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Celebration of the twenty-fifth anniversary of the United Nations (*continued*) 1

President: Mr. Edvard HAMBRO (Norway).

AGENDA ITEM 21

Celebration of the twenty-fifth anniversary of the United Nations (*continued*)

1. Mr. MIGLIUOLO (Italy), Rapporteur of the Committee for the Twenty-fifth Anniversary of the United Nations: At this late hour I shall try not to take much time in introducing the second report of the Committee for the Twenty-fifth Anniversary of the United Nations concerning the preparation of the final declaration. That report is contained in document A/8103/Add.1.

2. On 12 October [1862nd meeting], when I submitted document A/8103 and Corr.1, I drew the attention of the General Assembly, at the request of the members of the aforesaid Committee, to the difficulties which they had had to overcome in order to reach agreement on the text of the final declaration. I pointed out that the successful achievement of the work of the Committee had been made possible thanks to the untiring efforts of its Chairman, Ambassador Akwei of Ghana, and to the spirit of compromise of its members, on the basis of a delicate balance which might very easily be upset by the presentation of amendments to the proposed text.

3. Following the debate in the plenary meeting, the various amendments proposed and contained in documents A/L.592 and Corr.1, A/L.593, A/L.594 and Corr.1, A/L.596 and Corr.1, A/L.597 and A/L.598 were referred back for consideration to the Committee, which held eight meetings in attempt to reach a new consensus. The result of the lengthy deliberations is summarized in paragraphs 3, 4 and 5 of the second report. I must, however, add that the possibility of further developments is looming tonight, and with this remark I submit document A/8103 and Corr.1 and Add.1.

4. Mr. BEAULNE (Canada) (*interpretation from French*): I should so much have liked to have remained in the seat of the delegation of Canada tonight. We never ceased to hope that the Committee for the Twenty-fifth Anniversary of the United Nations would be able to work out the final document which the Heads

of State and Government could applaud in this very room on 24 October. Like the other members of the Committee for the Twenty-fifth Anniversary, my delegation has spared no effort with a view to arriving at a declaration which Canada could support unreservedly.

5. We are, however, constrained to note that at the present time there is no consensus. If we are to vote on amendments and on a complete text, it is evident that the document which has taken up so much of our labours will never be able to play the part designed for it.

6. My delegation loyally co-operated with the other Members of the Committee in drafting a final document. At all times, we were ready to revise our position with a view to reaching a consensus. Had it been a matter of drafting an ordinary resolution which would be put to the vote as usual, we would, of course, have been in a very different position. The Canadian delegation considers that if the Committee has been unable to achieve a consensus up to now, nobody is to blame. It is the words that have failed us. On the essentials, I am convinced that all the members of the Committee and all the Members of the United Nations are in full agreement.

7. In these circumstances, the delegation of Canada has sought to put forward a last-ditch text. It is a compromise text which might not be entirely acceptable to everyone; that is the fate of all compromises, they never give complete satisfaction, but after various soundings had been taken among all the regional groups in this Assembly, I gathered the impression that the text I am going to submit might be acceptable to most of those listening to me at this hour.

8. If I may, I will give a list of the slight amendments which my delegation made to the text of paragraphs 6 and 7 of the draft declaration contained in the first report of the Committee [A/8103 and Corr.1, annex].

9. In paragraph 6 we have added the word "recalcitrant" before "States" in the third sentence and after "deliberate" we have added the words "and deplorable". The fourth sentence should read:

"We reaffirm the inalienable right of all colonial peoples to self-determination, freedom and independence and condemn all actions which deprive any people of these rights."

The fifth sentence should read:

"In recognizing the legitimacy of the struggle of colonial peoples for their freedom by all appropriate means at their disposal, we call upon all Governments to comply in this respect with the provisions of the Charter, taking into account the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the United Nations in 1960."

10. In paragraph 7, only the first sentence has been amended. It reads:

"We strongly condemn the evil policy of *apartheid*, which is a crime against the conscience and dignity of mankind and is contrary to the principles of the Charter."

11. This is the text, slightly altered, which I should like to present to my colleagues, and may I be so bold as to ask you, Mr. President, whether it would not be appropriate to adjourn the meeting so that we may meet in Committee in order to consider this text and, if we should agree, we could resume this meeting later tonight.

12. The PRESIDENT: The representative of Canada has moved the suspension of the meeting. Rule 78 of the rules of procedure of the General Assembly provides that "a representative may move the suspension or the adjournment of the meeting. Such motions shall not be debated, but shall be immediately put to the vote."

13. If I hear no objection to the proposal of the representative of Canada I shall take it that the Assembly agrees to suspend the meeting.

It was so decided.

The meeting was suspended at 9.10 p.m. and resumed at 11.25 p.m.

14. Mr. MIGLIUOLO (Italy), Rapporteur of the Committee for the Twenty-fifth Anniversary of the United Nations: At the outset of the present meeting I cut short my introduction of the report contained in document A/8103/Add.1 as I had been informed of some new developments that allowed me to conclude my remarks on a hopeful note, a note which was certainly much more positive than the one reflected in the report itself.

15. I have the honour to inform the general membership that, following the decision taken this evening by the General Assembly, the Committee for the Twenty-fifth Anniversary of the United Nations has held another meeting to discuss the proposal submitted earlier this evening by the distinguished Permanent Representative of Canada. As a result of the discussion among the members of the Committee a consensus has been restored and, in compliance with paragraphs 3 and 6 of resolution 2499 A (XXIV), it has been unanimously agreed to recommend the text of a final document for adoption on 24 October 1970.

16. This document is composed of the text reproduced as the annex to document A/8103/Add.1, integrated with the new texts of paragraphs 6 and 7 agreed upon on the basis of the Canadian proposal, subsequently amended by the Committee at the request of several delegations. I will read the formulation agreed upon by the Committee for the Twenty-fifth Anniversary of the United Nations:

"6. We acclaim the role of the United Nations in the past twenty-five years in the process of the liberation of peoples of colonial, Trust and other Non-Self-Governing Territories. As a result of this welcome development, the number of sovereign States in the Organization has been greatly increased and colonial empires have virtually disappeared. Despite these achievements, many Territories and peoples continue to be denied their right to self-determination and independence, particularly in Namibia, Southern Rhodesia, Angola, Mozambique and Guinea (Bissau), in deliberate and deplorable defiance of the United Nations and world opinion by certain recalcitrant States and by the illegal régime of Southern Rhodesia. We reaffirm the inalienable right of all colonial peoples to self-determination, freedom and independence and condemn all actions which deprive any people of these rights. In recognizing the legitimacy of the struggle of colonial peoples for their freedom by all appropriate means at their disposal, we call upon all Governments to comply in this respect with the provisions of the Charter, taking into account the Declaration on the Granting of Independence to Colonial Countries and Peoples adopted by the United Nations in 1960. We re-emphasize that these countries and peoples are entitled, in their just struggle, to seek and to receive all necessary moral and material help in accordance with the purposes and principles of the Charter.

"7. We strongly condemn the evil policy of *apartheid*, which is a crime against the conscience and dignity of mankind and, like nazism, is contrary to the principles of the Charter. We reaffirm our determination to spare no effort, including support to those who struggle against it, in accordance with the letter and spirit of the Charter, to secure the elimination of *apartheid* in South Africa. We also condemn all forms of oppression and tyranny wherever they occur and racism and the practice of racial discrimination in all its manifestations." [A/8103/Add.2.]

17. The PRESIDENT: At its 1860th meeting the General Assembly decided that formal action for the adoption of the documents of the anniversary Committee should not be accompanied by any discussion and should take place on 24 October 1970. At the same time and at the same meeting it was decided that those representatives who wished to explain their position or to make interpretations or reservations concerning the documents in question would have the opportunity to do so during their consideration by the plenary assembly prior to the opening of the commemorative session.

