172).*

372. The PRESIDENT: Draft resolution VI is entitled "Situation of refugees in the Sudan". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution VI was adopted (resolution 37/173).*

373. The PRESIDENT: Draft resolution VII is entitled "Assistance to refugees in Somalia". The Third Committee adopted it without a vote. May I consider that the Assembly wishes to do likewise?

*Draft resolution VII was adopted (resolution 37/174).*

374. The PRESIDENT: Draft resolution VIII is entitled "Assistance to displaced persons in Ethiopia". The Third Committee adopted it without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution VIII was adopted (resolution 37/175).*

375. The PRESIDENT: Draft resolution IX is entitled "Humanitarian assistance to refugees in Djibouti". It was adopted by the Third Committee without a vote. May I take it that the General Assembly wishes to do likewise?

*Draft resolution IX was adopted (resolution 37/176).*

376. The PRESIDENT: Draft resolution X is entitled "Assistance to student refugees in southern Africa". This draft resolution was also adopted without a vote by the Third Committee. May I take it that the General Assembly wishes to do the same?

*Draft resolution X was adopted (resolution 37/177).*

377. The PRESIDENT: Draft resolution XI is entitled "The right to education". The Third Committee adopted it without a vote. May I assume that the Assembly wishes to do the same?

*Draft resolution XI was adopted (resolution 37/178).*

378. The PRESIDENT: Draft resolution XII is 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." In the Third Committee, the draft resolution was adopted without a vote. May I take it that the General assembly wishes to do the same?

*Draft resolution XII was adopted (resolution 37/179).*

379. The PRESIDENT: Draft resolution XIII is entitled "Question of involuntary or enforced disap-

pearances". The Third Committee adopted it without a vote. May I take it that the General Assembly wishes to do the same?

*Draft resolution XIII was adopted (resolution 37/180).*

380. The PRESIDENT: Draft resolution XIV is entitled "Missing persons in Cyprus". May I take it that the General Assembly wishes to adopt that draft resolution without a vote?

*Draft resolution XIV was adopted (resolution 37/181).*

381. The PRESIDENT: Draft resolution XV is entitled "Summary or arbitrary executions". In the Third Committee it was adopted without a vote. May I take it that the General Assembly wishes to do the same?

*Draft resolution XV was adopted (resolution 37/182).*

382. The PRESIDENT: Draft resolution XVI is entitled "Situation of human rights and fundamental freedoms in Chile".

383. In this connection, the Assembly has before it an amendment [A/37/L.60]. In accordance with rule 90 of the rules of procedure, the Assembly will vote first on that amendment. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Bahrain, Benin, Bolivia, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iran (Islamic Republic of), Iraq, Ireland, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Papua New Guinea, Poland, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sweden, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

*Against:* Antigua and Barbuda, Argentina, Australia, Brazil, Burma, Canada, Chile, Dominica, El Salvador, Fiji, Germany, Federal Republic of, Guatemala, Haiti, Honduras, Indonesia, Israel, Japan, Lebanon, Malaysia, Morocco, New Zealand, Oman, Pakistan, Paraguay, Philippines, Saint Lucia, Samoa, Singapore, Solomon Islands, Somalia, Thailand, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:* Austria, Bahamas, Bangladesh, Barbados, Belgium, Belize, Bhutan, Chad, China, Colombia, Democratic Kampuchea, Denmark, Dominican Republic, Ecuador, Egypt, Finland, France, Gabon, Iceland, India, Italy, Ivory Coast, Jamaica, Jordan, Liberia, Luxembourg, Malawi, Maldives, Nepal, Netherlands, Niger, Norway, Panama, Portugal, Saint Vincent and the Grenadines, Saudi Arabia, Sri Lanka, Sudan, Suriname, Tunisia, United Republic of Cameroon, Upper Volta, Yemen, Zaire.