18. Mr. PATRICIO (Portugal): When the delegation of Portugal took the floor to speak on this item on

12 October [1862nd meeting], we asked for a separate vote on paragraph 6 so that we could place on record, in no uncertain terms, our rejection of its contents. Since then the document before the General Assembly has been referred back for revision to the Committee for the Twenty-fifth Anniversary of the United Nations, and my delegation had hoped that the subsequent review and amendment of the document would render unnecessary our request for a vote. However, we regret to note that this has not turned out to be the case.

19. My delegation has strong feelings on this question. The document contains grave accusations against my country that have serious implications. It seeks to legitimize the use of violence in the Portuguese overseas provinces, in flagrant violation of the United Nations Charter. In addition to this, and to the reasons for our stand, which we already stated on the last occasion, my delegation wishes to underline that, disregarding the spirit of solemnity and seriousness which ought to have attended the celebration of the twenty-fifth anniversary of the United Nations all round, certain participants in the commemorative session thought it proper to take the opportunity to make unjustified allegations about Portugal, the internal life of its people, its institutions and even its historic past. In this demagogic context it was even said that in Portugal there are no free institutions, no individual liberty and no law, for whatever law exists is the law of the jungle in which the strong prey upon the weak. The crass falsehood of these affirmations is too notorious to merit rebuttal. Nowadays millions of foreigners go each year to visit European and overseas Portugal, and they constitute and attest to the soundness of Portuguese institutions which, let me add in passing, were not created yesterday or the day before, but have been evolved through centuries of history. As for law, order and individual liberty, what better proof and guarantee can we offer than the peace, calm and tranquillity that Portuguese society offers to everybody?

20. The Portuguese Government has more than once invited those of our critics who wish to do so with an open mind to come and examine for themselves the reality of Portuguese life in the overseas provinces. The fact that that invitation is not accepted does not justify the making of such gratuitous statements based solely on ignorance of the facts, which also constitutes the basis for the contents of the document before the General Assembly.

21. For these reasons, and because of the glaring injustice that some are seeking to do to Portugal, my delegation once again formally requests that a vote be taken by roll call on paragraph 6.

22. Mr. OTEMA ALLIMADI (Uganda): I beg the indulgence of this august assembly in order to comment on an issue of great importance to us, and I think not only to Africa, but to the whole international community.

23. I would like to register right now the fact that the delegation and the Government of Uganda are com-

pletely dissatisfied with the text of this Declaration. I want this to go on record. When we discussed these issues over the last few months, culminating in what is considered to be an agreed text of the Declaration tonight, my delegation had the opportunity to express its views in no uncertain terms, and I am going to repeat them now in order to set the record clear and straight.

24. I would like to say this: it is a matter of regret for me to take the rostrum to address this august body after the representative of Portugal has just spoken. The Portuguese representative represents a country which has caused us all this trouble so that the United Nations commemorative committee has not been able to reach a unanimous decision in good time, and he is the first man to come to this rostrum to tell us he is going to ask for a separate vote on paragraph 6. If we were going to entertain this kind of idea, it is my opinion we all should also be given the opportunity, particularly the African countries, to express our reservations on this particular document. I would like to say it is a show of bad faith which has been displayed throughout the preparation of this document. Let any delegate come and tell me, and tell us, from this rostrum, that *apartheid* could not be described as a crime against humanity or a crime against mankind.

25. Why do we play with words like "a crime against the conscience and dignity of man"? What is the "conscience of man", the "dignity of man"? The point is, purely and simply, that *apartheid* is a crime against mankind, and we have not given it that kind of description. This has been the view of the African group and they submitted it very clearly. I would have hoped and expected that after the kind of agreement reached tonight, the African group would have been called and would have been consulted before the Assembly was convened now to adopt this resolution. My delegation, although it was a member of the Committee engaged in the preparation of this draft, would like to state very clearly that we do not subscribe to the kind of agreement that has now been reached, and that if it is adopted by the majority of the Assembly, Uganda, though of course it will be considered one of the Assembly, will not subscribe to it. We know for certain that *apartheid* is a crime against mankind. There is no point in playing about with words like "a crime against the conscience of man" or "against the dignity of man"; it is a crime against mankind. When the European Powers, in the 1930s, were telling us of the legal implications of nazism, they said unanimously that nazism was a crime against mankind. Why is it that the United Nations, today, cannot come out openly and describe *apartheid* as a crime against mankind? The reason is simple: because the white race is not involved. *Apartheid* is being perpetrated and practised against the indigenous black people of southern Africa. Uganda is not going to be a party to this kind of thing, and I wish to repeat our position very clearly, that we regard *apartheid* as a crime against mankind.

26. Then, as for paragraph 6, if Portugal insists that we vote paragraph by paragraph, we would like to have a vote on the entire Declaration, in which case my country will cast a negative vote.

27. Mr. BUDO (Albania) (*interpretation from French*): The delegation of Albania, in its speech on 12 October [1862nd meeting], clearly stated its point of view on the draft declaration to be prepared on the occasion of the twenty-fifth anniversary of the United Nations. The few insignificant changes recently introduced into that document, including those of tonight, the final text of which is to be found in documents A/8103/Add.1 and 2 in no way change our position with regard to it. For the reasons we gave on 12 October, the text of the document is unacceptable to us and we resolutely oppose it.

28. We have considered it necessary to repeat our position respecting the text of the declaration so that the President may take note of our firm opposition to the document on 24 October when and if he announces its adoption by the General Assembly. In other words, the President cannot consider this document as unanimously adopted.

29. Mr. BAROODY (Saudi Arabia): Perfection is an attribute of the Creator. No declaration, no charter, no covenant, no convention, for that matter no constitution, can be deemed perfect; for man, dealing with semantics and the play of words—*le jeu de mots*—can always find loop-holes.

30. Having said this, we should not be misled by such words as have been used, words like "rubrics", "slogans", "clichés", "consensus", "unanimity". These are all relative terms. I know that many of us here in the United Nations, back in the days of 1945, had to vote even on the Charter, when many of us did not agree to the veto. There is an Arabic proverb which I will quote because of the wisdom that lies in it, even though this may be repetitious; it says "If you cannot get what you want, try to settle for what you can get".

31. I was not born yesterday. I hope we are not going to make a mockery of this Assembly on the eve of the 24th of this month, when we should be, if not jubilant, at least thankful that we have an Organization that can save the face of the Powers—politically speaking, leaving aside the economic benefits and the benefits of the Universal Declaration of Human Rights. That Declaration is not perfect; it could have included many things. It has, however, become exemplary. My colleagues and I worked for twenty years on the International Covenants on Human Rights, which are far more important than this Declaration. With all due respect to those who diligently worked in framing the Declaration, I would point out that they spent 10 precious months on it, while we spent about 15 years on the Covenants on Human Rights. There were many things we would have liked to include in them, but we had, after all, to take into account the cross-currents, the traditions and the political difficulties of certain States; and, inasmuch as they are a synthesis, we might say that those two Covenants are considered today quite an achievement, even though they have not yet been implemented or ratified.

32. Why, therefore, should each one of us, here, tonight, at this late hour, try to inject what he would

like to see in this Declaration? I must hasten to say that I was doubtful when our colleague from Canada read his amendments; but on second thoughts, as I scrutinized them, I thought he should be lauded for his noble effort.

33. Likewise, Mr. President, I think you were generous in suspending this meeting so that we might have a chance to achieve as much agreement as is humanly possible. As we waited, we who are not members of the Committee were praying that at least the largest possible area of agreement could be obtained.

34. Now, if I were in the shoes of my brother from Portugal—I say "brother" because I believe he is my brother; and this has significance, because I call those who are living in the alleged provinces of Portugal my brothers, and therefore they should be his brothers too—if I were in his place, I would have no choice, because of the instructions of the Government, but to say what he has said. These ideas are antiquated, but he has the privilege to voice his objection. Nobody is going to take that privilege or that right away from him. But no one should vitiate the substance of the Declaration as a whole.

35. I serve no master in the United Nations and I have never played politics, since its inception, with one group or the other. Suffice it to say that the efforts of the Committee for the Twenty-fifth Anniversary should not be broken up on the eve of the Declaration—it is indeed on the eve because it is almost Friday.

36. I cannot find adequate words with which to praise the candour of my colleague from Albania. He is a personal friend of mine, regardless of the ideology to which he subscribes. I am a monarchist, but I am a humanist. He is a communist, but I still think he is a humanist. We are brothers too. And the gentleman from Uganda, whom I have the privilege to call my brother also, is my brother. And how many a good brother do I have who was not born of my mother. That is another Arabic proverb for the Assembly tonight. Each one is acting as if he is the enemy of the other, not the brother. We are brothers here, in humanity.

37. We are trying to produce a declaration which is not perfect. Again I say that perfection is an attribute of the Creator. And for the atheist, I might say that there is beauty in nature, and nature is not perfect. The impressionists created masterpieces by daubing their paint on a canvas—which was considered to be anomalous by the classical age, but now they are masterpieces. We are not producing a masterpiece. This is an impression, like that of the impressionists. These words should serve as the impressionist declaration of the twenty-fifth anniversary.

38. Do we want to squander the 10 months that these representatives put in, diligently working on our behalf, with various views, various philosophies, various ideologies and political persuasions? Shall we squander what they have done here? That was the preface of

a proposal which, with your permission, Mr. President, I should like to make. But before I make it, I must say that I could have injected into this Declaration reference to the activities on behalf of youth that I have initiated. I was moved by the World Youth Assembly and I submitted draft resolutions and documents in one of the Committees of the General Assembly. Why was I not selfish and why did I not inject what I thought should be in that Declaration? Because I thought it might be a bone of contention. Everyone has a bone of contention. God help us: we would have arrived at nothing.

39. Therefore, may I, with your permission, Mr. President, submit the following proposal: that a vote should be taken on paragraphs 6 and 7 as amended by our illustrious Canadian colleague, and then agreed upon, to the largest possible extent, by the Committee for the Twenty-fifth Anniversary this evening. In that way our Portuguese brother, and, I dare say, no doubt our friend and brother from South Africa would be able to cast their vote—whether our brother from South Africa thinks I am an Arab and of an inferior race does not matter; he is a good fellow personally. I feel sorry for him for having to represent certain policies that are antiquated and should have been buried a long time ago. But what can he do, the poor man? He is in the strait jacket of instructions, like many of us here. Let us face the facts; he is the representative of his Government, whether we like it or not; but he is a likeable person anyway. Both our friend from Portugal and our friend from South Africa would be given the chance to cast their negative vote. I do not think there will be too many negative votes. There is going to be a roll-call, and God help them.

40. We are going to have many sessions. I do not know whether I will be alive, but I hope that I will be alive when we will handle those people who—aside from our Portuguese brother and our friend from South Africa—cast negative votes on this wisely revised Canadian submission as modified by most of the members here in the Committee for the Twenty-fifth Anniversary.

41. Then, as regards the second step, after doing that, I believe that the majority here would not have any objection. One does not even have to vote for the Declaration. If we open up other paragraphs of the Declaration, then amendments will come rushing in and it would be a futile job trying to merge them, not with the Declaration but with the shadow of a declaration. There will be no declaration. We have to make the choice forthwith, now. We will have a declaration by submitting to the vote paragraphs 6 and 7, allegedly objectionable to our South African brother and to our Portuguese brother.

42. I do not think that anyone would want to vote on the Declaration paragraph by paragraph after having followed that procedure. I should like to refresh the memory of our illustrious jurist, Mr. Stavropoulos, not about precedents but about what we have done time and again—namely, that we, more than ever, at such an extraordinary event, are the masters of our own

procedure. Even the rules of procedure are provisional. We are the masters of our own procedure. After voting on the two paragraphs, you might announce, Mr. President—I am not putting words into your mouth; I am merely making a suggestion—that taking into account my proposal that we should not put the draft declaration to the vote, this house should consider the draft declaration satisfactory on the whole. Just as legislators who may be at loggerheads with one another finally consent to the constitution of a State, likewise when we in this very United Nations have had differences, we have considered certain covenants and conventions as being satisfactory. With this proviso that there should be no door open for more debate because it would be futile, and anyone who wants to voice any sort of remark will have it in the record, the Declaration will have been adopted. Remember that the consensus of the Security Council was a spurious consensus on many an occasion. It was accommodation. So, please, do not use either the words “accommodation” or “concensus”. Some would like to do that, but I urge them not to.

43. The hour is late. Those who want to voice objections can be counted on the fingers of two hands. I hope they will not exceed the fingers of one hand. Forthwith we will go home in the certainty that we have settled for what we could get.

44. Mr. OGBU (Nigeria): At this point I have come to this rostrum to move formally, in accordance with rule 91 of the rules of procedure, that the request which the representative of Portugal has submitted to this Assembly for a separate vote on paragraph 6 of the draft declaration before us should be rejected forthwith.

45. The Portuguese motion is a mere subterfuge put forward in the same spirit of international delinquency which has characterized Portuguese colonial policy in Africa. Portugal has stood condemned far too long in this Assembly and this is not the stage at which a measure of agreement, strenuously negotiated in the best spirit of compromise and conciliation, should be vitiated by the desires of the Portuguese representative.

46. In this connexion, I think the Portuguese representative has been very unkind and unfair to the very few delegations which have had an iota of sympathy with their policies. I am therefore confident that the request for a separate vote should be immediately rejected by the Assembly.

47. Finally, I would hasten to state that the position of my delegation on our proceedings this evening will depend to a large extent on the manner in which the Assembly decides to deal with the various motions for separate votes, which may emerge in the course of subsequent interventions. In this connexion I reserve my right to speak on behalf of the co-sponsors on amendments which have been formally submitted and are recorded as an official document of this Assembly.

48. Mr. EL-FATTAL (Syria): On this occasion the delegation of the Syrian Arab Republic would like to put on record the two following points.

49. First, it is our firm understanding that the principle of the non-admissibility of acquisition of territory through the use of force and the illegality of foreign military occupation, as formulated in the Declaration on the Principles of International Law concerning Friendly Relations and Co-operation among States in accordance with the Charter of the United Nations, is an integral part of the present draft declaration.

50. Second, although we acclaim the role of the United Nations in the past 25 years in the process of the liberation of the peoples of colonial, Trust and other Non-Self-Governing Territories, we should like, however, to point out that the same process was not applied by the United Nations to the problem of Palestine, which was disposed of in a manner contrary to the right of self-determination as enshrined in the Charter.

51. Mr. SALIM (United Republic of Tanzania): At this very late hour it is not the intention of the Tanzanian delegation to delay the proceedings of the Assembly. We merely wish to place a few points on record.

52. First, I should like to say that the Tanzanian delegation appreciates very much the genuine efforts made by all concerned with a view to trying to find an acceptable declaration. We should like particularly to pay a tribute to the Canadian delegation for what we consider to be very genuine and sincere efforts in that field. We would, however, be dishonest to ourselves if we failed to express our dissatisfaction with some of the paragraphs in the draft. In particular, my delegation would like to express its disappointment at the way paragraphs 6 and 7 have been handled by the Committee. We fail to understand, for example, why it would be so difficult to mention the countries in paragraph 6 which have violated the resolutions of this Assembly, the countries which are known to be oppressing the people in southern Africa, the countries which have been condemned more than once by the General Assembly and at times by the Security Council. We fail to understand how it is possible for this Assembly to be quiet on such an obvious point.

53. On the question of *apartheid*, that is, paragraph 7 of the draft declaration, my delegation finds it very difficult to understand why delegations find it difficult to accept the fact that *apartheid* is a crime against humanity.