*The amendment was adopted by 62 votes to 35, with 44 abstentions.*

384. The PRESIDENT: The Assembly will now vote on draft resolution XVI, as amended. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, 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, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Romania, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sri Lanka, Sudan, Sweden, Togo, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

*Against:* Antigua and Barbuda, Argentina, Brazil, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Lebanon, Morocco, Pakistan, Paraguay, Philippines, United States of America, Uruguay.

*Abstaining:* Bahamas, Bangladesh, Belize, Bhutan, Burma, Chad, China, Colombia, Democratic Kampuchea, Dominica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Germany, Federal Republic of, Ivory Coast, Japan, Jordan, Liberia, Malawi, Malaysia, Nepal, Niger, Oman, Panama, Peru, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Solomon Islands, Suriname, Thailand, Trinidad and Tobago, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Upper Volta, Zaire.

*Draft resolution XVI, as amended, was adopted by 85 votes to 17, with 41 abstentions (resolution 37/183).*

385. The PRESIDENT: We come next to draft resolution XVII, 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, Australia, Austria, Bahrain, Barbados, Belgium, Benin, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Canada, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, Gambia, German Democratic Republic, Ghana, Greece, Grenada, Guinea-Bissau, Guyana, Hungary, Iceland, 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, Nica-

ragua, Nigeria, Norway, Papua New Guinea, Poland, Portugal, Qatar, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Togo, 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:* Antigua and Barbuda, Argentina, Brazil, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Morocco, Pakistan, Paraguay, Philippines, United States of America, Uruguay.

*Abstaining:* Bahamas, Bangladesh, Belize, Bhutan, Bolivia, Burma, Burundi, Chad, China, Colombia, Democratic Kampuchea, Dominica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Germany, Federal Republic of, Guinea, India, Ivory Coast, Japan, Jordan, Liberia, Malawi, Malaysia, Maldives, Nepal, Niger, Oman, Panama, Peru, Romania, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Solomon Islands, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Republic of Cameroon, Upper Volta, Zaire.

*Draft resolution XVII was adopted by 79 votes to 16, with 49 abstentions (resolution 37/184).*

386. The PRESIDENT: We turn now to draft resolution XVIII, which is entitled "Situation of human rights and fundamental freedoms in El Salvador".

387. In this connection, the Assembly has before it an amendment [A/37/L.61]. In accordance with rule 90 of the rules of procedure, the Assembly will vote first on that amendment. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Austria, Belize, Benin, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Ethiopia, France, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Honduras,<sup>3</sup> Hungary, Iran (Islamic Republic of), Iraq, Ireland, Kenya, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Nicaragua, Nigeria, Panama, Papua New Guinea, Poland, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Sweden, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

*Against:* Antigua and Barbuda, Argentina, Australia, Belgium, Brazil, Burma, Canada, Chile, Dominica, El Salvador, Germany, Federal Republic of, Guatemala, Haiti, Indonesia, Israel, Japan, Luxembourg, Malaysia, Morocco, New Zealand, Oman, Pakistan, Paraguay, Philippines, Portugal, Saint Lucia, Solomon Islands, Somalia, Turkey, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay.

*Abstaining:* Bahamas, Bangladesh, Barbados, Bhutan, Bolivia, Burundi, Chad, China, Colombia,

Democratic Kampuchea, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, Fiji, Finland, Gabon, Gambia, Iceland, India, Italy, Ivory Coast, Jamaica, Jordan, Liberia, Malawi, Maldives, Nepal, Netherlands, Niger, Norway, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Spain, Sri Lanka, Sudan, Suriname, Thailand, United Republic of Cameroon, Upper Volta, Yemen, Zaire.

*The amendment was adopted by 62 votes to 32, with 45 abstentions.*

388. The PRESIDENT: The Assembly will now vote on draft resolution XVIII, as amended. A recorded vote has been requested.