54. But taking into account the spirit that has been emanating from this Assembly and from the Committee—the spirit of consensus—we are prepared to a very great extent to go along with the other delegations. We should, however, like to note one ominous sign. We find that the spirit of consensus and the spirit of accommodation are expected to flow in only one direction. We note with disappointment that that spirit of consensus is supposed to apply only on a one-way street basis. The African delegations, and a number of others, had some reservations. In particular, the African delegations had a number of concrete amendments to propose to the Committee. One by one they were subjected to compromise; one by one the African

delegations tried to achieve a spirit of accommodation. But even given all that accommodation I do not believe that the other side has been equally accommodating. I think that is a very dangerous trend, because it is a spirit of consensus and a spirit of accommodation that is applied only at the expense of the interests of the subjugated people of Africa and elsewhere in the world. I think that does a lot of harm to our Organization.

55. In that connexion I should like to make it very clear that there is one particular point on which my delegation is not prepared to make an accommodation, nor is it prepared to make any concession whatsoever: paragraph 6, which speaks of “recognizing the legitimacy of the struggle of colonial peoples for their freedom” by all appropriate means. In due course, when this matter is before the Assembly, we shall properly state our position. In the meantime, let me say once again that we are very disappointed by the whole way in which some delegations have treated this matter.

56. Mr. DAHMOUCHE (Algeria) (*interpretation from French*): I shall be very brief indeed because, as has been pointed out, my delegation’s position has already been expressed in document A/L.594 and Corr.1.

57. Very briefly, I wish to point out that my delegation was extremely surprised by the contents of the report submitted by the Committee on the Twenty-fifth Anniversary of the United Nations. Even if we recognize that an exceptional effort has been made by the Canadian delegation to improve this text, it nevertheless still contains elements that in our view represent positions far too weak compared to what we consider to be a crime, namely *apartheid*.

58. We have already had an opportunity to point out that it is not by condemning nazism thirty years later that we can possibly improve this text; nor is it by considering that nazism runs counter to the Charter, which is, of course, truly ludicrous! This may seem to be a reservation of form, but I must say quite frankly that my delegation’s main objection to this document, particularly with regard to paragraph 6, concerns the restriction of freedom of national liberation movements. It is said that it is hoped that in the future they should be in compliance with the Charter before using all the means at their disposal. That is not at all acceptable to my delegation. We consider that when a thief enters your house there is no law whatever to prevent you from using all the means at your disposal. We categorically and totally reject paragraph 6 as a whole.

59. Mr. ALARCON (Cuba) (*interpretation from Spanish*): My delegation wishes to place on record its position concerning the draft declaration now before the Assembly. Although we recognize the efforts made by various delegations within the Committee in order to improve this text we nevertheless feel it is our duty to express our reservations concerning certain deficiencies and gaps in this document, among these those mentioned by various African delegations.

60. We do not believe it will be possible properly to analyse the contemporary world situation if we do not first emphasize the imperialist phenomenon, and particularly the evolution of North American imperialism, which has reached such a stage that it is now the leader of international reaction, the enemy of peoples and the hangman executioner of freedom throughout the world—and this after the 25 years the United Nations has been in existence.

61. These have been 25 years of exploitation, crime and aggression by imperialism, particularly by the United States of America, on all continents—Korea, the Congo, Guatemala, Santo Domingo, Cuba, the Middle East and Indo-China—all bearing witness to a line of conduct that constantly and systematically violates the Charter. That policy has been the main negative factor that has acted counter to this Organization; it is therefore the main cause of its restrictions and limitations.

62. In renewing its adherence to the principles and goals of the Charter, Cuba emphasizes the fact that the struggle against imperialism and colonialism, and the solidarity and aid extended to those fighting for their freedom when faced with imperialist aggression, constitute the paramount duty of our time and the very best way of ensuring the total realization and implementation of the ideals proclaimed in San Francisco.

63. The PRESIDENT: The representative of Portugal has made a motion for a roll-call vote on paragraph 6 of the draft declaration recommended for adoption by the General Assembly by the Committee for the Twenty-fifth Anniversary of the United Nations. Objection has been made to the motion of the representative of Portugal, in accordance with rule 91 of the rules of procedure of the General Assembly. In this case, permission to speak on a motion for division shall be given only to two speakers in favour and to two speakers against. Does any delegation wish to speak on this matter?

64. Mr. OTEMA ALLIMADI (Uganda): I was denied the opportunity, I must confess, of having been here since the inception of the United Nations; that was not of my making, I was not in a position to be there at the time. Although some of our colleagues are fortunate not to be serving any master, I must say that I, as representative of Uganda, am a servant of the common man of Uganda, according to the charter of the common man.

65. I shall be very straightforward and brief on the proposal put forward by Portugal. But before I say what I want to say on that, I should like to advise, and not to appeal to, the representative of a recalcitrant régime—a régime that is not qualified to have a representative in this Assembly, if we were to speak the truth, and if this Assembly and if the United Nations were really to stand for what is in the Charter.

66. It is a shame upon the Assembly and upon the Organization to have in our midst the representative of a colonial Power that has defied and has continuously and consistently refused to accept the decisions of this

body—a representative who comes here to this rostrum when distinguished representatives such as the representative of Saudi Arabia have come to this rostrum appealing to us not to waste time. The hour was late; yet the representative of a Government whose policy has been condemned several times by this Assembly comes to address us.

67. But the Assembly is now in a position to take an effective position on expelling from our midst the one who is wasting our time tonight.

68. The Uganda representative tonight is going to speak his mind and say, as it should be said, that Portugal is not qualified to be in our midst, and that we should not be wasting time here tonight listening to the representative of a country whose policy is not consistent with the principles of this Organization.

69. I should like to repeat what I have said: if Portugal is not going to withdraw its request that a vote be taken on paragraph 6, the Uganda delegation will not agree to any other paragraph being accepted without a vote on it as well. I should like to assure you of that, Mr. President.

70. I agree with the representative of Saudi Arabia, for whom I have great respect. When I meet him in the delegates' lounge I always refer to him as "my father", although we are not related by blood; likewise, in the Arabian way, he refers to me as his brother, although we are not of the same mother. I should like to say that I am aware that nature is not perfect. But I am equally aware that when it comes to making a declaration of this nature, the document will be quoted from time to time; and Uganda cannot accept a situation in which this United Nations commemorative session declares that *apartheid* is only a crime against the conscience or dignity of man. I can also tell you that Uganda will not be a party to refusing to spell out which countries are really retarding the progress towards decolonization. As far as we are concerned, we are prepared to spell them out, regardless of what other representatives are saying; but we will have been honest to ourselves.

71. I should like to urge the Portuguese representative to withdraw his request for a vote to be taken on paragraph 6. If he insists, I should like to serve notice right now that the Uganda delegation will insist that the entire Declaration be voted upon.

72. Mr. BAROODY (Saudi Arabia): I want to make one last appeal, and I say this very advisedly, because if we follow a certain procedure—I shall not name it, you all know it—we might get nowhere tonight.

73. I believe I can understand the deep feeling and emotion of my "son" from Uganda. When I was his age I was more vehement—and for my age I am still quite vehement—but the thing is that we Afro-Asians do not want to give the impression that we can always have our way, just as we do not expect that our European and American brothers will always have their way.

74. At the same time, I want to address this gentleman, who is very kind personally—do not misunderstand me, my good friend, my good son from Uganda: this gentleman from Portugal has no choice but to act as he acted; and he is vehement too. I can be vehement, and everyone can be vehement and we will get nowhere. Therefore, please—and I say “please” to both of you. I say to the representative of Portugal that he has now made his point; this will go into the record of the twenty-fifth session. Nobody can begrudge him what he has said.

75. Incidentally, my good friend and “son” from Uganda—because a son can be a friend too—I must tell you that I have been seized of the Middle East question since 1920, when I was 15. Things have gone contrary, not to my personal wishes, but to the wishes of the people of a great region—millions of people in the Arab world. A certain State has been condemned time and again by the Security Council as well as by the General Assembly. We are not pressing for its expulsion. We could do so; we have a right to do so, as you have a right to do. But this is not the proper time to do it, when we are considering a declaration on the twenty-fifth anniversary.

76. I think we Africans and Asians, although we may be unhappy that we did not get all we wanted, did get quite a lot. We cannot get the maximum, inasmuch as our individual lives cannot be stretched beyond their own span. I therefore make a last-minute appeal to my colleague from Portugal—and I am sure I will not have occasion to make an appeal to our friend from South Africa, when he addresses himself to that abominable racial discrimination called *apartheid*—not to press for a vote. It would be ideal if Portugal and South Africa would not press for a vote but would register their stand on paragraph 6 or paragraph 7, and also if my friend from Uganda would not press for a vote on the Declaration as a whole; because, I assure you, otherwise we shall not be able to get out of that mess.

77. Either you want a declaration or you do not want a declaration. And, let me say, we will be playing into the hands of the Government of Portugal—not this gentleman's hands or that gentleman's hands—if we do not have a declaration. We have something tangible in the Declaration. I did not write one line of it; do not think that I have a special interest in it.

78. Again, I say, if you cannot get what you want, settle for what you can get. If my colleagues from Portugal and South Africa want to put spokes in the wheel and press for a vote, I reserve my right to resort to other measures of procedure, which I will not disclose until then.

79. The PRESIDENT: We shall now proceed to a vote on whether to adopt the motion of Portugal for a separate vote on paragraph 6 of document A/8103/Add.2.

80. Mr. DAHMOUCHE (Algeria) (*interpretation from French*): Mr. President, through you I should like to ask Mr. Stavropoulos for his legal advice. I

believe that the rules of procedure provide that one has to vote first on the amendments to the main text. I also believe that a short time ago the representative of Nigeria had spoken of the amendments of the African group [A/L.594 and Corr.1]. I should like to know whether it is not in keeping with the rules that these amendments to the main text be voted upon first.

81. The PRESIDENT: I would remind the representative of Algeria that we had begun the vote. We had already announced the beginning of the vote on whether we should agree to the motion made by the representative of Portugal for a separate vote on paragraph 6. That motion was objected to by the representative of Nigeria.

82. I therefore now put to the vote the motion of the representative of Portugal for a separate vote on paragraph 6.

83. A roll-call vote has been requested.

A vote was taken by roll-call.

Libya, having been drawn by lot by the President, was called upon to vote first.

In favour: Luxembourg, Netherlands, New Zealand, Portugal, South Africa, Spain, United Kingdom of Great Britain and Northern Ireland, United States of America, Australia, Belgium, Brazil, France, Italy.

Against: Libya, Madagascar, Malawi, Malaysia, Mali, Mauritania, Mexico, Morocco, Nepal, Niger, Nigeria, Peru, Philippines, Poland, Romania, Sierra Leone, Singapore, Somalia, Swaziland, Syria, Thailand, Togo, Trinidad and Tobago, Tunisia, Uganda, Ukrainian Soviet Socialist Republic, Union of Soviet Socialist Republics, United Arab Republic, Upper Volta, Uruguay, Venezuela, Yugoslavia, Zambia, Afghanistan, Algeria, Bolivia, Bulgaria, Burundi, Byelorussian Soviet Socialist Republic, Cameroon, Ceylon, Chile, China, Congo (Democratic Republic of), Cyprus, Czechoslovakia, Ecuador, Gambia, Ghana, Guinea, Guyana, Hungary, India, Indonesia, Iraq, Ivory Coast, Kenya, Liberia.

Abstaining: Norway, Saudi Arabia, Sweden, Turkey, Argentina, Austria, Canada, Denmark, Finland, Greece, Iceland, Ireland, Israel, Japan.

The motion was rejected by 58 votes to 13, with 14 abstentions.

84. The PRESIDENT: I now give the floor to those delegations which have asked to speak.

85. Mr. FINGER (United States of America): The draft declaration before us is, in many respects, a unique document. It is intended for adoption by consensus when the United Nations commemorates its twenty-fifth anniversary on 24 October. Consistent with this purpose, the Committee for the Twenty-fifth Anniversary of the United Nations worked from the

beginning on the basis of consensus rather than the adoption of texts by majority vote. As a result, I am sure that the text is not completely satisfactory to any delegation, but it does represent in most respects a reasonable and constructive compromise.

86. The United States would have preferred to see more reference to practical and constructive steps to strengthen United Nations peace-keeping. In particular, we would have supported a reaffirmation of the need for collective financial responsibility for these actions, which are undertaken on behalf of world peace. In the area of peaceful settlement, we supported an Italian proposal under which Member States and international organs, including United Nations organs, would have been encouraged to make greater use of the International Court of Justice in seeking the judicial settlement of issues. This idea is now incorporated in paragraph 4, but we would have preferred an explicit reference to the Court.

87. In the paragraph on human rights, we very much wanted a stronger reference to support for United Nations machinery which would further the implementation by all countries of the human rights proclaimed in the Charter and in the Universal Declaration of Human Rights.

88. And we would have preferred in paragraph 11 more explicit language on the improvement of the organization, administration and procedures of the United Nations and other parts of the United Nations system.

89. We did not press these issues, as other delegations desisted from pressing points of particular interest to themselves, because we shared in the desire to produce a declaration that would be generally acceptable.

90. On the other hand, we have reservations concerning paragraphs 6 and 7 of the draft declaration. These were clearly and fully expressed in the Committee for the Twenty-fifth Anniversary of the United Nations on 9 October, and they appear in its records.

91. As Ambassador Yost told this Assembly on 30 September [1854th meeting], the United States attaches greatest importance to concrete and practical actions to be taken at this Assembly, rather than to general declarations. Nevertheless, we believe that this Declaration provides a helpful agenda for future co-operative action in working towards peace, justice and progress for all peoples.

92. Mr. KOSCIUSKO-MORIZET (France) (*interpretation from French*): If I understand correctly, no vote is to be taken at this meeting, but the French delegation wishes to make clear its point of view. In connexion with the adoption of a declaration of this nature, even if certain terms used do not seem to us to be in conformity with the idea we have of the solemn nature of such a declaration, the French delegation does not wish in any way to disturb the consensus which seems to have been arrived at in this Assembly. Indeed a consensus—and this is perhaps inherent in

a consensus—implies more resignation than enthusiasm; a compromise consensus, as has been said, a consensus more on the over-all document than on certain specific points: that is what we understood from previous statements.

93. However, we wish to point out that some parts of paragraph 6 of the draft declaration do not conform with the principles of the Charter and cannot be invoked in order to change the rules to which the Members of the Organization have agreed.

94. Having said that, we shall agree to a text which, we regret, has neither the dignity nor the quality of the Charter nor of the Universal Declaration of Human Rights.

95. Mr. OGBU (Nigeria): The General Assembly has the serious responsibility of taking a final decision on the draft declaration tonight. As everyone is aware, there has been intensive consultation and prolonged reconsideration of the draft by members of the Committee for the Twenty-fifth Anniversary of the United Nations and by a number of other delegations. In particular, I should like to take this opportunity to salute the Canadian delegation for its initiative, which has made possible the achievement of some measure of consensus and has enable us to look to the conclusion of this matter on a happy note tonight.

96. There is no gainsaying that my delegation and other African Group members are far from being satisfied with the outcome, but in the spirit of co-operation and compromise, I declare that my own delegation and the other delegations on whose behalf I speak have agreed not to object to the adoption of the draft declaration as recommended by the Committee for the Twenty-fifth Anniversary of the United Nations.

97. We would however call the attention of the Assembly to the fact that in our view the least the Assembly could do is to take note and in fact consider the deletion of the word "appropriate" in paragraph 6 of the draft declaration as quoted in document A/8103/Add.2.

98. We have decided not to press to a vote the 24-Power amendment in document A/L.594 and Corr.1; but we hope that, in the spirit of reconciliation, the concessions made on this important occasion will be taken note of.