*A recorded vote was taken.*

*In favour:* Afghanistan, Algeria, Angola, Austria, Bahrain, Barbados, Benin, Botswana, Bulgaria, Byelorussian Soviet Socialist Republic, Cape Verde, Congo, Cuba, Cyprus, Czechoslovakia, Democratic Yemen, Denmark, Ethiopia, Finland, France, German Democratic Republic, Ghana, Greece, Grenada, Guinea, Guinea-Bissau, Guyana, Hungary, Iceland, India, Iran (Islamic Republic of), Iraq, Ireland, Italy, Kenya, Kuwait, Lao People's Democratic Republic, Lesotho, Libyan Arab Jamahiriya, Madagascar, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Mozambique, Netherlands, Nicaragua, Nigeria, Norway, Papua New Guinea, Poland, Sao Tome and Principe, Senegal, Seychelles, Sierra Leone, Spain, Sweden, Syrian Arab Republic, Togo, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Emirates, United Republic of Tanzania, Vanuatu, Viet Nam, Yugoslavia, Zambia, Zimbabwe.

*Against:* Antigua and Barbuda, Argentina, Brazil, Chile, El Salvador, Guatemala, Haiti, Honduras, Indonesia, Israel, Morocco, Pakistan, Paraguay, Philippines, Saint Lucia, Solomon Islands, United States of America, Uruguay.

*Abstaining:* Australia, Bahamas, Bangladesh, Belgium, Belize, Bhutan, Bolivia, Burma, Burundi, Canada, Chad, China, Colombia, Democratic Kampuchea, Djibouti, Dominica, Dominican Republic, Ecuador, Egypt, Fiji, Gabon, Gambia, Germany, Federal Republic of, Ivory Coast, Jamaica, Japan, Jordan, Liberia, Luxembourg, Malawi, Malaysia, Maldives, Nepal, New Zealand, Niger, Oman, Panama, Peru, Portugal, Romania, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Singapore, Sri Lanka, Sudan, Suriname, Thailand, Trinidad and Tobago, Tunisia, Turkey, United Kingdom of Great Britain and Northern Ireland, United Republic of Cameroon, Upper Volta, Zaire.

*Draft resolution XVIII, as amended, was adopted by 71 votes to 18, with 55 abstentions (resolution 37/185).*

389. The PRESIDENT: Finally, we come to draft resolution XIX, entitled "Human rights and mass exoduses". The Third Committee adopted this draft resolution without a vote. May I take it that the Assembly wishes to do the same?

*Draft resolution XIX was adopted (resolution 37/186).*

390. The PRESIDENT: I shall now call on representatives who wish to explain their vote after the vote. I remind the Assembly again that statements in explanation of vote are limited to 10 minutes and must be made by delegations from their seats.

391. Mr. AMARI (Tunisia) (*interpretation from French*): My delegation wishes to explain its vote on draft resolution XVIII. My delegation also abstained in the voting on this draft resolution in the Third Committee.

392. My delegation's vote is based on an attitude of principle—that is, a refusal to interfere in the internal affairs of States. We cannot, however, but acknowledge that the internal situation in El Salvador cannot be isolated from the situation of the region as a whole.

393. My delegation has noted that in the past year elections have been held in El Salvador. Without wishing to make any judgement here about the conditions in which the elections took place, my delegation considers, none the less, that such initiatives deserve to be encouraged, if not strengthened, in order to allow for a return to normality in that country. In the present state of affairs, we have to say that the situation has not returned to normal and that human rights continue to suffer the consequences thereof.

394. In our view, we should not hamper, through dogmatic attitudes, processes likely to lead to a political solution that could restore unity and harmony in El Salvador.

395. Those are the reasons why my delegation chose at this stage to abstain in the voting on draft resolution XVIII.

396. Mr. KIRCA (Turkey) (*interpretation from French*): If draft resolution XIV just adopted, on missing persons in Cyprus, had been put to a vote, Turkey would have voted against it, for reasons which were explained during the debate in the Third Committee. For the same reasons, Turkey considers that resolution to be null and void.