99. Mr. OTEMA ALLIMADI (Uganda): Although it was a great pleasure for my delegation to represent my country and my regional group as a member of the Committee for the Twenty-fifth Anniversary of the United Nations, it is with much regret that my delegation has been forced to take the floor to restate once again its position as other speakers before me have done.

100. I shall here refer only to paragraphs 6 and 7. This is not because my delegation belittles the importance of the other 10 paragraphs; but, rather, because

the anniversary Committee has, in our view, failed to reach a commonly acceptable formulation of those two paragraphs.

101. Let me take paragraph 6 first, the paragraph that is supposed to deal with the old question of colonialism and which is intended to express briefly, but none the less fully and comprehensively, the authentic point of view of this Organization on the very serious question of modern colonialism.

102. Ten years ago, the United Nations adopted an historic and important Declaration on the Granting of Independence to Colonial Countries and Peoples in resolution 1514 (XV). That document urged that "immediate steps . . . be taken, in Trust and Non-Self-Governing Territories . . . to transfer all powers to . . . those Territories without any conditions or reservations". The hurricane force of that Declaration blew several countries to independence and membership of the United Nations, the latest example being Fiji. Since then several declarations, resolutions and conventions have been adopted by this Organization in order to emphasize the imperative need to rid the face of our earth of the shameful vestiges of colonial occupation. That is the spirit that should have guided our work and deliberations in the anniversary Committee on this question of colonialism. But, unfortunately, certain delegations, most of whom are either colonial or ex-colonial Powers and their sympathizers, have uncompromisingly rejected any mention or reference in paragraph 6 to the exact geographical description of the colonial situation of our time. They argue that the old problem of colonialism is a general one and that any particularization of it would be in bad taste and, therefore, inadmissible. In other words, they want to effect a cure without a precise diagnosis.

103. That is a false argument, designed to mask all points of the issue. But so far as my delegation is concerned it is now time for this Organization to point an accusing finger at those Members which, in full awareness, continue to frustrate the constructive efforts of the United Nations, and their names should be recorded clearly in the annals of history.

104. It is no secret to the world that Portugal recalcitrantly and tenaciously continues to cling to its colonial Territories of Angola, Mozambique and Guinea (Bissau) on the oddly absurd theory of national provinces. The United Kingdom has given all evidence to this Organization that it actually supports the illegal régime of Southern Rhodesia and that it prefers the white-man minority rule to the normal process of majority rule. The Republic of South Africa persistently refuses to free Namibia in order that that United Nations Trust Territory may determine its future as a sovereign and independent nation.

105. For how long will this absurd and painful state of affairs continue to exist? Should we be led to believe that this Organization lacks even the courage and the nerve to make factual reference to a colonial situation in a simple declaration which, after all, is not even binding and is unlikely to effect any major break-

throughs in the national policies of certain colonial Member States?

106. Despairing of all hope for deliverance from their colonial oppression those Territories have chosen the path of an armed struggle. They have chosen that path not for its own sake but, rather, because it is the only alternative left them. After all, South Africa and Portugal use the arms they have and those that are sold to them by certain NATO Powers, particularly Britain and France, to maintain the colonial *status quo* of their Territories. If those 25 million colonial people have resorted to arms it is in self-defence and it is in the defence of freedom that they have done so. That is why we hail their struggle as a legitimate one and my country has always pledged full support of their liberation movements.

107. I do not wish to delay this Assembly but *apartheid* is a monstrous revival of the slavery of bygone days. It is an unholy doctrine, intended to dynamite the whole essence of humanity. It is a philosophy, built on the ashes of genocide. *Apartheid* is therefore nothing less than a crime against the human race itself; it is a doctrine unworthy to be preached or upheld by any human being or society. Yet this is the policy to which South Africa adheres and which it practices with the greatest of fervour. How can we in all conscience justify to all concerned and to the world at large our failure to express complete opposition to *apartheid* in a declaration of such historic significance? If we cannot persuade South Africa, Portugal and the illegal régime of Southern Rhodesia through the force of our previous resolutions, declarations or conventions, the least we can do now is to express fully and in uninhibited language our position with respect to these two serious problems of colonialism and *apartheid*.

108. We do not want a declaration for its own sake. We want a realistic and meaningful declaration that praises the good and condemns in the clearest of terms the evils of our time. We should not therefore allow ourselves to be manipulated into accepting a vague and general statement under which both the innocent and the guilty can take cover. We ought to move forward and not take backward steps. We have to fight for peace based on justice and progress.

109. Mr. ARAUJO CASTRO (Brazil): On a previous occasion when the first draft was being considered [1862nd meeting], we had the opportunity to state that, in our view, a solemn statement issued on the occasion of the twenty-fifth anniversary should be a declaration couched in broad and general but at the same time meaningful and significant terms, re-emphasizing the purposes and principles of the Charter. It is quite apparent that the text before us today—much to our regret, we might say—fails to meet the test by any standard. We have made it clear that we should have welcomed, for instance, a stronger emphasis on the general guiding principles in the field of security, and we certainly should have welcomed a more pointed reassertion of the diplomatic role to be played by the United Nations in connexion with the peaceful settlement of disputes.

Furthermore, we regret the absence of a more forceful paragraph on economic co-operation and of a clearer reference to the strategy for the Second United Nations Development Decade.

110. The Declaration should, likewise, be more explicit in its mention of the role to be played by science and technology in the process of economic development. In addition, the draft fails to establish, as would have been desirable, a clear link and relationship between the Second Development Decade and the Disarmament Decade.

111. We needed more imagination, more creativeness and perhaps more idealism, although we realize that political documents are difficult to draft and that the necessity for a consensus sometimes demands some sacrifice of logical consistency, and this happens because of the interaction between politics and semantics as well as the interaction between lofty aims and political realism.

112. I am instructed by my Government to state that, although we do not stand in the way of the adoption of the draft declaration as a whole, the delegation of Brazil has reservations and qualifications as regards the wording and the implications of paragraph 6. At the 1862nd plenary meeting on 12 October we made our position clear in relation to a previous version of the same paragraph. We find that some specific reference therein contained, other than those to Namibia and Southern Rhodesia, are unfair and uncalled for. Furthermore, we wish to reiterate our position as regards the inadmissibility of the use of force.

113. However, with those formal reservations concerning the wording of paragraph 6, my delegation is prepared to support the adoption of the draft final Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations.

114. Mr. ISSRAELYAN (Union of Soviet Socialist Republics) (*translated from Russian*): We have today concluded a heavy and demanding task: we have completed the preparation of the Declaration on the Occasion of the Twenty-fifth Anniversary of the United Nations, better known to us all as the final document.

115. As a member of the Committee for the Twenty-fifth Anniversary of the United Nations, the Soviet delegation took the fullest possible part in drafting the final document. I should like to begin by stating that the Soviet delegation supported the agreed text prepared by the Committee and considers it acceptable as a whole, although we have various comments to make on it.

116. For instance, we are strongly of the opinion that more should have been said in a document devoted to the twenty-fifth anniversary of the United Nations, about problems of strengthening international security, the fight against imperialist aggression and its consequences, disarmament, elimination of the remnants of colonialism, and other matters.

117. The Soviet Union's proposals regarding the content of the final document are to be found in the joint text presented to the Committee for the Twenty-fifth Anniversary by the delegations of the Byelorussian SSR, Bulgarian and the USSR in September of this year.

118. To permit the preparation of an agreed text, however, the Soviet delegation and the delegations of the other socialist countries sponsoring the draft did not insist on their text being adopted, although we are still firmly convinced that the provisions contained in the socialist countries' draft more precisely reflect the position in the United Nations and, to our mind, more correctly define its future tasks.

119. I should now like to say a few words about paragraphs 6 and 7 of the final document, the preparation of which caused the Committee most difficulty.

120. The Soviet delegation would like to take this opportunity of stating that it fully and unreservedly supported the position of the African States in the Committee, and continues, of course, to do so.

121. Like the sponsors of the amendment submitted by the 24 African States [*A/L.594 and Corr.1*], we regard the liberation struggle of the peoples of the colonies, including armed struggle, as legitimate. Like the sponsors of the amendment, we also deem it essential to call upon all Governments and peoples to take immediate and effective steps to ensure the full implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples.

122. Again, like the sponsors of the amendments, we regard *apartheid* as a crime against humanity, and we support all effective measures to put an end to it.

123. Finally, like them, we deem it essential to condemn in forthright terms the racist colonial régimes in southern Africa.

124. However, in order to make possible the adoption of an agreed Declaration, the Soviet delegation has agreed to the text now before you for consideration.

125. Mr. VON HIRSCHBERG (South Africa): The South African delegation expressed its views with regard to the Declaration at the 1863rd meeting of the General Assembly on 13 October; so I shall not repeat them tonight, except to say again that, because of the inclusion of paragraphs 6 and 7 in the Declaration, we must dissociate ourselves from it. Since we have been unable to register our attitude towards the Declaration by means of votes on separate paragraphs—and I may say that South Africa would have asked for a separate vote on paragraph 7 if separate votes had been agreed to—I request a recorded vote on the Declaration as a whole.

126. Mr. VINCI (Italy): I wish, first of all, to explain the vote of my delegation on the procedural motion which has just taken place. I wish especially to dispel any doubts about the reasons which inspired my delegation to vote the way it did. It was a difficult choice

for my delegation between a principle and a duty which my delegation had towards the Preparatory Committee for the Twenty-fifth Anniversary, of which my delegation is a member. We thought finally that between a principle and a duty towards a special body, the principle should prevail. We feel that any Member State is entitled to request a vote on any special document if it sees fit to put forward that request.

127. Having said that, I would also like to make it clear that we have felt and we feel bound to the consensus which has been arrived at in the Preparatory Committee for the Twenty-fifth Anniversary of the United Nations. Therefore the procedural vote which we cast should not be interpreted as failing to support the whole text of the draft declaration which is before the General Assembly. Hence, I would also state specifically that we are ready to support paragraphs 6 and 7 in spite of the reservations which we have already explained in the Committee for the Twenty-fifth Anniversary. Our doubts related to the third sentence and especially the fifth sentence of paragraph 6. I want to make it clear that my reservations related only to paragraph 6, and particularly to the third and fifth sentences, on account of some ambiguity of wording which could be misleading and raise doubts about interpretation.

128. When I say interpretation I would also like to point out that my delegation's main concern through all our work, not only in the Committee for the Twenty-fifth Anniversary, but in all bodies, is to make sure that there is no wording, no formulation, which can in any way raise doubts about the interpretation to give to the Charter of the United Nations. We feel this is the first duty of each Member State, and this is our main concern. That is why I want to make it clear that we had only these reservations on paragraph 6, but, I repeat, we felt bound to the consensus we had reached in the Committee and therefore we supported that paragraph as well as all the other paragraphs included in the draft declaration.

129. I would also like to say that our delegation, during the hard work of the Preparatory Committee, has always worked in a great spirit of accommodation and conciliation, in a constructive spirit, and at the same time with a sense of duty towards the Charter, but especially with one main objective in mind, that of enabling this plenary meeting to send to the final meeting of our commemorative session on 24 October a declaration which could be adopted by the Heads of States and of Governments. In order to do so we have not insisted upon several of our own amendments.

130. I would like only to mention two to which we were especially attached. One was designed to promote a greater role for the International Court of Justice; the second one was connected with a thorough review of the structure and the procedure of work of the United Nations in order to make this Organization a more effective instrument for peace and security.

131. When I say this of course I am not lessening my appreciation of and gratification at the spirit of accommodation which has been shown by all members

of that Committee. I would like to pay a special tribute to the delegation of Canada which, in a final effort, at the very last minute, has enabled us to conclude this rather late meeting on a happy note. I would also like to acknowledge the spirit of accommodation which has been shown by our African friends through all our work, especially during these last two days which have been very intense, very hard, and in which the Chairman of the African Group, the representative of Nigeria, and our friend from Somalia, Ambassador Elmi, have shown a great deal of understanding while at the same time defending with the greatest strength and forcefulness the interests of all African countries.

132. I am happy to see that we are coming to this final consensus and that we will be in a position in one day's time—because it is already Friday—to have this Declaration for the twenty-fifth anniversary adopted with the other significant documents which have already been submitted for that special and solemn meeting.

133. Sir Colin CROWE (United Kingdom): The one thing that almost everybody who has been on this rostrum seems to agree on is that they are not happy with this document. I must confess that I cannot pretend that my delegation likes the new text for paragraph 6 either. My Government finds enough difficulties, as I explained last week, in accepting the previous consensus text. This present text, with its even more extreme language, which is in strong contrast to the statesman-like language of the rest of the Declaration, is even worse. It will be with that much less enthusiasm that we shall welcome this Declaration on Saturday, and the statement that I made in this Assembly on 13 October [1864th meeting] remains valid. However, my delegation has wished to do all it possibly can to restore the consensus which, through no fault of ours, lapsed when some members of the anniversary Committee felt it necessary, as of course they had the full right to do, to withdraw from it. It is on that basis that we can accept paragraph 6 as part of the whole consensus text. However, I must make three statements of interpretation.

134. First, I must reaffirm that we do not regard anything in paragraph 6 as implying condonation of violence or of external support for it. Second, the use of the word "crime" in paragraph 7 carries with it no technical legal connotations. Third, in accepting the wording in paragraph 6, "... taking into account the Declaration on the Granting of Independence to Colonial Countries and Peoples", my Government in no way changes its well-known attitude to that Declaration.

135. Sir Laurence McINTYRE (Australia): Let me say immediately that my delegation is fully prepared to subscribe to this Declaration as a whole. In saying that, I do not wish it to be assumed that we are happy with every feature of the Declaration. The spirit of consensus, the spirit of compromise, is not, we must all agree, by any means a one-way affair; it has to move in both directions. And it is only because it has been able to do so that we have been able to reach

the degree of consensus that we have reached. As I explained in an earlier intervention in a plenary meeting on this subject on 13 October [1864th meeting], my delegation would have wished to see a document which expressed those aspirations that are common to all of us and are beyond the area of argument. We would also have liked to see a little more elegance and a little more eloquence in the language, something more in keeping with the Preamble to the Charter, something perhaps more appropriate to the kind of historic document that, we all recall, was foreseen by the Preparatory Committee.

136. We must also have reservations about paragraph 6 of the Declaration, which does not conform to my Government's conception of its obligations under the Charter.

137. Having said that, we recognize the strenuous and dedicated efforts that the Committee for the Twenty-fifth Anniversary has exerted during its many weeks and months of labour. We pay a tribute to Ambassador Akwei and all his colleagues in the Committee. We recognize the very strong feelings that are entertained by many delegations here, particularly by our colleagues from Africa; and I should like to pay a tribute, on behalf of my delegation, to the spirit of compromise that the African delegations have shown. Above all, I think we all have to be grateful—and speakers before me have expressed what we all feel, I am sure, in the way of a sense of gratitude—to our Canadian colleagues for the part they have been able to play in helping us to reach a consensus—a consensus that I am sure we are all happy to have been able to arrive at, even though we may not be entirely satisfied with the results.

138. Mr. DE PINIES (Spain) (*interpretation from Spanish*): My delegation did not participate in the work of the Preparatory Committee. We of course fully realize the difficulty of that work, which is human work. There are certain aspects of the declaration that are not completely satisfactory to us.

139. In various statements we have made, in the Second Committee for example, we have had an opportunity to express our reservations. With respect to certain paragraphs, however, we have not been able to express our reservations.