397. Furthermore, I am authorized by the competent authorities of the Turkish community of Cyprus to inform the General Assembly that they take the same position.

*Mr. Fischer (Austria), Vice-President, took the Chair.*

398. Mr. SHERIFIS (Cyprus): I should like briefly to explain the position of my delegation on draft resolution XIV.

399. Before doing so, I wish first and foremost, on behalf of my Government and on behalf of the relatives of the missing persons in Cyprus, to express appreciation and gratitude to the 13 delegations which, together with my own, sponsored the draft resolution, as well as to the overwhelming number of delegations which supported it. My thanks go also to the many delegations among those which either abstained or were absent during the voting in the Third Committee but which gave us assurances that they were ready to vote in favour in the plenary Assembly. Lastly, but very specially and warmly, I wish to place on record our gratitude to the delegation of Yugoslavia for the substantive suggestions which it put forward for the improvement of the original text and which were

accepted in their entirety by the sponsors. Thus the resolution takes into account the relevant views of the Secretary-General as contained in his report of 1 December 1982 [S/15502 and Corr.1 and Add.1], and I take this opportunity to express once again to Mr. Pérez de Cuéllar our gratitude for his deep, sincere and personal involvement.

400. The humanitarian concerns which prompted my Government and the other sponsors to seek the adoption of this resolution will be served well only if both sides work concertedly for its implementation.

401. The following statement made on 11 December 1982 by the President of Cyprus, Mr. Kyprianou, following the adoption of the draft resolution by the Third Committee, is relevant:

“It is a supreme duty to the tragic missing persons and to the thousands of their relatives that every effort should be made to resolve this humanitarian problem, and I give the assurance that the Cyprus Government will work in every direction, as always, for the investigation of all the cases of missing persons without exception.”

The President of Cyprus added:

“I should like to express the hope that the Turkish side will this time show respect for the verdict of the United Nations and will respond positively to the provisions of the resolutions which outline the right framework for the commencement of a positive and effective investigation.”

402. Before concluding, I wish to make three points. First, the Assembly has today again accepted, with the solitary exception of Turkey, that the United Nations has special competence regarding the humanitarian issue of missing persons in Cyprus as well as regarding the Committee on Missing Persons in Cyprus. The fact that the Secretary-General has appointed the third member of that Committee, the establishment of which was urged by resolutions of this Assembly, proves this point beyond doubt. Furthermore, with the resolution adopted today, the Assembly—in a solemn and indisputable way—brings into focus and involves the Working Group on Enforced or Involuntary Disappearances of the Commission on Human Rights, another organ of the United Nations system. The validity, therefore, of the Turkish argument is as obscure as the intention behind it is transparent.

403. Secondly, the argument has been advanced that the Committee on Missing Persons in Cyprus is the only competent body and that it alone should deal with this issue. Let me say, in response, that that Committee, in the 19 months since its establishment, has failed to commence its substantive work. Rightly, therefore, the Assembly, in its wisdom, has, in operative paragraph 1 of draft resolution XIV, invited the Working Group on Enforced or Involuntary Disappearances to contribute its expertise and impartiality and co-operate in order to facilitate the effective implementation of the required investigative work.

404. Thirdly, and lastly, the resolution rightly calls for the co-operation of all parties concerned—and this includes Turkey, the Government of which commands the military forces occupying a substantial part of my country, because the co-operation of those forces is

indispensable for the achievement of the objective of tracing and accounting for the missing persons.

405. I conclude my remarks with an expression of hope that the necessary good will and co-operation will be shown so that this eminently humanitarian problem will at long last be solved.

406. Mr. DORJI (Bhutan): My delegation does not believe that a few countries should be singled out for condemnation for the violation of human rights. It was for that reason that my delegation decided to abstain on all three draft resolutions dealing with the situation of human rights and fundamental freedoms, in Chile, El Salvador and Guatemala, respectively. This does not mean, however, that my delegation in any way condones the violation of human rights in those countries or wherever it occurs.

407. Mr. ALMOSLECHNER (Austria): My delegation joined the consensus on draft resolution I on the specific understanding that it would in no way impede, because of a lack of resources, the full implementation of the programme activities of the Division on Narcotic Drugs of the Secretariat.

408. We wish to stress this point since we are convinced that, in view of the spread of drug problems and illegal drug activities throughout the world, renewed efforts are urgently required not only at the national level but at the international level as well. The need for such action and for the appropriation of the necessary financial resources has been recognized by the Commission on Narcotic Drugs and by the Economic and Social Council.

409. We therefore hope and expect that this consensus will be beneficial in regard to the implementation of the programmes concerned and, hence, that it can be maintained in the future.

410. Mr. DERESSA (Ethiopia): In explanation of its position with regard to draft resolution VII, my delegation would like to state the following.

411. First, we have gone along with the adoption of the draft resolution without a vote for humanitarian considerations and in the spirit of co-operation which we felt strongly was necessary for the advancement of the work of the Third Committee—just as it was necessary today for the advancement of the work of the Assembly at this late hour. But our consent to the draft resolution's adoption without a vote should in no way be construed as agreement with or endorsement of its provisions.

412. Secondly, our objection to the resolution just adopted and further views on the whole question of the so-called refugees with which the text purports to deal were set forth in great detail during the Third Committee's consideration of item 90, dealing with, among other things, the report of the United Nations High Commissioner for Refugees, as well as of item 12. I therefore need only draw the Assembly's attention to the relevant summary records of the Third Committee.

413. Thirdly, our position on this text should hence be seen in the light of the background information, analysis and views we advanced during the Third Committee's consideration of the aforementioned items as they relate to the question of refugees.

414. In this connection, I should like to draw particular attention to the fifth preambular paragraph of draft resolution VII, which we read to mean the following: first, the origin, number and status of the so-called refugees need to be properly determined by UNHCR and the other agencies concerned; secondly, the solution of the problem of refugees requires, among other things, respect for their human rights and fundamental freedoms, including cessation of the practice of engaging them in forced labour or recruitment and of conscription of refugees for illegal activities; thirdly, adherence to the statute of UNHCR, the regional and international instrument relating to refugees, and full co-operation with UNHCR and all concerned in the search for effective and durable solutions, particularly voluntary repatriation to the country of origin, whenever possible, or settlement in the country of first asylum, or resettlement in a third country, are imperatives that should be pursued with greater vigour and determination in order to solve the refugee problem.

415. Since the resolution fails to address itself to the crucial problems I have just outlined and contains extraneous elements, my delegation would like to place on record its strong reservations.

416. Mr. KHALAF (Somalia): My delegation wishes to record its strong reservations with regard to draft resolution VIII, entitled "Assistance to displaced persons in Ethiopia".

417. The so-called displaced persons and voluntary returnees in Ethiopia are, we believe, destitute Ethiopians who are collected and paraded before all United Nations and other visiting teams in order to secure international assistance—assistance that we know is used for some other purpose. My delegation accepts neither the existence of nor the numbers given by the Ethiopian authorities for the so-called displaced persons and voluntary returnees in Ethiopia.

418. My delegation reserves its right to answer at a later stage some other allegations made by the representative of Ethiopia.

419. Mr. FURSLAND (United Kingdom): My delegation wishes to explain its vote on draft resolution XVI.

420. My delegation has, over the years, shown its consistent concern at the human rights situation in Chile by our votes in favour of all General Assembly resolutions adopted on this subject. We have demonstrated our continuing concern by our support in the Third Committee for the draft resolution just adopted.