140. With respect to paragraph 6, we would have preferred it to be drafted differently, avoiding any references that might be interpreted in any way not authorized by the Charter.

141. However, speaking in general terms with regard to the declaration, my delegation hopes that in the next 25 years we shall succeed in finding that which unites us, and not that which divides us.

142. Mr. AKWEI (Ghana): I have asked to speak in order to oppose the request made by the representative of South Africa that a vote be taken on the whole Declaration. I hope that the representative of South Africa studied the document carefully before making his request. But it will be recalled that by resolution 2499 A (XXIV), adopted by the General Assembly last

year, the Assembly decided, among other things, that "... a commemorative session of the General Assembly should be held during a short period, culminating on 24 October 1970 with the signing and/or adoption of a final document or documents".

143. It is my contention that, a decision having been taken already by the General Assembly that formal action with respect to the final document or documents can take place only on 24 October 1970, no vote may be taken today on this document. To change that earlier decision of the General Assembly will require a two-thirds vote.

144. Secondly, it will be recalled that in that same resolution, in operative paragraph 6, the Committee for the Twenty-fifth Anniversary was requested to prepare, for consideration by the General Assembly during the early part of its twenty-fifth session, a suitable text for a final document or documents to be signed and/or adopted during the commemorative session.

145. In case there is any doubt in the mind of the representative of South Africa that there is a link between this Declaration and the "final document" mentioned in the paragraph to which I have referred, I think he will be well advised to go and have another look at resolution 2499 A (XXIV).

146. On the basis of that argument, I think that the request of the representative of South Africa is out of order, Mr. President, and should be so ruled by you.

147. Furthermore, even if that argument is contested, I believe it will be recalled by all members of the General Assembly that the basis on which the Committee for the Twenty-fifth Anniversary has all along been working is that the Declaration should be adopted without being voted upon; that in view of the solemn and dignified nature of the occasion of 24 October 1970, there should be no voting on the document. The request was made by the Rapporteur of the Committee for the Twenty-fifth Anniversary, when he introduced his report on 12 October [1862nd meeting], that the General Assembly should so decide, that there should be no voting on this Declaration. In my own intervention supporting the report of the Rapporteur, I confirmed that position which had been unanimously taken within the Committee, the position that there should be no voting on the Declaration, but that it should be adopted by acclamation or on the basis of consensus.

148. I would therefore argue that, even if it should be contended that the proposal made by the representative of South Africa should be considered, there is an earlier proposal that should be given precedence and priority; and if the representative of South Africa wishes to argue his case, I would ask you, Mr. President, to put my proposal first, that the Declaration be adopted without being voted upon.

149. The PRESIDENT: I would remind the Assembly that at the 1860th meeting of the General Assembly, on 6 October, a decision was taken to defer formal action on the adoption of the draft declaration recommended by the Committee for the Twenty-fifth

Anniversary, together with the other recommendations for the commemorative session, to the special meeting that will take place on the morning of 24 October. The Assembly also took the decision that it was understood that no discussion would take place at the special meeting on 24 October.

150. Of course, the Assembly may always change its decision. The General Assembly is master of its own procedure. In this case there is a request by the representative of South Africa for a recorded vote tonight on the Declaration recommended for adoption by the Committee for the Twenty-fifth Anniversary. As President, I am in the hands of the Assembly in this case. In this connexion, I would make an appeal to the representative of South Africa on the matter. All the statements, reservations and objections to the Declaration will be recorded.

151. Mr. VON HIRSCHBERG (South Africa): Mr. President, I should be grateful for a ruling from you as to whether or not I am entitled to ask for a vote on this particular document. Secondly, I should like to know whether, having regard to the phraseology used by the representative of Ghana, namely that this document should be adopted unanimously, it can so be adopted in circumstances in which my delegation has dissociated itself from it.

152. The PRESIDENT: The representative of South Africa may well be entitled to request a vote on this Declaration, but I would appeal to him not to insist on this vote.

153. Mr. VON HIRSCHBERG (South Africa) (*spoke from the floor*): Could I have an answer to my second question?

154. The PRESIDENT: There would be no question of unanimity if there is no vote.

155. Mr. VON HIRSCHBERG (South Africa): Mr. President, I shall not insist on a vote if you can give me the assurance that when this Declaration is presented to the commemorative session on 24 October, it will be made quite clear that the South African delegation does not associate itself with the Declaration.

156. Mr. BAROODY (Saudi Arabia): Regardless of the policies of our colleague from South Africa, which are objectionable to me, I think that he should be thanked for not having pressed for a vote. But in order to solve this second predicament, I would beg you, Mr. President, not to engage in any ruling. We can settle this without your ruling. Mr. President, you mentioned that we are masters of our own procedure. Let no one corner you or anyone else into making a ruling. I said that I personally thank the representative of South Africa for having acceded to my personal request, and for his sagacity in heeding the requests of others not to press for a vote.

157. There is one point that can be solved, for his sake so to speak, by his not attaching to the Declaration anything like a codicil to a will; that is to say, that he will settle for the wording "the Declaration was

adopted", without the word "unanimously", by the General Assembly. The word "unanimously" means without any objection—which is not a fact. As long as one objects, it is not unanimous. If we say "adopted by majority", this does not reflect what took place either because we did not take a vote. If we say "adopted by consensus"—although consensus is elastic in the sense that it sometimes implies accommodation rather than full agreement—I think that the word "consensus" would mean giving the impression of full agreement.

158. Therefore, may I suggest—and in deference to him; because he was generous we will be generous; we can afford to be generous with those who think otherwise—that we say that "the Declaration was adopted" by the General Assembly—which is a statement of fact. There is no unanimity; there is no consensus; there is no majority, because the word "majority" would imply that most of those who object to certain provisions came here and said that they agreed. These were implied reservations, and I believe that those who made them, as well as the objections of our two colleagues from Portugal and South Africa, will figure in the report. But let us not vitiate the Declaration by a wording that can be challenged and which does not reflect the truth.

159. Therefore, as I said when I first spoke, let us say that this house adopted the Declaration. That is a statement of fact. The majority is implied without having to state it. Unanimity would be out of place because unanimity means 100 per cent. I do not think that either of those representatives would want to be absent from this session, so it cannot be unanimity by withdrawal. Both of them are sitting in their seats. Let us be fair. I believe we can have no other formula. Now that our colleague from the Republic of South Africa has deferred to our wishes, we should thank him personally for that without in any way implying that we condone the policies of his country. We should be grateful that he has acceded to our wish. It would have been somewhat unconstitutional to balk a vote—and that could be used as a precedent. Therefore, we should be thankful to him for his generosity.

160. On the other hand, the word "majority" should not be used; the word "unanimous" should not be used; the word "consensus" should not be used. I would, if I were in your place, Sir, say, "I declare that this Declaration has been adopted by the Assembly".

161. Mr. PATRICIO (Portugal): My delegation would like for all useful purposes to place on record its most emphatic protest against the denial to us of a basic right provided by the Charter to every delegation of a Member State, the right of expressing by means of a vote its opposition to any document that is placed before the Assembly for approval. I am sure that this type of manipulation of the democratic process, through the irrational use of the weight of the majority, will not contribute either to the prestige of this Organization or to the success of the commemoration of its twenty-fifth anniversary.

162. The Portuguese delegation, therefore, will not participate in the meeting of this Assembly when this document is adopted on 24 October.

163. The PRESIDENT: I would assure the representative of the Republic of South Africa that the record will show that he has dissociated himself strongly from the Declaration. I wonder whether, in those circumstances, he insists on his request for a recorded vote.

164. Mr. VON HIRSCHBERG (South Africa) (*spoke from the floor*): I withdraw my request.

165. The PRESIDENT: I thank the representative of the Republic of South Africa.

166. Formal action on the Declaration recommended by the Committee for the Twenty-fifth Anniversary of the United Nations will be taken at the special meeting on the morning of 24 October.

The meeting rose on Friday, 23 October, at 1.45 a.m.