421. In the debate earlier this afternoon on this question, my delegation reiterated that we are also concerned about the selectivity which is apparent in United Nations treatment of Chile and that, in particular, we had serious reservations, both of procedure and substance, about the amendment contained in document A/37/L.60. I shall not repeat those points now; I should like simply to state that my delegation moved to an abstention on draft resolution XVI because of the selectivity apparent in it and in particular as the result of incorporation in it of the amendment contained in document A/37/L.60.

422. I would only add that we noted that the representative of Mexico, in introducing document A/37/

L.60, said that it should not be taken in any way as prejudging the action to be taken in the Commission on Human Rights. We trust that all delegations represented in the Commission and the Commission itself will also view this text in that light and will therefore regard themselves as entirely free to take whatever further action may be judged appropriate, including the extension or the non-extension of the Special Rapporteur's mandate.

423. Mr. ZUCCONI (Italy): My delegation voted in favour of draft resolution XVI, entitled "Situation of human rights and fundamental freedoms in Chile", but abstained in the voting on the amendment to operative paragraph 12. Our abstention was motivated by the fact that, although Italy is in principle in favour of the renewal of the Special Rapporteur's mandate, we think that a decision on this matter should be left to the Commission on Human Rights, which is the competent technical body in this field. The Italian delegation, therefore, cannot entirely agree with the wording of that paragraph as amended, inasmuch as it seeks to prejudice the decision of the Commission on Human Rights. In our opinion, the General Assembly should have indicated the renewal of the mandate as an option to be considered by the Commission on Human Rights within the framework of its in-depth study of the report.

424. Mrs. SHERMAN PETER (Bahamas): My delegation joined in the consensus on draft resolution I as a further indication of its unequivocal support for the International Drug Abuse Control Strategy and the basic five-year programme of action.<sup>4</sup> We note, however, that funds considered necessary for the implementation of the programme were not provided for in the draft. It is our sincere hope, therefore, that this will not impede the programme of work in the field of drug abuse control during the year 1983.

425. The PRESIDENT: We have heard the last speaker in explanation of vote after the vote. I shall now call on representatives who wish to make statements in exercise of the right of reply. I remind the Assembly that such statements are limited to 10 minutes and must be made by delegations from their seats.

426. Mr. DERESSA (Ethiopia): Mr. President, you and members of this Assembly will recall that my explanation of vote on behalf of the Ethiopian delegation was devoted to our view of the so-called refugees in Somalia and to an interpretation of a provision of the text which the Assembly had adopted. It did not in any way make any derogatory reference to the Somali Democratic Republic. But the representative of Somalia has assailed my country in his unfortunately usual and characteristic manner.

427. One positive element that came out of his statement in the guise of an explanation of vote was his indirect admission of the fact that the so-called refugees in Somalia are not actually refugees but needy citizens of Somalia. We have never denied that in our country the displaced persons and returnees are our own people. We have never denied that, but I am glad to note that by inference the representative of Somalia has admitted that the so-called refugees in Somalia are actually Somalia's own needy citizens.

428. Mr. KHALAF (Somalia): I totally reject the statement of the Ethiopian representative as far as my explanation of vote is concerned. I have in no way admitted that the refugees in Somalia are Somalis. The refugees in Somalia are Ethiopian citizens who have been kicked out of their country by that repressive régime, unparalleled in the history of the world, which has compelled its citizens to flee across the border into my country. I totally reject any inference or any insinuation that I admitted that the refugees in our country are my own people.

*The meeting rose at 9.10 p.m.*

---

#### NOTES

<sup>1</sup> The delegation of Viet Nam subsequently informed the Secretariat that it had intended to abstain in the vote on the draft resolution.

<sup>2</sup> Princeton University Press, Princeton, 1974.

<sup>3</sup> The delegation of Honduras subsequently informed the Secretariat that it had intended to vote against the draft resolution.

<sup>4</sup> See *Official Records of the Economic and Social Council, 1981, Supplement No. 4, annex II.*